Chair Townsend called the meeting to order at 7:00 p.m. Those members attending included Clithero, Campbell, Gorman, John and Townsend. Also attending were the City Clerk, Sheela Amin, Engineering Manager, Shane Creech, Engineer I, Lee White, Engineer I, Philip Teeple, Planner, Matthew Lepke, Chief Building Inspector, Jim Paneck and Assistant City Counselor, Susan Crigler.

The minutes from the regular meeting of March 8, 2011 were approved as submitted on a motion by Mr. Campbell and a second by Ms. John.

The following cases, properly advertised, were considered. All persons testifying were duly sworn by the City Clerk.

Case Number 1809 was a request by Josh Oxenhandler, attorney for Betty Heidman Douglass Properties, LLC (owner) and Tropical Liqueurs Corporation (tenant), for a variance from compliance with Article V of Chapter 12A – Stormwater Management as it pertains to the use of best management practices (BMP’s) by allowing the proposed renovation without requiring the installation of water quality BMP’s on property located at 515 E. Broadway.

Chair Townsend noted this case had been withdrawn.

Case Number 1816 was a request by Marjorie Lewis, attorney for Western Oil, Inc., for a variance to the sign ordinance by allowing one freestanding sign on the I-70 frontage, which exceeds the maximum sign area permitted, or by allowing two freestanding signs on the I-70 frontage whereby one of those signs exceeds the maximum sign area permitted and the other sign exceeds the maximum height permitted on property located at 5612 E. St. Charles Road.

Chair Townsend explained the applicant had requested this case be tabled to the May 10, 2011 Board of Adjustment meeting.

Mr. Campbell made a motion to table Case No. 1816 to the May 10, 2011 Board of Adjustment meeting. The motion was seconded by Ms. John and approved unanimously by voice vote.

Case Number 1817 was a request by Garrett Taylor, attorney for Zeta Phi Corp of the Beta Theta Pi Fraternity and The Beta Theta Pi Club of Columbia, for variances from compliance with Article V of Chapter 12A – Stormwater Management as it pertains to water quality by allowing off-site water quality treatment and as it pertains to detention due to a net reduction in impervious area on property located at 520 S. College Avenue, 1307 Wilson Avenue, 1313 Wilson Avenue and 1300 Rosemary Lane.

Chair Townsend explained the applicant had requested this case be tabled to the May 10, 2011 Board of Adjustment Meeting. Mr. Campbell noted they also had received a request by an interested party to table the case to the June 14, 2011 Board of Adjustment meeting because she...
would be out of town on May 10. Chair Townsend stated he thought they should table it to the next meeting, and if necessary, it could be tabled again.

Mr. Clithero made a motion to table Case No. 1817 to the May 10, 2011 Board of Adjustment meeting. The motion was seconded by Mr. Campbell and approved unanimously by voice vote.

Mr. Campbell asked Ms. Amin to notify the person that had requested this case be table to June 14, 2011 that the case would be heard on May 10, 2011. Ms. Amin stated she would notify her.

Case Number 1810 was a request by Phebe La Mar, attorney for 1505 Sylvan, LLC (owner) and Child Abuse & Neglect Emergency Shelter, Inc. dba Rainbow House, a not-for-profit organization (tenant), for a conditional use permit for the purpose of operating a teen emergency shelter and associated counseling center on property located at 1505 Sylvan Lane.

Chair Townsend opened the public hearing.

Phebe La Mar, an attorney with offices at 111 S. Ninth Street, stated she was representing 1505 Sylvan, LLC and Child Abuse & Neglect Emergency Shelter, Inc. that did business as Rainbow House. Rainbow House had received a grant from Health and Human Services to open a teen emergency shelter for homeless teens, and had reached an agreement to rent the property at 1505 Sylvan Lane for this purpose pending approval of the conditional use permit. Rainbow House currently operated a transitional living program for youth, ages 16-21, who were homeless or at risk for homeless due abusive or other unfavorable situations. The teen emergency shelter Rainbow House was hoping to operate at this location would also require youth, ages 16-18, that were provided with shelter to participate in educational and/or vocational services, life skills training, mentoring and linkage to partnering organizations. The goal of both programs was to assist teens with the necessary skills to “get back on their feet” through a number of means, such as graduating from high school or getting a good job. The emergency shelter would have room for up to six teens that would be allowed to remain at the shelter for up to 21 days. In addition, there would be at least one staff person on duty at all times. During business hours, the program coordinator would also be present. The subject property was zoned R-3 and was surrounded by properties zoned R-2, R-3 and R-4. No modification would be needed to the outside of the building. The site was in compliance with all regulations of the R-3 zoning district. The use was in conformance with the character of adjacent property within the zoning district and the available off-street parking was sufficient for the proposed use. There were adequate utilities, drainage, etc., and access to the site was sufficient to prevent traffic hazards and congestion. The facility was appropriate for the area, it was not within 1,000 feet of another temporary shelter and it met the lot area criteria. In addition, her clients had agreed to provide a semi-annual report to the Building Services Department showing the maximum monthly occupancy levels and support services provided. She noted her client had sent an e-mail or letter to the property owners around the subject property, which provided information about the program they would offer. No one had contacted them with concerns. She asked the Board to approve the conditional use permit.

There being no further comment, Chair Townsend closed the public hearing.

Mr. Campbell commented that Rainbow House had a good reputation within the community and he believed this was a worthy need.
Mr. Campbell made a motion to approve the conditional use permit as requested with the understanding the applicant would provide a semi-annual report to the City’s Building and Site Development Division stating the maximum monthly occupancy level and support services provided. The motion was seconded by Mr. Clithero.

CASE NO. 1810 VOTE RECORDED AS FOLLOWS: VOTING YES: CLITHERO, CAMPBELL, GORMAN, JOHN, TOWNSEND. VOTING NO: NO ONE. The conditional use permit was approved as requested with the understanding the applicant would provide a semi-annual report to the City’s Building and Site Development Division stating the maximum monthly occupancy level and support services provided.

Case Number 1811 was a request by Michael Foster, attorney for Built For You Construction, LLC, for a variance to the rear yard setback requirement by allowing a reduced rear yard so the structure can remain in its existing location on property located at 5004 Cherry Blossom Lane.

Chair Townsend opened the public hearing.

Michael Foster, an attorney with offices at 6750 S. New Town Avenue, stated he was present on behalf of Built For You Construction and noted this case was similar to the next case.

Jamie Jeffries, an engineer with Allstate Consultants with offices at 3312 LeMone Industrial Boulevard, explained the lots were platted in 2004 at the end of a stub street. Built For You Construction purchased this lot in October, 2004. The lots were zoned R-1 and the adjacent lot to the west that was platted at the same time was zoned PUD-7. East of these lots was a 3.24 acre parcel that was platted as a greenspace conservation easement, which he assumed was part of the tree preservation area for the PUD. He explained the homes were built in 2005 and 2006. In November, 2010, Allstate was contacted by Built For You Construction due to a potential problem, and as a result, Allstate found the property corners, located the homes and provided paperwork to Built For You Construction in January. They then met with City staff and were now in front of the Board to obtain a variance so the homes could be sold without a possible encroachment. He pointed out Built For You Construction planned to file an administrative plat to combine Lots 3, 4 and 5 to make two lots instead of three. He explained that due to the greenspace conservation easement, no building would be located near the rear yards. He commented that there were errors in terms of the location of where this home was built by the builder and by City inspectors, and they were unsure of why these errors occurred. The owner had taken measures to ensure this would not occur again. He noted they had built several homes in Columbia, and this was the first time an error of this kind had occurred. He asked the Board to grant a four foot rear yard setback. He noted they would be asking for a 12 foot rear yard setback for Lot 2, which was the next case.

Chair Townsend noted the structure on Lot 3 encroached into the setback and over the lot line into the conservation easement. Mr. Clithero pointed out a four foot setback would not resolve the issue as the deck counted toward the encroachment as well. Mr. Jeffries stated the owners were willing to remove the concrete patio. Mr. Clithero noted the deck was the same size as the patio. Mr. Jeffries stated alterations would be made to the deck as well. He explained he thought decks and patios could encroach into the rear yard setback. Mr. Clithero understood a patio could encroach into the rear yard, but a deck could not. Mr. Paneck stated that was correct. He explained a deck was considered a structure, so it could not encroach into the required yard.
There being no further comment, Chair Townsend closed the public hearing.

