

MINUTES

BOARD OF ADJUSTMENTS

Tuesday, August 21, 1990

10:00 a.m.

Members present: James Canaday, Robert Boone, Joyce Rigler, Ben Turbeville and Don Hawkins.

Members absent: Jerry Dietz and David Wright.

Staff present: Gene Cravens, Pat Payne, David Hall.

Visitors: Dr. Khawaja N. Anwar.

The meeting was called to order at 10:03 a.m by Chairman Don Hawkins.

The **second item on the agenda** was consideration and approval of the minutes from the regular meeting of July 17, 1990. A motion was made by David Wright and seconded by Robert Boone to approve the minutes as presented. Motion carried by the following votes: Ayes: Canaday, Rigler, Hawkins, Turbeville, and Boone. Nays: None. Absent: Dietz and Wright. Abstentions: None.

The **third item on the agenda** was consideration and action on a request by Dr. Khawaja N. Anwar, 3 Old Mill Circle, for a 7 foot variance to the 10 foot rear yard setback requirement of the Zoning Ordinance.

Mr. Hawkins asked Dr. Anwar if he would like to speak in his behalf. Dr. Anwar explained that he wants to build a gazebo in a corner of his back yard, but due to the location of the swimming pool, he feels the gazebo needs to be closer to the rear lot line than setback requirements allow so that the structure is not too close to the pool. The proposed gazebo will be built the allowed three feet from the side yard line. Dr. Anwar further explained that the proposed gazebo will have a flat roof with open sides and have no electricity.

Mr. Hawkins asked Mr. Cravens if he had any comment. Mr. Cravens stated, for the record, "...that based upon a strict interpretation of the Zoning Ordinance and the "variance process", this request is not a hardship caused by the configuration of the property; but rather it would be considered a self-imposed hardship. However, there are other [residences] in the neighborhood that have accessory buildings built closer than the ten-foot rear yard setback, which means..., that by denying Dr. Anwar the same consideration as other property owners have, that is considered a hardship."

Mr. Hawkins asked what type of easement is back there [meaning the rear of the yard]. Mr. Cravens said no easement was shown on the plat. Property owned by Cooke County College abuts the rear of Dr. Anwar's property.

Mr. Hawkins asked if there were further comments. There were none.

A motion was made by Ben Turbeville and seconded by Robert Boone to grant the 7 foot variance to the 10 foot rear yard set back requirement.

After no further business, meeting was adjourned at 10:15 a.m.