

1 Minutes of the Centerville **Board of Adjustments** meeting held Tuesday, October 8, 2024, at
2 5:30 p.m. with participants present at Centerville City Hall, 250 North Main Street.

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4 **MEMBERS PRESENT**

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6 Brian Hulse, Chair
7 David Hirschi
8 Paula Tew
9 Scott Sappenfield
10 David Ditto

11
12 **STAFF PRESENT**

13 Mike Eggett, Community Development Director
14 Lisa Romney, City Attorney
15 Sydney DeWees, Planner
16 Jennifer Robison, City Recorder

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18 **VISITORS**

19 R. Cory Money
20 Becky Money

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22
23 **PROPERTY VARIANCE REQUEST – 355 SOUTH 160 WEST – FRONT YARD**
24 **ACCESSORY BUILDING ADDITION ON NONCONFORMING LOT**

25
26 Community Development Director Mike Eggett outlined the specifics of the variance
27 request, which initially involved continuation of construction attached to an existing accessory
28 building on the nonconforming lot. It was highlighted that the original home was built in 1947, with
29 various permitted expansions. The variance was necessitated by the identification of
30 nonconformance with existing zoning codes.

31
32 There was discussion regarding historical variances granted in 2001 which had allowed a
33 structure in the current location but violated setback requirements. The typical setbacks for this
34 zone were specified, emphasizing required distances for different structures when adjacent to
35 property lines.

36
37 Ms. Romney suggested that if the Board were to grant the variance, they should specify
38 how close to the property line the structure could be permitted, mentioning that any decision
39 should also consider meeting specific building codes related to structural proximity to neighboring
40 structures.

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42 R. Cory Money, applicant, elaborated on personal circumstances, expressing their desire
43 to construct a hobby woodshop. He explained the inadvertent start of construction without full
44 permits, offering clarifications on existing conditions and addressing neighbor proximity concerns.

45
46 The Board discussed adding a requirement that it should be six feet from all buildings, but
47 following deliberations, changed it to six feet from all main buildings because of the location of
48 the shed on the neighboring property and the existing garage.

49
50 Board member Tew **moved** to approve the request for a variance to allow the continuation
51 of an accessory building addition in compliance with the minimum setback requirements for the
52 existing accessory garage for the property located at 355 South 160 West within the Residential-
53 Low (R-L) Zone, with the following reasons for action (findings), and specified that it's a variance

1 for one foot off the property line from all applicable setback requirements which will govern front
2 and side yard, and also that the new structure must be 6 feet from all main buildings. Board
3 member Ditto seconded the motion which passed by a unanimous vote (5-0).

4
5 Suggested Reasons for Action (findings):

- 6
- 7 a) The Board of Adjustment finds that the current Residential-Low (R-L) Zone requires
- 8 accessory buildings to be located in the rear yard at a minimum distance of six feet (6')
- 9 from other buildings and five feet (5') from any property line in the rear yard if the accessory
- 10 buildings are larger than 400 square feet.
- 11 b) The Board of Adjustment finds that the applicant's existing accessory garage structure is
- 12 currently located in the front yard of the property and is setback approximately one foot
- 13 (1') off the south property line in the front yard.
- 14 c) The Board of Adjustment finds that the applicants do not have a typical rear yard, as
- 15 defined in CZC 12.12 Definitions, that is available to be used by other property owners
- 16 throughout the City of Centerville.
- 17 d) The Board of Adjustment finds that, in this specific case, the lack of having a traditional
- 18 rear yard, as defined in CZC 12.12 Definitions, does create an unnecessary hardship for
- 19 the subject property necessary to carry out the general purpose of the Zoning Code.
- 20 e) The Board of Adjustment finds that in the year 2000-2001, the property owner did receive
- 21 granting from the City Zoning Administrator to construct an accessory building in the front
- 22 yard one foot (1') setback from the south property line.
- 23 f) The Board of Adjustment finds that there is an existing accessory building structure in the
- 24 front yard with an addition that has started to be constructed on this accessory building
- 25 and this addition would need to be located with the same setback distance as the existing
- 26 structure.
- 27 g) The Board of Adjustment finds that there is a clear showing of evidence that the conditions
- 28 justifying the variance request have been substantially met by the applicant.
- 29 h) The Board of Adjustment finds that the subject property has continued substantial property
- 30 rights and, due to a lack of a rear yard, is currently deprived of certain privileges granted
- 31 to other properties in the same zoning district and identified in the spirit of the Zoning
- 32 Code.
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35 **APPEAL OF ADMINISTRATIVE ZONING DECISION AND PROPERTY VARIANCE**
36 **REQUEST – 2144 NORTH 400 WEST – STREET SIDE YARD ACCESSORY BUILDING**
37 **PLACEMENT AND CONSTRUCTION IN RESIDENTIAL-LOW (R-L) ZONE**

