

**FREMONT COUNTY BOARD OF ZONING ADJUSTMENT
MEETING MINUTES
OCTOBER 23, 2018**

Board Members Present

Larry Baker
Dave Boden – Vice Chairman
Michael Pullen – Chairman
Rich Thatcher

Planning Staff Present

Marshal Butler, Planning Coordinator
Samantha Kozacek, Planning Assistant

AGENDA

1. **APPROVAL OF JULY 31, 2018 BOZA MEETING MINUTES**
 2. **APPROVAL OF OCTOBER 23, 2018 BOZA MEETING AGENDA**
 3. **BOZA 18-004 MCCOMB (BLUE OX TRUST)**
 4. **OTHER ITEMS FOR DISCUSSION**
 5. **ADJOURNMENT**
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Chairman Michael Pullen called the Tuesday, October 23, 2018 meeting of The Fremont County Board of Zoning Adjustment (BOZA) to order at 3:01 P.M.

Roll call was completed with the aforementioned members present.

ITEM 1

Chairman Pullen asked if there were any changes, additions or corrections to the July 31, 2018 BOZA Meeting Minutes.

MOTION

Mr. Larry Baker moved to approve the minutes of the July 31, 2018 BOZA meeting, as written.

SECOND

Mr. Dave Boden seconded the motion.

Upon a roll call vote, the motion passed unanimously. (4 of 4)

ITEM 2

Chairman Pullen brought to the floor this agenda item which is to hear recommendations regarding the approval of the Agenda of the BOZA meeting held on October 23, 2018.

MOTION

Mr. Baker moved accept the October 23, 2018 Board of Zoning Adjustment Meeting agenda as presented.

SECOND

Mr. Boden seconded the motion.

Upon a roll call vote, the motion passed unanimously. (4 of 4)

ITEM 3 – BOZA 18-004 McComb

Chairman Pullen stated request for variance from the Fremont County Zoning Resolution (FCZR) by by Stacey T. McComb and Amy J. McComb, as Trustees for the Blue Ox Trust) for property located at 1515 Field Avenue in the North Cañon Area. The property is located in the Agricultural Rural Zone District and within the boundaries of SRU 04-004 McComb Lumber, LLC.

The Variance Request is to allow for a 5-foot side-yard setback for a 40 X 80-foot metal building (west).

Zoning Requirement FCZR 4.6.5.5.1 requires a minimum front-yard setback of 25 feet for structures.

Mr. Marshall Butler, Planning Coordinator, stated that the Department didn't receive any comments back based on the newspaper publication and the curtesy notice that was sent to the neighbors. They are requesting a 5-foot setback for the side yard for a 40 by 80-foot building on the west side of the property. The property is in the Agricultural Rural Zone District and the side yard setback is 25 feet for structures. They are close to Phoenix Avenue. I talked with the McCombs about vacating that.

Mrs. Amy McComb stated that their goal was to get more workspace. When my husband has to work on trucks there is just a concrete slab in front of our house that he lays on to work on the trucks. Our goal is to get the equipment we use into a covered place to be worked on and stored and out of the weather.

Mr. Stacy McComb stated that it isn't a new business they are creating with adding this building.

Mr. Butler stated that it was more of a personal use rather than it being for the lumbermill.

Mrs. McComb stated that she didn't think that was accurate. They would be working on the trucks from the mill in this building too not just for personal use.

Mr. Baker inquired what sort of equipment they would be storing and working on.

Mr. McComb stated that it is the pickup trucks, trailers, semis.

Mrs. McComb stated that the sawmill is directly in front of their house. They are the watchman of that property. We have tried to look at different options for the placement of this new building. A lot of the places simply just do not work. The ground out by our house on the back part of the property is really boggy. I tried to put up an arena and that never worked because of the ground. In the front it slopes down very steeply and has a French drain. And on the other side of our home is the septic. We were open to other suggestions and placement but nothing worked like we would need it to.

Mr. Butler stated that if the Board members would look at the last page of their packets there is a drawing that represents the boundaries of the SRU. Their house is designated at the watchman's quarters. They do have the responsibility to oversee the property the lumbermill is on.

Chairman Pullen inquired to Mr. Butler if he could come and show him how the property was set up on his map.

Mr. Butler went to Chairman Pullen and gave him the directions and specs on the property and its buildings.

Mr. Butler stated that he had driven out to the property to look at it and you can see that the ground is very wet in the back and that would not be a good choice to place the new building.

Chairman Pullen stated that he also has been to the property and there was a lot of equipment on the property out in the weather. At first when I looked at this I thought it was going to be in a different location. So, this isn't going to be adjacent to Field Avenue, right?

Mr. Butler stated that was correct.

Chairman Pullen inquired that didn't the McCombs own all of the property in that area.

Mrs. McComb stated no that the family didn't own everything around that area.

Mr. McComb stated that they owned to the South of their house and to the West.

Chairman Pullen stated that he first thought that this was going to be right off of Field Avenue.

Mr. David Boden inquired if the neighbor minded that this building was going to be right up against her property line almost.

Mrs. McComb stated that they had already talked to her about doing this before they even applied for it. The placement of the building won't negatively impact them and doesn't block their views of anything.

Mr. Baker inquired that with all of that equipment and its location how would the trucks be able to get out of the building.

Mrs. McComb walks up to the Board and demonstrates on the map.

Mr. Baker inquired to how often would the trucks be exiting the building.

Mr. McComb stated it really depended on the day and what they had to get done that day.

Chairman Pullen inquired to how they arrived at the 5-foot setback.

Mrs. McComb stated that they had thought 5-foot would be the best incase the septic filed had to be serviced that there would be enough space to access it. So, we figured we should ask for the biggest setback difference that we could and if we needed to scale it back to more than 5-feet then we could.

Chairman Pullen stated that he was concerned about the life/safety issues with the building being placed there. Is there already a fence around the property?

Mrs. McComb stated that yes there was, and it is a barbed wire fence.

Chairman Pullen stated that he wasn't able to get onto the property all the way. But in his mind the life safety problems are compounded to him because if there was a fire that the Fire Department wouldn't be able to access the back area of that new building.

Mr. Boden inquired if the building was constructed out of metal.

Mrs. McComb stated that yes it was constructed out of metal, the floors are dirt and the trusses were all metal as well.

Mr. Butler inquired if that was going to be a problem.

Chairman Pullen stated no. He wanted to work with everyone.

Mr. Boden stated that working with the Fire Department all of the years he had rarely did they have access to be able to the back of the building. If this were a wooden structure the situation would be different. But since this is a metal structure if it ever got hot enough to be a problem it would just collapse in on itself.

Mrs. McComb stated that in the 40-foot length of this building between every beam is a garage door that opens. So, the entire wall facing that side opens up, plus the garage door on the end.

Mr. McComb stated that the pickups would be parked in the front so there would still be access into the building.

Mr. Boden inquired to how close the new structure would be to the house.

Mrs. McComb stated that it is about 18 feet from their house.

Mr. Boden inquired if the doors to access the structure were on the East side of the building.

Mr. McComb stated that yes and the last garage door is on the North end.

Mrs. McComb stated that there was a wooden shed outside on the property as well, and when this is approved and completed that those wooden structures would be removed.

Chairman inquired if the Board had anymore to discuss or add. With nothing to be done moved to make a motion.

Mr. Boden motioned for approval of the BOZA 18-004 McComb variance request.

Mr. Rich Thatcher seconded the motion for approval.

Upon a roll call vote, the motion passed unanimously. (4 of 4)

ITEM 5 – OTHER BUSINESS

None

ITEM 6 – ADJOURNMENT

With no further items for discussion, Chairman Pullen declared the meeting adjourned at 3:26 P.M.

Chairman, Fremont County Board of Zoning Adjustment

Date