

CITY OF DE SOTO
BOARD OF ZONING APPEALS

City Hall, 32905 West 84th Street
Monday, June 25, 2007, 6:30 P.M.

MINUTES

1. The meeting was called to order by Board Member Bill Sedgwick.
2. Roll Call: Brazukas Present
 Sedgwick Present
 Zimmerman Present

City staff present: Patrick Reavey, City Attorney, and Kim Buttrum, City Planner.
The applicant, Mr. Phil Holden, is present.

3. Agenda Items:

- A. Consider a variance to Section 3 of Article 5 of the Zoning Regulations stating that no accessory structure shall be erected in any required or established front yard. The variance is requested for a 2.6 acre parcel located at 33855 W. 95th Street. Mr. Sedgwick reviewed the Board's responsibilities in the determination of a variance. He briefly outlined the six factors that must be considered by the Board.

Planner Buttrum discussed the property described as a "flag" lot. She outlined the comments made in the staff report and the attachments, dated June 22, 2007.

1. Uniqueness: The property is gently sloping back toward the creek in the back yard. Due to the difficulty in siting the driveway and/or building next to the home or in the backyard because of the need to relocate utilities or remove dense stands of mature trees, staff finds the property is unique and presents a practical difficulty in conforming with the provision in Article 5 of the Zoning Regulations. Staff's finding relating to uniqueness is therefore positive, in favor of granting the variance.

2. Adjacent Property: The potential detriment to area property owners is limited to visual impacts caused by the accessory building being located in front of the residence. The accessory building is to be located approximately 750 feet from the nearest roadway, and the visual impacts as viewed from the roadway are negligible. Staff's finding relating to adjacent properties is therefore positive, in favor of granting the variance.

3. Hardship: As previously discussed, it would be much more costly and difficult to locate the accessory building beside or behind the residence. There is somewhat of an argument that a strict application of the Zoning Regulations creates a hardship in that the applicant would experience the loss of many mature trees to construct an accessory building outside of an area that is not

viewed by neighbors or passersby. Staff's finding relating to hardship is therefore neutral, neither in favor of or against granting the variance.

4. Public Interest: The 720 square foot building is not found to be overly large, or closer to the property line or the roadway as compared with other accessory buildings in the area. Staff's finding relating to public interest is therefore positive, in favor of granting the variance.

5. Spirit and Intent: In the applicant's case, staff finds there are prohibitive problems locating the building outside of the front yard, and also given the proposed building's distance from the roadway and neighboring properties, along with the quality design and building materials for the structure itself, all lead to a favorable conclusion. Staff's finding relating to the spirit and intent of the Zoning Regulations is therefore positive, in favor of granting the variance.

6. Minimum Variance: According to the site plan submitted, the requested variance is approximately 25 feet from the front wall of the residence and just beyond a large stand of evergreen trees. Staff's finding relating to the minimum variance is therefore neutral, neither in favor of or against granting the variance.

Attorney Reavey asked Planner Buttrum and the applicant if letters were sent to the adjacent property owners. They answered in the affirmative and Planner Buttrum stated no responses were received by staff. Mr. Holden said he just wants to build a garage to keep his vehicle in. No further comments by the Board or staff.

Mr. Sedgwick called for a vote on the criteria.

A.	Uniqueness:	Brazukas	Yes
		Sedgwick	Yes
		Zimmerman	Yes
B.	Adjacent Property:	Brazukas	Yes
		Sedgwick	Yes
		Zimmerman	Yes
C.	Hardship:	Brazukas	Yes
		Sedgwick	Yes
		Zimmerman	Yes
D.	Public Interest:	Brazukas	Yes
		Sedgwick	Yes
		Zimmerman	Yes
E.	Spirit and Intent:	Brazukas	Yes
		Sedgwick	Yes
		Zimmerman	Yes
F.	Minimum Variance	Brazukas	Yes
		Sedgwick	Yes
		Zimmerman	Yes

Mr. Sedgwick asked the applicant if he has any intent to connect the garage to the other structure. Mr. Holden stated that he does not plan to do that.

Motion by Brazukas to grant the minimum variance allowing for encroachment within the established front yard not to exceed 75 feet; second by Zimmerman.

All board members voted by "ayes". None opposed.

Variance was granted.

Mr. Holden thanked the Board and staff.

Motion by Zimmerman to adjourn at 7:00 p.m.; second by Brazukas.

All board members approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk