CALL TO ORDER
At 7:05 p.m., Vice-Chairman Donna McKay called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman) (7:07), Karen Clementi, Tom LeCuyer, Vice Chair Donna McKay, Dick Thompson & Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: Scott Cherry
In the audience: Paul Kellogg

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the April 28, 2014 ZBA meeting minutes with the minor correction on page four to change ‘our’ to ‘or.’ Dick Thompson seconded the motion. All were in favor and minutes were approved.

PETITIONS
#14-16 – Paul Kellogg- Variances
Planner Zubko stated the property is located at 107 Tealwood Road in the Boulder Hill subdivision about 0.05 miles east of Winrock Road on the north side of Tealwood Road. The petitioner is requesting two variances to construct a driveway that will be closer than the 5' minimum to the lot line and an attached garage/addition that will be 27' from the rear property line, the minimum is 30' from the rear property line. The driveway will be located 2.7’ from the westerly lot line.

Staff would just like to note this property does meet the 40% impervious area as well as the stone patio is actually considered pervious and not impervious due to water being able to penetrate through. The total impervious area with the new garage and new driveway will be 3,114 square feet, 3,209 would be at 40%. No other buildings or impervious area will be permitted on this property at this time.

The petitioner has stated they will not really use this garage or driveway all the time as it will store items like an antique car and items not used daily so the snow removal and closeness to the neighbor should not be impacted too much. The garage does meet the side yard setback of 5.7’ (10% of the lot width).

Staff would recommend approval of the variances to construct a driveway that will be 2.7’ from the westerly property and an addition that will be 27’ from the rear property line.

Ms. Clementi asked if planner Zubko heard from any neighbors. Planner Zubko stated no neighbors have contacted her about these variances.
Chairman Mohr swore in anyone interested in talking about this petition.

Chairman Mohr opened the meeting for public testimony. With no testimony made, Chairman Mohr closed the testimony.

Donna McKay asked about the petitioner’s shape of their lot. The petitioner, Mr. Kellogg, stated his property is a pie shape.

The Findings of Fact were reviewed for a variance, they were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subdivision was platted before setbacks existed so most of the properties already to not meet today’s setbacks or are close to the property lines, like the house to the west.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding him already do not meet the standard regulations but were built before the regulations existed.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The driveway already does not meet the 5’ minimum that was created after the home was built and the petitioners are trying to add value to their home by adding on another garage.*

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar. The neighbor to the west would be most impacted and they have not voiced any concerns to date.*

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed location of the attached structure will not impair an adequate supply of light and air to adjacent properties and will not increase congestion on the roadways.*

With no further discussion Dick Whitfield made a motion, seconded by Karen Clementi to approve the findings of fact as written. All were in favor and the findings of fact were approved.

Donna McKay made a motion to approve the variances, Tom LeCuyer seconded the motion, with a roll call vote all were in favor and the variances were passed.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES**- None

**NEW BUSINESS**- None

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OLD BUSINESS - None

PUBLIC COMMENT: There were no members in the audience to comment.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS - Next meeting will be on July 28th, 2014 where there will be a text amendment for medical cannabis cultivation centers and dispensaries. This meeting will be held jointly with the Special use Hearing Officer. There was brief discussion on the State rules, regulations and statutes.

Karen Clementi made a motion to adjourn the ZBA meeting, Dick Whitfield seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:22 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary