

# **MINUTES OF MEETING**

## **Cameron Board of Adjustment**

**May 21st, 2009**

**5:00pm**

**City Hall**

### **Members Present:**

Chairman Kent Osborn

Bob Thompson

Scotty Massey

Mike O'Donnell

Rose Hamer

### **Members Absent:**

### **Also Present:**

James Marcum

### **1. Call to Order**

Chairman Kent Osborn called the meeting to order at 5:01 pm.

### **2. Minutes of Previous Meeting**

Action: Mr. O'Donnell moved and Mr. Massey seconded that the minutes of the April 13<sup>th</sup>, 2009 meeting be approved. Motion carried unanimously.

### **3. Unfinished Business**

There was none.

### **4. New Business**

#### **4A. Public Hearing, Variance, Front yard parking, James Marcum, 323 South Orange Street.**

Mr. Marcum submitted an Application for Variance to allow front yard parking from his existing gravel drive on the south side of his house to his front door. He submits documentation from the Veteran Administration that he has a 90% disability. Mr. Marcum also submits a petition supporting his Application signed by 17 neighbors. He agrees to use pavers or plastic under the gravel for easier removal.

**Action:** Mr. O'Donnell moved and Mr. Massey seconded that a public hearing be convened. Motion carried unanimously.

Shellby Hendee addressed the Board giving a brief overview of the application and the items submitted by the applicant. Mr. Hendee also stated that he had not received any comments from the neighboring property owners or anyone else in the Community in regard to the variance for Mr. Marcum.

Chairman Osborn asked Mr. Marcum about his medical disabilities that are causing him to request the variance.

Mr. Marcum stated that he has diabetes as well as neuropathy in his legs and feet, which would only progress with time. He also wanted Chairman Osborn to know that he has received a letter from the Veteran's Administration which he had submitted with the application and narrative.

Chairman Osborn asked if there were any questions for Mr. Marcum from any members of the Board.

There were none.

Chairman Osborn commented on Mr. Marcum's statement referring to making the drive-way temporary.

Mr. Marcum stated that he would make it easily removal by placing plastic or some other type of substance under the gravel or stones, therefore allowing the drive-way to be removed if Mr. Marcum decided to sell the property or in the event of his death. Mr. Marcum also mentioned that he would like to have information on the rules and regulations that applied to placement of a circular drive.

Mr. Hendee explained to Mr. Marcum that he should contact Clyde Han, as Mr. Han would have all the information and specifics on circular drive placement.

Chairman Osborn asked Mr. Shellby if this variance, once granted, would actually be a "CUP" because of the conditions that went along with the approval.

Mr. Hendee stated that it was similar to a "CUP".

Chairman Osborn questioned whether this should be a decision made by the P&Z rather than the BOA.

Mr. Hendee informed Chairman Osborn that the P&Z has certain areas in which they are allowed to approve "CUPs" and that this specific issue did not fall in any of those areas. Stating that the BOA had more latitude than the P&Z and since the request was for a variance due to a hardship, it seemed to fall under the advisement of the BOA.

Mr. Marcum commented that he would prefer to have a circular drive, however, until the City places curb and guttering on Orange Street, it is not an option. He also stated that once the curb and guttering was in place, he would be removing the temporary drive and replacing it with a permanent circular drive. Mr. Marcum said he had talked with Drew Bontrager, to try to obtain a time frame on when Orange St. would be getting the curb and guttering and was told it would at least a year to a year and a half.

Chairman Osborn again asked if any members of the Board had questions for Mr. Marcum.

Mr. Thompson questioned the “temporary” driveway; asking whose responsibility it would be to remove the drive if Mr. Marcum were to sell his property or pass away.

Mr. Marcum stated that if he were to sell his property, he would have the drive removed prior to the new owners taking possession. He also stated that he would have it written in his “will” that the drive needed to be removed.

Mrs. Hamer questioned that even if a stipulation of the variance approval was that it was a temporary drive and it must be taken out, who would even know that this needed to be done in the absence of Mr. Marcum, or at the time the property was to be sold.

Mr. Hendee stated that this information would have to be made known prior to the selling of the property.

Mrs. Hamer questioned Mr. Marcum about the temporary drive. Stating that she was under the impression that Mr. Marcum really wanted a circular drive, but since that was not an option at this point, he was just asking for the variance for the temporary drive at this meeting.

Mr. Marcum stated that was correct.

Chairman Osborn asked if anyone had any further questions for Mr. Marcum.

There were none.

**Action:** Mr. Massey moved and Ms. Hamer seconded to leave public hearing. Motion carried unanimously.

Entertain motion to approve variance as submitted for front yard parking, at 323 S. Orange Street.

Mr. O’Donnell asked the recording secretary to please read back the conditions that were stated by Mr. Marcum if this variance were to be approved, stating there were 2 conditions mentioned.

Ellie Milbourn ~Secretary Recorder, read the conditions that had been stated by Mr. Marcum:

***#1. Mr. Marcum was requesting a temporary drive for parking in the front yard and the drive would be removed prior to the sale of the property or in the event of Mr. Marcum's passing.***

***#2. When curb and guttering were in place on Orange Street, Mr. Marcum would replace the temporary drive with a permanent circular drive that met the City regulations.***

**Action: Mr. O'Donnell made a motion to approve the variance for James Marcum at 323 S. Orange Street; Mr. Massey seconded. On voice vote the motion carries as follows; ayes-3, nays-2, abstentions-0, absent-0.**

*Variance denied for Front yard parking for James Marcum at 323 S. Orange Street.*

Mr. Marcum asked if there was anything else that he could do in order to get this variance approved, wanting to know if he would be able to add a circular drive once the curb and guttering was done on Orange Street.

Mr. Hendee told Mr. Marcum that he would need to check with Mr. Han and Mr. Bontrager on this issue.

Mr. Marcum then asked if the members of the BOA that denied the variance would explain to him why they would not approve it.

Mr. O'Donnell told Mr. Marcum that he had not submitted a complete plan, and there were not enough details.

Mr. Marcum stated that he had given the BOA "options" as to what he was willing to do.

Mr. O'Donnell informed Mr. Marcum that it is not the job of the BOA to make these decisions as to what will and will not work for the approval of a variance. He also mentioned that Mr. Marcum had not given specifics. (Measurements, underlayment for the drive, material to be used on the drive, etc.)

Chairman Osborn agreed with Mr. O'Donnell and stated that his decision was based upon the information that was submitted by Mr. Marcum and also did not feel there was enough detail submitted to the BOA for the approval of the variance requested.

## **5. Miscellaneous**

There was none

## **6. Adjourn**

### **Action:**

Mr. O'Donnell moved and Mrs. Hamer seconded that the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 5:26p.m.

Minutes take by:

Ellie Wenzel  
Secretary Recorder