

**ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
March 25, 2021**

MEMBERS PRESENT

Chair John Coker
Vice Chair Brandon Mund
Cynthia Foster
Bonnie Leitch
Lawrence Spradley

STAFF PRESENT

Chris Looney, Planning & Development Services Director
Nathan Brown, Assistant City Attorney
Maddison O'Kelley, Assistant Planner
Sam Hunter, Planning Technician

MEMBERS ABSENT

Steve Quidley

Chair Coker called the meeting to order at 6:00 p.m. Roll was called, and a quorum declared.

3. APPROVAL OF MINUTES

Motion by Vice Chair Mund, seconded by Member Foster, to approve the minutes of the Zoning Board of Adjustment Regular Meeting of January 28, 2021. The motion carried (5-0-0).

4. STAFF REPORT

(A) Z-21-002 Hold a public hearing and consider a request for a variance to Section 3.3-2(b)(1)(i) to allow a proposed carport and garage addition to encroach up to 1.5 feet into the required 5-foot side setback in the "R-2" Single and Two-Family District, addressed at 480 California Boulevard. (Applicant: San Revers; Case Manager: Maddison O'Kelley)

Ms. O'Kelley presented the staff report and stated the ZBA may authorize a variance from the zoning regulations only upon finding the following facts:

- 1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** (The applicant states the existing carport appears to be closer than 5 feet from the side property line. The applicant wishes to replace the structure in the same footprint. In a separate email to staff, the applicant stated the structure is approximately 3.5 feet from the side property line. Staff acknowledges the legal nonconforming status of the existing carport and garage structure; however, staff has not identified a special circumstance affecting the land itself.) **and**
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant states the variance to replace a dilapidated structure with a new, enclosed attached structure with the same footprint. The applicant further states the privacy fence along the property line is 5 feet from the structure. Staff notes the substantial property right to use for the property for residential dwelling is not removed due to the side setback requirement.) **and**
- 3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;** (The applicant states the variance should not be detrimental to public health, safety or welfare.) **and**
- 4) Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter;** (The applicant believes the variance should not prevent orderly use of other land within the area. There does not appear to be a negative effect preventing orderly use of other land within the area by granting the variance, however, all neighboring properties will still be required to comply with zoning ordinance standards for any new construction. Furthermore, the proposed structure will be required to comply with Building code standards required for additions built within 5 feet of a property line.) **and**

- 5) **That an undue hardship exists;** (The applicant states the hardship is that the zoning ordinance would not allow the existing structure to be rebuilt within the same footprint. Furthermore, the applicant states that if the carport is rebuilt within the 5-foot side setback it would not be wide enough to be useful. The applicant then states the existing driveway and existing carport footprint would not be enlarged or encroach any further than the existing structure today. Staff has not identified a physical hardship due to the nature of the land itself that is not shared by other residential property in the neighborhood.) **and**
- 6) **That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** (The applicant states granting of the variance will be in harmony with the spirit and purpose of the zoning ordinance and it would allow him to beautify the neighborhood.)

Chair Coker asked if there were any questions for staff.

Discussion followed for clarification of what is being requested.

Chair Coker requested the applicant address the Board.

Sam Revers, 480 California, elaborated on the nature of the request.

Chair Coker asked if there were any questions for the applicant.

Chair Coker opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Coker opened the public hearing and asked if anyone wished to speak in opposition.

No one spoke.

There being no further comment, Chair Coker closed the public hearing.

Chair Coker called for a motion or discussion from the Board.

Motion by Member Leitch, seconded by Vice Chair Mund, to approve the proposed request for a variance to Section 3.3-2(b)(1)(i) to allow a proposed carport and garage addition to encroach up to 1.5 feet into the required 5-foot side setback in the "R-2" Single and Two-Family District, addressed at 480 California Boulevard. Motion carried (5-0-0).

5. INDIVIDUAL ITEMS FOR CONSIDERATION

Ms. O'Kelley presented on the minimum standards for building dwellings above the base flood elevation in the floodplain.

Discussion followed on the reasoning for our current code on properties within the floodplain.

6. ADJOURNMENT

Chair Coker adjourned the meeting at 6:15 pm.

Chair

Date

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