

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD MAY 26, 2015

CALL TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE -

ROLL CALL OF MEMBERS – Those Present: T.O. Owens, Chairman; Dave Marquez, Vice Chairman; Jenny Riley, Secretary, Christine Duncan, Dave Marquez, Kathy Drulard, Cindi Kreutzer, Ted Terranova

Not Present:

ALSO PRESENT: Reid Betzing, Sr. Ass't. City Attorney; Gary Hammond, Senior Planner; Shalisa Daugherty, Administrative Specialist; Jodi Baros, Administrative Specialist

APPROVAL OF MINUTES FOR April 28, 2015 – The minutes for April 28th stand approved as printed.

PUBLIC HEARING –

**VAR2015-0008 Johann Kula 6690 Kendrick Dr.**

The public hearing was opened.

The property was posted and the fee was paid.

Mr. Owens entered the staff report, posting log, affidavit of mailing.

Ms. Riley disclosed that she lives nearby but does feel that she can hear this case, it does not affect her in any way.

Mr. Johann Kula stated that he feels that the carport is hidden back behind the trees and cannot be seen by his neighbors. The property does not border any city street. Only one neighbor can see this property. He is asking that the carport be allowed to remain.

Ms. Sharon McCarthy spoke as a member of the HOA board of Forest Springs. The board feels that the codes are being violated and need to be observed by all citizens. They are asking that this variance be denied. It was brought to their attention by passersby in the park.

Mr. Kula just said again that you cannot see the structure and the only neighbor that can see it lives at 6684 Kendrick Dr. and you cannot see it from the street anywhere.

Mr. Hammond advised the Board that the owner has agreed to move the carport 10 feet from the south property line. Also, there is a minimum 5 foot setback for structures.

Mr. Owens asked if the current structure meets the one hour fire rating.

Mr. Hammond responded that the building department would need to check on that when he comes in to get a permit.

Ms. Drulard asked how long have you lived at this property. Was this structure already there when you moved in?

Mr. Kula stated he purchased the house in 2004 and no, the structure was not there.

Ms. Riley asked if Mr. Kula could tell her about the elevation of the property.

Mr. Kula stated that it is about 10 feet below the street level.

Mr. Marquez asked, "When did you place this structure?"

Mr. Kula stated he built the structure in 2006.

Ms. Kreutzer asked, "What is the intended use?"

Mr. Kula stated that he is using the structure for storage, storing a camper, two boats, lawnmowers and an antique car.

Mr. Terranova asked have you had any contact with the homeowner at 6684 Kendrick Drive.

Ms. Daugherty stated that the homeowner that lives at 6684 Kendrick Drive did not respond either for or against.

Mr. Terranova asked, "Can you meet all the requirements that need to be met?"

Mr. Kula stated that he would need to talk with Planning and Zoning to see what needed to be done.

Closed the Public Hearing

Mr. Terranova stated that he likes for people to use their property unless there is a problem with the neighbors and there is clearly a problem with the neighbors and he would not be able to support this variance.

Ms. Riley stated that she agrees with Mr. Terranova and cannot support this variance due to the fire rating that would be needed and that she does not see a practical difficulty.

Mr. Owens stated that he wonders what the neighbors are going to think when he parks his vehicles and boats out in the open yard and if he were to construct a fire proof structure and provide shelter for these items, if that may be a better solution.

Mr. Terranova stated that it is a shame that the hearing is closed and would like to ask this question of Ms. McCarthy.

Mr. Owens reopened the public hearing on Mr. Terranova's request.

Mr. Terranova asked how is it determined that if the approving of the variance would decrease the value of the neighboring properties and given what was brought up about the items that are behind the structure being out in the open, how does she feel about that?

Ms. McCarthy stated that she cannot give a complete answer and she is not sure how the HOA board would respond and she does not want to respond as a citizen.

Mr. Owens reclosed the public hearing.

Ms. Drulard stated that she did go by this property and she can see where the yard was not in good condition and the house needed work.

Mr. Owens stated that this is not subject to the HOA.

Mr. Betzing stated that the structure needs to be on an approved hard surface.

Ms. Riley stated that the applicant can minimize impacts to neighbors by meeting the code.

Mr. Marquez stated that this is a unique location and that the site is big enough to move the structure or find some other way to meet the code.

DISCUSSION OF MOTION:

MOTION 1:

Variance 1:

It was moved by Mr. Marquez that variance request, VAR2015-0008, Johann Kula, 6690 Kendrick Dr., to leave as constructed a carport that is 3 ft. from the side (east) property line when Section 6.2.1 of the LDC requires a 10 ft. side setback, be granted.

This motion is based on Findings No. 1 through 8 on Page 14 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the fact, that the property is located next to open parks and unoccupied land.

The following votes were cast on the motion:

Those voting Yes: Owens, Kreutzer, Terranova

Those voting No: Duncan, Drulard, Marquez, Riley

Those absent:

Those abstained:

The variance is denied.

MOTION 2:

Variance 2:

It was moved by Ms. Riley that variance request VAR2015-0008, Johann Kula, 6690 Kendrick Dr., to leave as constructed a carport that is 10 ft. from the front (south) property line when Section 6.2.1 of the LDC requires a 25 ft. front setback, be granted.

This motion is based on Findings No. 1 through 8 on Page 14 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes that the property is open on two sides and opens to the park.

The following votes were cast on the motion:

Those voting Yes: Owens, Kreutzer, Terranova

Those voting No: Duncan, Drulard, Marquez, Riley

Those absent:

Those abstained:

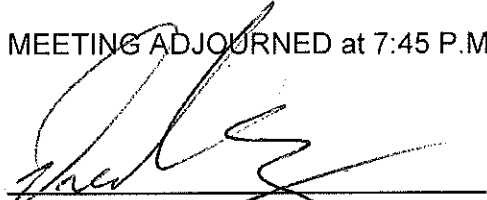
The variance is denied.

OTHER ITEMS –

Cancel BOA meeting on June 9, 2015.

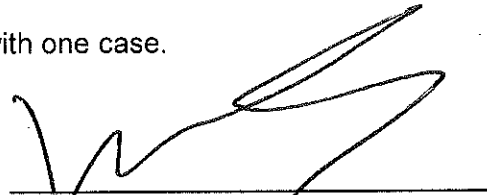
The next meeting is scheduled for June 23, 2015 with one case.

MEETING ADJOURNED at 7:45 P.M.



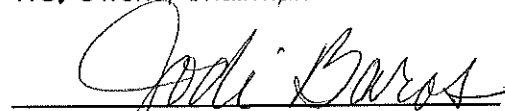
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Jenny Riley, Secretary



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T.O. Owens, Chairman



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Jodi Baros, Administrative Specialist