Mr. Paneck explained he pulled the original application from their files and the house was not drawn to scale on the site plan. It was drawn with dimensions, but was not drawn to proper scale. The inspector recalled certain events involving the construction crew and he believed what had been represented to him was accurate.

Chair Townsend asked who had submitted the application. Mr. Paneck replied the application was made by Koirtyohann Construction showing Built For You Construction as the owner.

Ms. Crigler noted this was an area variance, and to grant an area variance the Board needed to find the problem being complained of was not self-created, was due to the terrain or property itself, and was not the same as surrounding properties, which would indicate a need for rezoning. She stated she believed they would need to replat the property if the home extended over the lot line. Mr. Jefferies stated the administrative plat would be for Lots 3, 4 and 5. In order to remedy the situation, the owners would reduce the concrete and reconstruct the deck to ensure it was behind the four foot setback.

Mr. Campbell asked if the Board wanted to allow the structure to be within four feet of the rear property line, if they could do that by motion or if a legal document of some kind would be needed. Ms. Crigler replied it could be a condition of approval. Mr. Paneck stated the variance could be granted with the condition that the footprint be reduced to compliance within a stated period of time.

Mr. Clithero understood the request was written so the rear yard setback would be reduced to four feet, and asked if there was anything that would prevent someone from putting an addition on the back of the home up to four feet of the property line if this variance was granted. He wondered if they could restrict the variance to the existing house. Ms. Crigler replied the variance went with the land. Chair Townsend asked if there was an alternative to limiting it to the current structure. He wondered if there was any type of limiting language. Ms. Crigler replied she thought they could require them to submit an “as-built” survey. Mr. Paneck noted a “house on lot” survey had been provided as part of the application.

Mr. Campbell made a motion to approve a variance for a reduced rear yard of four feet from the property line for only the current footprint and to attach the “house on lot” survey as an exhibit to the certificate of decision as it showed the existing footprint. The motion was seconded by Mr. Clithero. Ms. John understood this meant they would also be required to make adjustments so the home, deck, etc. would not be any closer than four feet from the rear property line. The Board agreed.

CASE NO. 1811 VOTE RECORDED AS FOLLOWS: VOTING YES: CLITHERO, CAMPBELL, GORMAN, JOHN, TOWNSEND. VOTING NO: NO ONE. The variance was approved subject to certain stipulations.

Case Number 1812 was a request by Kimberly R. Black for a variance to the rear yard setback requirement by allowing a reduced rear yard so the structure can remain in its existing location on property located at 5003 Cherry Blossom Lane.
Chair Townsend opened the public hearing.

Kimberly Black, 5003 Cherry Blossom Lane, stated Mr. Jefferies would speak for her.

James Jefferies, an engineer with Allstate Consultants with offices at 3312 LeMone Industrial Boulevard, explained this was a similar situation to the previous case, and that they realized this problem after meeting with staff in February and viewing the property on-site. The variance request was for a reduced rear yard of 12 feet, but it did not address the deck as he learned tonight the deck was considered a structure and needed to meet the yard requirement. They were now requesting a reduced rear yard that would allow the deck to remain. This house was not as close to the rear property line as the home in the previous case, and behind this property was dense forest.

Ms. John noted the “house on lot” survey showed a wood privacy fence which appeared to be 20 feet into the conservation easement and the neighboring lot, and asked for clarification. Mr. Jefferies stated the fence was accurately located on the survey. Ms. Black stated she had the fence put in by an individual based on pins he found at the time.

Mr. Campbell asked for the distance between the deck and lot line. Mr. Jefferies stated he did not have the exact number, but he thought it was about four feet. Mr. Clithero stated he thought it would be closer to two feet. Mr. Jefferies agreed it might be closer to two feet.

Chair Townsend asked if they would be interested in tabling this case to allow time to provide a more accurate description of the variance being requested. Ms. Black stated she would be agreeable to tabling this case. Mr. Jefferies suggested the variance be approved to the existing conditions and for any alterations to be restricted to a certain number of feet as well. Mr. Campbell noted that they required the deck to be reduced in size in the previous case.

