



Meeting Minutes - Final License and Variance Board

Wednesday, December 13, 2017

10:00 AM

Council Chambers

1. Roll Call

Present: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

Also Present: 4 - Russell Martin, Joey Staubes, Terri Graham and Lisa Moore

2. Call to Order

City Administrator Tammi Saddler Jones called the License and Variance Board to Order at 10:00 AM. She introduced the members of the License and Variance Board; Fire Chief Roy Acree was to her left and Public Works Director Scott Stokes was to Mr. Acree's left. City Clerk Terri Graham recorded the official meeting minutes.

3. Business

A. Public Hearing - Variance Request - V17-056 - Allow duplex on one lot be converted to two fee simple lots - 0.294 acres - Land Lot 420 - 2139 and 2141 Valley Oaks Drive - Qui Guibin

City Administrator Tammi Saddler Jones called the applicant, Qui Guibin to come forward to give the details of the request. Ms. Guibin's husband, Tony, stated his wife purchased the property through foreclosure. The property had been completely gutted and they did a complete rebuild of the property. Their original plan was to rent the property, but have since decided that they want to sell it. They believe it is in the best interest of the city to have a homeowner in the property rather than have it rented. They requested to have the properties split into two deeds and so the units could be sold separately. They already have contracts for the sale of the two units.

Boardmember Scott Stokes asked the applicant to have his surveyor draw the line of the flood plain on the plat. It is noted on the plat that it is in a flood plain, but Community Development will need the actual flood line on the plat when it is submitted to them so that it is recorded where it effects the property. The requestor stated they will honor that request and include it in the package.

Community Development Planner II, Joey Staubes came forward to discuss the request. The property is a single lot with a duplex on it. The applicant requested to divide the property at the firewall into two properties. This is the way most of the townhomes in the area are divided. In 2000, Mayor and Council approved a similar request across the street, so there is precedence for granting the request. They are not changing the use of the property. There have not been any complaints about this request. Staff recommends approval with the following condition:

1. Approval of the requested variance applies to the property in its current configuration. Should the property be demolished and/or rebuilt in whole, the subject

property shall comply with current codes and ordinances as required in Article XI - Non-Conforming Uses.

Ms. Saddler Jones asked if the applicant accepted the condition. The requestor answered they accept.

Ms. Saddler Jones stated this was a public hearing and asked if anyone wanted to speak on the issue and no one came forward to speak.

A motion was made by Boardmember Scott Stokes to approve variance request - V17-056 to allow a duplex on one lot be converted to two fee simple lots on 0.294 acres in Land Lot 420 located at 2139 and 2141 Valley Oaks Drive the applicant is Qui Guibin; seconded by Boardmember Roy Acree.

The motion carried for approval with the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

B.

Public Hearing - Variance Request - V17-057 - Allow increase in accessory structure size from 25 percent of primary structure to 27.5 percent - 0.24 acres - Land Lot 375 - 660 Burbank Circle - Keith Nelson

City Administrator Tammi Saddler Jones called the applicant, Keith Nelson to come forward to give the details of the request. Mr. Nelson was not in attendance. Ms. Saddler Jones asked Mr. Staubes to call the applicant to see if he would be at the meeting. It was then decided to postpone the hearing to the end of the agenda once Mr. Staubes contacted Mr. Nelson.

A motion was made by Boardmember Roy Acree to postpone the item and move it to the end of the agenda until the applicant could be reached; seconded by Boardmember Scott Stokes.

The motion carried to move item to the end of the agenda by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

C.

Public Hearing - Appeal the denial by the License and Variance for Variance Board Request - V17-058 - Allow parking of 11,000 lb commercial vehicle on residential property - 0.59 acres - Land Lot 554 - 3624 Lee Street - Rob Wagner

Sponsors: Stoner

City Administrator Tammi Saddler Jones called the applicant, Rob Wagner to come forward to give the details of the request. Mr. Wagner request was to park his work truck on his property. The truck is an Isuzu, 2006 NPR box truck weighing approximately 11,000 pounds. The truck would be located behind the house in a gate. The applicant stated they have no other place to park the truck.

Boardmember Acree asked if the 11,000 pounds was the GVRW on the on ID tag located on the vehicle. The applicant stated it was, but that was the loaded weight, not the empty weight. Mr. Acree stated that the limit weight of the vehicle mentioned in the ordinance is the GVRW on the tag.

Mr. Staubes came forward to comment on the request. The applicant requested to park his commercial vehicle weighing approximately 11,000 on residential property. The city ordinance 80-3 prohibits parking commercial vehicles above 10,000 pounds on residential property. This was amended in 2005 from 6,000 lbs., to 10,000 lbs.

