

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD JANUARY 27, 2015

CALL TO ORDER – 7: 10P.M.

PLEDGE OF ALLEGIANCE -

ROLL CALL OF MEMBERS – Those Present: T.O. Owens, Chairman; Jenny Riley, Secretary; Christine Duncan, Ted Terranova, Kathy Drulard, Cindi Kreutzer

MOTION

It was moved by Mr. Owens to excuse Dave Marquez from the meeting

The following votes were cast on the motion:

Those voting Yes: Owens, Drulard Duncan, Kreutzer, Riley, Terranova

Those voting No:

Those absent: Marquez

The motion to excuse is granted.

ALSO PRESENT: Reid Betzing, Sr. Ass't. City Attorney; Rita McConnell, Planning Manager; Gary Hammond, Senior Planner; James Cramer, Planning Intern; Shalisa Daugherty, Recording Secretary; Todd Messenger, LDC Amend Consultant.

APPROVAL OF MINUTES FOR January 13, 2015 – Stand as approved

PUBLIC HEARING.–

VAR2014-0040 – Michael Crites – 6820 Estes Dr.

The public hearing was opened.

The property was posted and the fee was paid.

Mr. Owens entered the staff report, posting log, affidavit of mailing.

Mr. Michael Crites of 6324 W 93rd Ave. stated that his Father owned the property at 6820 Estes Dr., and when his father passed away they are unable to put the house on the market due to the property line discrepancies. He would like to move the property line to the fence line in order to correct the issue, so the house can be sold.

Mr. Faimon was present to speak in favor of the case, he is the neighbor to the west of Mr. Crites and he would like to see the property lines fixed as it affects him as well.

Mr. Cramer stated this is a very unique case, due to fact that they are not wanting to building anything closer to the property, their wanting to just move the property line.

Public input was closed

Ms. Riley asked with this variance is the applicant planning to do any additions to the home, and stated that any new permits need to comply with the Building Code.

Mr. Crites stated that there will be no additions, and he understands the permit issue.

Ms. Duncan asked staff about the law of adverse possession.

Mr. Betzing stated that he would not go into great detail about that law, so he gave a quick explanation.

Mr. Terranova asked staff if the new owner wants to do any addition or something on the west side of the property with this variance approved does that prohibit the new owner from getting a variance for the west side of the property?

Mr. Betzing stated they will have to go before more than just the BOA, like the build code advisory board and getting approval from the Chief Building official etc...

Public hearing was closed.

Mr. Owens stated that he thinks this is a good resolution for such an odd situation and he is favor of the variance

Ms. Riley agrees with Mr. Owens and can support the variance, and she stated she like that the neighbors worked together.

MOTION:

It was moved by Ms. Riley that variance request VAR2014-0040 Michael Crites, 6820 Estes Dr., to establish a side (West) property line that is 1' from the existing structure (house) when Section 6.2.1 of the LDC requires the property line be a minimum 10' from the structure, be granted.

This motion is based on Findings No. 1 through 8 on Page 16 of the Staff Report.

As to Finding No. 1, the special circumstance is that the fact that the homes are existing and have for many years, and by granting this variance they would be retaining the existing neighborhood feel.

The following votes were cast on the motion:

Those voting Yes: Owens, Drulard Duncan, Kreutzer, Riley, Terranova

Those voting No:

Those absent: Marquez

The variance is granted.

Meeting adjourned at 7:25pm

OTHER ITEMS –

Next meeting is 02-10-15 with 1 case and 02-24-15 with 1 case as well.


Jenny Riley made a request to inform staff if any of the board members will be late or absent from a meeting.

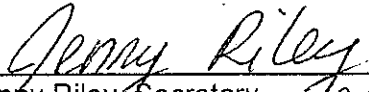
Started Study Session – at 730pm – ended at 810pm

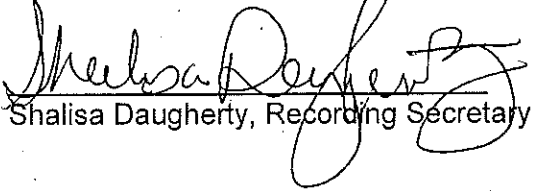
LDC Update – Rita McConnell explained what Todd Messenger will be discussing.

Mr. Todd Messenger presented a power point of the LDC update, what changes will be are proposed in the code and then asked for input from the board.

ADJOURNED -


T.O. Owens, Chairman


Jenny Riley, Secretary


Shalisa Daugherty, Recording Secretary