

**BOARD OF ZONING APPEALS  
MEETING  
JULY 22, 2008**

**MEMBERS PRESENT:** Lynne Matthews, Chairman  
David Brower, Larry Hofmeister, James McClary

**MEMBERS ABSENT:** Henry Bauman, Randy Fassett, Richard Kilmer

**OTHERS PRESENT:** Teri Tubbs, Zoning Official  
Lisa Hannon, Zoning Coordinator  
Rob Berntsson

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - August 26, 2008
- C. Last Scheduled Meeting - June 24, 2008

**APPROVAL OF MINUTES**

- A. Meeting of June 24, 2008
  - Ms. Matthews noted corrections on pages 2, 3 and 5.
  - Mr. McClary MOVED, Mr. Hofmeister SECONDED approval of the June 24, 2008 minutes as amended. MOTION CARRIED UNANIMOUSLY.

**OLD BUSINESS**

- A. Results of City Council Action on July 9, 2008
  - 1. V-04-08 - 101 Donna Court - Request for a variance to the Land Development Regulations per Section 26-16.10, page 26-196, of the City Code for new construction to allow a 15 foot rear yard water side setback for a pool and pool enclosure instead of 20 feet as required by City Code Section 26-3.13(d), page 26-26, for a new home and pool.
    - Ms. Teri Tubbs, Zoning Official, announced City Council had denied V-04-08.
  - 2. V-05-08 - Request for a variance to the Land Development Regulations by Eileen Cavanaugh, Agent for Plaza Camille, per Section 26-16.10, page 26-196, of the City Code to allow non-conforming signs to be re-established on an existing non-conforming sign structure that is 19 feet in height and 106 square feet in area, instead of 5 feet in height and 16 square feet in area, as is required in the City Center Zoning District per Section 26-11.4(e)(7)(a), page 26-126.
    - Ms. Tubbs announced City Council had approved V-05-08 with the following conditions: (1) no single sign shall be larger than 24" by 72"; total area permitted for up to 11 sign faces shall not exceed 66 square feet as was approved on the original

sign structure; the variance may continue only with the current use; if the building is ever demolished, the signs and sign structure must also be removed.

- Ms. Matthews then announced City Council planned to institute a new policy where board/ committee members would be permitted three absences in a twelve month period before being required to forfeit their seats, stating same would become effective in August 2008. She explained another City board had experienced a problem where lack of a quorum of members had resulted in cancellation of a public hearing due to the legal requirements related to the publication of same.
- Mr. McClary clarified there would be no excused absences.
- Ms. Matthews agreed, asking members to contact the City Clerk's Office or herself if they would be unable to attend in order to ensure a quorum was present.
- Mr. Hofmeister opined this policy was long overdue.

#### **NEW BUSINESS**

- Recording Secretary Kelly swore in all participants.
- A. Public Hearing
- 1. V-06-08 - 123 East Retta Esplanade - Request for a variance to the Land Development Regulations per Section 26-16.10, page 26-196, of the City Code to allow 3 driveways to enter a single street from a single property instead of 2 as permitted per City Code Section 26-16.6(c)(2)b, page 26-185; and to allow a driveway to be located 25 feet from intersecting right-of-way lines instead of 40 feet as required per City Code Section 26-16.6(d)(1)g, page 26-187.
- Ms. Tubbs displayed an overhead of the site location, as delineated in the agenda material, stating the request was a result of the applicant dedicating additional right-of-way (ROW) to the City and would permit additional parking spaces to be available for businesses. She mentioned this proposed dedication was voluntarily offered by Mr. Dean Stainton, owner of the property immediately adjacent to the alley, along with installation of a parking lot. She noted the building previously at this location had been demolished. She announced Mr. Stainton had also agreed to provide a construction easement on his property for the City's use during the resurfacing and drainage configuration of the alley. She advised Mr. Stainton had also offered to give up 12 feet of his own property to widen the corner, pointing out same on the overhead, which would in effect move the alley over 7 feet. She clarified the alley would be widened to 20 feet, making it capable of handling 2-way traffic. She pointed out parking in the area was somewhat limited given the configuration of both the Wyvern Hotel and Mr. Stainton's business, Dean's South of the Border, adding the Development Review Committee (DRC) recommended approval from a technical

standpoint. She entered the Staff Report provided in the Commission's agenda material into the record, recommending approval contingent upon the following: variance to become effective upon receipt of dedication of a strip of land to the City to be used to widen the travel lane in the alley including the utility easement area for existing storm water lines and drains; the area to be dedicated is 12 feet wide at the corner of East Retta Esplanade and gradually tapers to 5 feet wide at the end of the property as depicted on the conceptual parking plan.

- Mr. McClary questioned the location of the main entrance to the Wyvern Hotel.
- Ms. Tubbs pointed out the Retta Esplanade access point on the overhead, noting the Wyvern Hotel would provide valet parking.
- Ms. Matthews questioned the area on the overhead marked with diagonal lines.
- Ms. Tubbs replied same was the pedestrian sidewalk as well as the handicap accessible route.
- Ms. Matthews pointed out the left side of the parking area, asking if same were "dead ends."
- Ms. Tubbs replied affirmatively.
- Ms. Matthews clarified there would be only one ingress and egress on each of the three parking sections.
- Mr. McClary commented same maximized the number of parking spaces.
- Mr. Hofmeister requested clarification of the note indicating "future building."
- Ms. Tubbs explained the applicant had discussed the possibility of constructing a multi-story building at some point in the future.
- Ms. Matthews questioned ownership of the land between Dean's and the Wyvern Hotel.
- Mr. Rob Berntsson, applicant's legal representative, replied that section of land was owned by the Wyvern Hotel.
- Ms. Matthews asked if the parking area would be shared.
- Ms. Tubbs replied she believed the Wyvern Hotel would be leasing some spaces from Mr. Stainton.
- Mr. Berntsson thanked the Commission for their consideration of this request. He explained the alley was essentially being shifted, resulting in a small portion being vacated and a larger portion being dedicated. He submitted all criteria necessary for the granting of a variance had been met, respectfully requesting approval.
- Mr. McClary confirmed Retta Esplanade was a two way street. He expressed concern with traffic backing up when driving up to the unloading area due to the small area size.

- Ms. Tubbs expressed uncertainty with regard to actual dimensions; however, she confirmed the plans had been thoroughly reviewed by both the Police and Fire Departments.
- Mr. McClary clarified he was not troubled by this application; however, he wished to ensure there would be no massive congestion when a group of people were attempting to check in to the Wyvern Hotel.
- Mr. Berntsson opined this would be a practical situation, reiterating valet parking would be available.
- Mr. Hofmeister commented he had driven through this alley several times in an effort to patronize Dean's South of the Border and had been unsuccessful due to lack of parking, stating he believed any improvements to this area would be welcome.
- Ms. Matthews called three times for anyone to speak on V-06-08.
- Mr. Hofmeister MOVED, Mr. Brower SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Hofmeister MOVED, Mr. McClary SECONDED to recommend approval of V-06-08 based upon the evidence and testimony contingent upon staff's recommended conditions as stated this date. MOTION CARRIED UNANIMOUSLY.

**MEMBER COMMENTS**

- Ms. Matthews noted Mr. Rose and Mr. Bauman had advised her they would be unable to be present this date.

**ADJOURNMENT**

- Meeting Adjourned: 4:27 p.m.

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Lynne Matthews, Chairman

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Mary Kelly, Recording Secretary