

**BOARD OF ADJUSTMENT MINUTES**  
**Regular Meeting**  
**Partnership for Children Meeting Room**  
**February 10, 2015**

**Call to Order**

Vice Chairman Richard Cosgrove called the Board meeting to order at 7:30 p.m. on Tuesday, February 10, 2015, in the Partnership for Children Meeting Room.

**Roll Call**

***Board Members Presiding***

Richard Cosgrove  
Dr. John Eckman  
Benton Payne  
Michael D. Efir  
Jennifer Lisk, Alternate  
Devron Furr, Alternate

***Absent***

Todd Swaringen  
Kevin Brickman  
Houston B. Clark II

**Staff Attending**

Michael Sandy  
Tim Swaringen

**Others Present**

Reece Gibson

Minutes of the last meeting were not available for approval.

Vice Chairman Richard Cosgrove asked Michael Sandy to present the first case, ZV 15-01.

Mr. Sandy stated that Reece Gibson is requesting a ten (10) foot variance from the required fifth (50) foot front setback on Lot 16, Stanfield Ridge Subdivision. Property is located at the corner of Hopedale and Stanfield Ridge on the northeast side of the intersection.

Vice Chairman Richard Cosgrove asked the applicant to come forward and state his case. Mr. Gibson was sworn in by Vice Chairman Cosgrove.

Mr. Gibson stated that the lot could not be built on without the variance due to the required septic field, repair area, and well.

Benton Payne asked for clarification of why there are two septic field locations noted on the site plan, and why the fields were different sizes.

Mr. Gibson explained that the difference in soil type and the lay of the land determines the size of the septic field and repair area. The front and back of the property has different soil types and the lay of the land is different for both locations.

Mr. Payne asked for more information regarding Mr. Gibson's statement and Mr. Sandy elaborated on what Mr. Gibson had stated.

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Mr. Cosgrove added that the Environmental Health staff determines the size and location of the septic fields and that the site plan presented shows the EH staff recommendation.

Dr. Eckman asked Mr. Gibson about some of the physical characteristics of the proposed dwelling as it relates to placement on the property. Mr. Gibson discussed these characteristics.

There were no further questions from the Board.

Vice Chairman Richard Cosgrove asked if anyone else wished to speak regarding this case. Hearing no further discussion, the Board found as follows.

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

**Motion:** Richard Cosgrove made a motion to find this fact true based on the evidence submitted and the fact that the lot is not a buildable lot without the variance.

**Second:** Dr. Eckman seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

That a hardship exists resulting from unique circumstances related to applicant's land.

**Motion:** Dr. Eckman made a motion to find this fact true based on the fact that the lot is unique in that the lay of the property is unusual.

**Second:** Benton Payne seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

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

**Motion:** Dr. Eckman made a motion to find this fact true based on the fact that applicant is not responsible for the lay of the land or the soil type.

**Second:** Jennifer Lisk seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

That, if granted, the Variance will be in harmony with the general purpose and intent of the ordinance and will preserve its spirit.

**Motion:** Richard Cosgrove made a motion to find this fact true based on the fact that the location of the dwelling will not cause a negative visual impact on neighboring property and will not substantially detract from the character of the neighborhood and there was no opposition at the public hearing.

**Second:** Dr. Eckman seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

That, if granted, the Variance will secure the public safety and welfare and will do substantial justice in that the benefit to the applicant will substantially outweigh the harm to neighboring property.

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**Motion:** Benton Payne made a motion to find this fact true based on the fact that the benefit to the applicant will be greater than the harm done to neighboring property owners if the applicant is allowed to place the dwelling up to forty (40) feet from the Right-of-Way.

**Second:** Dr. Eckman seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

Vice Chairman Richard Cosgrove asked for a motion to approve, deny, or modify ZV 15-01.

**Motion:** Dr. Eckman made a motion to approve ZV 15-01.

**Second:** Richard Cosgrove seconded the motion.

**Action:** The Board unanimously voted to approve the motion.

Mr. Sandy gave Mr. Gibson instructions on his next step.

There being no further business, Vice Chairman Richard Cosgrove asked for a motion to adjourn. Benton Payne made a motion to adjourn, seconded by Dr. Eckman. The meeting was adjourned at 8:05 p.m.

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Richard Cosgrove, Vice Chairman

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Acting Clerk to the Board