

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

MAY 18, 2009

2:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present being five (5) in number.

II. Approval of the Minutes of the Previous Meetings

The Minutes of the April 27, 2009 meeting were approved as mailed by unanimous vote.

III. Members Present: David Wilbourn, Chairman
Robert Winchester, Vice Chairman
Leslie Greenwood
Scott Smith
James Van Dover

Members Absent: None

City Attorney Present: Debra Weldon

LITTLE ROCK BOARD OF ADJUSTMENT

AGENDA

MAY 18, 2009

2:00 P.M.

I. OLD BUSINESS:

A. Z-8449 6515 Sandpiper Drive

II. NEW BUSINESS:

1. Z-922-B 1801 N. Grant Street
2. Z-2227-B 925 Barber Street
3. Z-8456 801 W. Capitol Avenue
4. Z-8457 221 Dryad Lane

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ITEM NO.: A

File No.: Z-8449

Owner/Applicant: Alberto Alcazar

Address: 6515 Sandpiper Drive

Description: Lot 121, Cardinal Heights Addition

Zoned: R-2

Variance Requested: A variances is requested from the area provisions of Section 36-254 to allow a building addition with a reduced rear yard setback.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Single Family Residential

Proposed Use of Property: Single Family Residential

STAFF REPORT

A. Public Works Issues:

1. Measures to control an increase in stormwater drainage should be implemented to not cause damage onto adjacent property from the increased impervious area.

B. Staff Analysis:

The R-2 zoned property at 6515 Sandpiper Drive is occupied by a one-story brick and frame single family residence. There is a one-car wide driveway from Sandpiper Drive at the northeast corner of the lot. The lot contains a 25 foot front platted building line.

The property owner recently began construction of building addition on the rear (south side) of the structure, as noted on the attached site plan. The existing roof line was extended to the south, toward the rear property line, approximately 28 feet. The room addition is 20.8 feet by 28 feet in area and constructed over an existing concrete patio area. The floor of the addition is approximately three (3) feet above grade. The addition is located approximately 12 feet back from the rear (south) property line. The construction was initiated without a building permit, and the City recently issued a "stop-work order" to the property owner.

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Section 36-254(d)(3) of the City's Zoning Ordinance requires a minimum rear setback of 25 feet for this R-2 zoned lot. Therefore, the applicant is requesting a variance to allow the room addition with a reduced rear setback. The applicant has described the addition as a "covered patio". However, after inspection of the property, staff views it as a room addition. The east, west and south walls contain studs at approximately 16 inch centers, with some exterior siding being installed prior to the stop-work order.

Staff does not support the rear yard variance, as requested. Although the lot has a relatively shallow depth, staff feels that the enclosed addition extends too close to the rear property line and neighboring house to the south, and is not characteristic of the rear setbacks for the residences in this area. Staff's opposition is based on the fact that the addition is enclosed. If the applicant were willing to make that portion of the addition which extends into the 25 foot rear setback completely unenclosed (covered deck only), staff could support the rear setback variance. Approximately the rear (south) 13 feet of the addition extends into the rear 25 feet of the lot. If this rear portion were maintained as an open deck, with support poles and no siding, staff believes it would have no adverse impact on the adjacent properties or the general area. The residence immediately to the west has a nonconforming covered deck (unenclosed) which extends into the rear yard area.

C. Staff Recommendation:

Staff recommends denial of the requested rear setback variance, as filed.

BOARD OF ADJUSTMENT:

(APRIL 27, 2009)

Alberto Alcazar and Zuguey Lopez were present, representing the application. There were no objectors present. Staff presented the application with a recommendation of denial, as filed.

Ms. Lopez addressed the Board in support of the application. She described the rear addition as a patio area. James Van Dover referenced the wall studs on all walls, which represented closed walls. Ms. Lopez explained that the top half of the walls would be screened in and not enclosed. This issue was discussed further.

There was a motion to defer the application to the May 18, 2009 Agenda so that staff and the applicant could meet and determine exactly what the proposed addition involved.

There was additional discussion related to the structure being screened in. Scott Smith noted that he did not want this case to set precedence. Deborah Weldon, City Attorney, explained that no case sets a precedence for future cases. The issue was discussed.

The Chairman called for a vote on the motion to defer to May 18, 2009. The motion passed by a vote of 5 ayes and 0 nays. The application was deferred.

