

MINUTES
BOARD OF ADJUSTMENT MEETING
December 16, 2024
5:30 PM

LOCATION:

City /County Meeting Room
905 West Avenue

MEMBERS PRESENT:

Michael Careccia, Kyle Case, Leah Hamilton, Lucy McCarl, Dontrell Parson, Tim Scobie

MEMBERS ABSENT:

Curtis Baker, Sharon T. Bryant

STAFF PRESENT:

Matt Duchan, Hannah Williams, Lauren Hartley

A quorum was established and Vice-Chair Hamilton called the meeting to order.

MINUTES:

Board Member McCarl moved approval of the meeting minutes of October 21, 2024.
Board Member Scobie seconded the motion, which was voted upon and passed by unanimous vote.

NEW BUSINESS:

1. 1605 Harper Avenue

Applicant: Dwayne Pruitt

Owner: Pru-Crew Home Improvements LLC (Dwayne Pruitt)

Location: **1605 Harper Avenue**

V#4-24 A 15-foot variance to the setback in order to adequately repair an ongoing leak and water damage issue to the home on this property.

Recommended Action: Staff recommends approval of the variance request, subject to the conditions in the staff report.

Hannah Williams was placed under oath.

Planning Director, Hannah Williams presented the variance case for 1605 Harper Avenue. The applicant is requesting a 13-foot variance to the rear setback in order to adequately repair an ongoing leak and water damage issue to the home on their property. There is water leaking into the rear exit from the concrete that slopes towards the door. The applicant wants to add a roof structure over the exit to divert the water from the concrete area to the grass.

Mrs. Williams stated, technically the property is legally non-conforming. The subject property and the lot beside it were split in 2011, which resulted in a setback non-conformity. This may have been a good faith error from whoever signed the plat and did not apply the side setback. Staff supports this variance and feels the roof structure is the simplest way to resolve the water leakage issue.

Hannah Williams read the draft findings and staff responses for the record as follows:

1. An unnecessary hardship is created from the strict application of the ordinance.

Staff Response: The strict application of the required 20 foot setback prevents the applicant from adding a roof structure that would divert water from leaking into the building.

2. The unnecessary hardship is peculiar to the property.

Staff Response: The property is already legally nonconforming because the building encroaches into the rear setback. The applicant cannot make the repair that would prevent the water leakage because it would increase the nonconformity. The existing nonconforming status of the property makes the hardship peculiar to the property.

3. The hardship is not self-created.

Staff Response: The applicant purchased the property in February 2024 and did not initiate the subdivision (Plat Book 27, Page 281) that created the rear setback nonconformity, neither did he cause the slope of the rear entrance to the building. Therefore, the hardship is not self-created.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Staff Response: The requested variance would allow for the building to stay in good repair and for the water leakage to be addressed directly. Without the variance, the applicant would not be able to prevent further damage and would not have the ability to fix a problem in the most efficient and straight-forward manner.

It is not the intent of the ordinance to prevent property owners from making basic repairs to their property. By granting the variance, substantial justice is achieved by allowing the applicant to repair his property as intended. The property owner cannot repair the leakage into the building without encroaching into the setback.

Board Member McCarl asked what the mechanism is for a mistake like this non-conformity in the future.

Planning Director, Hannah Williams replied, it was signed by a previous Planning Director in 2011, in what they believe was a good faith error. Minor subdivisions are thoroughly examined by Planning Staff before they are signed.

Board Member McCarl made a motion for the staff report and presentation slides be entered into the record. Board Member Case second the motion, which was voted upon and passed unanimously.

Board Member McCarl made a motion to approve the variance application and adopt the staff findings as presented by staff. Board Member Case seconded the motion, which was voted upon and passed unanimously.

ADJOURNMENT:

There being no further business to be brought before the Board, Vice-Chair Hamilton adjourned the meeting at 6:00 p.m.

Leah Hamilton, Vice-Chair

**Hannah Williams
Planning Director**