

CITY OF DE SOTO
BOARD OF ZONING APPEALS
City Hall, 32905 West 84th Street
Tuesday, March 22nd, 2005, 6:30 P.M.

MINUTES

1. The meeting was called to order by Chairman Joe Webb at 6:30 p.m.

2. Roll Call: Sedgwick Present
 Zimmerman Present
 Webb Present

Staff present are Mike Brungardt, City Engineer; Patrick Reavey, City Attorney; and Triveece Harvey, Planning Consultant.

3. Agenda Items:

- A. Consider a variance to Article 4 of the Zoning Regulations defining minimum side yard setback requirements in the 'R-0' Residential – Suburban district for a parcel located at 8950 Hillview Drive.

Chairman Webb asked Mr. Hoschouer to state his request for the Board. Mr. Hoschouer explained that he has a small lawncare business and he has a small trailer and it would be easier to pull the trailer into a garage that is in a straight line. He said his house sits a little below the road and there is an approximate 30 feet of slope. If the proposed building is moved any closer to the house, it could cause a drainage problem. They would also have to move the driveway if the garage is placed closer to the house.

Mr. Zimmerman asked the applicant if they have an attached garage on their house now. The applicant stated there is a two-car garage attached to the house. Discussion by Mr. Sedgwick on the applicant's reason for the requested variance. Discussion by Mr. Sedgwick and Mr. Hoschouer regarding the drainage concerns voiced by the applicant. Mrs. Hoschouer stated if the proposed garage is placed closer to the house, the retaining wall would have to be torn out and moved and that could create a drainage problem. Mr. Hoschouer stated the present drainage wall probably extends approximately 10 to 12 feet. Chairman Webb asked about the proposed garage being moved further west. Mr. Hoschouer stated it could be moved a little west and further south, but it would be going into the drainage area, and possibly into the lateral field.

Chairman Webb opened the public hearing at 6:42 p.m.

Rick Curtis, 8972 Hillview, stated he lives south of Hoschouer's residence. He is in support of the Hoschouer's putting in their proposed garage. Mr. Curtis stated his other neighbor built after the City annexed the property and subsequently built a detached

garage within twenty (20) feet of his property line. Mr. Curtis stated the water runs off into his driveway from the adjoining property due to the way the garage was built. This garage was built without any notification to the neighbors and has yet to put in a paved driveway per the City's regulations. Mr. Curtis stated the Hoschouer's proposed garage would be better than this one.

Mr. Sedgwick asked Mr. Hoschouer what his driveway is composed of. Mr. Hoschouer stated it is AB3 as the County did not require anything paved when he built his home.

Tom Irish, 8935 Hillview Drive. Mr. Irish stated the Hoschouer's have a very nice home and want to get the most use of the space, as well as keep the equipment inside of a cover. He feels this will still leave an attractive area and the view will not be obstructive to the neighbors. Mr. Irish stated he hopes the Board will approve the variance.

Chairman Webb closed the public hearing and read the six criteria aloud for the Board. He reminded the audience that this Board is required to follow state statute in reviewing these six factors. All six factors must have a majority "yes" vote to approve a variance.

Chairman Webb asked about the minimum variance that could be granted in order to satisfy the request. He discussed this with the applicant. Mr. Hoschouer said it is possible to build a smaller building by a couple of feet on the width. He stated the plan now calls for two ten-foot doors. He could build a 26-foot wide garage. Discussion by the Board with Mr. Hoschouer.

Mrs. Hoschouer asked about the setback requirements for their property. Chairman Webb explained it is the "R-O" zoning criteria. Mr. Brungardt explained the zoning descriptions. Discussion by Mr. Irish regarding the setback requirements. Comments from Mr. Curtis regarding no opposition from the neighbors on Mr. Hoschouer's request.

Mr. Brungardt stated he did meet with one homeowner that borders Mr. Hoschouer's property. Mr. Brungardt stated the homeowner did come in and talk to staff. Discussion by Chairman Webb regarding the amount of ground behind the house and the closeness to the lateral field and the mound system. Board discussion with Mr. Hoschouer and Mr. Brungardt on the location. Discussion by Mr. Sedgwick on the minimum setback and the lineup with the current driveway. Board discussion.

A. Uniqueness:	Sedgwick	Yes
	Zimmerman	Yes
	Webb	No
B. Adjacent Property:	Sedgwick	Yes
	Zimmerman	Yes
	Webb	Yes
C. Hardship:	Sedgwick	Yes
	Zimmerman	Yes

		Webb	Yes
D.	Public Interest:	Sedgwick	Yes
		Zimmerman	Yes
		Webb	Yes
E.	Spirit and Intent:	Sedgwick	Yes
		Zimmerman	Yes
		Webb	No
F.	Minimum Variance:	Sedgwick	Yes
		Zimmerman	Yes
		Webb	No

Motion by Mr. Sedgwick that the variance be granted as requested; second by Zimmerman.

	Sedgwick	Yes
	Zimmerman	Yes
	Webb	No

The variance is granted.

Mr. Brungardt introduced Ms. Triveece Harvey, Planning Consultant, to the Board.

4. Motion for adjournment by Mr. Sedgwick at 7:12 p.m.; second by Zimmerman. All board members approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk