

**FREMONT COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING MINUTES  
APRIL 18, 2017**

**Board Members Present**

Ed Norden – Associate Member  
James J. Javernick  
Dave Boden – Vice Chairman  
Michael Pullen – Chairman  
Larry Baker  
Rich Thatcher

**Planning Staff Present**

Marshall Butler, Planning Coordinator  
Samantha Kozacek, Planning Assistant  
Matt Koch, Planning Director

**AGENDA**

1. **APPROVAL OF MINUTES:**
  2. **APPROVAL OF AGENDA**
  3. **ADU 17-001 Hartzman**
  4. **OTHER ITEMS FOR DISCUSSION**
  5. **ADJOURNMENT**
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Chairman Michael Pullen called the Tuesday, April 18, 2017 meeting of The Fremont County Board of Zoning Adjustment (BOZA) to order at 3:00 P.M.

Roll call was completed with the aforementioned members present.

**ITEM 1**

Chairman Pullen brought to the floor this agenda item which is to hear recommendations regarding the approval of the minutes of the BOZA meeting held on February 21, 2017.

**MOTION**

Mr. Jim Javernick moved to approve the minutes of the February 21, 2017 BOZA meeting, as written.

**SECOND**

Mr. Larry Baker seconded the motion.

Upon a roll call vote, the motion passed unanimously. (6 of 6)

**ITEM 2**

Chairman Pullen asked if there were any changes, additions or corrections to the April 18, 2017 BOZA Meeting Agenda.

**MOTION**

Mr. Javernick moved to accept the April 18, 2017 Board of Zoning Adjustment Meeting agenda as presented.

**SECOND**

Mr. David Boden seconded the motion.

Upon a roll call vote, the motion passed unanimously. (6 of 6)

**ITEM 3 – ADU 17-001 Hartzman**

Chairman Pullen stated Request for variance from the Fremont County Zoning Resolution (FCZR) by Robert Wayne and Laura Marie Hartzman for property located at 1162 Field Avenue in the North Cañon Area. The property is located in the Agricultural Suburban Zone District.

Variance Request is to locate an Accessory Dwelling Unit in front of the primary residential structure (*westerly-closer to Field Avenue, than the primary residence, where access to the property is gained*)

Zoning Requirement FCZR 9.3.16 requires the ADU to be placed to the rear of the primary residential structure

Chairman Pullen asked the applicant please explain the reason for this variance?

Mr. Hartzman gave his presentation of the property. The mobile home that was there has been since removed from the property. We want to rebuild a garage/apartment in the space that the mobile home was located. The space is twenty-four (24) by sixty-eight (68) and we want to use approximately twenty-four (24) by thirty-six (36) of it for living space. The other area of the space would be used for a garage. The accessory dwelling unit (ADU) will be created to match our current house.

Mr. Marshall Butler, Planning Coordinator, stated that all requirements have been met and completed to the Department. The Department has an affidavit of publication for the public notice of the hearing and the Department sent courtesy notices to adjoining property owners no comments were received.

Mr. Butler asked Mr. Hartzman what the building height of this ADU would be.

Mr. Hartzman stated it would be fourteen (14) feet high.

Chairman Pullen inquired if approval would be in conflict with ADU regulations with it not being in the rear of the property.

Mr. Butler stated that is the reason for the variance request, the Zoning Resolution does allow for property owners to request variance if they cannot meet the specifications with reference to ADUs. Each variance request should be considered on its own merits. Approval or disapproval of this request would not set a precedent.

Mr. Javernick inquired if this would be a mother-in-law house.

Mr. Hartzman stated that was correct.

Mr. Butler stated that the pictures that were taken show where it all would be located on the property.

Mr. Javernick inquired that if the power box was located where the mobile home had been located.

Mr. Hartzman stated that the power pole that is pictured is where the power comes from.

Mr. Baker inquired if this building would be added on to the existing structure.

Mr. Hartzman stated that the ADU would be its own structure.

Mr. Baker inquired as to what size this ADU would be.

Mr. Hartzman stated is twenty-four (24) by sixty-eight (68) and we want to use approximately twenty-four (24) by thirty-six (36) of it for living space.

**MOTION**

Mr. Javernick moved that to approve the variance as requested.

**SECOND**

Mr. Rich Thatcher seconded the motion.

Chairman Pullen call for the vote, the motion passed unanimously. (6 of 6)

**ITEM 4 - ADJOURNMENT**

With no further items for discussion, Chairman Pullen declared the meeting adjourned at 3:16 P.M.

  
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Chairman, Fremont County Board of Zoning Adjustment

3/20/18  
Date