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BOARD OF ADJUSTMENT:

(MAY 18, 2009)

Alberto Alcazar and Zugey Lopez were present representing the application. There were no objectors present. Staff noted that a meeting was held between staff and Mr. Alcazar at 6515 Sandpiper Drive. Staff explained that Mr. Alcazar had agreed to remove approximately two-thirds of the studs associated with the porch addition to give the addition a more open look. Staff noted that the siding and screen wire would remain as is on the addition. Staff recommended approval of the application, with the revision to remove the excess studs, subject to compliance with the Public Works requirement as noted in paragraph A of the staff report.

Alberto Alcazar and Zugey Lopez addressed the Board in support of the application. They presented photos of the addition to the Board.

Scott Smith asked why there was a need to encroach into the minimum rear setback. He noted that there was space to build on the west side of the proposed addition. Mr. Alcazar explained that building out the existing house width was more desirable than widening the addition. He noted that the addition was for a play area for his children.

There was a discussion of the type of addition and the height of the siding.

Scott Smith explained that there needed to be a reason to support the reduced setback, such as topography or lot shape. The issue was discussed further. There was a discussion regarding removing all the siding from the addition.

There was a motion to approve the application, as revised and recommended by staff. The motion passed by a vote of 4 ayes and 1 nay. The revised application was approved.

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ITEM NO.: 1

File No.: Z-922-B

Owner: Joseph B. Hurst Family Limited Partnership

Applicants: Howard Hurst and Stephen M. Rousseau

Address: 1801 N. Grant Street

Description: Lots 8 and 9 and part of Lot 7, Block 10, Mountain Park Addition

Zoned: C-3 and O-3

Variance Requested: Variances are requested from the area provisions of Section 36-301, and the sign provisions of Section 36-555 to allow building and awning additions with reduced setbacks, and a ground-mounted sign with reduced setback.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Retail Florist

Proposed Use of Property: Retail Florist

STAFF REPORT

A. Public Works Issues:

1. Cantrell Road is classified on the Master Street Plan as a principal arterial with a 110 ft. right-of-way required. Ordinance No. 17,391 was approved by the Board of Directors on February 4, 1997 allowing a reduction of 10 ft. in right-of-way dedication. At the time of building permit issuance, dedication of right-of-way to 45 feet from centerline will be required.
2. At the time of building permit issuance, a 20 foot radial dedication of right-of-way is required at the intersection of N. Grant Street and Cantrell Road.
3. Prior to issuance of a certificate of occupancy, obtain a franchise agreement from Public Works (Bennie Nicolo, 371-4818) for any private improvements located in the right-of-way including public alleys.

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B. Landscape and Buffer Issues:

Site plan must comply with the City's minimal landscape and buffer ordinance requirements.

An eleven percent (11%) upgrade toward compliance with the landscape ordinance will be required in the landscaping in conjunction with this addition. Otherwise, the site appears to meet with the city's buffer and landscape ordinance requirements.

C. Staff Analysis:

The C-3 zoned property at 1801 N. Grant Street is occupied by a one-story brick commercial building with basement level. The site is located at the northeast corner of N. Grant Street and Cantrell Road. There is paved parking located on the west side of the building. A paved alley is located along the rear (east) property line. There is a shared parking relation between this property and the site immediately to the north. A driveway near the southwest corner of the property (from Grant Street) serves as access to the site.

On September 30, 1997 the Board of Adjustment approved a parking variance in association with an 864 square foot addition at the southwest corner of the building. The addition was constructed as a covered greenhouse-type outdoor retail space. There are currently 16 parking spaces on the site. In conjunction with the addition, on February 4, 1997 the Board of Directors passed Ordinance No. 17,391 which waived ten (10) feet of right-of-way dedication along Cantrell Road and 2.5 feet along N. Grant Street.

The applicant is now requesting to remove the 864 square foot addition at the southwest corner of the commercial building and construct a new 1,464 square foot addition as noted on the attached site plan. The addition will be located ten (10) feet from the south property line (after 15 feet of right-of-way dedication) and over 40 feet from the west property line. The parking area on the west side of the building will be re-worked and striped for 18 spaces. The driveway from N. Grant Street will be shifted slightly to the south. The addition will contain ornamental arbors on its south and west sides. Two (2) projecting greenhouse windows will be removed from the south wall of the existing building.

The applicant is also proposing to construct an awning on the east side of the building, over a portion of the alley. The awning will be 8 feet wide, 70 feet long and 15 feet in height above the alley. New doors will be located on the east side of the building under the proposed awning.

Also in conjunction with the proposed project, the applicant is proposing to remove the ground-mounted sign at the southwest corner of the site and replace it with a new ground sign along the south side of the building, as noted on the attached site plan. The sign will be a monument-type sign constructed as part of a landscape wall. The sign will be located partially in the right-of-way,

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after dedication of an additional 15 feet along Cantrell Road. The sign location is noted on the attached site plan and elevation sketches. The applicant is requesting three (3) variances with the proposed project.

Section 36-301(e)(2) of the City's Zoning Ordinance requires a minimum street side building setback of 25 feet for C-3 zoned property. The proposed addition at the southwest corner of the commercial building will have a 10 foot setback from the south property line after the 15 foot right-of-way dedication for Cantrell Road. Therefore, the applicant is requesting a variance from this requirement to allow the reduced street side setback.

Section 36-301(e)(3) requires a minimum rear setback of 25 feet. The proposed awning on the rear (east side) of the building crosses the rear property line and extends into the alley right-of-way. The existing building is located less than one (1) foot from the rear (east) property line. Therefore, the applicant is requesting a variance to allow the awning with no rear setback.

Section 36-555(b) requires that ground-mounted commercial signs be set back at least five (5) feet from property lines. As noted previously, the proposed sign on the south side of the building will cross the south side property line (after right-of-way dedication for Cantrell Road) and be located partially in the right-of-way. The applicant is also requesting a variance from this ordinance standard to allow the new ground sign with no setback from the south property line.

The applicant initially requested a variance for reduced parking spaces for the project. With the increase in building area being 600 square feet, only two (2) additional off-street parking spaces will be required. The redesign of the parking area will increase the on-site parking from 16 to 18 spaces. Therefore, the applicant is providing the two (2) additional spaces as required, and no parking variance will be needed.

Staff is supportive of the requested variances. Staff views the project to refurbish this existing commercial building as reasonable. The proposed building addition at the southwest corner of the property will maintain the same setback from the south property line on the existing commercial building. The amount of building face along this setback will be less than the previous addition at this location which will be removed. With respect to the awning addition on the east side of the building, staff believes it is appropriate to allow the awning to protect the activity involving the service doors on the rear of the structure from the elements. The awning will be located 15 feet above the grade of the alley as not to inhibit vehicular traffic along the alley. Staff also has no issues with the proposed sign placement on the south side of the building. The landscaped area between the building and Cantrell Road street curb is over 30 feet wide. The proposed sign will extend approximately four (4) feet into the right-of-way dedication for Cantrell Road. Staff believes the proposed project will be a quality improvement to the existing commercial development. In addition to the improvements mentioned, the applicant will also provide additional landscaping along the Cantrell Road frontage and within

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the redesigned parking area which will additionally enhance the property. Staff believes the proposed project will have no adverse impact on the adjacent properties or general area.

D. Staff Recommendation:

Staff recommends approval of the requested variances, subject to the following conditions:

1. Compliance with the Public Works requirements as noted in paragraph A. of the staff report.
2. Compliance with the landscape requirements as noted in paragraph B. of the staff report.
3. A franchise permit must be obtained from the Public Works Department for all improvements located in the rights-of-way.

BOARD OF ADJUSTMENT:

(MAY 18, 2009)

The applicant was present. There were no objectors present. Staff presented the application with a recommendation of approval.

The applicant offered no additional comments.

The item was placed on the Consent Agenda and approved as recommended by staff with a vote of 5 ayes and 0 nays.

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ITEM NO.: 2

File No.: Z-2227-B
Owner: New Hebron Missionary Baptist Church
Applicant: White-Daters and Associates
Address: 925 Barber Street
Description: Lots 13-18, Block 2, Masonic Addition
Zoned: O-3

Variance Requested: A variance is requested from the parking provisions of Section 36-502 to allow construction of a new church facility with reduced parking.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Undeveloped

Proposed Use of Property: Church

STAFF REPORT

A. Public Works Issues:

1. No comments are provided pertaining to a reduction of the number of required parking spaces only.

B. Landscape and Buffer Issues:

Site plan must comply with the City's landscape and buffer ordinance requirements.

The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. It appears there are very old live oak trees at this location. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

Street trees are encouraged along both Barber Street and E. 10th Street.

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C. Staff Analysis:

The O-3 zoned property at 925 Barber Street is currently undeveloped. The property is located at the northeast corner of Barber and E. 10th Streets. The property is mostly grass covered, with a few mature trees on the site. There is a paved alley along the east property line, running between E. 9th and E. 10th Streets. The overall site is comprised of six (6) platted lots representing 0.97 acre.

The property owner, New Hebron Missionary Baptist Church, is proposing to develop a new church facility on the property, as noted on the attached site plan. A one-story church building will be located within the south half of the property, with a paved parking area within the north half. Two (2) drives from Barber Street will serve as access to the parking area. The paved alley along the east property line will also serve as access. There will also be angled parking along the east side of the church building adjacent to the alley. A total of 57 parking spaces is proposed on the site. The applicant has also arranged to use 25 off-site paved parking spaces located around the office building to the west across Barber Street, for a total of 82 spaces. The applicant has also noted that there will be a shuttle service available to pick up older church members at their homes and bring them to the church facility.

Section 36-502(b)(2)d. of the City's Zoning Ordinance requires 93 on-site parking spaces for this proposed church facility with a seating capacity of 373 persons (1 parking space per 4 seats). Section 36-507(a) allows up to 25 percent of the parking requirement to be located off-site (within 300 feet of the site) and on property properly zoned for the use the parking serves. The applicant has 57 parking spaces on the site, and the ordinance allows the applicant to take credit for 23 of the spaces across Barber Street to the west. This gives the project a total of 80 parking spaces. Therefore, the applicant is requesting a variance for the remaining 13 off-street parking spaces. This is the only variance requested with the proposed church development.

Staff is supportive of the requested parking variance. Staff views the parking variance as very appropriate for an urban in-fill development of this type. There is on-street parking available along Barber and E. 10th Streets, as well as other streets in this area. The properties immediately across Interstate 30 to the west, as well as less than one (1) block to the north, are zoned UU (Urban Use District) and require no off-street parking for urban developments of this type. Utilization of on-street parking and the sharing of off-street parking is a characteristic of this urban use area. Additionally, the applicant has noted that many older church members will be brought to the church facility via a church shuttle, other church members or family. Staff believes the proposed church development represents a quality in-fill project for this area, and that the variance for reduced parking will have no adverse impact on the adjacent properties or the general area.

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D. Staff Recommendation:

Staff recommends approval of the requested parking variance, subject to the following conditions:

1. Compliance with the landscape and buffer requirements as noted in paragraph B. of the staff report.
2. The applicant must have written approval from the property owner to the west (across Barber Street) maintaining use of the off-site parking.

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The applicant was present. There were no objectors present. Staff presented the application with a recommendation of approval.

The applicant offered no additional comments.

The item was placed on the Consent Agenda and approved as recommended by staff with a vote of 5 ayes and 0 nays.

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ITEM NO.: 3

File No.: Z-8456

Owner: Barrow Road Church of Christ Trust

Applicant: White-Daters and Associates

Address: 801 W. Capitol Avenue

Description: Lots 11 and 12, Block 225, Original City of Little Rock

Zoned: UU

Variance Requested: Variances are requested from the development provisions of Section 36-342.1 to allow development of a branch bank facility which does not conform to the Urban Use Zoning Standards.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Parking Lot

Proposed Use of Property: Branch Bank

STAFF REPORT

A. Public Works Issues:

1. Prior to the issuance of the certificate of occupancy, a 20 foot radial dedication of right-of-way at W. Capitol Ave. and State Street must be provided.
2. Prior is issuance of the certificate of occupancy, the old concrete apron on State Street will be required to be removed.

B. Landscape and Buffer Issues:

Site plan must comply with the City's landscape and buffer ordinance requirements.

Street trees are required along both State Street and along W. Capitol Avenue in addition to any perimeter landscaping trees.

A small amount of building landscaping will be required.

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C. Staff Analysis:

The UU zoned property at 801 W. Capitol Avenue is currently occupied by a paved parking lot. The property is comprised of two (2) platted lots at the southwest corner of W. Capitol Avenue and S. State Street. Access drives from S. State Street serve the parking lot.

