

**The Board of Adjustments met Monday, December 20, 2021, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.**

Present: Anil Vira, Chairman; Cathy Slagle; Michael Baugh; Donna Cook; Frank Lamia; Hunter Simmons, Planning and Zoning Manager; and Allie Knutson, Secretary.

Chairman Vira called the meeting to order at 5:00 PM.

**Minutes**

- **November 15, 2021**

**Motion:**

Mike Baugh made a motion to approve the minutes with no changes.

Frank Lamia seconded the motion and the motion carried unanimously with the following vote:

Aye: Anil Vira, Mike Baugh, Donna Cook, and Frank Lamia.

Nay: None.

Abstain: Cathy Slagle.

**BOA 21.12 – Public hearing to consider the request of John Hadley to allow for a nine-foot Rear Setback Variance for property located at the northwest corner of Young Street and Fairland Avenue. PPIN # 86972**

Hunter Simmons, Planning and Zoning Manager, presented the case summary.

This case is a carryover from November's meeting. The applicant, John Hadley, is requesting a 9' variance to the rear setback for the principle structure located at the northwest corner of Fairland Avenue and Young Street. The property is zoned R-2 Medium Density Single-Family Residential District.

The applicant is requesting a variance to the rear setback which would result in a 26' rear setback instead of 35' to construct a landing deck off the second floor. The property is a non-conforming lot due the size. Staff is not against relief from the setback.

The variance request is not tied to the site plan as the variance would 'run with the land' and not be tied to home plans. The property, generally rectangular, being 52' X 102 and containing 5,304SF makes the lot smaller than the R-2 minimum size requirements of 75' wide and 10,500SF. Staff notes that, at this time, we are not able to find evidence of a subdivision that created this lot and the surrounding flag lot but are reviewing the request as the lot is legal and non-conforming. Staff does believe the side setback creates a challenge to building a home. The property being a corner lot also has a 20' street side setback. Relief, if granted, would not cause any detriment to the public nor impair the

intent of this ordinance. Staff recognizes the size of the lot is substandard and unique and the extent of the variance request is minimal.

**Recommendation:**

**Staff recommends approval of BOA 21.12.**

The applicant, John Hadley (511 Horton Lane), stated that putting the deck on the west side of the home works out better for the overall home design.

Mike Baugh asked for clarification on the variance running with the land.

Mr. Simmons stated that any variance given is not based on the site plan. The lot line is being moved and the variance would need to be acted upon and recorded or the variance would be vacated. After being acted upon and recorded, the variance is tied to the land and would stand in the future.

Chairman Vira opened the Public Hearing, no one was present to speak, and the Public Hearing was closed.

**Motion:**

Frank Lamia made a motion to approve BOA 21.12.

Donna Cook seconded the motion and the motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Mike Baugh, Donna Cook, and Frank Lamia.

Nay: None.

**Old/New Business**

- Approval of 2022 Board of Adjustments Agenda Schedule and Deadlines.

**Motion:**

Cathy Slagle made a motion to approve the 2022 Board of Adjustments Agenda Schedule and Deadlines and the motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Mike Baugh, Donna Cook, and Frank Lamia.

Nay: None.

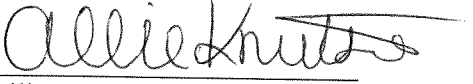
- Comprehensive Plan: Mr. Simmons reminded everyone of the upcoming Comprehensive Plan meetings in January.
- Moratorium: Mr. Simmons stated that the moratorium will last twelve months and is on major subdivisions and multiple occupancy projects outside of the city limits. The moratorium will be effective when published.

**Adjournment**

Frank Lamia made a motion to adjourn, and the motion carried unanimously.

Adjourned at 5:14 PM.

  
Anil Vira, Chairman

  
Allie Knutson, Secretary