Given the restrictions of the code and no history of any other variances of this nature, while staff is sympathetic to the property owner's need to keep the truck there, they recommend denial of the request.

Boardmember Stokes asked what makes this a commercial vehicle. Mr. Staubes stated that the weight does. Mr. Acree how the weight was determined for the amended ordinance, was the ordinance weight based on the GRVW weight of the vehicle? Mr. Staubes answered that it was.

The City Administrator announced the public hearing and no one came forward to speak.

City Administrator Saddler Jones informed the applicant that the denial may be appealed to the Mayor and Council. This request must be submitted in writing within 10 business days of the denial to the City Clerk, Terri Graham.

A motion was made by Boardmember Roy Acree to deny the appeal of Variance Request V17-058 - Allow parking of 11,000 lb commercial vehicle on residential property - 0.59 acres - Land Lot 554 - 3624 Lee Street by Rob Wagner; seconded by Boardmember Scott Stokes.

The motion to deny the appeal carried by the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

D.

Public Hearing - Variance Request - V17-059 - Allow side setback reduction from 10 feet to 0 feet for a carport addition on an existing single family residence - 0.40 acres - Land Lot 560 - 1450 Walker Court - Robert Harrison

City Administrator Tammi Saddler Jones called the applicant, Robert Harrison to come forward to give the details of the request. He requested to build a two car carport on an existing driveway. This driveway comes within a foot of the property line. It will be built to mimic the style of the house with a gabled roof, siding and columns. This will bring the home up to the standards of the neighborhood. Most of the homes have garages in the neighborhood.

Mr. Acree asked if the roof will be pitched and not flat. Mr. Harrison stated it will be a gabled, pitched roof. Mr. Acree asked for clarification that the roof will not have walls, just a roof and columns. Mr. Harrison stated there will be no walls. The carport will be less intrusive on his neighbor. The actual back portion of the drive way encroaches on the neighbor's property, but the neighbor is supportive of the structure. Mr. Acree asked the existing driveway will be widened at all. The applicant stated it will not. The driveway itself for the carport will be cut out and a new driveway poured in accordance with building codes, but they will not add to the footprint of the driveway.

Mr. Staubes stated the home is not centered on the lot; it is built more to the right of the property. There is no other place to put a carport. The requestor is making other improvements to the home and this will be part of the improvements. There have been no complaints about the request from the neighborhood. Staff recommends approval of the request with the following conditions:

- 1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.*
- 2. Downspouts and gutters shall be installed to divert stormwater away from adjacent*

properties.

The City Administrator asked if Mr. Harrison agreed to the conditions and he stated he did.

City Administrator Tammi Saddler Jones called for a Public Hearing and no one came forward to speak.

A motion was made by Boardmember Roy Acree to approve variance request V17-059 to allow side setback reduction from 10 feet to 0 feet for a carport addition on an existing single family residence on 0.40 acres on Land Lot 560 located at 1450 Walker Court, Robert Harrison is the applicant; seconded by Boardmember Scott Stokes. The motion to approve carried with the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

4. Approval of Minutes:

A. Approval of the November 8, 2017 License and Variance Board Meeting Minutes

Sponsors: City Council

A motion was made by Boardmember Roy Acree to approve the November 8, 2017 License and Variance Board Meeting Minutes; seconded by Boardmember Scott Stokes.

The motion to approve carried with the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

Posponed from 3 (B) to the end of agenda until applicant is contacted

B. Public Hearing - Variance Request - V17-057 - Allow increase in accessory structure size from 25 percent of primary structure to 27.5 percent - 0.24 acres - Land Lot 375 - 660 Burbank Circle - Keith Nelson

Ms. Saddler Jones asked for an update on the applicant. Mr. Staubes stated Mr. Nelson did not understand that he needed to be at the meeting. Mr. Staubes asked the Board if they wanted to hear the request without the applicant. Mr. Acree stated that for the sake of the process, he believed the applicant needed to be present.

A motion was made by Boardmember Roy Acree to table indefinitely variance request - V17-057 - Allow increase in accessory structure size from 25 percent of primary structure to 27.5 percent - 0.24 acres - Land Lot 375 - 660 Burbank Circle - Keith Nelson; seconded by Boardmember Scott Stokes.

The motion to table indefinitely carried with the following vote:

Aye: 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

5. Adjournment

City Administrator Tammi Saddler Jones adjourned the meeting of the License and Variance Board at 10:23 AM.