The applicant is proposing to construct a one-story branch bank facility on the site, as noted on the attached site plan. The proposed building will be located near the northeast corner of the property, with a drive-thru area consisting of four (4) drive-thru lanes and an ATM lane on the south side of the building. A one-way entry drive is proposed from W. Capitol Avenue at the northwest corner of the property to access the drive-thru area. A one-way exit drive is proposed along the State Street frontage. A small parking area (seven (7) spaces) is proposed along the west property line. The property is zoned UU (Urban Use District) and the applicant is requesting four (4) variances from the development provisions of Section 36-342.1 for the proposed development.

Section 36-342.1(c)(3) of the City's Zoning Ordinance states that no new drive-in or drive-through facilities may be visible or take directed access from a primary street. Both W. Capitol Avenue and S. State Street are classified as primary streets. The drive-thru area will be visible from both streets and take access from W. Capitol Avenue. Therefore, the applicant is requesting a variance from this requirement.

Section 36-342.1(c)(8) requires that the ground-level (street fronting) floor of a non-residential structure have a minimum surface area of sixty (60) percent transparent or window display. The north façade of the proposed building will have a surface area of approximately 30 percent windows. The bump-out lobby area will be mostly glass wall construction. The main north wall of the structure will be set further back and be masonry construction. Therefore, the applicant is requesting a variance from this section for reduced window area on the north (front) façade.

Section 36-342.1(c)(11) allows wall signage as per Section 36-553, signs allowed in office zoning. This section allows wall sign(s) for each street fronting building façade of up to ten (10) percent of the façade area. The applicant is proposing one (1) small wall sign for each of the four (4) building facades. The signs along the north (W. Capitol Avenue) and east (S. State Street) facades comply with ordinance standards. The signs on the west and south facades are less than ten (10) percent of the facade area, but do not have street frontage. Therefore, the applicant is requesting a variance to allow the small wall signs on the west and south facades with no street frontage.

Section 36-342.1(f)(1) requires a minimum building setback of 25 feet along W. Capitol Avenue. The lobby portion of the proposed building will be located three (3) feet from the property line along W. Capitol Avenue. The main wall of

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the building will be located approximately 12 feet back from this north property line. Therefore, the applicant is requesting a variance to allow the reduced building setback along the W. Capitol Avenue Street frontage.

Staff does not support the variances, as requested. Staff has no issues with the requested variances for reduced glass façade area, drive-thru location or the wall signs without street frontage. Staff views these variances as reasonable and typical of other similar developments within the UU zoning district as approved previously by the Board of Adjustment. However, staff does not support the variance for reduced building setback from W. Capitol Avenue. The intent of this requirement is to maintain a visual corridor along Capitol Avenue leading to the State Capital building. Based on existing building setbacks along W. Capitol Avenue, staff could support a slight reduction in the setback, but not as proposed by the applicant. Staff believes that one (1) of the four (4) drive-thru lanes should be eliminated, with the building being shifted back (to the south) approximately 12 feet. This would result in a setback of approximately 15 feet for the lobby section of the building and 24 feet for the main north building wall. Additionally, Capitol Avenue is classified as a Collector Street by the Master Street Plan with 60 feet of right-of-way required. Capitol Avenue currently has 80 feet of right-of-way in this area. Therefore, there is ten (10) feet of excess right-of-way on this side of Capitol Avenue. If the applicant were willing to increase the building setback along Capitol Avenue by eliminating one (1) of the drive-thru lanes, staff could support the application.

D. Staff Recommendation:

Staff recommends denial of the requested variances, as filed.

BOARD OF ADJUSTMENT:

(MAY 18, 2009)

The applicant was present. There were no objectors present.

Staff explained that the applicant had revised the application, increasing the setback from the north (Capitol Avenue) property line. Staff noted that the building setback to the front wall of the lobby area was now 10 feet, and 17.5 feet to the front wall of the main portion of the proposed structure. Staff supported the revised application, subject to compliance with the requirements as noted in paragraphs A (Public Works) and B (Landscape and Buffer) of the staff report.

The applicant offered no additional comments.

The item was placed on the Consent Agenda and approved as revised and recommended by staff with a vote of 5 ayes and 0 nays.

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ITEM NO.: 4

File No.: Z-8457

Owner/Applicant: Susan H. Stoelting

Address: 221 Dryad Lane

Description: Lot 65, Section "C", Clover Hill Place Addition

Zoned: R-2

Variance Requested: A variance is requested from the fence provisions of Section 36-516 to allow construction of a fence which exceeds the maximum height allowed.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Single Family Residential

Proposed Use of Property: Single Family Residential

STAFF REPORT

A. Public Works Issues:

1. The proposed fence should be installed to not obstruct storm water drainage across the property.
2. Due to the City desiring access to perform maintenance to the ditch at the rear of the lot, the existing chain link fence located within the easement on the rear property line should be removed out of the easement when the new fence is installed.