Ms. John made a motion to table Case No. 1812 to the May 10, 2011 Board of Adjustment meeting. The motion was seconded by Mr. Campbell and approved unanimously by voice vote.

Chair Townsend suggested the fence issue be addressed as well when the applicant came back to the Board.

Chair Townsend continued the public hearing to the May 10, 2011 Board of Adjustment meeting.

Case Number 1813 was a request by Kerry Bush, attorney for Betty Houchin Winfield Revocable Living Trust, for a variance to the side yard setback requirement by allowing a reduced side yard so the structure can remain in its existing location on property located at 12 E. Clarkson Road.

Chair Townsend opened the public hearing.

Kerry Bush, an attorney with offices at 3315 Berrywood Drive, Suite 102, stated he was representing Betty Houchin Winfield, the trustee of the Betty Houchin Winfield Revocable Living Trust, and that they were requesting a variance to the side yard setback requirement so the structure located at 12 E. Clarkson Road could remain in its existing location. The building was constructed in approximately 1975 and continued to be situated in the same footprint today with no apparent affect on the general public’s safety or welfare. The property owner recently had the
subject property surveyed, which indicated a side yard encroachment. As a result, the property was in a non-conforming status and there appeared to be no practical remedy aside from the requested variance.

Betty Winfield, 12 E. Clarkson Road, provided a handout and explained she had purchased the property in 1990 and had refinanced it twice without any questions prior to this survey. She was requesting the Board grant a reduced east side yard of 1.5 feet to correct this error.

There being no further comment, Chair Townsend closed the public hearing.

Ms. Crigler noted this was an area variance and the Board needed to determine it was not self-imposed, was not the same as surrounding property and was due to the unique characteristics of the land itself.

Mr. Clithero made a motion to approve the variance as requested. The motion was seconded by Mr. Campbell.

**CASE NO. 1813 VOTE RECORDED AS FOLLOWS: VOTING YES: CLITHERO, CAMPBELL, GORMAN, JOHN, TOWNSEND. VOTING NO: NO ONE.** The variance was approved as requested.

**Case Number 1814 was a request by B. Daniel Simon, attorney for Campus Crest at Columbia, LLC, for a variance to requirement that no clearing of vegetation can occur within the eighty-three (83) foot vegetative buffer running alongside Rock Quarry Road by allowing grading and excavating within the required vegetative buffer on property located at 3204 Rock Quarry Road.**

Ms. Amin noted an e-mail had been received from Mariel Stephenson, who had indicated she opposed the request for the variance as it would set a bad precedent. Chair Townsend noted they had each received a copy of that e-mail.

Chair Townsend opened the public hearing.

Ashley Franz, an attorney with offices at 601 E. Broadway, stated she was representing Campus Crest of Columbia, LLC, the applicant and owner of the property located on the east side of Rock Quarry Road near its intersection with Grindstone Parkway. The property was zoned R-3 and had been zoned R-3 for many years. Campus Crest planned to erect The Grove, which was a substantial apartment complex, on the property. City staff had denied Campus Crest’s application to perform grading and excavating within the vegetative buffer of the scenic road setback for Rock Quarry Road because the Code of Ordinances indicated no clearing of vegetation could occur within the 83 foot vegetative buffer along Rock Quarry Road except for the causes cited in that section, which they did not meet, and because it was a scenic roadway subject to the scenic road overlay. Campus Crest was requesting the Board grant a variance to allow it to grade and excavate within the 83 foot buffer. The approval of this variance would allow the height of the retaining walls that were necessary due to the topography of the area to be reduced, making them less cumbersome and more aesthetically pleasing. Also, the current buffer consisted of weeds, grass and few scraggly trees. If the variance was granted, Campus Crest would agree to install substantial native landscaping in the area, which would provide more of a vegetative buffer than
presently existed. She provided exhibits for the record, which consisted of the application for the variance along with all of its exhibits, a certified copy of Section 29-21.2 and Section 29-31 of the Code of Ordinances, and the staff report.

Mr. Campbell asked if Exhibit 3 was the proposed landscaping plan or a figurative plan. Ms. Franz replied it was the proposed landscaping plan they intended to implement. Mr. Campbell asked what it included. He wondered if those were bushes or trees. Ms. Franz replied it was actually a mix, which would include pin oaks, pines, bushes, etc.

