

**Board of Zoning Appeals
Design Variance Resolution 2020-002**

Name of Applicant: Rodney Dale & Melinda Lee Beatty

Owner of Record: Rodney Dale & Melinda Lee Beatty

Common address of subject property: 376 N East St, Fletchers Lot 14, Spencer

WHEREAS, Rodney Dale & Melinda Lee Beatty filed their application for approval of a use variance to allow a variance from the provisions of 150.007 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 use variance, to wit:

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because a shed previously existed upon the real estate, the same was becoming unsafe due to flooding, and required demolition. The new shed has been elevated to prevent flooding.
2. The use and value of the area adjacent to the property included in this variance will not be affected in a substantially adverse manner because the shed will essentially sit near the same area as previous shed did and the new shed is elevated to prevent flooding.
3. The need for a variance arises due to the previous placement of an existing gas line and the placement of a shed 10 foot from the boundary line would require the movement of the gas line.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property due to the placement of an existing gas line and the placement of a shed 10 foot from the boundary line would require the movement of the gas line.

5. The approval does not interfere with the Master Plan because a shed already existed upon the real estate in essentially the same area and the placement of the new shed only seeks to enhance the property.

A motion is made to approve the use 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 and 2 members 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: _____

Lew Moke

Margaret Tucker

Chris Conner

Buck Johnson

Tad Wilson