B. Staff Analysis:

The R-2 zoned property at 221 Dryad Lane is occupied by a one-story brick and frame single family residence. There is a one-car wide driveway from Dryad Lane which serves as access. The rear yard is fenced with a four (4) foot high chain-link fence.

The applicant recently began construction of a new wood fence along the south side property line, at the southwest corner of the residence, as noted on the attached site plan. The applicant had constructed an eight (8) foot high fence section running along the south side of the house for approximately the depth

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of the structure. Additionally, a six (6) foot high fence section enclosing a garbage can area, was constructed at the southwest corner of the residence. This section crosses the 25 foot front platted building line by approximately one (1) foot. The zoning enforcement staff observed the fence construction on March 17, 2009 and issued a courtesy notice to cease the fence construction and lower the fence section to meet code requirements or request a variance.

The applicant is proposing to keep the fencing already constructed, and enclose the rear yard with a six (6) foot high wood fence with two (2) feet of lattice or top for an overall fence height of eight (8) feet. A solid eight (8) foot wood section is proposed running from the north east corner of the residence to the north property line. The existing and proposed fencing is shown on the attached site plan.

Section 36-516(e)(1)a. of the City's Zoning Ordinance allows a maximum residential fence height of four (4) feet for fences located between a building setback line and street right-of-way, and six (6) feet for fences located along interior lot lines. Therefore, the applicant is requesting a variance to allow the eight (8) foot high fence to enclose the rear yard area, and the six (6) foot high section which encloses the garbage can area and crosses the front platted building line by approximately one (1) foot. The applicant notes in the attached cover letter that she has a dog that cannot be left alone in the rear yard because it can jump fences of four (4) and six (6) foot heights.

Staff does not support the requested fence height variance, as filed. Staff typically has no problem supporting residential fences of eight (8) foot heights, when the top two (2) feet is lattice. Staff could support the variance if the applicant were willing to make the existing and proposed eight (8) foot high solid wood sections six (6) feet solid wood and two (2) feet of lattice. This would include the existing eight (8) foot wood section along the south side of the residence and the proposed eight (8) foot wood section at the northwest corner of the house. Staff feels this would allow the applicant a fence height to maintain an area for her dog as well as not create a fortress-like fence structure between the residential properties. Staff has no problem with allowing the six (6) foot high trash area enclosure at the southwest corner of the residence as constructed. Staff believes a six (6) foot high wood fence with two (2) feet of lattice at this location will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

Staff recommends denial of the requested fence height variance, as filed.

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ITEM NO.: 4 (CON'T.)

BOARD OF ADJUSTMENT:

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Susan Stoelting was present, representing the application. There were no objectors present. Staff presented the application with a recommendation of denial, as filed.

Susan Stoelting addressed the Board in support of the application. She explained that she would agree to have all the eight (8) foot high fence sections (existing and proposed) be six (6) feet of solid wood with two (2) feet of lattice on top. She explained that the fence height of eight (8) feet is needed because her dog would be able to jump over a six (6) foot fence height.

Vice-Chairman Winchester asked if she had a contractor doing the fence construction. Ms. Stoelting explained that she was doing the work herself with help from friends.

James Van Dover asked if she was revising the application to have all the eight (8) foot fencing be six (6) feet of solid wood with two (2) feet of lattice on top. Ms. Stoelting stated that she was amending the application.

Scott Smith asked if the existing chain-link fence near the rear property would be removed. Staff noted that it would be removed as required by Public Works. Mr. Smith stated that there needed to be a top rail to support the lattice. Ms. Stoelting stated that a top rail would be part of the revised application.

There was discussion pertaining to the existing chain-link fence on the neighboring property to the south.

Staff noted support of the revised application, subject to compliance with the Public Works requirement, as noted in paragraph A. of the staff report.

There was a motion to approve the application, as revised by the applicant and recommended by staff. The motion passed by a vote of 5 ayes and 0 nays. The revised application was approved.

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There being no further business before the Board, the meeting was adjourned at 2:40 p.m.

Date: _____

Chairman

Secretary