

**BOARD OF ADJUSTMENT  
MINUTES  
March 8, 2021 @ 5:00 p.m.**

The Board of Adjustment held a special called virtual meeting on Monday March 8, 2021 at 5:00 p.m.

**Members Present**

Wendell Miller  
Don Jacimore  
Justin Cothren  
Blake Tarpley

**Members Absent**

**Visitors Present:** Mayor Richard Harris, City Planner Sara Jondahl, Planner I Victoria Marchant, Flood Manager Ben Gray, and City Engineering Tech Armando Diaz.

**Welcome Visitors**

**Election of Officers**

Member Miller suggested that the Board of Adjustment postpone the election of officers until after the appointment of Paul Gray to the Board of Adjustment.

Member Tarpley made the motion to postpone the election of officers until the April meeting. The motion was seconded by Member Jacimore and passed unanimously.

**The First Order of Business** is a request to review and approve the minutes of the Board of Adjustment January 7, 2021.

Member Jacimore made the motion to approve the minutes as written. The motion was seconded by Member Cothern and passed unanimously.

**The Second Order of Business** is a variance from Article 3.1.2(H) allowing a 1,687 square feet of accessory structures despite 793.5 foot allotment, located at 1607 Hilltop Drive. Submitted by David Walton. (VARI-0221-000047)

Planner I Marchant stated the application is to allow 1,687 square feet of accessory structures despite the 703.5 square foot maximum allowed. This is an existing single family home in an R1 zone, surrounded by R1 zoned properties.

In Article 9.3.2 the Board of Adjustment has been given specific guidelines in order to grant a variance.

1. Applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands.

Staff has found the applicant has demonstrated that special conditions exist by the size of their property. A typical R1 lot is less than two Acres and the applicants lot is over four Acres in size. The applicant has additionally shown that there will be little to no visual impact due to their home being setback almost 200 feet from the road and their property being obstructed from neighboring homes by trees for the most part. The accessory building will be constructed in such a way that it will be in harmony with the overall look of the current home.

2. Non-conforming uses in the area shall not be considered grounds for granting a variance.

No other non-conforming uses in the area were considered as grounds for granting this variance.

3. The application demonstrates reasons that justify a variance and the variance is the minimum to make reasonable use of the land.

The granting of the variance is the minimum variance allowing reasonable use of land.

4. Make a finding that granting the variance will be in harmony with the general purpose and intent of the zoning code.

The granting of this variance is in harmony with the purpose and intent of the code.

5. The board of Adjustment may prescribe appropriate conditions and safeguards.

The proposed accessory building must be used for the owner's personal use only, the building may not be used for any commercial use.

6. The Board of Adjustment may not grant a variance to allow a use not permissible in the zone code.

The proposed use is in conformance with the Table of Permitted Uses.

Planner I Marchant stated that Staff recommends approval of this application with the following condition:

1. The proposed accessory building must be used for the owner's personal use only, the building may not be used for any commercial use.

As a result of the findings below:

1. The applicant's lot is larger than an average lot; and
2. The proposed structure will have little to no visual impact; and
3. The applicant has met all other variance guidelines.

Member Cothorn asked what the fence would look like. He was directed to the available documents give to the Board of Adjustment Members.

Member Cothorn made the motion to approve the item as presented by staff. The motion was seconded by Member Tarpley and passed unanimously.

Meeting Adjourned.

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