

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD MARCH 29, 2016

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 Wolfschlag, Secretary; Christine Duncan, Kathy Drulard, Cindi Kreutzer, Ted Terranova

Not Present:

ALSO PRESENT: Reid Betzing, Sr. Ass't. City Attorney; Rob Smetana, Planning Manager, Jacob Nitchals, Planner II, Jodi Baros, Recording Secretary

APPROVAL OF MINUTES FOR December 15, 2015 – The minutes for December 15th stand approved as printed.

PUBLIC HEARING –

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**VAR2016-0001 Leontine Finley 7510 Kline Dr.**

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The public hearing was opened.

The property was posted and the fee was paid.

Fred Finley stated that they need a larger garage to house their lawn equipment, boat and a new truck. The garage that is attached to the house is just not big enough to store these items.

Mr. Owens asked if there are additional comments from staff.

Mr. Nitchals replied that there are no additional comments from staff at this time.

Ms. Kreutzer asked again how big is your equipment and why do you need such a big garage?

Mr. Finley replied that his boat is 26 feet long and the truck is 24 feet long.

Mr. Owens asked about the orientation of the garage and if a different spot was looked at for the garage.

Mr. Finley spoke to the restriction on the centerline from Kipling Street will not work from anywhere in the backyard and to put it on the other side would make it much more difficult to be able to turn around.

Mr. Marquez asked if it was looked at to make the existing garage larger.

Mr. Finley replied that he would have to take down the pine tree and he really did not want to take the tree down. It would also be a five foot side variance on that side too.

Ms. Wolfschlag asked if the neighbors were spoken to and how is the drainage going to happen.

Mr. Finley stated that the neighbors do not have any problems with this and it is already set for all the drainage.

Mr. Owens closed the Public Hearing.

DISCUSSION OF MOTION:

Ms. Drulard asked if someone could help her find a practical difficulty.

Ms. Kreutzer stated that she cannot see a special circumstance or a practical difficulty either.

Mr. Owens stated that the tree may be the practical difficulty.

Mr. Marquez stated that he does not want to disagree but he would like to see the location of the tree on the site plan with the dimensions to the property line.

Mr. Terranova asked to reopen the public hearing.

Mr. Owens reopened the public hearing.

Mr. Terranova asked Mr. Finley if he has ever measured the distance from the tree.

Mr. Finley stated yes it is a huge tree that is about 80 feet tall and it goes from south border over the driveway. It goes about four or five feet from the driveway. It is a good shade tree and they do not want to cut it down.

Mr. Terranova stated that it is good enough for the verbal testimony instead of written on the site plan.

Mr. Betzing replied that you can give creditability however you want.

Ms. Wolfschlag asked why is it so far from the centerline of Kipling Street?

Mr. Smetana replied that the regulation has been in place for quite a while and it has to do with noise impacts to an arterial street.

Mr. Owens closed the public hearing.

Mr. Terranova stated that he can support these variances due to the fact that if you look at the history of this property and to do something after the fact does not seem right. He believes that a person should be able to use their property to the best of his ability as long as the neighbors do not have any issues with it.

MOTION:

It was moved by Mr. Terranova that variance request: VAR2016-0001, Leontine Finley, 7510 Kline Dr., to construct an 960 sq. ft. detached garage, for a total of 1,412 sq. ft. of garage space on the property, to be setback 5 ft. from the side (north) and rear (east) property lines when Section 6.2.1 of the Land Development Code (LDC) requires a minimum side and rear setback of 15 feet, 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 to place the garage in any other place would be impractical for this property.

The following votes were cast on the motion:

Those voting Yes: Owens, Terranova

Those voting No: Kreutzer, Drulard, Marquez, Wolfschlag, Duncan.

Those absent:

Those abstained:

The variance is denied.

It was moved by Mr. Terranova that variance request: VAR2016-0001, Leontine Finley, 7510 Kline Dr., to allow the garage to be located 55 feet from the centerline of Kipling St. when Section 6.2.1.g requires a garage to be setback 100 ft. from an arterial street centerline, be granted.

As to Finding No. 2, the special circumstance or condition includes the fact that there are no plans to expand Kipling Street.

The following votes were cast on the motion:

Those voting Yes: Owens, Terranova, Kreutzer, Wolfschlag

Those voting No: Duncan, Drulard, Marquez

Those absent:

Those abstained:

The variance is granted.

It was moved by Mr. Terranova that variance request: VAR2016-0001, Leontine Finley, 7510 Kline Dr., to allow the garage to be constructed 4 ft. from the existing residential structure when Section 6.2.1.j requires accessory structures to be located 5 ft. or more from the principal dwelling., be granted.

As to Finding No. 3, the special circumstance or condition includes the fact that the garage needs to be placed here due to the tree on the side of the attached garage for this property.

The following votes were cast on the motion:

Those voting Yes: Kreutzer, Terranova, Owens, Drulard, Marquez

Those voting No: Wolfschlag, Duncan

Those absent:

Those abstained:

The variance is granted.

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**VAR2016-0002 Roland Tomsick 7270 Beech St.**

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The public hearing was opened.

The property was posted and the fee was paid.

Roland Tomsick stated that this is strictly for handicapped reasons and over the years we have put up with it but it is getting harder and harder to get Carole from the house to the car without getting wet. The neighbor is here with us tonight and he has no problem with it. A couple times we have both fallen in trying to get her from the car into the house. It is mainly for the safety of getting his wife from the house into the car and from the car into the house.

John Brossman is the neighbor and he says it is a sad situation that he has watched over the years and does not have any issue with the carport cover to keep them out of the elements.

Mr. Owens asked if there are additional comments from staff.

Mr. Nitchals replied that there are no additional comments from staff at this time.

DISCUSSION OF MOTION:

Stop work order was placed for code enforcement.

Mr. Tomsick was asked by code if he had a permit and he said that he was told that he did not need a permit. But once it was being built, he was told to stop working on it and come for the variance.

Mr. Owens closed the public hearing.

Mr. Owens stated that the shape of the lot is a practical difficulty here. It is a reasonable request.

Ms. Wolfschlag the lot does limit their options and they have proposed the smallest cover that they can for the limits that they are working with.

Ms. Kreutzer stated she can support due to the neighbors being at the hearing and supporting the request.

MOTION:

It was moved by Ms. Wolfschlag that variance request:, VAR2016-0002, Roland Tomsick, 7270 Beech St., requests a variance to construct a 154 square foot carport attached to the west facade of the existing residential dwelling setback 2.5 ft. from the side (west) property line when Section 6.2.1 of the Land Development Code (LDC) requires a minimum side and rear setback of 7.5 feet, 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 the lot is uniquely pie shaped and would not allow for the placement of the carport any other way for this property.

The following votes were cast on the motion:

Those voting Yes: Kreutzer, Terranova, Owens, Drulard, Marquez, Wolfschlag, Duncan

Those voting No:

Those absent:

Those abstained:

The variance is granted.

OTHER ITEMS –

The reconsideration will be presented at the next hearing due to Mr. Marquez allowing the reconsideration to be brought back before the board.

MEETING ADJOURNED at 7:29 P.M.

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Jenny Wolfschlag, Secretary

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T.O. Owens, Chairman

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Jodi Baros, Recording Secretary