

**CITY BOARD OF ADJUSTMENT**

**MINUTES: October 1, 2008**

**Leon Pattyn, Chairman** called the meeting to order at 6:00 p.m. The City Board of Adjustment met in the City Council Chambers.

Name	Title	01/03/08	02/06/08	03/06/08	04/02/08	05/02/08	06/04/08	07/02/08	08/06/08	09/03/08	10/08/08	11/06/08	12/03/08
Leon Pattyn	Chairman	<b>Cancelled</b>	1	A	1	1	1	<b>Cancelled</b>	1	A	1		
Barbara Walborn	Boardmember		1	A	1	1	A		1	1	1		
Lyn McKinney	Boardmember		1	A	1	A	1		1	1	1		
Troy Boucher	Vice Chair		1	1	1	1	A		A	1	1		
Daniel Eggen	Boardmember		A	1	1	1	1		A	1	1		
Brent Nelson	Boardmember		1	1	A	A	1		A	1	A		
Paul Cox	Boardmember		1	1	1	A	1		1	1	A		

TOTAL NUMBER OF APPLICATIONS 2008	01/03/08	02/06/08	03/06/08	04/02/08	05/02/08	06/04/08	07/02/08	08/06/08	09/03/08	10/08/08	11/06/08	12/03/08	TOTAL
Variance	0	2	2	2	2	2	3	3	5	2			

**Chairman Pattyn** asked Nicole Cromwell, Zoning Coordinator to introduce the City Board of Adjustment Members and Planning Department Staff. The following staff was in attendance:

- Nicole Cromwell, Planner II/Zoning Coordinator
- Candi Beaudry, Director
- Dave Green, Planner I
- Elizabeth Allen, Planning Clerk

**Public Comment:**

There were none.

**Approval of minutes:**

*On a motion by Boardmember McKinney, seconded by Boardmember Eggen and approved with a 5-0-2 voice vote the minutes of September 3, 2008 were approved.*

**PUBLIC HEARINGS:**

**Chairman Pattyn** asked Ms. Cromwell to read the determinations for granting a variance as well as review the rules for the procedure by which the public hearings will be conducted.

**Ms. Cromwell** reviewed the procedures by which the meeting is conducted. She read the determinations for granting a variance.

**Public Hearings:**

**Return Item #1: City Variance #1035 – 3014 Shady Lane** - A variance from BMCC 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 50%; from BMCC 27-308 requiring a minimum front yard setback of 20 feet to allow a minimum front yard setback of 15 feet; and from BMCC 27-404 (a) and 27-404(b) requiring no alteration of a nonconforming structure unless it increases the conformity of the structure and allowing no remodeling or reconstruction of a nonconforming structure that exceeds 50% of a structure’s replacement value to allow the reconstruction and expansion of an existing nonconforming structure on a 8,223 square foot parcel of land in a Residential 9,600 (R-96) zone, on Lot 5, Shady Lane Subdivision. Tax ID: A13881. Genia Demis, owner and Robert L. Stephens, agent. **The applicant has submitted a request to grant an additional 30-day delay to the November BOA meeting. The Board of Adjustment will consider this request on October 1, 2008.**

Ms. Cromwell read the legal description and passed out to the Board the new submittal by the applicant’s agent.

**Discussion:**

**Applicant:**

Rod Stevens, representative of the applicant, the applicant is requesting a 30 day delay because during the redesign of the proposal new information was brought forth that will change the application. They have been trying to redesign the application but time has not allowed for the new application to be commented on by staff or neighbors. He would ask the board to please grant the 30 day delay.

**Motion:**

*On a motion by Boardmember Boucher, seconded by Boardmember McKinney and approved with a 4-0-1-2 voice vote the delay of the application of until the meeting of November 6, 2008 was approved.*

**Motion:**

Boardmember	Yes	No	Abstain	Not Present
Leon Pattyn	x			
Barbara Walborn			x	
Lyn McKinney	x			
Troy Boucher	x			
Daniel Eggen	x			
Brent Nelson				x
Paul Cox				x

**Item #2: City Variance #1037 – 2008 Avenue B** – A variance from BMCC 27-310(i)8 requiring the maximum square footage of a detached accessory structure to be no greater than the foot print

square footage of the principal dwelling in a Residential 7,000 (R-70) zone, Lot 23, Block 2 Glock Subdivision. Tax ID: A07570, Martin & Brenda Reichert, owners.

**Ms. Cromwell** read the legal description and **Dave Green** reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property. He said staff is forwarding a recommendation of conditional approval.

**Discussion:**

**Chairman Pattyn** asked if the lot coverage for this property is ok. **Mr. Green** explained that the lot coverage with the detached garage, shed and home they will be under the 30% allowed lot coverage. **Boardmember Eggen** asked if the applicant will meet the setbacks. **Mr. Green** clarified the required setbacks and stated that this proposal meets all of the requirements.

**Applicant:**

**Martin Reichert**, 2008 Ave B, he would like to build the garage because he is the only person in the neighborhood without a garage. They would like to have room for storage for their cars and their boat. This would help to clean up the backyard and allow him to keep his boat out of the elements. The boat is 21 feet long and including the motor it is closer to 26 feet long. That is why he needs a garage this size. He asked the Board for its approval of the variance.

**Boardmember Eggen** asked if he would be able to meet the conditions of approval.

**Martin Reichert** stated that if this variance is approved he plans to submit the building permit tomorrow.

**Proponents:**

There were none.

**Opponents:**

There were none.

*The public hearing closed at 6:19 p.m.*

**Motion:**

***On a motion by Boardmember Boucher, seconded by Boardmember Eggen and approved with a 5-0-2 voice vote Variance #1037 was approved with the following conditions:***

1. The applicant must build the detached garage in substantial conformance with the drawing submitted with this application and shown with this staff report.
2. The applicant must obtain a building permit by April 1, 2009 and have the building constructed by October 1, 2009.

**Motion:**

Boardmember	Yes	No	Abstain	Not Present
Leon Pattyn	x			
Barbara Walborn	x			
Lyn McKinney	x			
Troy Boucher	x			
Daniel Eggen	x			
Brent Nelson				x
Paul Cox				x

**Discussion:**

**Other Business:**

**Ms. Cromwell** reminded the Board that their meeting next month will be on a Thursday. She also recommended to the Board that they make a decision on Variance #1035 at their next meeting, regardless if another request for delay is submitted or not.

**Adjournment:**

*The meeting was adjourned at 6:25 p.m.*

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**Leon Pattyn, Chairman**

**ATTEST:**

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**Elizabeth Allen, Planning Clerk**