Board of Zoning Appeals
Design Variance Resolution 2020-001

Name of Applicant: Fox Mountain Creek, LLC c/o Grant Minnemeyer

Owner of Record: Owen Community Bank

Common address of subject property: Fletchers 1 Lot 25, Fletchers S ½ Lot 24 aka East Street

WHEREAS, Owen Community Bank and Fox Mountain Creek, LLC filed their application for approval of a design variance to allow a variance from the provisions of 152.130(3) of the Spencer Town Code; and

WHEREAS, the petitioners have properly presented evidence of the site plan, deed of ownership, notice by publication of the application, and evidence of certified mail to the adjacent and other interested property owners affected, and other documentation and testimony as required by Spencer Town Code; and

NOW THEREFORE, the Board of Zoning Appeals, being duly advised, now makes the following findings as required by law to allow a design variance, to wit:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community insofar as the property is currently and already used as a parking area, the applicants' history of business as a veterinarian reflects appropriate detail to public health concerns and safety, and the new facility will provide professional veterinarian services to the community.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner as the parcel is adjoined on one side by a already established commercial enterprise and the addition of another commercial venture of this nature will only enhance the property values of the adjacent parcels. The drawings of the proposed facility reflect a consistent structural facility to the surrounding

structures, and the parking area is adjacent to an existing alley and will in fact provide adequate parking for the facility's use without overflow onto the adjacent streets.

3. The strict application of the Zoning Ordinance will constitute unnecessary hardship if applied to the property involved as the property is zoned for Commercial Limited; however, the parcel is not large enough to meet the standards set forth in the Spencer Town Code regarding set-backs for parking areas near or adjacent to residential uses. The strict application of the ordinance would prohibit any commercial venture from residing upon this parcel and providing adequate parking, as is required by the Spencer Town Code.

A motion is made to approve the design variance. Said building shall be built pursuant to the proposed drawings and maps that have been provided.

The motion passes on a 3-0 vote with 1 member abstaining and 1 member absent.

Upon motion duly made, seconded, and unanimously approved, The Board of Zoning Appeals does hereby grant the aforesaid design variance with the automatic condition that the applicant abides by all state approval processes, county and building requirements, and obtain all required permits.

Dated: _____

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Lew Moke

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Margaret Tucker

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Chris Conner

_____
Buck Johnson

_____
Tad Wilson