

**TOWN OF FRASER BOARD OF ADJUSTMENT
MINUTES**

DATE: Wednesday, August 29, 2018

MEETING: Zoning Board of Adjustment Meeting

PLACE: Fraser Town Hall Board Room

PRESENT
Commission: Commissioners: Chair Jean Wolter, Katie Soles, Mayor Philip Vandernail, Parnell Quinn, Sam Brewer

Staff: Town Planner, Catherine Trotter; Town Clerk, Antoinette McVeigh, Intern Will Russell

Others: See Attachment

Chairperson Wolter called the meeting to order at 6:30 p.m.

1. **Roll Call**

2. **Approval of Agenda**

Commissioner Vandernail moved, and Commissioner Brewer seconded the **motion** to approve the agenda. **Motion carried: 5-0.**

3. **Consent Agenda**

a) Minutes November 29, 2017

Commissioner Quinn moved, and Commissioner Brewer seconded the **motion** to approve the consent agenda. **Motion carried: 5-0.**

4. **Public Hearings and Action Items:**

a) Public Hearing - 837 Quail Drive Variance

We are in receipt of a variance application submitted by Nathan and Stacey Peterson (applicants). The applicants are the owners of subject property which is located at 837 Quail Drive in the MDMF: Medium Density Multi-Family zoning district (Lot 1, Block M, Victoria Village). The applicants would like to split the lot north-south to allow a single-family attached dwelling to be constructed without creating a townhome and/or condo product.

Commissioner Soles moved, and Commissioner Vandernail seconded the **motion** to open the public hearing. **Motion carried:5-0.**

The BOA has five voting commissioners, Wolter, Soles, Jardine, Brewer and Bowles with two alternate voting commissioners, Vandernail and Quinn. The alternate BOA commissioners must vote in the absence of Jardine and Bowles. The concurring vote of

four (4) members of the BOA shall be required to grant an application for a variance only to the extent it finds that the following conditions, where relevant to the subject property and adjacent neighborhood, are present:

- There are unique physical circumstances or other conditions peculiar to the affected property, such as exceptional topography or irregularity, narrowness or shallowness of lot;
- The unique physical circumstances or other conditions do not exist throughout the neighborhood or district in which the property is located;
- The unique physical circumstances or other conditions, or any other hardship complained of, have not been created by the applicant;
- Because of the unique physical circumstances or other conditions, the property cannot be reasonably developed in conformity with the provisions of this Chapter;
- The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use of adjacent conforming property;
- The variance, if granted, is the minimum variance that will afford relief and is not detrimental to the public good or to the purpose, intent and spirit of this Chapter or the Town Comprehensive Plan.
- The variance is needed to provide a reasonable accommodation to a person or persons with a disability.

Nathan Peterson answered questions and the BOA determined that the conditions listed above apply to the variance request.

Commissioner Vandernail moved, and Commissioner Quinn seconded the **motion** to close the public hearing. **Motion carried: 5-0.**

Commissioner Soles **moved** and Commissioner Quinn seconded the **motion** to approve Resolution 2018-08-01, a resolution recommending approval of a variance request presented by Nathan Peterson in regard to a 3' rear setback encroachment to remain on said property as presented to the Board of Adjustment on August 29, 2018 and allow the applicant to move forward with subdividing this corner lot - lot 1, block m, Victoria Village with the new lot line running north/south. **Motion carried: 5-0.**

4. Public Hearing - Verizon Wireless Variance

We are in receipt of a variance application submitted by Anne Richards on behalf of Verizon Wireless (applicant). Christofer J. Hillison is the owner of subject property which is located at 520 N. Zerex Street in the Business and Riverwalk Mixed Use Overlay zoning district (Fraser 1st – Eastom 1st Lot 8-17, Block 10 the west half of Lot 17). The applicant would like to construct a 40' monopole disguised as a clocktower with associated ground equipment.

Commissioner Quinn moved, and Commissioner Brewer seconded the **motion** to open the public hearing. **Motion carried:5-0.**

Town Planner Trotter informed the BOA that the notice was sent to the required surrounding residents and businesses; however, the attachment was missing. The letter

stated that additional information is available at Fraser Town Hall. It was determined this was sufficient to move forward with the public hearing.

The concurring vote of four (4) members of the BOA shall be required to grant an application for a variance only to the extent it finds that the following conditions, where relevant to the subject property and adjacent neighborhood, are present: (the same conditions listed above).

Anne Richards answered questions and the BOA determined that the conditions apply to the variance request.

Commissioner Brewer moved, and Commissioner Quinn seconded the **motion** to close the public hearing. **Motion carried: 5-0.**

Commissioner Soles **moved** and Commissioner Quinn seconded the **motion** to approve Resolution 2018-08-02, a resolution recommending approval of a variance request presented by Anne Richards on behalf of Verizon Wireless to construct a 40' monopole disguised as a clocktower with associated ground equipment at 520 N. Zerex Street Fraser, more legally described as 1st – Eastom 1st lot 8-17, block 10 the west half of lot 17) with conditions as specified in the resolution with the exception that #6 be amended aa follows:

#6 A maintenance and security plan **shall be provided by Verizon** prior to issuance of a building permit. And the following two conditions be added to the resolution:

#7 Final design of the clock tower shall be approved by Town Staff.

#8 The clock must be visible from US Highway 40. **Motion carried 4-1, Nay Vandernail**

5. **Adjourn:**

Commissioner Quinn moved, and Commissioner Soles seconded the **motion** to adjourn. **Motion carried: 5-0.** Meeting adjourned at 7:25 pm.

Antoinette McVeigh, Town Clerk