38
39 Mr. Eggett addressed the appeal of an administrative zoning decision concerning an
40 accessory building placement in the street side yard of a residential lot at 2144 North 400 West.
41 He explained that the zoning regulations did not allow accessory buildings in the side yards area
42 without a variance, and the applicant had pursued a variance request following an initial denial.

43
44 Mr. Eggett highlighted that the applicant's stated hardship involved unsuitable conditions
45 in the rear yard for construction, due to purported soil instability. However, staff commented that
46 this did not meet the hardship criteria under the existing zoning code and proposed alternative
47 solutions, such as relocation options within conforming areas.

48
49 The Board deliberated on the presented information, considering options for snow removal
50 storage convenience versus adherence to zoning regulations. Members expressed difficulty in
51 identifying unique property circumstances justifying variance.

1 The absence of the applicant during the meeting was noted, and options for the applicant
2 to reapply were discussed if the applicant returns with a compelling reason and more substantial
3 evidence.
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5 Board member Ditto **moved** to deny the request for a variance to allow the placement of
6 an accessory structure in the street side yard area for the property located at 2144 North 400
7 West within the Residential-Low (R-L) Zone, with the following reasons for action (findings): Board
8 member Sappenfield seconded the motion which passed by a unanimous vote (5-0).
9

10 Suggested Reasons for Action (findings):

- 11 a) The Board of Adjustment finds that the current Residential-Low (R-L) Zone requires
- 12 accessory buildings to be located in the rear yard at a minimum distance of six feet (6')
- 13 from other buildings and three feet (3') from any property line in the rear yard if the
- 14 accessory buildings are smaller than 400 square feet.
- 15 b) The Board of Adjustment finds that the applicant's has an existing rear yard sufficient in
- 16 dimensional size for placement of an accessory building within the rear yard in compliance
- 17 with development standards for the R-L zone as found in CZC 12.32.300.
- 18 c) The Board of Adjustment finds that the applicant does have other construction options to
- 19 connect the proposed building to the main building and achieve setback standards
- 20 provided for the proposed structure in compliance with development standards for the R-
- 21 L zone as found in CZC 12.32.300.
- 22 d) The Board of Adjustment finds that, in this specific case, that the reasons identified for
- 23 placement of the accessory building in the street side yard of the applicant's property does
- 24 not create a justifiable hardship or an unnecessary hardship for the subject property
- 25 necessary to carry out the general purpose of the Zoning Code.
- 26 e) The Board of Adjustment finds that there is not a clear showing of evidence that the
- 27 conditions justifying the variance request have been substantially met by the applicant.
- 28 f) The Board of Adjustment finds that the subject property has continued substantial property
- 29 rights that other properties also enjoy.
- 30 g) The Board of Adjustment finds that the subject property is not currently deprived of certain
- 31 privileges granted to other properties in the same zoning district and as otherwise provided
- 32 by the Zoning Code
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35 ADJOURNMENT AND CLOSED SESSION

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37 At 6:33 pm, Board member Hirschi **moved** to adjourn the meeting. Board member Tew
38 seconded the motion, which passed by unanimous vote (5-0).
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42 Jennifer Robison
43 Jennifer Robison, City Recorder

10/24/2024
Date Approved

