

**MINUTES  
BOARD OF ADJUSTMENT  
MONDAY, APRIL 25, 2011  
4:00 PM**

The meeting was called to order at approximately 4:03 PM with the following members and staff present:

**Board of Adjustment**

George Whitlock, Chairman  
Michael Pooser

Shirley Brown  
Russ Summers

RoseAnne Collins

**Arcadia City Staff**

City Recorder Dana Williams  
City Attorney Jason Henbest

Assistant City Administrator Judi Jankosky

**1. CONSIDERATION OF VARIANCE REQUEST AT 107 MCKINLEY STREET (KATHRYN TURNER)**

Mr. Earl Hill, the contractor for the CDBG housing rehab project at 107 McKinley Street, explained the need for this side setback variance. He explained the lot is 35' and the proposed structure is about 1' short of meeting the side setback requirements of 50'. He added although this is a lot of record, it is a non-conforming lot.

The Chairman opened a public hearing to receive comments. Mr. Albert Morrison questioned the nature of the notification letter he received. The City Recorder and members of the Board explained to him the statutory provision for notification due to the proximity of his property with the subject property.

Mr. Willie Lee Jones asked what was being proposed for the property. The Chairman explained the housing grant and specifics related to it.

Hearing no others, the Chairman closed the public hearing.

On motion of Michael Pooser and seconded by Shirley Brown, the Board voted unanimously, 5-0, to recommend to the City Council approval of the side setback variance for 107 McKinley Street.

**2. CONSIDERATION OF VARIANCE REQUEST AT 518 BOND STREET (BARBARA WOODERS)**

Mr. Hill next explained a similar request at 518 Bond Street. He stated the lot size is a mere 43'x50' but that according to the signed contract, he is to construct a 1000 sf home. Mr. Hill noted that originally the property was 50' x 140' but that a previous owner had subdivided into three smaller lots, with this particular address being the center lot. He went on to say that typically a 1000 sf home requires a 24'x42' parcel but that in doing so for this piece, there would be only a .5' front and rear setback. When asked, Mr. Hill explained the current home is 24'x32' for a total of 768'.

Mr. Summers asked about the minimum code requirements for a home. The Assistant City Administrator stated it was 600' sf. Mr. Summers then stated his understanding that the signed contract and minimum standards for the CDBG housing was 1000' sf.

Mr. Whitlock discussed the division of lots which predated the zoning code and that how most lots are 100' or more in depth. He also felt if the CDBG housing requirements were a minimum of 1000' sf and the grant administrators were not present to authorize an exception to those requirements and subsequent contract for construction, then it would be premature of this Board to make a determination on the variance.

Discussion followed on the particulars of this construction and variance, to include the limitations of parking and emergency vehicle access if granted.

The chairman opened a public hearing. Mr. Roy McIntosh asked how the construction would affect his property at the corner of Alabama and Bond. There would be no impact.

Ms. Betsy McBell, the granddaughter of the applicant, stated the two adjoining property owners would allow Ms. Wooders to take some of their side yards in order to provide her decent housing. The Chairman, acknowledging this was a kind gesture, stated that would not solve the problem in that to do so would compromise those lots' side setbacks and essentially render them useless.

Mr. Willie Lee Jones suggested the City should, at some point down the line, combine the lots or forever run into this problem.

Mr. Albert Morrison asked for a point of clarification on the siting of the proposed house on this parcel. Hearing no others, the Chairman closed the public hearing portion.

The City Attorney cautioned the Board not to recommend anything that would result in additional useless or unbuildable property as it may appear as if it were a "taking."

Mr. Pooser stated he was wary to recommend this variance to the Council for fear of establishing a precedent and that he would prefer to hear from the grant administrators on their ruling prior to making a decision, adding any decision of the Board may be moot.

Mr. Ernest Hewett spoke about zoning regulations from the State and the creation of a hardship. He also addressed how variances were handled post hurricane as an act of God.

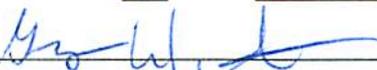
On motion of Michael Pooser with a second by Shirley Brown, the Board voted unanimously, 5-0, to continue this item to a date certain of May 10, 2011 at 4 PM to allow the contractor to secure a decision from the grant administrator as to minimum size requirements and to provide sketches for the proposed placement.

**ADJOURN**

Having no further business at this time, the meeting was adjourned at 4:55 PM.

APPROVED THIS 24<sup>TH</sup> DAY OF MAY 2011.

By:



George Whitlock, Chairman

ATTEST:

  
Dana L.S. Williams, CMC, City Recorder