

care nurse's vehicle. The living quarters will not require a setback variance but the garage will encroach on the northern side yard setback. The side yard in question is on the north side of the property, which borders the Memorial Village Water Authority (MVWA). MVWA has been informed of the variance request. Per Mr. Manning, the MVWA does not object to the structure being built close to the MVWA fence. He stated no direct neighbors would be affected by the variance, if approved. He stated the efficiency and the two-car garage will allow for improved functionality in the care for his mother-in-law. The two-car garage will add value and street appeal to his property as well as add value to the neighbor's properties. Mr. Manning explained the hardship of not having a buffer between the MVWA property and his property and stated the benefits of having the efficiency and garage as that buffer.

Member Sanders verified the variance request was for the north side yard setback only.

Alfred Fatica, 807 Hedwig Way, asked if approval of the requested variance would set a precedent.

Zach Petrov, City Attorney, stated granting the variance would not set a precedent, as each variance request presented to the Board would be decided on its merits. This variance request would pertain only to 823 Hedwig Way.

Mr. Fatica stated he had no issues with the request.

Member Rigo asked about the existing garage.

Mr. Manning stated the existing garage will continue to be used by Mrs. Manning to park her vehicle and his children and himself will continue to park in the driveway.

Mr. Manning provided a letter of support from Tim Davis, 815 Hedwig Way.

Member Rigo asked about the safety of building close to a ten-foot fence.

Ian Knox, BBG Consulting and the City's Building Official, stated the area by the fence is a drainage area and no structure will be built in that area in the future, save the small area the variance requires. The drainage area drains towards the MVWA property on the other side of the fence. Drainage plans must be submitted with the building plans and will be reviewed as part of the plan approval process. He stated the variance request meets the intent of the City's Code and is not injurious to neighboring properties.

Member Sanders confirmed that the MVWA does not oppose the variance request, to which Mr. Manning state in the affirmative.

Chair Searcy closed the public hearing portion of the hearing.

Member Bergen motioned, Member Sanders seconded, to approve the variance on the side yard setback on the north side of the property as requested by the applicant in accordance with the application submitted. Members Bergen, Sanders, Searcy, and Rigo voted "Yes."

MOTION APPROVED UNANIMOUSLY

5. Adjournment

Member Bergen motioned, Member Sanders seconded, to adjourn the meeting at 6:53 p.m. Motion carried 4-0.

MOTION APPROVED UNANIMOUSLY

Approved and accepted on June 25, 2024.

ATTEST:

Sam Searcy, Chairperson
Board of Adjustment

Lisa Modisette, City Secretary
Board of Adjustment Secretary