

Village of Spring Valley
Board of Appeals April 29, 2021

Members Present: Streater, Powell, Tyler Bosshart, Eric McMaster

Members Absent:

Staff present: Luann Emerson Clerk

Public present: Terry and Lisa Miller

A variance was requested by Joe and Debra Murray. They are asking for a variance to the 35' rear yard setback of 17' which would bring the setback to 18' due to the size of the lot and the cul-de-sac that cuts into their property 10'-15'. Murrays cannot attend in person or by phone. They currently live in North Carolina and work second shift.

Public Hearing: Terry and Lisa Miller appeared to object to the variance requested by Joe and Debra Murray. Millers submitted a letter with three reasons for the objection including excess water run off that will flow onto their property, disturbing the soil too close to the property line will cause 60-year old evergreens to die, and less than 35' setback will cause new owners to put stuff onto Miller's property.

Board of Appeal Committee meeting:

Verification of public postings, notice in the paper, and letters sent to all property owners within 100' of subject property at S611 Buckley Court. Millers are adjacent property owners who contacted Clerk Emerson and/or appeared before the BOA. Clerk Emerson reviewed the request for a variance to requirement for 35' rear yard setback for R-2 Residential District. Questions from the Board were: Can Murray's builder turn the house to get what they want without a variance? Are there Impervious % restrictions in this district? Miller believes all drainage has to go to the cul-de-sac in order for runoff to go to the rock and retention pond. Miller's claim that new owner would put things on his property was dismissed as an assumption. Emerson explained the swail that was engineered by Cedar Corporation to carry water from lots 2 and 3 away from Miller property.

Board of Appeals requested adjourning at this point. The builder should look into turning the house to fit on the lot, Emerson will check with Cedar Corporation on the swail and drainage in that area and verify impervious percentage requirement in the ordinance.

A meeting to reconvene will be scheduled and all parties will be notified.

Meeting adjourned 6:40 p.m.

Respectfully submitted

Luann Emerson 5/20/21

