

Board of Zoning Appeals

Meeting Minutes

August 5, 2020

Held in-person and over Zoom Meeting App due to Covid-19 Precautions

Call to Order and Roll Call

MEMBERS PRESENT: Cory Karn, Grant Adams, Dan Vail, Steve Duhamel

MEMBERS ABSENT:

OTHERS PRESENT: Gregg Morelock, Attorney; Ryan Crum, Director of Planning and Building; Tonya Galbraith, Town Manager; Jennifer Pack, Planning & Building Administrative Assistant.

Agenda Considerations

None

Approval of Minutes

Motion by Mr. Duhamel to approve the minutes from the July 1, 2020 meeting as presented. Second by Mr. Adams. The motion carried 3/0. Mr. Karn abstained.

Old Business

None

New Business

BZA-20-006, Yorkshire Landscaping Request for Special Exception

Rod Richardson presented the request for special exception to allow a commercial contracting business to run at the site in question. The petitioner's plans to run a landscaping business from the property. No customers would come to the site. The crews would meet in the morning, load into the company trucks and go to the worksite. All employees would be gone by 8:30. The employee's cars would be parked behind the barn so they would not be visible to the road.

The petitioner plans to rent out the single-family home on the property with the contracting business on the acreage behind the home. Fencing would be installed and the area around the barn would be graded with gravel laid.

The petitioner realizes that the use is not part of the Town's long-term plans, but believes it is a good short term use.

Mr. Crum explained that Staff is looking at this area as one day being an industrial corridor to allow the Town to diversify the tax base. That usage is sometime in the future and Staff believes this usage is a good stop-gap measure.

Staff recommends the Special Exception be granted for two years with an annual renewal process after.

The Board members asked questions regarding what materials and vehicles would be stored on site. Mr. Richardson replied that the business only buys materials as needed, so there would be no long-term storage of materials like stone, gravel, or mulch. The site would be used a staging area. Company owned vehicles would be parked in or behind the barn when not in use.

Public Comment

Nathan Easterday, 5890 W 500 N, asked about what the south 2 acres would be used for and if there would be access from that side. Mr. Crum stated that it would be owned by the business but would not be in use. He also stated that no curb cuts are allowed for the southern part of the property.

Voice Vote for Special Exception

Request: Special Exception to expand a legal, nonconforming land use

Conditions to granting this variance:

- (1) The small barn shall be painted gray to match the large barn.
- (2) The existing ground sign will be removed, and a new ground sign shall not be installed.
- (3) There will be no additional curb-cuts provided for this Special Exception.
- (4) The maneuvering/gravel areas near the barns shall be limited as shown on Exhibit A.
- (5) No materials shall be stored on-site.
- (6) Vehicles and trailers shall be stored inside the large barn, or behind the small barn, only as noted on Exhibit B. Under no circumstance shall any storage of the following occur: (a) no vehicles or trailers for any business other than the business operating under this Special Exception, (b) no more than ten vehicles and ten trailers shall be stored on-site at any time, and (c) no more than 5 items (ie. vehicles or trailers) shall be stored behind the small barn at any time.
- (7) Landscaping will be installed, and maintained, along the west façade of the house, as shown on Exhibit A.

Mr. Duhamel made a motion to amend condition #5 to allow materials to be staged east of the big barn for temporary basis coinciding with projects, to allow parking for up to ten (10) cars, and, if the special exception is approved, to accept the remaining conditions as stated.

Mr. Adams seconded the motion.

The motion passed 3/1. Mr. Vail opposed the motion.

Questions on the ballot:

1. The proposed use is listed as a Special Exception Use by the Zoning Ordinance for the District this property is located in. *See Appendix A of the Zoning Ordinance.*

4/0

2. The special exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.

4/0

3. The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the development standards of this Ordinance.

3/1 Mr. Vail opposed

4. The special exception shall be sorted, oriented, and landscaped to produce harmonious relationship of buildings and grounds to adjacent buildings and properties.

3/1 Mr. Vail opposed.

5. The special exception shall produce a total visual impressions and environment which is consistent with the environment of the neighborhood.

2/2 Mr. Karn and Mr. Vail opposed.

6. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

4/0

7. The special exception shall preserve the purpose of the Zoning Ordinance.

3/1 Mr. Vail opposed.

Mr. Duhamel made a motion to approve the special exception. Mr. Adams seconded the motion. The vote was 2/2 with Mr. Karn and Mr. Vail opposing. The motion failed and the matter will be continued to next month's meeting. Cory – no

BZA-20-007, Daniel's Vineyard Request for Special Exception

Mr. Crum stated that this matter is being continued to the September meeting because neighboring property owners are planning on developing the land and would like to talk to Daniel's Vineyard about the placement of the buildings.

Chris Kothe, speaking on behalf of Daniel's Vineyard, asked about the continuance, saying he was happy to talk to the adjacent property owners, but wants to discuss the matter with the Board

Mr. Crum said that Staff anticipate having a new BZA member next month and, per State law, they would have to go back over anything that was discussed at tonight's meeting.

Mr. Shipley made a motion to continue the matter to the September meeting. Mr. Adams seconded the motion. The motion passed 4/0.

BZA=20-008, Refugio Palacios' Request for Special Exception

Rod Richardson presented on behalf of the petitioner. The petitioner is asking to build a detached garage with vinyl siding. It will be used for personal use only - no commercial vehicles. The petitioner currently does not have a garage.

Staff is in support of petition. It will be located behind the home a good distance from adjoining property.

The Board discussed current architectural standards for accessory structures. Mr. Crum explained them and stated that the planned structure is in compliance.

Public Comment

No comments

Voice Vote for Special Exception

Request: Special Exception to expand a legal, nonconforming land use

Conditions to granting this Special Exception:

- (1) The garage will only be used for the personal storage of those living on-site.
- (2) No commercial vehicles shall be stored on the property.
- (3) The siding and roof colors shall be complimentary to the primary structure and shall comply with the residential exterior material color restrictions of the Town Zoning Ordinance.
- (4) The minimum roof pitch shall be 3:12.
- (5) Landscaping will be installed and maintained, generally, as shown on Exhibit A, at the southwest corner of the proposed garage.
- (6) The existing evergreen trees at the south end of the concrete pad shall not be removed (unless they are dead, diseased, dying, or pose a risk to public health, safety, or welfare).

Mr. Adams made a motion that if the special exception is approved, it be subject to the conditions. Mr. Duhamel seconded. The motion passed 4/0.

Questions on the Ballot:

1. The proposed use is listed as a Special Exception Use by the Zoning Ordinance for the District this property is located in. *See Appendix A of the Zoning Ordinance.*

4/0

2. The special exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.

4/0

3. The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the development standards of this Ordinance.

4/0

4. The special exception shall be sorted, oriented, and landscaped to produce harmonious relationship of buildings and grounds to adjacent buildings and properties.

4/0

5. The special exception shall produce a total visual impressions and environment which is consistent with the environment of the neighborhood.

4/0

6. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

4/0

7. The special exception shall preserve the purpose of the Zoning Ordinance.

4/0

Mr. Adams made a motion to approve the special exception. Mr. Duhamel seconded the motion. The motion passed 4/0.

Announcements

Mr. Crum informed the Board the Speedway Gas Station sign was approved with condition of landscaping. The signage was installed but not landscaped. Staff has reached out to Speedway to get landscaping get installed and the proposed landscape plan came in late today. Mr. Crum will present the plan to the Board at next month's meeting.

Adjournment

Steve/grant There being no further business, meeting was adjourned.