

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD JULY 28, 2015

CALL TO ORDER – 7:05 P.M.

PLEDGE OF ALLEGIANCE -

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

Not Present:

ALSO PRESENT: Reid Betzing, Sr. Ass't. City Attorney; Rob Smetana, Planning Manager, Gary Hammond, Senior Planner; James Cramer, Planner I, Jodi Baros, Recording Secretary

APPROVAL OF MINUTES FOR July 14, 2015 – The minutes for July 14th stand approved as printed.

PUBLIC HEARING –

VAR2015-0013 – Kenneth and Loretta Leichtle 6634 Newland St.

The public hearing was opened.

The property was posted and the fee was paid.

Loretta Leichtle, is asking for a 24 by 28 garage, with a five foot setback with the driveway straight back to the garage. She is asking to build the driveway on the side of the carport so that they do not have to remove the carport or the existing patio in the back.

Additional Comments from Staff

No comments from staff

Closed the Public Input of the Hearing

Ms. Riley asked if the garage will go all the way over to the existing property line?

Ms. Leichtle stated that they are asking for a five foot setback.

Ms. Riley asked have you spoken to your neighbors and looked at drainage?

Ms. Leichtle stated that they have not spoken with the neighbors and yes they have looked at drainage issues and the flow for drain off.

Mr. Owens asked about the furniture making and it is for an extra workshop space?

Ms. Leichtle stated that the reason that they asking for the additional three feet in space is for workshop area for her husband.

Mr. Marquez asked to clarify what she is asking for and is there any way that they could go to the north with the garage?

Ms. Leichtle stated that if they go more to the north that it would be right outside of the bay window.

Ms. Drulard asked how long have you lived at this residence?

Ms. Leitchle stated that they moved in August of 2014.

Ms. Riley asked are you constructing a garage that is fire-rated?

Ms. Leitchle stated that they have been working with contractors but she is not sure about fire rating.

Closed the Public Hearing

Mr. Owens stated that his first concern is that she has not spoken to the neighbors and another concern is that she is unsure of the type of garage that she is building as far as the fire rating issue and he suggested continuing the case.

Mr. Marquez stated that the overhangs on the garage would need to be rated and he is not seeing the practical difficulty in this case.

Mr. Terranova stated that he is not as concerned about her talking with the neighbors as they are notified by the notices that are sent out.

Ms. Kreutzer stated that she is struggling with the special circumstance in this variance.

Ms. Riley agreed with Mr. Terranova about the fact that they did not talk to their neighbors and it is not a reason to deny the request although she stated that she does see a practical difficulty with the south side of the property and struggles with the practical difficulty on the east side of the property.

Mr. Owens stated that he believes that they can slide the structure to the north and meet the LDC requirements.

Mr. Terranova asked to reopen the case to ask staff a question.

Mr. Owens reopened the case

Mr. Terranova asked the maximum allowable size of the garage that they could build on their property.

Mr. Cramer stated that they have an existing carport that is 204 square feet and the new garage can be up to an additional 396 square foot garage.

Mr. Terranova stated that the practical difficulty is the setback requirement and they cannot build a garage of the allowable square footage that they want to and meet the setback requirements.

Closed the Public Hearing

Mr. Marquez stated that the Board is here to discuss the options and he feels that this is more of a want than a need and the Board does not grant variances on wants.

Ms. Riley thanked Mr. Marquez and Mr. Owens for allowing her to see that there are other areas that this garage can be placed.

DISCUSSION OF MOTION:

MOTION:

It was moved by Mr. Terranova that variance request VAR2015-0013, Kenneth & Loretta Leichtle, 6634 Newland St., requests a variance to construct a 672 sq. ft. detached garage set back 5 ft. from the side (south) and rear (east) property line when Sec. 6.2.1 requires a 10 ft. side and rear setback, be granted.

This motion is based on Findings No. 1 through 8 on Page 9 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes that the nature of the home and the placement of the patio and the addition make it impossible to place the garage to meet the side setback.

