

ADMINISTRATIVE RELIEF MINUTES
Central Permitting Conference Room
February 29, 2016

Call to Order

Zoning Administrator called the meeting to order at 10:05 p.m. on Monday, February 29, 2016, in the Central Permitting Conference Room

Roll Call

Zoning Administrator Presiding

Michael Sandy

Staff Attending

Tim Swarringen, Zoning Code Enforcement Officer
Bob Remsburg, Planner, I

Others Present

Gary Huneycutt – Property owner

Zoning Administrator Sandy reviewed the purpose of the hearing which was to consider reducing the required 10 foot side yard setback to 5 feet. Mr. Sandy asked those testifying to raise their right hand to be sworn in. Gary Huneycutt, Tim Swarringen and Bob Remsburg were sworn in by the Zoning Administrator.

Zoning Administrator Sandy asked the Clerk to present the case, ZV 16-02.

Bob Remsburg, Clerk, stated that the lot has an unusual shape due to the right-of-way of Lake Point Drive which creates a narrowing of the property toward the front at Randall's Ferry Road. The shape of the lot makes the placement of an accessory structure difficult. The addition of an accessory structure would be a benefit to the property owner and increase the value of the property. There is a required 20 foot setback for an accessory structure from Lake Point Drive and a 10 foot setback on the west side lot line. In order to accommodate the running radius of an automobile, an additional 5 feet of area in front of the proposed structure will improve the usability of property. The location is further impacted by the location of the well and septic field. The property was purchased by the homeowner in 1974. The subdivision did not accommodate space for accessory structures. Many lots in this area have limited space and larger homes. The R-20 district allows accessory structures in the front yard of lots with their rear lot line on a lake. The new building will meet all other required setbacks and will be in compliance with all other regulations. The closeness to the lot line will not negatively affect the value of this or adjoining properties.

Tim Swarringen reported that he had visited the site and agrees that the better use of the property required the 5 foot variance.

Zoning Administrator Sandy stated that, if there were no other questions or comments, that he would review the finding of fact. Clerk Bob Remsburg read the finding of fact, and the Board found as follows:

1. That the applicant cannot secure a reasonable return from or make reasonable use of this property without the Variance.

Based on the staff report the Zoning Administrator found this to be true.

2. That a hardship exists resulting from unique circumstances related to applicant's land, such as location, size or topography.

Based on the staff report the Zoning Administrator found this to be true.

3. That the existing hardship is not the result of applicant's own actions.

Based on the staff report the Zoning Administrator found this to be true.

4. That the variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured, and substantial justice is achieved.

Based on the staff report the Zoning Administrator found this to be true.

Having approved the Findings of Fact, Zoning Administrator Michael Sandy ruled that the Variance ZV16-02 would be approved and issued the order for approval.

There being no further business, Zoning Administrator Mickael Sandy adjourned the meeting at 10:20 AM. .

Michael Sandy, Zoning Administrator

Bob Remsburg, Clerk