

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD JULY 26, 2016

CALL TO ORDER – 6:3 P.M.

PLEDGE OF ALLEGIANCE -

ROLL CALL OF MEMBERS – Those Present: Jenny Wolschlag; Kathy Drulard, Cindi Kreutzer, 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 June 14, 2016 – The minutes for June 14th stand approved as printed.

PUBLIC HEARING –

VAR2016-0004 Glenn and Amber Powell 8692 W 69th PI

The public hearing was opened.

The property was posted and the fee was paid.

Amber Powell, stated the she wanted to extend a sincere thank you to staff. We are requesting a reduction in the setback on the north side of our property from twenty-five to ten feet to construct a small workshop or garage that will be the height of a single car garage for my husband, who is a mechanical engineer, and he would store his tools and equipment. The primary reason for requesting the variance is preserve the trees on our property which is the practical difficulty. In light of the board's denial of our variance they are specific aspects of our property that would cause a special circumstance, there is a maple tree that would need to be removed and we would prefer to keep it on our property. There also is a slope on the property that will cause additional excavating, in order to save the tree. We believe that adding this workshop/garage will add value to the property. In addition to mailing out the notifications, we personally spoke with all our neighbor's with the exception of one that we could not reach.

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

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

Mr. Nitchals replied that there are not any additional comments at this time.

Ms. Wolfschlag closed the Public Input portion of the Hearing.

Ms. Kreutzer which side is the door to be located on?

Ms. Powell the single rollup door will be located on the street side.

Ms. Drulard will the other building that is in the back be removed?

Ms. Powell stated that yes that building was in place when they bought the property.

Mr. Aljinovich asked did the arborist check how far the root goes out from the tree?

Ms. Powell stated that they are intending to save as much as they can of the roots of the tree and accommodate for proper drainage from the garage.

Ms. Wolfshlag invited members of the board to discuss the case.

Ms. Kreutzer asked staff if the overhead door requires a hard surface requirement?

Mr. Nitchals stated that there is not a requirement in residential areas to do asphalt or concrete.

MOTION:

It was moved by Mr. Snow that variance request: VAR2016-0004, Glenn and Amber Powell, 8692 W. 69th Pl., to construct a garage ten feet from the second front property line on a corner lot when section 6.2 of the Land Development Code requires a 25-foot setback, be granted.

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

As to Finding No. 1, the special circumstance or condition includes the large tree would need to be removed for a 15 foot difference on the setback.

The following votes were cast on the motion:

Those voting Yes: Snow, Wolfshlag, Aljinovich, Kreutzer

Those voting No: Albrandt, Drulard

Those absent:

Those abstained:

The variance is granted.

VAR2016-0007 Daryl Kanzler 14405 W 64th Ave -Vacated

The legal was posted and the client came back with information that they no longer needed the variance. It is motioned that this variance be vacated.

The following votes were cast on the motion:

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

Those voting No:

Those absent:

Those abstained:

The variance is vacated.

VAR2016-0006 Steven Keen 6913 Ingalls St

The public hearing was opened.

The property was posted and the fee was paid.

Mr. Keen is asking that an existing carport structure be allowed to stay in place. It was built six years ago. I keep a car and lumber in there. The neighbors do not have any issues with the structure. I am willing to do whatever I need to do to keep this. I do have lights and outlets and I did not know that I was in violation because I did hire a company to come in and install this carport. I thought that it was legitimate and as it turns out it was not.

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

Don Brooks stated that Steve is a good neighbor and he does not have any issues with the carport staying in place.

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

Mr. Nitchals replied that there are not any additional comments at this time.

Ms. Wolfschlag closed the Public Hearing.

Mr. Albrandt is there a code for the fire rating?

Mr. Nitchals answered that yes there is and Steve and I spoke with Brita in the Building department and she did advise what would need to be done.

Mr. Albrandt asked how far is it from the structure to the neighbor's house?

Mr. Keen stated that it is approximately twenty-five feet.

Ms. Wolfshlag asked what makes your lot unique from your neighbor's lot and is there any other place on your lot that this structure could have been placed?

Mr. Keen stated that he does have a two car garage already in the back of the house. He restores muscle cars and he uses this garage to keep the cars out of the elements.

Mr. Albrandt asked if it is the same ruling for garages and carports.

Mr. Nitchals replied yes it is the same as far as setbacks whether it is a garage or a carport.

Ms. Drulard asked if this is your primary business that you run out of a residential area?

Mr. Keen stated that yes I do and yes it is.

Ms. Drulard asked does that meet code?

Mr. Nitchals stated that there are standards for home occupation and it is about impacts and we do not know of any complaints. A lot of people have home offices that are out of their homes.

Mr. Aljinovich asked about the fire code and to even consider to putting in fire proofing, what does that involve?

Mr. Nitchals stated that he would need to add additional drywall from the grade up to the roof and the other option that was discussed was adding a new siding on the north side of the carport.

Ms. Wolfshlag invited members of the board to discuss the case.

Ms. Kreutzer stated that she is really struggling finding a practical difficulty or a special circumstance. I just am not seeing it. It could have been placed further back in the yard.

Ms. Wolfshlag stated that she agrees with Ms. Kreutzer and she does not see this lot being unique or different than any other lot in the neighborhood.

Mr. Albrandt stated that one thing that he does see that the neighbors have a good distance between the houses where this structure is placed and if it is taken down that he will have a driveway to nowhere.

MOTION:

It was moved by Ms. Drulard that variance request: VAR2016-0006, Steven Keen, 6913 Ingalls St., requests two variances to allow an existing carport to remain in its current location, setback zero feet from the side property line and zero feet from the principal structure. Section 6.2 of the Land Development Code requires a ten-foot setback from the side property line and a five-foot setback from the principal structure, be denied.

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 the fact that we were unable to find a practical difficulty or special circumstance with this case.

The following votes were cast on the motion:

Those voting Yes: Albrandt, Snow, Drulard, Wolfshlag, Kreutzer, Aljinovich

Those voting No:

Those absent:

Those abstained:

The variance is denied.

As to Finding No. 1, the special circumstance or condition includes the fact that we were unable to find a practical difficulty or special circumstance with this case.

The following votes were cast on the motion:

Those voting Yes: Albrandt, Snow, Drulard, Wolfshlag, Kreutzer, Aljinovich

Those voting No:

Those absent:

Those abstained:

The variance is denied.

OTHER ITEMS –

MEETING ADJOURNED at 7:05 P.M.

Tom Aljinovich, Secretary

Jenny Wolfschlag, Chairman

Jodi Baros, Recording Secretary