

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD MAY 10, 2016

CALL TO ORDER – 6:45 P.M.

PLEDGE OF ALLEGIANCE -

ROLL CALL OF MEMBERS – Those Present: Jenny Wolschlag; Kathy Drulard, Cindi Kreutzer, Ted Terranova, Tom Aljinovich, Alan Albrandt, Nicholas Snow

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 March 29, 2016 – The minutes for March 29th stand approved as printed.

PUBLIC HEARING –

VAR2016-0003 Laurel Kaufmann 9870 W. 53rd Ave.

The public hearing was opened.

The property was posted and the fee was paid.

Reid Betzing swore in the three new applicants to the Board of Adjustment before the first case was heard.

Laurel Kaufmann stated that she is asking to enclose five retaining walls with the installation of a six foot fence. I do have an unusual and special circumstance. I live on a corner lot with a walkout basement that was created by a previous owner. I am requesting to build the six foot fence to enclose retaining walls that are causing deterioration and flooding and need to be replaced and repaired. Once all repairs have been completed the fence will be installed and will act as a way for privacy and safety for the neighborhood.

Ms. Wolschlag asked if there was anyone present that wanted to speak for or against the case.

Ms. Wolschlag asked if there were any additional comments from staff.

Ms. Wolschlag closed the Public Hearing.

Ms. Kreutzer stated that it looks beautiful and will the fence be six feet all the way around the retaining walls?

Ms. Kaufmann stated that yes the fence will enclose all the retaining walls and will have a gate at the top of the sidewalk.

Mr. Terranova stated, "thank you for coming back to re-state your case." I can support this variance and the main reasons that I can support are that, even with this being on a corner lot, the neighbors do not have any issues with the fence being built and I am a huge advocate of homeowners getting to do what they want with their property.

Mr. Snow was concerned about setting a precedent on the corner lot issue.

Mr. Terranova stated that every case that is heard is different and it will be heard as an individual case.

Mr. Albrandt stated that the four foot fence would serve the same purpose here. He feels that the justification for privacy is not a land use issue.

Mr. Aljinovich stated that he appreciated the through explanation. Would the old split rail fence be removed?

Ms. Kaufmann stated that the split rail fence will be removed.

DISCUSSION OF MOTION:

Mr. Snow stated that he has a split rail fence and has chicken wire on it to keep his pets in.

Mr. Albrandt stated that if we are looking at the slope of the property and not the privacy of the fence, he can support.

Ms. Kreutzer stated that the fence has been moved in from the original variance and she can support this variance.

MOTION:

It was moved by Mr. Terranova that variance request: VAR2016-0003, Laurel Kaufmann, 9870 W. 53rd Ave., to construct a six-foot tall, solid fence setback six feet from the west side property line when section 6.5.8 of the LDC requires a 25-foot setback, be granted.

This motion is based on Findings No. 1 through 8 on Page 11 of the Staff Report.

As to Finding No. 1, the special circumstance or condition includes the fact that special topography of this land makes it unique.

The following votes were cast on the motion:

Those voting Yes: Snow, Terranova, Albrandt, Aljinovich, Kreutzer

Those voting No: Wolfschlag

Those absent: Drulard

Those abstained:

The variance is granted.

OTHER ITEMS –

MEETING ADJOURNED at 7:05 P.M.

Tom Aljinovich, Secretary

Jenny Wolfschlag, Chairman

Jodi Baros, Recording Secretary