

# MINUTES

Lowell Board of Adjustment  
Tuesday, April 2, 2019, 6:00 P.M.

## I. CALL TO ORDER AND DETERMINATION OF A QUORUM

Chairperson Vieta Benson called the meeting to order at 6:00 p.m. Those attending were Dick Roberts, Mike Harris, John Cantrell, and Arnold Hensley. Bill Stegall was absent. Staff present were Scott Attaway, and City Clerk Beverly Harris. A quorum of the Board of Adjustment was determined.

## II. ADOPTION OF AGENDA FOR THIS MEETING

John Cantrell made a motion to adopt the agenda for the meeting, followed by a second from Mike Harris. The vote was unanimous.

## III. VARIANCE APPLICATION V19-01: Request for reduction of the front yard setback of 5.5 feet.

John Cantrell made a motion to go into Public Hearing for the Variance Application V19-01: Request for reduction of the front yard setback of 5.5 feet, followed by a second from Dick Roberts. The vote was unanimous.

The applicant, Rusty Smith, with True Homes, stated True Homes was requesting a variance of Section 7.1-2(C) Front Yard Setback, of the Lowell Unified Development Ordinance (UDO). The applicant proposed an encroachment of 5.5 feet into the front yard setback of 5128 Meadow Woods Drive (PID #300033). Scott Attaway stated this section of the UDO requires a minimum of 25 feet front yard setback.

The applicant stated the following four findings of facts answers:

### **Finding #1:**

Describe how an unnecessary hardship would result from the strict application of the ordinance.

*Applicant answer:* The house would not be able to be constructed. The inlet for the drainage easement located at the back left will now allow compaction of the soft soils.

### **Finding #2:**

Describe how the hardship results from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

*Applicant answer:* This lot is unique due to the existing topography and the storm drain easement in the rear of the lot.

### **Finding #3:**

Does the hardship result from actions taken by the applicant or the property owner?

*Applicant answer:* No.

**Finding #4:**

Describe how 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.

*Applicant answer:* The spirit, purpose and intent is to create a consistent neighborhood feel. The location, proposed, of this home preserves the spirit of ordinance. In addition, public safety is secured by not restricting access to the subject, and surrounding properties, or emergency services. Substantial justice is achieved by allowing an approved lot to be constructed on.

There were no further public comments.

**Finding #1:**

Mike Harris made a motion to approve the variance application because the drainage easement is presenting a hardship and the house could not be built without allowing the easement, followed by a second from Dick Roberts. The vote was unanimous.

**Finding #2:**

Dick Roberts made a motion to approve the variance application due to the uniqueness of the lot and the storm drain easement, followed by a second from John Cantrell. The vote was unanimous.

**Finding #3:**

John Cantrell made a motion to approve the variance application due the hardship not resulting from actions taken by the applicant or the property owner, followed by a second from Mike Harris. The vote was unanimous.

**Finding #4:**

Dick Roberts made a motion to approve the variance application due to the consistency of the spirit, purpose, and intent of the ordinance, followed by a second from John Cantrell. The vote was unanimous.

John Cantrell made a motion to close the Public Hearing, followed by a second from Mike Harris. The vote was unanimous. The public hearing closed at 6:20 pm.

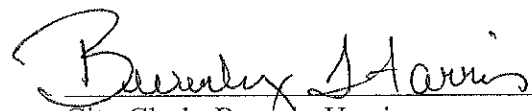
The chairperson stated all four findings had been approved by the Planning Board.

Mike Harris made a motion to grant the variance application (V19-01) requesting a reduction of the front yard setback of 5.5 feet for 5128 Meadow Woods Drive, followed by a second from John Cantrell. The vote was unanimous.

**IV. ADJOURN**

Dick Roberts made a motion to adjourn the meeting, followed by a second from John Cantrell. The vote was unanimous. The meeting ended at 6:22 pm.

  
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Chairperson, Vieta Benson

  
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City Clerk, Beverly Harris