



**Meeting Minutes
Board of Adjustment**

Tuesday, September 22, 2020

5:00 PM

Council Chamber

4:30 - 5:00 PM - Work Session for Agenda Review

Acting Chairman Jackson opened the work session at 4:30 PM.

Patrick Baugh, Community Development Director, read case BOA 20-002 and explained the City's Zoning Ordinance in regards to mechanical equipment. The proposed motor generator would be the eighth (8th) piece of equipment in the side yard. Mr. Baugh stated his concern regarding the number of units and the noise this could potentially cause. Mr. Baugh asked the Commission if they had any questions.

Commissioner Lane expressed his concern on the generator location near openings/penetrations of the structure. Mr. Baugh stated this is not of concern. The generator is 60 Kilowatts (KW) in size. The existing units consist of six (6) air conditioning/condensor units and one (1) set of pool equipment, which total to seven (7) units.

Commissioner Francisco asked for clarification on the side yard set back for mechanical equipment. The required setback is a side yard of seven feet (7'). Mr. Baugh proceeded to interpret the Zoning Ordinance in regards to mechanical equipment.

Commissioner Fulton asked for clarification on the required side yard. Discussion was held. Commissioner Snelling clarified the setback off the property line.

Commissioner Lane mentioned the house was built prior to the 2018 Zoning Ordinance. This case would not exist prior to this updated Ordinance. Commissioner Lane questioned why this has now changed from then to now. Mr. Baugh stated that rules change, equipment changes, and the growth for such equipment has grown within the City. The homeowner prefers not to encroach on his driveway/sport-court with a motor generator set. Commissioner Lane questioned if this case identifies as a hardship.

Discussion was held on the category this case falls under. Mr. Baugh expressed that there are many alternate locations that would work for this generator.

Mr. Baugh proceeded to introduce the next case, BOA 20-003, presenting the odd-shaped lot and mentioned the previous approval by this Commission. The prior home owners did not proceed with this past approval, however the current home owners would like to enjoy the same development footprint and

setbacks. This case is classified as a variance due to a property hardship.

Commissioner Lane received confirmation that this request is similar to the one previously approved. Mr. Baugh stated he spoke to Jacob Speer, Public Works Director, who did not have an issue with this case due to the curvature, wideness and two-way traffic on this street.

Mr. Rob Dillard, City Attorney, mentioned the applicant is also asking for an extension of the time, specifically one (1) year.

Commissioner Fulton assured that this request is only for the setbacks and not the remaining changes mentioned on the provided site plan. Mr. Baugh confirmed the three (3) approached on the site plan will meet code, with no variance. Discussion was held on the drive way.

The work session closed at 4:47 PM.

Call to Order

Acting Chairman Jackson called the meeting to order at 5:00 PM.

Introduction of Board Members

Present: 5 - John Jackson, Darrell Lane, Clay Snelling, Eurico Francisco and Duncan Fulton

Excused: 5 - Chairman Eddy Moore, Bobby Womble, Jeff Barnes, Ann Shaw and Dan McKeithen

Staff in Attendance

Pat Baugh, Community Development Director
Serena Palomino, Planning Technician
Rob Dillard, City Attorney

The Board of Adjustment of the City of University Park will conduct a public hearing in the Council Chamber. Consideration will be given to the following item(s):

[BOA 20-002](#)

Property owner Jeff McElfresh, requesting an appeal of the Building Official's decision with regards to Section 5.3.12(3) of the zoning ordinance. The subject property is located at 3625 Caruth Boulevard and zoned Single Family, SF-2 zoning district.

Acting Chairman Jackson swore-in those persons wishing to speak on the case and opened the public hearing. Board Member Lane read case BOA 20-002. Serena Palomino, Planning Technician, stated there a total of three responses received, two (2) in favor and one (1) opposed.

Acting Chairman Jackson opened the public hearing at 5:02 PM.

Owner and applicant, Jeff McElfresh, explained the entire timeline of this project from planning stages to today. There are currently six other pieces of

equipment. Discussion was held regarding the setbacks.

Patrick Baugh, Community Development Director, clarified an electrical permit is required, but was never issued due to the generator permit not meeting the City Zoning Ordinance. He stated these issues were found upon plan review. Seven (7) pieces of equipment exist and the motor generator set would make the eighth (8th).

Mr. McElfresh stated he provided the conference details in his application to this Commission, which includes the definition of a side yard. Discussion was held regarding the noise factor due to the number of units. Mr. McElfresh expressed his opinion on the positive use for generators.

Acting Chairman Jackson requested any persons in opposition approach the podium. With no one to speak, he closed the public hearing at 5:18 PM.

Commissioner Lane expressed why he believes this case falls under a variance category. Rob Dillard, City Attorney, held a discussion with Commissioners regarding the motion.

A motion was made by Board Member Lane, seconded by Board Member Francisco, that this appeal be denied without prejudice. The motion carried by a 3:2 vote.

[BOA 20-003](#)

Property owner William Prewitt, requesting an appeal of the Director's interpretation of the Zoning Ordinance based establishment of required front and side yard setback for new construction. The subject property is located at 4234 McFarlin Boulevard and zoned Single Family, SF-3 zoning district.

Board Member Lane red case BOA 20-003. Mr. Baugh explained the triangular shaped corner lot, the front yard curve and the previous variance granted by this Board at this property, which has now expired. The applicant is requesting the same variance that was previously approved.

The only difference between the previous granted and now is the site plan displays a circular drive. This does not interfere with the request. The three (3) approaches on the proposed site plan will be allowed with slight modifications.

Board Member Lane stated the recommendation change to eighteen (18) months rather than twelve (12) months.

A motion was made by Board Member Lane, seconded by Board Member Snelling, that this variance be recommended for approval. The motion carried by a unanimous vote.

Consider the previous meeting minutes with or without corrections:

[20-163](#)

Minutes from the Board of Adjustment Meeting dated February 25, 2020.

A motion was made by Board Member Snelling, seconded by Board Member

Lane that the Minutes be approved. The motion carried by unanimous vote.

ADJOURNMENT: With there being no further business before the Board,
Acting Chairman Jackson adjourned the meeting at 5:31 PM.

Approved by:

Chairman Eddy Moore

Date