

PLANNING & ZONING BOARD MEETING MINUTES
July 9, 2018

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Chris Rader, Co-Chair
David Gragg, Board Member
Marion Rayburn, Board Member (absent)
Aileen Trivedi, Board Member

Staff:

Drew Smith, City Attorney
Ellen Hardgrove, City Planner
David Ireland, Sergeant Edgewood Police Department
Sandra Repp, Deputy City Clerk

Applicant:

Paul Jaszczenski

CALL TO ORDER

Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Deputy City Clerk, Sandy Repp, announced that there was a quorum with Board Member Rayburn absent.

APPROVAL OF MINUTES

- **June 11, 2018**
Board Member Gragg submitted the following changes to the minutes: Page 1: in the third bullet point under “Approval of Minutes” changed “Board Meeting” to “Workshop” for the May 2nd minutes.
Page 3: After “Chairwoman Dunay requested a motion”, add “Central” to read “Edgewood Central District”.

Board Member Trivedi moved to approve the revised minutes. Second by Chairwoman Dunay. The motion was approved (4/0).

NEW BUSINESS

- **Variance 2018-VAR-06 – 5426 Lazy Oaks Lane**
Request to build a single family residence within the rear setback

Planner Hardgrove presented her report for a variance to request a five (5) foot rear setback encroachment on a property zoned for R-1AA located at 5426 Lazy Oaks Lane. The home was designed on an irregular shaped lot where the front setback becomes the point in the lot where the lot meets the minimum lot width requirement. In response to this requirement, the designer pushed



the house back as they felt it would have a lesser impact than a front variance. The rear backs up to a retention pond and to a private road; not to another lot.

Planner Hardgrove read the requirements to approve a variance request and does not believe the conditions are met as it is a buildable lot and the house could have been designed to fit.

Board Member Gragg stated that the property backs up to property in which he has an interest and will recuse himself.

Contractor Paul Jaszczenski approached the podium and explained the circumstances for the variance application. The applicant found that in an irregularly shaped lot they had to meet the minimum lot width for the front setback. The rear tips of the house will encroach approximately 4 feet into the rear setback. The other neighbor is right at the 30-foot setback because they have a normal lot and there would be a nice flow with the home. There are no neighbors behind to object or to be impacted. He understands the Planner's perspective but it would require a full redesign. The applicant did get HOA approval and there have been no objections. Mr. Jaszczenski feels it would be a minor move into the setback

In response to Chairwoman Dunay's request for how this happened, Mr. Jaszczenski said that the design professional did not know there was a difference for an irregular shaped lot. He can understand why there was a lack of understanding. The designer has moved the house so that it encroaches barely into the rear

Planner Hardgrove says that it is part of Orange County subdivision regulations. If the designer had pulled this information they would have known.

Board Member Rader stated that the design professional should know the standard. He asked Planner Hardgrove if this is found in the Municode and Hardgrove responded that it is not.

Board Member Rader said that there is a lot of buildable space in a buildable lot.

Chairwoman Dunay said that they have to go by the 6 criteria.

Chairwoman Dunay asked for public comments:

Melissa Meloon – Edgewood resident, came to the podium and spoke as a proponent. As ARB manager she was asked to approve the plans and she did and she is surprised that there is an issue as the lot has been empty for a long time and they are more than pleased to see a home there. The HOA wants to complete the subdivision and does not see this as an issue. If this affected her street she would not approve.

Discussion ensued amongst the Board regarding the setbacks and the fact that the information for establishing setbacks for irregular lots is not easily found. Planner Hardgrove said the information is not in the Municode and that she had to question Orange County zoning.

Mr. Jaszczenski said that he contacted Orange County prior to City staff review. The County said to refer back to Edgewood as they do not have that on file. Planner Hardgrove thinks that the person at Orange County may not have understood that the property was annexed and not changed



to Edgewood zoning. In Edgewood, the house would have been put back farther as the minimum width is 90 feet wide.

Planner Hardgrove said it takes someone who knows the code on both sides and Mr. Jaszczenski stated his concern that the information was not readily accessible. Board Member Rader said that is why the City retains a city planner.

Mr. Jaszczenski said that this does not affect anyone behind them and asks for the Board's understanding.

Board Member Rader restated his concern about the standard being discoverable and Attorney Smith said that is not what the recommendation is about.

Mr. Jaszczenski asked if it would affect the rear setback if the County did an eminent domain. Attorney Smith said it would be very unusual.

Planner Hardgrove said that Mr. Jaszczenski's point is well taken that they didn't know it doesn't meet the minimum width of 85 feet. When you don't meet the width, the building has to be pushed back to the 85-foot mark. This is because of the irregular shaped lot. The designer should have known the minimum lot width. Planner Hardgrove said that someone inexperienced may not have known how to handle this but if they called Orange County staff they would have known. The procedure to determine a setback is not easily found.

Mr. Jaszczenski said that the reasoning was that this request does not affect a rear neighbor. It seemed less critical than a front setback.

Board Member Trivedi explained to Mr. Jaszczenski that the Board wants to help but there aren't reasons that they can approve. They have to follow the criteria to approve a variance.

Planner Hardgrove told Mr. Jaszczenski that he can speak with Carol Knox of Orange County for more information about zoning.

The Board reviewed the criteria for variance approval.

With no public comment and no further discussion, Chairwoman Dunay asked for a motion. ***Board Member Trivedi moved to deny variance request 2018-VAR-06 based that only criteria #6 was met; second by Chairwoman Dunay. Motion passed (3/0). Board member Gragg recused himself.***

Variance request 2018-VAR-06 will be heard before City Council on Tuesday, August 21, 2018.

COMMENTS/ANNOUNCEMENTS

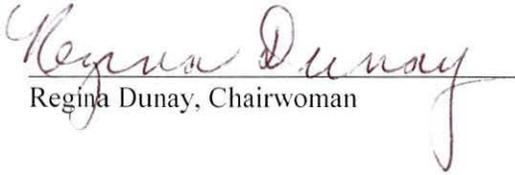
Chairwoman Dunay asked Deputy City Clerk, Sandy Repp for the next meetings who confirmed that the next Planning and Zoning dates would be

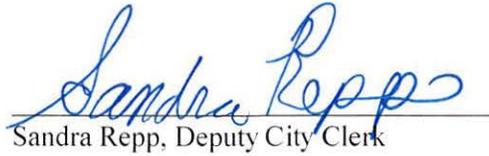
- August 13, 2018
- September 10, 2018
- City Council workshop 8/21 9 to noon.



ADJOURNMENT:

With no further business or discussion, Board Member Rader made the Motion to adjourn the Planning and Zoning Board meeting; second by Chairwoman Dunay; motion unanimously approved (4/0). The meeting adjourned at 7:23 pm.


Regina Dunay, Chairwoman


Sandra Repp, Deputy City Clerk