Ms. Franz noted the retaining walls would roughly run parallel to Rock Quarry Road. If grading was not allowed within the buffer, the maximum height of the retaining wall would be about 16 feet. If grading and the removal of existing vegetation were permitted, the height of the retaining walls could be reduced to about five feet.

Mr. Gorman asked where the retaining walls were located in reference to the 83 foot buffer. He wondered how close they would be to the road. Ms. Franz replied none of the grading would take place within the first 50 feet of the road. As a result, most of the grading would be taking place within the back 33 feet of the buffer, which was closest to the buildings. Mr. Gorman understood the retaining walls would be located in that stretch. Ms. Franz stated that was correct. Mr. Campbell asked for the height of the retaining walls. Ms. Franz replied they would be a maximum of 16 feet tall if grading was not allowed. If they were permitted to grade, they thought they could get it down to about five feet.

Ms. Franz stated Campus Crest was for permission to grade and excavate within the 83 foot vegetative buffer, and to remove the existing vegetative buffer. This would allow the height of the retaining wall to be reduced and the installation of a true buffer. She noted there was currently no vegetative buffer on the applicant’s land. It consisted of a few small trees, grass and weeds. The topography of the land was such that the placement of an apartment building required the installation of a higher retaining wall. If Campus Crest could grade within the buffer, the height of the retaining wall could be reduced. She stated the variance was being sought due to the unique character of the land and this was not common to other properties within the same zoning district. In addition, this was not self-imposed as the applicant had not caused the hardship. Approval of the variance would allow for substantial compliance with the zoning ordinances, the spirit of the zoning ordinances would be observed, and substantial justice would be done. She asked the Board to grant the variance conditioned upon the applicant’s installation of landscaping within the vegetative buffer pursuant to the landscaping plan in the application.

Mr. Campbell asked if this was a gated community.

Tim Crockett, an engineer with Crockett Engineering Consultants with offices at 2608 N. Stadium Boulevard, explained there was a fence around the perimeter of the property with gates at the entrances in conformance with City regulations.

Mr. Gorman noted the photos made the buffer look as though it was essentially an open field. Ms. Franz replied it was an open field at this time. Mr. Gorman asked if someone had already altered the buffer. Mr. Crockett replied this property had been in this state for many years. Mr. Gorman asked if the variance was not granted, if the 83 foot area would grow up into native and natural trees and shrubs. Mr. Crockett replied that was not likely because there were no adjacent species to seed the area.
Ms. John understood the 83 foot buffer had been in place when this property was purchased and asked what the owners expected. She wondered if it was purchased with the expectation of the Board granting a variance. Mr. Crockett replied the owners purchased the property with the intent of abiding by the regulation. They later realized that if they could grade part of the buffer area, they would be able to reduce the retaining wall and make it a better situation. They were prepared to develop and build the site without the variance. They just thought they could make it nicer if they were provided the variance. Ms. John asked where the retaining wall would be located. Mr. Crockett replied the retaining wall would be located a few feet outside of the buffer.

Chair Townsend asked if the fence in the pictures provided would be where the retaining wall would sit. Mr. Crockett replied that was a good representation of the location of the retaining wall. Chair Townsend understood behind the retaining wall would be a parking lot. Mr. Crockett stated that was correct.

Mr. Campbell understood the building footprints had already been poured, which appeared to be very close to the retaining wall. He was not sure how it would function without some grading. Mr. Crockett stated they had a site plan for the entire development that showed all of the building pads, parking lots, etc. He noted they had full City approval for site development. Mr. Campbell noted the floor that had been poured was close to the buffer. Mr. Crockett replied it might be close, but there was still room for an additional parking lot, driving lanes, parking stalls and the retaining wall to be located outside of the buffer area. Mr. White stated the parking lot would function without the granting of the variance. Mr. Crockett explained they felt they could bring the overlay district back to its intent by grading and planting native species in that area.

Chair Townsend asked what age of trees would be planted in the buffer. Mr. Crockett replied it depended on the species, but the intent was not to plant saplings. He thought they would be 2-3 inch trees that would have rapid growth in the first 4-5 seasons. Chair Townsend asked if the trees would provide a buffer between Rock Quarry Road and the development in terms of sight lines. Mr. Crockett replied yes. Mr. Campbell asked for the opacity. Mr. Crockett replied he thought this would exceed 80 percent opacity in the first 4-5 growing seasons. Mr. Campbell asked if this plan would be for 80 percent opacity. Mr. Crockett replied he thought it would and noted that could be made a requirement.

Mr. Campbell asked if the building would be at a 50 foot height since it was shown as four stories with a roof. Mr. Crockett replied he was not sure of the exact height.

Mr. Gorman understood there would still be sight lines into the development from Rock Quarry Road with 80 percent opacity. He asked if they knew the ultimate height of the plantings. Mr. Crockett replied he thought it depended on the species. Mr. Gorman asked for clarification regarding the 80 percent opacity. Mr. Crockett replied it meant only 20 percent of what was beyond the grouping of plantings would be visible at pedestrian height. Mr. Gorman noted he did not believe shrubs would block the view. Ms. John explained it depended on their height. Mr. Crockett agreed. Chair Townsend asked for the opacity if the grading was not done, but they had the retaining wall. Mr. Crockett replied it would be zero as they would be able to see everything because there would only be the fescue that was there now. He noted the buildings would be recessed so it would not take a 50 foot tall tree to shield the building.

Mr. Crockett pointed out the 83 foot buffer was measured from the centerline of Rock Quarry
Road, and the first 50 feet was the right-of-way. They were not doing anything in the right-of-way. It would remain flat as it was now. A sidewalk would be constructed on the outer edge of the right-of-way per City requirements. They would only be grading in the outer 33 feet.

Mr. Clithero asked if the sidewalk would be able to be put in without any grading. Mr. Crockett replied he believed it would.

Vicky Riback Wilson, 3201 Blackberry Lane, commented that the developers had been good in terms of working with the neighbors and in adhering to their requests for native planting and the spirit and the requirements of the scenic road. She noted she had a couple of concerns. She understood there would be more than a 22 degree grade in the 33 feet graded area, which was the outside limit in terms of erosion control, and as a result, she wanted to ensure the plantings would be sufficient to hold it. She explained she was appreciative of the fact there would be a five foot wall instead a 16 foot wall. She stated she understood there would be sediment pool and suggested ground cover in addition to the plantings or regular monitoring to ensure any erosion would not go into the gulley, which would eventually feed into the Hinkson. She also wondered if plantings or landscaping could be added to the area adjacent to Rock Quarry Road because the intent of the scenic road was to have vegetation as close as possible to road. She reiterated she wanted assurance there would be enough vegetation to safeguard against erosion and additional plantings in the flat area near the road to closely correspond to the intent of the scenic road ordinance.

Mr. Crockett explained the slope would not exceed what was allowed by the geotech report and noted there would be ground cover. They would not leave the area barren. In addition, the City would not provide a certificate of occupancy unless their measures were sustained and holding well. All of the erosion from this property would go into their retention basin. It would not get to her property. In terms of landscaping in the 50 foot right-of-way, he stated they did not have a problem with adding plantings to the area, but the City had not allowed landscaping in the right-of-way historically due to existing utilities and future roadway improvements.

Mr. Gorman asked if he had a suggestion on how to compromise the value of having plantings at the road while still accommodating utilities. Mr. Crockett replied they could put some plantings at the outer limits of the 50 foot right-of-way, if agreeable to the City.

There being no further comment, Chair Townsend closed the public hearing.

Ms. Crigler noted this was an area variance, which required the Board to determine the problem was unique to the property, not self-imposed and not the same as surrounding property.

Mr. Campbell commented that if there had been existing trees, he thought it would have been easy to make a decision, but since it was a grass field with no screening and the choice was between a 16 foot retaining wall and an eight foot retaining wall with better vegetation, the decision was more difficult.

Mr. Campbell made a motion to approve the variance as requested. The motion was seconded by Mr. Clithero.

Ms. John noted this was unique and specific to this site. She wanted to make it clear the Board would not expect to see other variances, such as this, for Rock Quarry Road.
Mr. Gorman asked if grading could be limited to the outer 33 feet and if they could require ground cover on the graded area and plantings between the graded area and the road. Mr. White explained they were currently required to have plantings. They could not leave the land bare once it was graded. Mr. Gorman asked if that would only apply to the 33 feet they were grading. Mr. White replied it would apply to any place they were doing work. He pointed out the retaining wall was recessed in the ground, so it would not necessarily be seen.

