



SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD
JANUARY 28, 2020

1. **CALLED MEETING TO ORDER**– By Tom Aljinovich at 6:15 P.M.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL OF MEMBERS**

Tom Aljinovich, Chair; Kathleen Drulard, Vice Chair; Russ Rizzo, Secretary; Barbra Coffman; Richard Derryberry; Meredith Kapushion

THOSE ABSENT

Alan Albrandt

It was moved by Ms. Drulard to excuse Mr. Albrandt from the meeting.

The following votes were cast on the motion to excuse Alan Albrandt:

Those voting Yes: Aljinovich, Drulard, Rizzo, Coffman, Derryberry, Kapushion

Those voting No: None

The motion carried.

ALSO PRESENT: Jacob Nitchals, Sr. Planner; Jeremiah Bebo, Planner I; Emily Grogg, Sr. Ass't. City Attorney; Stephanie Wallace, Administrative Specialist/Recording Secretary.

4. **APPROVAL OF MINUTES FOR** – October 15, 2019. The minutes stand approved as printed.

5. **PUBLIC HEARINGS**

RANDALL ANDERSON – VAR2019-0013 – 10262 W. 77TH PL.

Kathy Drulard made a disclosure that the case is located in her neighborhood. Ms. Drulard has not met the applicant or the neighbors surrounding the applicant. She stated that her house and lot are not similar in build to the applicant's. She stated her address and that her house is not visible in Figure 2 in the application. She believes her home's proximity to this case will not affect her ability to be fair and unbiased.

The public hearing was opened.

Mr. Aljinovich entered into the record the staff report for VAR2019-0013 dated January 28, 2020, affidavit of mailing, and posting log.

The applicant, Mr. Anderson, explained the reason for the request of a variance to the Board. He stated he moved into the neighborhood anticipating that they would be able to build a detached garage.

Mr. Aljinovich opened the hearing for comments from the public.

PUBLIC COMMENT

IN FAVOR

None

IN OPPOSITION

None

APPLICANT REBUTTAL

None

COMMENT FROM STAFF

None

PUBLIC COMMENT WAS CLOSED

QUESTIONS FROM THE COMMISSION

Mr. Derryberry asked Mr. Anderson about the location of the garage in the application and if it was possible to move the garage, to be behind the house.

Mr. Anderson stated his main concern is being able to maneuver a trailer behind the house and be able to access the garage with a 15-foot setback off the back property line. He stated he has another set of plans for an attached garage, but that would also need a variance for a setback encroachment.

Mr. Derryberry and Mr. Anderson discussed more on placing the garage behind the house.

Mr. Aljinovich asked about putting the garage parallel with the porch and if that would be within the setback limits.

Mr. Bebo responded we believe it would meet the setbacks. However, it would take up a lot of the back yard.

Mr. Aljinovich asked about the rule on being up against the utility easement.

Mr. Bebo responded it could be up against an easement, but it could not be within the easement due to various utilities. The set back is still 15 feet from the back of the property line.

Mr. Aljinovich asked Mr. Anderson why the garage wouldn't work parallel to the porch.

Mr. Anderson responded it would work, but getting a trailer around the shed and existing tree is the challenge. Because of existing trees on the West side of the property, the access would have to be from the East side.

Mr. Rizzo explained that the Board has set rules and protocol for justifying cases. He asked what the special circumstance or a practical difficulty would be.

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Mr. Anderson talked about the slight slope to the rear for drainage and the proposed placement wouldn't take up the back yard. He stated there may be a potential of damaging the root system to the existing tree if he moved the garage towards the west.

Ms. Coffman and staff discussed a previous variance in the neighborhood and how it was granted. Staff commented they didn't support the variance in that case either.

Mr. Aljinovich asked Mr. Anderson what the neighbors thought about his request. Mr. Anderson stated they are fine with it and one neighbor may be considering submitting a plan.

The Board commented that they don't see a special circumstance to grant a variance.

Mr. Aljinovich reopened for a question from applicant regarding the application and other plans that the applicant has.

Mr. Bebo stated if the Board would like to go over the other plans, Staff would be open to seeing them.

Ms. Grogg stated unless there is something that the applicant wants to amend on the application and the Board wants to reevaluate whether or not the amendment would raise a level for a special circumstance or practical difficulty that would be another discussion.

Mr. Aljinovich stated he would encourage, letting the Board rule on this application at this time and resubmit with the Staff on the alternative plan and seek a minor modification.

MOTION:

It was moved by Mr. Derryberry that VAR2019-0013, Randall Anderson, 10262 W. 77th Place, to construct a 900 square-foot detached garage set back five feet from the East (side) property line and 7.3 feet from the South (rear) property line when section 6.2.1 of the LDC requires a 15-foot setback be denied.

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

DISCUSSION OF MOTION VAR2019-0013

The following votes were cast on the motion:

Those voting Yes: Drulard, Rizzo, Coffman, Derryberry, Kapushion,

Those voting No: Aljinovich

Those absent: Albrandt

The motion passed.

8. **OTHER ITEMS**

No upcoming meetings

9. **ADJOURNED** at 6:44 P.M.

Russ Rizzo

Russ Rizzo, Secretary

Tom Aljinovich

Tom Aljinovich, Chair

Stephanie Wallace

Stephanie Wallace, Recording Secretary