The following votes were cast on the motion:

Those voting Yes: Terranova

Those voting No: Owens, Riley, Drulard, Marquez, Duncan, Kreutzer

Those absent:

Those abstained:

The variance is granted.

As to Finding No. 2, the special circumstance or condition includes that the nature of the home and the placement of the patio and the addition make it impossible to place the garage to meet the rear setback.

The following votes were cast on the motion:

Those voting Yes: Terranova

Those voting No: Owens, Riley, Drulard, Marquez, Duncan, Kreutzer

Those absent:

Those abstained:

The variance is granted.

VAR2015-0015 – Tania Rivera 6106 Vrain St.

The public hearing was opened.

The property was posted and the fee was paid.

Tania Rivera, William Hunt and Ken Relyea

Mr. Relyea of Affordable Garages spoke about the need for the variance to construct a garage with a five foot setback and five foot rear setback and it needs to be set there to allow turning radius into the garage. The neighbors are aware that they are requesting this garage. They did want to go deeper but are only asking for the minimum.

Additional Comments from Staff

No comments from staff

Ms. Drulard asked how long they have lived at the residence?

Ms. Rivera answered 25 years.

Mr. Marquez asked if they could describe the covered patio.

Mr. Hunt stated that it only allows 9 feet from the covered patio with a shingled roof.

Mr. Relyea stated that he wanted a much deeper garage but knowing that most in the neighborhood are at the five feet and five feet set back, that is all that they are asking for.

Closed the Public Hearing

Mr. Marquez stated that he can understand that five foot setback and for the size of the garage but he is not sure that there is a practical difficulty here.

Mr. Owens stated that he does not see any special circumstance and he understands what they want and cannot grant a variance.

Ms. Riley stated that she does appreciate that they are asking for the minimum requirements and did not ask for the moon. I am having difficulty finding practical difficulty but the only thing that I see is a grade change the may cause some drainage issues.

Ms. Drulard is torn about the tree situation but she does not see a special circumstance.

Ms. Kreutzer stated that she is not seeing a special circumstance either.

Reopened the Public Hearing

Ms. Drulard asked to reopen the case for an additional question and stated that she wanted more information why the garage could not be put on the other side?

Mr. Relyea stated that there is a grade change and it drops off to the southeast and would require a retaining wall or a grade change to avoid flooding.

Closed the Public Hearing

DISCUSSION OF MOTION:

MOTION:

It was moved by Mr. Riley that variance request VAR2015-0015, Tania Rivera, 6106 Vrain St., requests a variance to construct a 500 sq. ft. detached garage, setback 5 ft. from the side (north) and rear (east) property lines when Section 6.2.1 of the LDC requires a minimum side setback of 10 ft., be granted.

This motion is based on Findings No. 1 through 8 on Page 10 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the fact that there is elevation difference on this lot and it is a very shallow lot.

The following votes were cast on the motion:
Those voting Yes: Owens, Terranova, Riley, Drulard
Those voting No: Kréutzer, Duncan, Marquez
Those absent:
Those abstained:
The variance is granted.

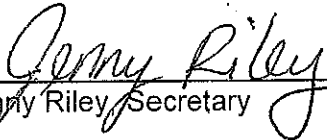
As to Finding No. 2, the special circumstance or condition includes that the fact that there is elevation difference on this lot and it is a very shallow lot.

The following votes were cast on the motion:
Those voting Yes: Owens, Terranova, Riley, Drulard
Those voting No: Marquez, Duncan, Kreutzer
Those absent:
Those abstained:
The variance is granted.


OTHER ITEMS – By-laws discussion

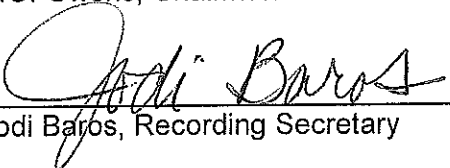
The next meeting is scheduled for August 25, 2015 with one case.

MEETING ADJOURNED at 8:25 P.M.



Jenny Riley, Secretary



T.O. Owens, Chairman


Jodi Baros, Recording Secretary