

**BOARD OF ZONING APPEALS MINUTES
AUGUST 15TH, 2013**

The Board of Zoning Appeals met in the Council Chamber at Bartlett City Hall on Thursday, August 15th, 2013 at 6:30 p.m. for a regular meeting. Alderman David Parsons presided over the meeting.

The following members were present:

Alderman David Parsons
Russ Abernathy
Bill Simpson
Henry Miller
Charles Jowers

Members Absent:

The following advisors were present: Terry Emerick, Director of Planning; Kim Taylor, Planner; Jim Brown, Director, Code Enforcement and Ed McKenney, City Attorney.

Mr. Abernathy made a motion to approve the minutes from the July 18th, 2013 regular meeting. Mr. Simpson seconded the motion. Roll Call Vote: All members voted yes. The minutes were approved.

**NEW BUSINESS
PUBLIC HEARING**

- 1. Adrienne Manson, Kelly McGuire Construction, is requesting a variance to allow an attached screened porch at the rear of the residence located at 3930 Gila Drive, Bartlett, to encroach into the rear yard setback. The property is located within the RS-10 Single Family Residential Zoning District.**

Adrienne Manson with Kelly McGuire Construction on behalf of Mike and Rebecca Means, property owners of 3930 Gila Drive, is requesting a variance to allow a proposed building addition (enclosed porch) to the principal structure to encroach into the rear yard setback by seven (7)-feet.

The subject property is located in the Daybreak Subdivision on lot 698 within the “RS-10” residential zoning district. The principal structure is located on an irregular shaped lot with a drainage easement along the east property line and at the southwest corner of the property. Surrounding neighbors on Tamara Drive and Tamara Cove are elevated approximately eight (8) feet higher than the subject property.

According to Article V, Section 6, Chart 2 of the Bartlett Zoning Ordinance, residential properties within the “RS-10” zoning district are required to have a minimum rear yard setback of twenty-five feet.

Should the Board of Zoning Appeals approve this variance, a seven (7)-foot, rear yard encroachment would be allowed, resulting in an eighteen (18)-foot rear yard setback for said building addition.
onditions:

1. There is an existing storage shed on the property that appears to be located within the five (5)-foot utility setback. This building shall be relocated to be in compliance with both the Zoning Ordinance and the utility easement setback requirements.

Mr. Emerick stated the property has two things to consider – it is an irregular lot with five sides and it has and a dropoff in the rear which erosion has washed due to drainage flowing across the rear from other properties reducing the usable rear yard area.

Mr. Brown came forward to talk about the accessory structures. Two are allowed in this area. However, the addition would be attached to the house so it is not considered an accessory. The storage shed, however, will need to be removed or moved to be within the setback requirements.

Hearing Opened at 6:38 p.m.

One letter is in the packets but no calls were received. The applicant brought forward five other letters which were for the approval of the variance.

- Don Denelsbeck, 3911 Tamara Drive
- Jeff White, 3936 Gila Drive
- Wes and Kim Cannon, 3922 Gila Drive
- Amy Alexander, 6158 Tamara Cove
- Kathy Jones, 3915 Tamara Cove
- Eric Helms, 3912 Gila Drive

Chairman requested anyone wishing to speak against this application to come forward to the podium. Seeing none,

Chairman requested anyone wishing to speak in favor of this application to come forward to the podium. Seeing none,

Chairman requested the applicants to come forward to the podium and state their names and give an explanation of their request. Ms. Adrienne Manson, Kelly McGuire Construction, came forward. She presented five letters (as listed above) who expressed approval of the variance. She talked about the addition that it will be finished, roofed, to match the house. Lumber will be stained. Will not be an aluminum structure and will look real sharp. Talked about the erosion of the back area where there is a drainage easement leaving less back yard area to use. Mr. Means was present but did not come forward to speak.

Board moved to discussion.

Hearing Closed at 6:43 p.m.

Chairman requested a motion.

Motion was made by Russ Abernathy to approve the application for the variance based on the fact that the applicant has met the requirements of the applicable ordinances; that the reasons set forth justify the granting of the variance; that the variance is the minimum variance that will make possible the reasonable use of this property; and the general purpose and intent of the zoning ordinance and will not be injurious to the neighborhood or detrimental to the public welfare. We are granting a seven (7) foot variance and this structure will not be heated, cooled or enclosed at any time. Code Enforcement should check the accessory structures on the property. This setback variance is for this screened area only, not the entire lot. Mr. Jowers seconded the motion. Roll Call Vote: All members voted yes. Motion was carried.

There being no further business, the meeting was adjourned at 6:47 p.m.

Respectfully submitted by Kit Markham, Administrative Secretary