Ms. John asked if they could plant in areas they did not disturb. Mr. White replied yes, but if they planted in the right-of-way, there would be an issue of who maintained the plantings. He thought a right of use permit might be more appropriate. Mr. Creech noted another common concern was the fact whatever was planted would need to be removed if there was utility work or the road was widened. Chair Townsend pointed out he thought there was a gas line along there now as well.

Mr. Campbell asked if the City would require the 80 percent opacity and native plantings or if they needed to make that a condition of approval. Mr. Creech replied he thought it should be a condition of approval.

Chair Townsend noted he felt they had an opportunity to improve erosion control and reduce the face of the retaining walls, and as a result he was supportive.

Mr. Campbell revised his motion to approve the variance subject to the creation of a natural area that would be of 80 percent opacity and made largely from native plants. The revised motion was seconded by Mr. Clithero.

CASE NO. 1814 VOTE RECORDED AS FOLLOWS: VOTING YES: CLITHERO, CAMPBELL, GORMAN, JOHN, TOWNSEND. VOTING NO: NO ONE. The variance was approved subject to the creation of a natural area that would be of 80 percent opacity and made largely from native plants.

Case Number 1815 was a request by David and Laura Roloff for a variance to the side yard setback requirement by allowing a reduced side yard so a kitchen/dining room and garage addition can encroach into the required side yard on property located at 200 Edgewood Avenue.

Chair Townsend opened the public hearing.

David Roloff, 200 Edgewood, stated he and his wife had lived in the house for 19 years and that they loved the neighborhood. They wanted to add value to the house by building a two car garage and a pantry/mudroom, which was why they were requesting a variance. The addition would be approximately 6 feet by 30-40 feet. He referred to a diagram in the packet and noted they would only need the variance in the location of the addition. If they built the addition flush to the side of the house, they would lose the kitchen window and the glass door to the patio and would need to replace the bay window in dining room. In addition, they would have to remove a 40 foot tall Gingko tree. He explained the lot also sloped a little from the north to the south, and the further back they had to push the addition, the more expensive it would be to build the foundation. He noted they were also having difficulty matching the brick, and were told to try to bump out the garage so there was a natural transition between the existing and new material. He referred to
photos of the neighborhood included in the application and pointed out many homes were very close to the street.

Laura Roloff, 200 Edgewood, commented that the garages of the three neighbors on that block were facing Maupin, so this would match the character of the area.

Ms. John asked if the entire addition was just a garage. Ms. Roloff replied it was mostly a garage. They were adding a pantry area toward the back of the house as well, between the house and the garage. This would ensure their garage did not come out at the same place as the copper garage. In addition, this would allow for the expansion of the kitchen if they ever decided to do it.

Mr. Campbell stated the garage across Maupin from their home appeared to be close to the right-of-way and asked if they were aware of the distance. Mr. Roloff replied he thought it was two feet.

Ms. John commented that based on the photograph provided, she was not sure they would be able to save the Gingko tree due to the drip line.

There being no further comment, Chair Townsend closed the public hearing.

Mr. Paneck stated his letter explained how he derived the required side yard since he could not establish a median. He determined it was 12.5 feet, which was close to the location of the structure.

Ms. Crigler noted this was an area variance, and to grant the variance the Board needed to determine the problem was unique to the property, not self-created and not the same as surrounding properties.

Mr. Campbell pointed out he lived at 905 Edgewood, which was seven blocks south of this location, and in view of the garage built across the street, he thought it would fit in with the neighborhood.

Mr. Campbell made a motion to approve the variance as requested. The motion was seconded by Mr. Gorman.

CASE NO. 1815 VOTE RECORDED AS FOLLOWS: VOTING YES: CLITHERO, CAMPBELL, GORMAN, JOHN, TOWNSEND. VOTING NO: NO ONE. The variance was approved as requested.

There being no further business, the meeting adjourned at 8:28 p.m.

Respectfully Submitted,

Sheela Amin
City Clerk