

Chair Walker asks about the zoning change being just to that lot; Patty responds yes, it is just that lot.

Discussion is held regarding the BID (Business Improvement District) being no longer valid or in place so the Board should not take any part of that into their consideration.

Mr. Lester asks about the difference between the two zoning classes; Patty reads from the applicable code section for uses by-right, uses with specific use permits and bulk regulations.

Patty states that the property was rezoned so that they could have two (2) separate dwelling units on the property.

Chair Walker asks if there are any more questions for staff; none respond. Chair Walker asks if there is anyone that wishes to speak in favor of this item.

Mrs. Kelly Harris, Keystone Engineering at 923 S. Lowry, comes to speak on the following:

- Here representing the owners
- This area went through several zoning changes for the multiple residential classifications
- Other properties in the area would also have to request to be rezoned to RTM if they remodeled for 50% or more of the value
- Discusses front setbacks that lines up along Duncan
- Duncan has a 100 foot right-of-way in this area of town
- For the front setback: The right-of-way really puts the building into the front setbacks which they believe is a hardship
- Relief, if granted, isn't going to impair the Comprehensive Plan as these houses are all lined up in this block at this distance and have been there for a long time
- The variance, if granted, would be the minimum relief necessary as you can see that most of the houses have porches and most of them are over the property line
- For the side setbacks, both north and south: same information applies
- If they saved 50% of the structures, they could rebuild them by-right just where they are now
- Houses are in need of major repair
- Want to rebuild to code
- Want to use foundation and existing infrastructure
- Peculiar to this property is that the houses are all set very close to the property lines. Want to renovate with the craftsman style houses to keep in line with the feel and theme of the area
- Rear setback only applies to the back building. Storage building will not be kept.
- Lot is odd shaped because part of it was removed for some purpose but that isn't known
- Here to answer questions

Chair Walker asks about them wanting to use the existing foundation; Mrs. Harris responds that they will have to have some inspections performed to make sure that the foundations are in good shape.

Chair Walker states that he doesn't have any issue with the front and rear setback, but has concern about the side setback due to life safety issue. Mrs. Harris states that they are not asking for any variances to the building code as they will build fire walls and special fire rated windows.

Mrs. Harris states that they want to use the existing infrastructure and add a bathroom; the owners like to rehab old houses but this one is in pretty bad shape.

Mr. Ryan Sheller comes to the podium and states that they are trying to rebuild as a craftsman style with a mother-in-law portion.

Chair Walker asks if there are any more questions; none respond. Chair Walker asks if there is any one else that wishes to speak in favor of this item; none respond. Chair Walker asks if there is any one that wishes to speak in opposition of this item; none respond. Chair Walker asks for staff's alternatives.

Patty introduces the new Development Review Manager, Lanc Gross.

Patty presents the following alternatives of action:

1. Find that each of the criteria for approval of the request is met. The Board will explain how each criteria is met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request is met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria is met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request are not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Chair Walker asks if there are any more questions for staff; none respond. Chair Walker asks for Board discussion.

Mr. Lester states that he doesn't have an issue with this plan but trying to formulate a motion that meets the criteria.

Chair Walker expresses concern about life safety but knows this is a building code issue.

Mrs. Ventress discusses that the uniqueness of the shape of the property does create a hardship; neat project to take on; and if they have to take it down further than the foundation, then the building code will take care of any issues they have.

Mr. Lester comments about approving the request with the subject to the plans submitted because if the plans change this needs to be revisited. Chair Walker states that the Board is only considering the setbacks.

Discussion is held about the impact of what could happen if the foundations have to be torn down; zoning has changed for many reasons in this area but is now the time to set a precedent or is this just such a small area that it impacts surrounding area; the other houses in the area are in pretty good shape; knows this area is turning into a very urban area which the code has not addressed; the shape of the lot is unique; relief would not cause detriment or hard to anyone; not asking to move any closer than they already are; if the structures had been maintained then they wouldn't be here before the Board tonight which is another peculiarity; and discuss the four balancing points provided by the Supreme Court with the Assistance City Attorney.

Mrs. Ventress moved, Mr. Lester seconded to grant the request based upon criteria #1 that the application of the code to this peculiar piece of property would create an

unnecessary hardship due to the peculiarity of the shape of the property also the individual situation in that this property does need to be rebuilt and the degree of the severity is not essential to carry out the spirit of the ordinance as this property would match current structures and further approve that criteria #2, the conditions are peculiar to the particular piece of property involved; criteria #3, that relief, if granted, would not cause detriment to the public good as the neighborhood is fine with the right-of-way that is there; and criteria #4, the variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Roll Call:	Walker	Ventress	Lester	Bale	Wilkins
	Yes	Yes	Yes	Absent	Absent

Time: 43 Minutes

3. **APPROVAL OF THE MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:**

- a. Regular Meeting of February 4, 2016

Chair Walker asks if there are any changes and/or corrections; none respond.

Mr. Lester moved, Mrs. Ventress seconded to approve the meeting summary of February 4, 2016.

Roll Call:	Walker	Ventress	Lester	Bale	Wilkins
	Yes	Yes	Yes	Absent	Absent

- b. Regular Meeting of January 5, 2017

Chair Walker asks if there are any changes and/or corrections; none respond.

Chair Walker moved, Mr. Lester seconded to approve the meeting summary of January 5, 2017.

Roll Call:	Walker	Ventress	Lester	Bale	Wilkins
	Yes	Yes	Yes	Absent	Absent

- c. Regular Meeting of May 4, 2017

Chair Walker asks if there are any changes and/or corrections; none respond.

Chair Walker moved, Mr. Lester seconded to approve the meeting summary of May 4, 2017.

Roll Call:	Walker	Ventress	Lester	Bale	Wilkins
	Yes	Yes	Yes	Absent	Absent

- d. Special Meeting of August 24, 2017

Chair Walker asks if there are any changes and/or corrections; none respond.

Mr. Lester moved, Mrs. Ventress seconded to approve the meeting summary of August 24, 2017.

Roll Call:	Walker	Ventress	Lester	Bale	Wilkins
	Yes	Yes	Yes	Absent	Absent

Time: 4 Minutes

4. **MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION:**

- a. Next regular meeting is scheduled for November 2, 2017.

5. **ADJOURNMENT**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:22p.m.

Prepared by – Cindy Gibson, Admin. Coordinator

Approved by: _____
Stillwater Board of Adjustment

