

**CITY BOARD OF ADJUSTMENT**

MINUTES September 7, 2016

Name	Title	01/06/2016	02/03/2016	03/02/2016	04/06/2016	05/04/2016	06/01/2016	07/06/2016	08/03/2016	09/07/2016	10/05/2016	11/02/2016	12/07/2016
Jeff Bollman	Board member	-	-	1	E	1	1	1	A	1			
James Olson	Board member	-	-	1	1	E	1	E	R	R			
Paul Hagen	Board member	-	-	1	1	1	1	1	1	E			
Frank Chesarek	Vice Chairman	-	-	1	1	1	1	1	A	A			
Oscar Heinrich	Board member	-	-	1	1	1	1	1	1	1			
Martin Connell	Board member	-	-	1	1	1	E	1	1	1			
Mark Noennig	Chairman	-	-	1	1	1	1	1	1	1			

TOTAL NUMBER OF APPLICATIONS 2016	01/06/16	02/03/16	03/02/16	04/06/16	05/04/16	06/01/16	07/06/16	08/03/16	09/07/16	10/05/16	11/02/16	12/07/16	TOTAL
<b>Variance</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>3</b>				<b>21</b>

Chairman Noennig called the meeting to order at 6:00 p.m. The City Board of Adjustment met in the first floor conference room of the Miller Building located at 2825 3<sup>rd</sup> Avenue North.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator and Robbin Bartley, Administrative Support.

**Attending**

Frank Corkish, Levi Newman, Tom Price, Sharon Price, Danny Hofer

**Public Comment**

Chairman Noennig opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none. Chairman Noennig closed the public comment period.

**Approval Meeting Minutes**

Board member Connell made a motion for the approval of August 3, 2016, minutes. Board member Bollman seconded the motion. Minutes were approved by unanimous voice vote 4-0.

**Disclosure of Conflict of Interest**

Chairman Noennig asked for disclosures of conflict of interest.

Board member	Yes	No	Not Present
Jeff Bollman		x	
██████████			
Paul Hagen			x
Frank Chesarek			x
Oscar Heinrich		x	
Martin Connell		x	
Mark Noennig		x	

**Disclosure of Outside Communication**

Nicole Cromwell explained there are times applicants communicate directly with Board members or visit the site and this should be communicated to the Board members in a public forum.

Board member	Yes	No	Site visit?	Not Present
Jeff Bollman		x	none	
██████████				
Paul Hagen				x
Frank Chesarek				x
Oscar Heinrich		x	two	
Martin Connell		x	one	
Mark Noennig		x	none	

**Public Hearings**

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearings and stated the Board will open a public hearing and allow public comment this evening. She reviewed the hearing and presentation processes for the meeting and acting on each variance. She stated four votes in favor of the Board of Adjustment are required to pass a variance. This evening there are 4 Board members attending. A unanimous vote is necessary to approve requested variances.

Nicole Cromwell read the legal description for **Variance #1240**:

Nicole Cromwell presenting:

**Variance 1240 – 3741 Grecian Way – Projection in Front Setback** - A variance from 27-310(g) requiring a maximum projection in a front yard setback of 4 feet for a proposed covered unenclosed porch to allow a maximum projection of 8.5 feet in a Planned Development – Residential 9,600 (PD-R96) zone on Lot 35, Block 7 of Olympic Park Subdivision, a 7,000 square foot parcel of land. Tax ID: C10021.

## **RECOMMENDATION**

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval, to allow the front porch encroachment into the setback not to exceed 8 feet based on the determinations for granting a variance.

### **Discussion**

Chairman Noennig asked the members of the Board for questions and discussion. He then asked for clarification of the measurements and numbers used to determine setbacks. 4 additional feet is the maximum projection into the 20 foot setback. The applicant is requesting 8.5 feet into the setback. The porch would be 11.5 feet from the front property line. The difference between the allowable and the desired projections is 4.5 feet. The roof is allowed to overhang 1.5 feet. Board member Heinrich asked if the applicant had been informed of the allowable 6 feet without a variance. Staff was not sure if it had been discussed.

### **Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1240**.

### **Frank Corkish**

Mr. Corkish asked for clarification of the property line. Staff explained how the measurements are taken. He has lived there for 20 years and is trying to make it easier for his aged mother regarding snow and ice and protecting the front entry from heat and adverse weather.

### **Opposed** – none

### **Discussion**

Board member Heinrich stated he doesn't see a need and the proposed porch doesn't fit in the neighborhood.

Chairman Noennig wondered why staff was recommending approval. Board member Heinrich stated that the recommendation was only for 8 feet and not the requested 10 feet.

Staff explained that an extensive look into neighborhood variances was done. Several variances had been approved for setbacks of different footages and the information is included in the staff reports. There are also projections in the neighborhood over the allowances that did not have an approved variance or application on file. There is no property hardship. There is at least one other property with a projection with no variance on file. Chairman Noennig struggled with the variance because it is not needed and no others have this. However, no neighbors are present to object.

Board member Connell suggests that if you could get away with 6 feet it would be better than 8.

Board member Bollman believes allowing this variance sets a precedence.

Chairman Noennig called for a motion.

