



Meeting Minutes - Final License and Variance Board

Wednesday, July 12, 2017

10:00 AM

Council Chambers

Rollcall

Present: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

Also Present: 3 - Christiana Craddock, Russell Martin and Joey Staubes

2. Call to Order

Chairperson Tammi Saddler Jones called the July 12, 2017 meeting of the License and Variance Board to order at 10:00am.

3. Business

A. [V17-035](#)

Public Hearing - Variance Request - V17-035 - Allow driveway setback reduction from 5 ft. to 1 ft. - 0.26 acres - Land Lot 449 - 1014 Hillsdale Street - FairBanks Construction Services

Attachments: [Varmemo17-035-36.pdf](#)

[APPLICATION.pdf](#)

[HILLSDALE VARIANCE.pdf](#)

[Certified Mail Receipts Page One.pdf](#)

[Certified Mail Receipts Page Two.pdf](#)

Chairperson Tammi Saddler Jones announced the public hearing. Mr. Joel Powell with Fairbanks Construction came forward and said he was requesting the variance on behalf of his clients, Chris and Joseph Johnson of 1014 Hillsdale Street. He said the home was built in 1955 as a 3 bed/1 bath ranch and was purchased by a local builder and renovated in 2015. He said the renovation added 1100 square feet to the home and included a master bed, bath, and walk-in closet, as well as opened up the living area to create an open floor plan. He said The Johnsons purchased the home in December 2016 and wanted to do an addition to the home of 900 square feet, which will add an inlaw suite and 2 car garage. He said the inlaw suite was designed for easy living and would meet an immediate need of an elderly family member who wants their independence, but needs daily assistance and access to help. He added that an underground filtration pit was included in the plan, although not shown on the site plan submitted as of yet. He said he had already spoken with the City Engineer about it, and it would be 8x4x17 and provide water quality volume of 206 cubic feet.

Boardmember Scott Stokes asked where the water infiltration pit would be, and Mr. Joel Powell said in the lowest point of the yard, in the backyard. Boardmember Stokes asked if the property owner was aware of the infiltration pit, and Mr. Powell stated that they were, and it will be on the survey before they apply for the building permit, and the City Engineer would approve it.

City Planner Joey Staubes said the existing driveway is along the property line and will extend to the rear yard with the new addition. He said the adjacent properties are faced towards Frazier, so the side property line is abutting their rear property. There are no structures in those areas and any runoff (which will be mitigated) would not significantly impact the adjacent properties. He said staff recommended approval with the standard condition, that the property be built in substantial compliance with the site plan submitted with the variance application, and also that the building permit is contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer. Adjacent properties were notified and signage was posted, with no complaints.

Chairperson Tammi Saddler Jones asked the applicant if he accepted the two conditions, and he said yes.

She asked if there was anyone else who wished to speak during the public hearing, and there was no one.

A motion was made by Boardmember Scott Stokes to approve with conditions as listed Item V17-035, a Variance Request (V17-035) to allow a driveway setback reduction from 5 ft. to 1 ft. on 0.26 acres on Land Lot 449 located at 1014 Hillsdale Street by the applicant FairBanks Construction Services; seconded by Boardmember Brian Marcos.

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.
2. Issuance of a building permit is contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer.

The motion carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

B. [V17-036](#)

Public Hearing - Variance Request - V17-036 - Allow increase in impervious coverage from 35 percent to 50 percent - 0.26 acres - Land Lot 449 - 1014 Hillsdale Street - FairBanks Construction Services

Chairperson Tammi Saddler Jones announced the public hearing. Applicant Joel Powell said he had no further comments to make.

City Planner Joey Staubes said the applicant was requesting an increase in impervious coverage and the subject property was zoned R-15, which requires a minimum lot size of 15,000 square feet. However, the subject property was just slightly over 11,000 square feet. He further explained the threshold for impervious coverage is impacted by the size of the lot. He said the 35% of coverage that an R15 zoning would allow would be a little under 5300 square feet, and the coverage area proposed is a little over 5600 square feet. He said staff sees the hardship as the size of the lot not being able to allow as much impervious coverage because it is not 15,000 square feet. He added that the impervious area would be mitigated by the infiltration pit being installed that will collect excess runoff from the impervious area. He also stated the proposed structure, an attached garage, meets all the setback requirements and everything on the house meets the building envelope. He finished by saying staff recommended approval with the same two conditions as stated in the previous variance.

Chairperson Tammi Saddler Jones asked Mr. Powell if he accepted the two conditions, and he said yes. She asked if there was anyone else who wished to

Speak on this item, and there was no one.

A motion was made by Boardmember Scott Stokes to approve with conditions as listed Item V17-036, a Variance Request (V17-036) to allow an increase in impervious coverage from 35 percent to 50 percent on 0.26 acres on Land Lot 449 located at 1014 Hillsdale Street by the applicant FairBanks Construction Services; seconded by Boardmember Brian Marcos.

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.
2. Issuance of a building permit is contingent upon the submittal of a stormwater management plan that meets the requirements of the City Engineer.

The motion carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

C. [V17-039](#)

Public Hearing - Variance Request - V17-039 - Reduction of front setback from 50 feet to 30 feet for fuel station canopy - 1.74 acres - Land Lot 753 - 5220 S Cobb Drive - Clipper Petroleum, Inc.

Attachments: [Varmemo17-039-41.pdf](#)

[SITE PLAN.pdf](#)

[Application](#)

[Application 2](#)

Chairperson Tammi Saddler Jones announced the public hearing. Mr. Randall Bentley, attorney for Clipper Petroleum, said he was representing the applicant. He said their variance requests were regarding a 4238 square foot convenience store with fueling stations and a 2938 square foot drive thru restaurant, that they anticipate being a Bojangles. He said this variance request was for a setback reduction to accommodate the fueling station and he said it was difficult to develop the lot due to the buildable area and the large amount of Right-of-Way fronting this location on South Cobb Drive.

