

MINUTES
BOARD OF ADJUSTMENT MEETING
NOVEMBER 27, 2018
MEETING 5:00 P.M.

CALL TO ORDER: Board Member Rick Roach

INVOCATION AND PLEDGE OF ALLEGIANCE Board Member Luis Diaz

Those in attendance were Vice Chair Joyce Schmidt, Board Member Luis Diaz, Board Member Rick Roach and Board Member Irving Spokony.

Staff in attendance; Community Development Director Ameen Bailey and Deputy Clerk Mamie Drane.

Board Members absent: Chair Ike Fountain William Castle.

With a quorum present; the meeting was called to order.

Board Member Spokony made a motion to accept the October 23, 2018 minutes; **Vice Chair Schmidt** seconded the motion. The motion was approved by unanimous voice call vote.

BUSINESS ITEMS

PUBLIC HEARING:

**1. VARIANCE REQUEST REGARDING A REAR YARD SETBACK
LOCATED AT 526 HAYWOOD DR.**

Community Development Director Bailey stated the requested variance, from property owner Christopher Sanchez, is for a 10 foot rear setback which would be a reduction of 5 feet. The legal ad was published in October and again in November based on a postponement along with mailers being sent out both times. The proposed location does meet the requirements as set forth in Section 2.05.01 regarding screen enclosures. The hardship on this property was created by the size of the primary structure. The applicant is requesting a reduction in the rear yard setback from 15' to 10'. The rear yard is mostly blocked from the neighboring properties by hedges or fences. There are no utility easements and there is sufficient square footage before the property would meet the maximum impervious surface allowed. Using maps and pictures Director Bailey presented information regarding the location of the requested screen room. Because of the larger lot the impervious requirements were under the percentage allowed.

Staff recommends approval of the requested variance with the following conditions.

1. Approval of this variance shall only apply to the proposed pool and enclosure attached to the existing home at 526 Haywood Dr.
2. Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with ULDC. Therefore any other additions or structures placed on the

property shall be required to meet the setback requirements of the R-1A zoning district or obtain another variance.

3. The applicant shall apply for the necessary building permits for the proposed structure by November 28, 2019 or this approval shall be void.

Board Member Roach asked if the hedges were required as a buffer.

Director Bailey replied the hedges were not required but planted by individual home owners for aesthetic reasons.

Chris Sanchez, homeowner, 526 Haywood Dr. stated the hedges in question are on his property at 19'.7 feet and the property line is approximately 2' past the shrubs.

Board Member Roach opened public hearing.

Board Member Roach asked the contractor about projected screen room dimensions.

David Langford Contractor with Graham Aluminum stated the screen will have a one foot overhang with gutter and downspouts. The roof will be an aluminum pan roof over all the dimensions are proposed as 9'.6" x 24'.

Board Member Roach noted that the variance, more accurately, will be for a 7' setback.

Board Member Roach closed the public hearing

Director Bailey stated for the record that the City advertised for the hearing and sent out mailings for both meeting dates with no response.

Board Member Roach requested staff to remove all mention of the construction of a pool since there was a miscommunication and also to include the correct setback of 7' instead of 10'.

Board Member Spokony made a motion to grant the variance request as presented, with the staff conditions of approval, after hearing competent substantial evidence that meets all the variance criteria set forth; and hereby authorize the Chairman to sign a Development Order to be recorded in Polk County Public Records. He also noted that the variance did not include a pool, and there was only a 7' setback, seconded by **Board Member Diaz**. The motion was approved by unanimous voice call vote.

Director Bailey wished the board Merry Christmas and Happy New Year.

With no further business, the meeting was adjourned at 5:24 pm.

Respectfully submitted,



Mamie Drane
Deputy City Clerk