

BOARD OF ADJUSTMENTS MINUTES

July 7, 2010

Item 1 call to order

The meeting was called to order by Chairman Max Gasaway at 6:30pm. Members present were Jim Clemmons, Colleen Ellis, and Sharon Miller. Joyce McKee was absent.

Item 2 public hearing

- a. The variance is needed to allow the construction of the intended improvements so as to allow efficient use of limited square footage in the development and to maximize the potential tax revenues available for the City. The intended use for lot one is a grocery store. The intended use of lot two is a multi-tenant strip shopping center. The requested change would call for the side yard setback to be eliminated between lot one and lot two. A motion was made by Jim Clemmons to approve requirement 400.170.C.1. The motion was seconded by Sharon Miller. A roll call vote was taken with Jim Clemmons aye, Colleen Ellis aye, Max Gasaway aye, Joyce McKee absent, and Sharon Miller aye. Motion passed.
- b. This is not applicable to other property in the same zoning classification because this only applies to construction that is particular to those two lots because the construction is effectively for one large structure that happens to be owned by two parties that have planned it out as a concerted effort. A motion was made by Sharon Miller to approve requirement 400.170.C.2. The motion was seconded by Max Gasaway. A roll call vote was taken with Jim Clemmons aye, Colleen Ellis aye, Max Gasaway aye, Joyce McKee absent, and Sharon Miller aye. Motion passed.
- c. The return on the property is severely limited and reduced by the side yard setback. If the variance is not allowed, the buildings will be significantly smaller, fewer sales, and diminished sales and property tax revenues. A motion was made by Colleen Ellis to approve requirement 400.170.C.3. The motion was seconded by Jim Clemmons. A roll call vote was taken with Jim Clemmons aye, Colleen Ellis aye, Max Gasaway aye, Joyce McKee absent, and Sharon Miller aye. Motion passed.
- d. The hardship is related directly to the applicant's development of the land and not personal circumstances. A motion was made by Colleen Ellis to approve requirement 400.170.C.4. The motion was seconded by Jim Clemmons. A roll call vote was taken with Jim Clemmons aye, Colleen Ellis aye, Max Gasaway aye, Joyce McKee absent, and Sharon Miller aye. Motion passed.
- e. The hardship is not created by the applicant, but is needed to effectively develop the property. A motion was made by Sharon Miller to approve requirement 400.170.C.5. The motion was seconded by Jim Clemmons. A roll call vote was taken with Jim Clemmons aye, Colleen Ellis aye, Max Gasaway aye, Joyce McKee absent, and Sharon Miller aye. Motion passed.
- f. The variance will not be detrimental to the public welfare or injurious to other property in the area. A motion was made by Sharon Miller to approve requirement 400.170.C.6. The motion was seconded by Colleen Ellis. A roll call vote was taken with Jim Clemmons aye, Colleen Ellis aye, Max Gasaway aye, Joyce McKee absent, and Sharon Miller aye. Motion passed.

Item 3 motion concerning variance request

A motion was made by Sharon Miller to grant the requested zoning variance of case #10-03ZV. The motion was seconded by Jim Clemmons. A roll call vote was taken with Jim Clemmons aye, Colleen Ellis aye, Max Gasaway aye, Joyce McKee absent, and Sharon Miller aye. Motion passed.

Item 4 adjournment

Chairman Max Gasaway adjourned the meeting and released all members at 7:01pm.

_____ Max Gasaway, Chairman _____ Date

ATTEST:

_____ Susan R Diehl, CMC/MRCC _____ Date