City Planner Joey Staubes said the variance was for the fuel canopy in front of the property and said the front property line was at a diagonal, and not completely rectangular, and due to this configuration caused some difficulties. He said the applicant pushed the rear part of the development as far back as they could with the canopy as far forward as possible to leave enough room for the drive aisle. He said the Board has approved similar requests in the past for instances such as this and due to the configuration of the lot and the area of the lot, Staff recommended approval with just one condition, that the property be built in substantial compliance with the site plan submitted with the variance application, however any revisions as a result of plan review that meet the general intent may be approved by the Community Development Director. Mr. Joey Staubes said that extra provision was in there because full plan review had not been done yet, and there may be slight changes to the plan, and he wanted staff to have some ability to alter the plan if needed.

Chairperson Tammi Saddler Jones asked the applicant's representative if he accepted the condition as stated, and Mr. Bentley replied yes. She asked if there was anyone else present who wished to speak on the item, and there was no one.

A motion was made by Boardmember Scott Stokes to approve with conditions as listed Item V17-039, a Variance Request (V17-039) for the reduction of the front setback from 50 feet to 30 feet for a fuel station canopy on 1.74 acres located on Land Lot 753 at 5220 S Cobb Drive, by the applicant Clipper Petroleum, Inc.;

seconded by Boardmember Brian Marcos.

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application; however, revisions as a result of plan review that meet the general intent of the variance site plan may be approved by Community Development Director.

The motion carried by the following votes:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

D. [V17-040](#)

Public Hearing - Variance Request - V17-040 - Allow rear setback reduction from 50 feet to 41.6 feet for a new commercial building - 1.74 acres - Land Lot 753 - 5220 S Cobb Dr - Clipper Petroleum, Inc

Chairperson Tammi Saddler Jones announced the public hearing. Mr. Bentley said their second variance request was for a small rear setback reduction for a small portion of the southwest corner of the convenience store, approximately 75 square feet. Boardmember Scott Stokes asked if it was going to be a Class A station, and the applicant said yes.

City Planner Joey Staubes said the applicant was requesting this rear setback variance due to a hardship in the configuration of the parcel, with its front property line being diagonal. He reiterated the variance was only for a small corner of the building and most of the building would meet or exceed what the rear setback requires. He said a townhome development was located to the rear of the property, and its detention pond was directly adjacent to this rear property line, therefore there would be a lot of clearance between this property and the residential property. He said there was also a retaining wall on the back parking lot edge, creating more of a buffer. He said they recommended approval with the same condition as stated for the previous variance.

Chairperson Tammi Saddler Jones asked Mr. Bentley if he accepted the condition on behalf of the applicant, and he said yes. She asked if there was anyone else present who wished to speak on the item, and there was no one.

A motion was made by Boardmember Scott Stokes to approve with conditions as listed Item V17-040, a Variance Request (V17-040) to allow a rear setback reduction from 50 feet to 41.6 feet for a new commercial building on 1.74 acres located on Land Lot 753 at 5220 S Cobb Dr by the applicant Clipper Petroleum, Inc; seconded by Boardmember Brian Marcos.

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application; however, revisions as a result of plan review that meet the general intent of the variance site plan may be approved by Community Development Director.

The motion carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

E. [V17-041](#)

Public Hearing - Variance Request - V17-041 - Allow parking space reduction from 62 to 48 spaces - 1.74 acres - Land Lot 753 - 5220 S Cobb Dr - Clipper Petroleum, Inc

Chairperson Tammi Saddler Jones announced the public hearing, and Mr. Bentley said the reduction in parking spaces was compensated for by the 20 spaces for vehicles that are available at the gas pumps. He said in their application they submitted a parking demand study provided by A&R Engineering, which finds that their request for reduction in spaces would more than accommodate the demand for parking at the site, even during peak demand hours.

City Planner Joey Staubes said the applicant was requesting a reduction in parking spaces, and the study they submitted with their application estimated a need for 35 spaces max, and they are proposing 48. He said staff supports the reduction in spaces with the same condition as stated in the previous variance. Chairperson Tammi Saddler Jones asked how many handicap spaces would be at the property, and Mr. Staubes said that 2 spaces were required, and they are providing 2.

Chairperson Tammi Saddler Jones asked the applicant if he accepted the condition, and he said yes. She asked if there was anyone else present who wished to speak on this item, and there was no one.

A motion was made by Boardmember Scott Stokes to approve with conditions as listed Item V17-041, a Variance Request (V17-041) to allow a parking space reduction from 62 to 48 spaces on 1.74 acres on Land Lot 753 -located at 5220 S Cobb Dr by the applicant Clipper Petroleum, Inc; seconded by Boardmember Brian Marcos.

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application; however, revisions as a result of plan review that meet the general intent of the variance site plan may be approved by Community Development Director.

The motion carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

4. **Approval of Minutes:**

[2017-266](#)

Approval of the minutes from the June 28, 2017 License and Variance Board meeting.

Attachments: [06-28-2017 June 28, 2017 LVB Minutes - FINAL.pdf](#)

A motion was made by Boardmember Scott Stokes to approve Item 2017-266, the approval of the minutes from the June 28, 2017 License and Variance Board meeting; seconded by Boardmember Brian Marcos.

The motion carried by the following vote:

Aye: 3 - Tammi Saddler Jones, Brian Marcos and Scott Stokes

5. **Adjournment**

Chairperson Tammi Saddler Jones declared the July 12, 2017 meeting of the License and Variance Board adjourned at 10:25am.