

BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS
AGENDA
SPECIAL MEETING
November 17, 2017
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Chairman Clark called the meeting to order at 7:00PM

II. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	John Clark, Chair	X	
2	Brian Cassady	X	
3	VACANT		
4	Patrick Vader, Vice Chair	X	
5	Martin Young		X
	ALTERNATES		
	Jeff Nevarez	X	
	Lana Sather		X
	Kelli Rod		X
	Josh Altom		X

Chairman Clark noted three regular board members were present and asked Mr. Jeff Nevarez to sit in for a quorum to be present.

Staff present: George Campbell, City Manager; James Donovan, City Attorney; Sandra Johnson, Building Official for Interim Jay Narayana; and Kassy Lane, Interim Board Secretary for Alicia Santos

III. SWEARING IN OF SPEAKERS

Ms. Lane swore in the speakers Debbie Weems and Clay Gafford.

IV. VISITOR/CITIZENS FORUM

At this time, any person with business before the Board of Adjustment not scheduled on the Agenda may speak to the Board, provided that an official 'Speaker's Request Form' has been completed and submitted to the Board Secretary prior to the start of the meeting. All comments must be directed towards the Chair, rather than individual board members or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

V. REGULAR ITEMS

A. **CASE # BOA 17-07** to receive comments and consider action on a request by Clay Gafford for a Variance to the Unified Development Cod Article 3, Agricultural and Residential Zoning districts generally, to all encroachment into side setback by 36 inches in an "R-1" Single Family district at 913 Shady Creek Drive, more particularly described as Shady Creek East Addition Lot 7 Block 1.

1. Staff/Applicant presentation

Mr. Campbell advised the board that a building permit was requested by Mr. Gafford on June 1, 2017 and a permit was issued in error by the City on June 7, 2017. Mr. Gafford began construction in June, although question was raised on the proximity of building prior to the issuance of the permit. The building is 5 feet from property line and encroaches the side yard. The required side yard setback is 8 feet. The City issued a stop work order on November 6, 2017. Mr. Campbell explained his intention to bring this issue to the board was to consider a decision to be made as soon as possible. Mr. Clark asked if the City provided all the required notices to surrounding neighbors. Mr. Campbell explained that not all notices were provided but both immediate parties were notified and ready to testify. He also stated that not all advertising requirements were met for a hearing request for a variance. Mr. Clark asked how much additional time would be needed to repost and re-advertise to bring back before BOA. Mr. Campbell deferred to Mr. Donovan. Mr. Donovan advised the board that the legal advertisement requirement is eleven (11) days' notice. Mr. Clark advised not to proceed with the hearing to ensure they are in compliance with the law for advertising and posting requirements. Mr. Clark deferred to the commissioners to discuss. Mr. Cassady raised the question about the regular meeting in December. Mr. Clark responded there is a scheduled meeting for December 5, 2017. Mr. Nevarez brought up the Tree Lighting ceremony scheduled for December 5, 2017 and the board could decide to table the meeting. Mr. Vader stated he is in favor of tabling the meeting. Mr. Gafford asked if the requirement was 200 feet from his property. Mr. Donovan confirmed the legal requirements of notifying the surrounding neighbors of Mr. Gafford's property. Mr. Clark apologized to the parties involved and understands the need to resolve the issue quickly. He advised to schedule the next meeting in December with all the legal requirements. Mr. Campbell suggested polling the board members and ensuring it does not conflict with any community events.

2. Action by the Board of Adjustment

Mr. Vader made the motion to table the meeting, second by Mr. Cassady. The motion was passed with all in favor. Closed at 7:12PM

VI. REPORTS/ANNOUNCEMENTS

No reports or announcements made

VII. ADJOURNMENT

Mr. Nevarez made a motion to adjourn, second by Mr. Vader. The motion was passed with all in favor.

The meeting adjourned at 7:14PM