Board member Heinrich made a motion and Board member Connell seconded the motion to deny **City Variance #1240** with the following amendments to the Findings of Fact presented by Staff: There is no hardship and it would be a special privilege to allow it.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman	x			
Paul Hagen				x
Frank Chesarek				x
Oscar Heinrich	x			
Martin Connell	x			
Mark Noennig	x			

**The motion to deny Variance #1240 passed 4-0.**

**Nicole Cromwell read the legal description into the record for Variance #1241.**

Nicole Cromwell presented:

**Variance 1241 – 2222 ½ Main Street – Accessory Building Area & Siding** - A variance from 27-310(i)(3) requiring a maximum floor area of 1,500 square feet per detached accessory structure and not more than 2,000 square feet total detached accessory structure floor area to allow a proposed 2,240 square foot detached garage and from Section 27-310(i)(6) requiring all detached accessory structures over 200 square feet to have horizontal siding or siding that matches the primary residence to allow vertical siding in a Residential Manufactured Home (RMH) zone on Lot 6 of Holling Ranch Subdivision (aka C/S 151 Lot 6), a 1.95 acre parcel of land. Tax ID: D05189.

**RECOMMENDATION**

The Planning Division recommends conditional approval and adoption of the findings of the 7 criteria for **Variance #1241**.

**Discussion**

Board member Bollman asked if this were zoned HC, like the neighbors, would this building be allowed as described without a variance. Staff does not believe so. The residential zoning would not. The applicant could apply for a commercial building permit which subjects them to a huge amount of requirements regarding paving and storm water control, etc. No matter, they would still have to comply with residential building restrictions for detached accessory structures even in a commercial zone.

**Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1241**.

**Sharon Price, 2222 ½ Main Street**

Mrs. Price explained why they want to build this structure and they have many vehicles they want to shelter. It is a long way to the present garage. She still works and it is difficult in the winter. Mr. Price is in his 80's.

Chairman Noennig asked why they want vertical siding. The Prices were told it was all that could be used and she is not opposed to vertical siding.

**Danny Hofer, contractor**

Mr. Hofer asked for zoning clarification. Staff again explained the difference in compliance with residential structures and commercial structures.

**Opposed**

None

**Discussion**

Board member Heinrich inquired as to comments from Surrounding Property Owners. Staff received none. Board member Connell explained that vertical siding is more efficient than horizontal and there should be no issue.

Chairman Noennig called for a motion.

**Motion**

Board member Bollman made a motion and Board member Connell seconded the motion to conditionally approve **City Variance #1241** with the conditions and Findings of Fact presented by Staff. Either of the siding choices are acceptable.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman	x			
Paul Hagen				x
Frank Chesarek				x
Oscar Heinrich	x			
Martin Connell	x			
Mark Noennig	x			

**The motion passed 4-0. City Variance #1241 is conditionally approved.**

**Nicole Cromwell read the legal description into the record for Variance #1242.**

Nicole Cromwell presented:

**Variance 1242 – 2023 La Brea Street – Lot Coverage** - A variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 39% for a proposed detached garage of 784 square feet in a Residential 9,600 (R-96) zone on Lot 9, Block 13 of Evergreen Subdivision, 2<sup>nd</sup> Filing a 7,500 square foot parcel of land. Tax ID: A06872.

**RECOMMENDATION**

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for a variance from the required 30% maximum lot coverage to allow 34% for this property based on the criteria for granting a variance.

**Discussion**

Board member Connell asked if this is a great size reduction from what is requested. Staff indicated a 51 percent reduction in size of what was requested. 400 square feet may fit one car. Board member Heinrich inquired as to Surrounding Property Owner comments. There were none. He also asked if any alley improvements would be required since he is accessing this proposed building from the alley. Staff said nothing regarding the alley was required.

**Public Hearing**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1242**.

**Levi Newman,**

Mr. Newman is the builder and is representing the owner. He explained the size of vehicles and need for a 2 car garage. A smaller garage would not allow for 2 cars to be parked.

Board member Connell confirmed a 2 car garage is requested and a 1 car garage is the staff recommendation.

Staff pointed out according to the letter submitted by the owner, Mr. Schieno, the recent vandalism of his vehicles sitting out. Also, recent hail damage is a problem.

Board member Heinrich asked why a remodel on the standing garage and breezeway are not being considered. Mr. Newman’s reply regarding this is it had not been considered and he felt it would be more expensive and less useful. Board member Heinrich suggested that making this revision and building the staff recommended garage in the rear would meet the coverage of 34 percent and give the owner the needed space.

Chairman Noennig asked if the owner is aware of the 34 percent recommendation and what his thoughts were. Mr. Schieno indicated the owner did not believe a smaller building would work.

Board member Heinrich suggested the decision be tabled for 30 days. Mr. Newman said he would like to get started.

Board member Connell is in favor of the application being approved as submitted, 784 square feet.

Board member Bollman stated that if the lot was the minimum lot size of 9600 square feet, the proposed garage and lot coverage would not exceed the zoning by much. They are not asking for a huge garage. Staff calculated that the lot coverage total would be 30.00625 on a 9600 square foot lot.

Chairman Noennig called for a motion.

**Motion**

Board member Connell made a motion and Board member Bollman seconded the motion to approve **City Variance #1242**, amending the square footage to 784 as submitted by the applicant and not follow staff recommendations.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman	x			
Paul Hagen				x
Frank Chesarek				x
Oscar Heinrich	x			
Martin Connell	x			
Mark Noennig	x			

**The motion to approve Variance request #1242 passed with a 4-0 vote.**

**Other Business/Announcements:**

The next meeting will be on October 5, 2016.

Jeff Bollman will not attend.

Adjournment: 7:14 p.m.

**ATTEST: APPROVED** by a motion on October 5, 2016

