

**PLAIN CITY BOARD OF ADJUSTMENTS**  
**MINUTES OF MEETING**  
**July 14, 2005**

The Plain City Board of Adjustments convened in a meeting on Thursday, the 14th of July 2005, in the Plain City Hall at 6:00 p.m. Present showed the following: Chairman Dennis Rogers, LaFray Kelley, Vaughn Daines, Dave McKenzie, Blake Costley, and Kathy Hancock. Also present: Lewis Moyes, Steven Farley, Judy Farley, Joan Facer, Councilmember Elaine Calvert, Mark Weese, and Deann Weese.

Mr. Rogers conducted the meeting and explained the process for the Board of Adjustments. The action has to be three in favor in order to pass. Mr. Lewis Moyes explained that the planning commission has denied his subdivision because these two variances are needed. The plat shows the property rezoned from Re-20 to R-1-11. The lots are not lots yet, but are contingent upon the variances. The board discussed lot 6 first; it doesn't need a variance if the subdivision is put in. Both lots 1 and 6 have existing houses. If the subdivision road is put in then lot 1 will be non-conforming. The sideyard setback for a house on a corner lot is 30 ft.; lot 1 will only have 27 ft. The board mentioned centering the street in between lots 1 and 6. If the road were moved it would require a bigger variance. If the road is moved to the south so the variance isn't needed there was a concern that lot 6 may not be in compliance.

The board reviewed the five items that need to be met for a variance. Item 1, the hardship is it couldn't be developed. The hardship can't be financial. Mr. Lewis Moyes mentioned that it is just a hayfield that breeds mosquitoes and it needs to be developed. Item two, the special circumstances that apply to this property that doesn't apply to other pieces is that this one is in the center of town. Item three, the variance is essential to a substantial property right. The property couldn't be developed. Item four, the variance substantially doesn't affect the goal of the General Plan or is contrary to the public interest. There will only be four homes and nothing would be affected. Item five, the spirit of the land use ordinance is observed.

There was a question as to a variance really being necessary. Mr. McKenzie and Mrs. Kelley read the ordinances and didn't see a need for a variance. It was mentioned that other pieces of properties with the same situation needed variances. **Mr. Daines moved to grant a 3-foot sideyard setback variance from the street on a corner lot for lot 1 at approximately 2475 North since it meets all five rules for a variance. Mr. McKenzie seconded the motion. Vote: Mr. McKenzie aye, Mrs. Kelley aye, Mr. Rogers aye, and Mr. Daines aye.**

The other variance is for the distance from an intersection to another intersection, which is 150 feet according to the ordinance. Without this variance the subdivision will not be approved. Mr. Lewis Moyes mentioned that there are only four new homes going in and it shouldn't create much traffic. The street has been moved to gain 5 extra feet so that the variance would only be needed for 37 feet.

The board reviewed the five items that need to be met for a variance. Item one, the hardship is the land is not developable. Item two, are there any special circumstances with this property. There was a concern that this could be a problem throughout the city. Item three, the variance is essential to the same enjoyment in the same district. Item four, it doesn't affect the General Plan. Item five, it won't affect the substantial justice. Discussion followed concerning the Carver Subdivision in the area having the same problem. **Mrs. Kelley moved to grant a variance for the road for the subdivision of 37 feet off of what the ordinance requires. Mr. Daines seconded the motion. Vote: Mr. McKenzie aye, Mr. Rogers aye, Mr. Daines aye, and Mrs. Kelley nay.**

Meeting adjourned at 6:40 p.m.