

CITY BOARD OF ADJUSTMENT

MINUTES: February 6, 2008

Leon Pattyn, Chairman called the meeting to order at 6:02 p.m. The City Board of Adjustment met in the City Council Chambers.

| Name | Title | 01/03/08 | 02/06/08 | 03/05/08 | 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 | Cancelled | 1 | | | | | | | | | | |
| Barbara Walborn | Boardmember | | 1 | | | | | | | | | | |
| Lyn McKinney | Boardmember | | 1 | | | | | | | | | | |
| Troy Boucher | Vice Chair | | 1 | | | | | | | | | | |
| Daniel Eggen | Boardmember | | A | | | | | | | | | | |
| Brent Nelson | Boardmember | | 1 | | | | | | | | | | |
| Paul Cox | Boardmember | | 1 | | | | | | | | | | |

| TOTAL NUMBER OF APPLICATIONS 2007 | 01/03/08 | 02/06/08 | 03/05/08 | 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 | | | | | | | | | | | |

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
- Lora Mattox, Planner II
- Elizabeth Allen, Planning Clerk

Public Comment:

There were none.

Approval of minutes:

On a motion by Boardmember McKinney, seconded by Boardmember Walborn and approved by a 6-0-1 voice vote the minutes of December 5, 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 Hearing:

Item #1: City Variance #1021 – 3221 Green Terrace Drive - A variance from BMCC 27-308 requiring a minimum 20 foot front setback to allow a 1 foot front setback for an addition to an existing residential dwelling on Lot 24, Block 7 Country Club Heights Subdivision, a 21,000 square foot parcel of land in a Residential 9,600 (R-96) zone. Tax ID A05687. Bernard & Linda Rose are the owners and High Plains Architects, Ed Gulick is the agent.

Boardmember Walborn recused herself from voting on this application.

Ms. Cromwell read the legal description and **Lora Mattox** 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. She said staff is forwarding a recommendation of conditional approval.

Discussion:

Proponents:

Bernard Rose, 3221 Green Terrace Dr, their back yard is comprised of the rimrocks. They have no other ability to add to their property. He passed out a letter of support from one of his neighbors. They will be removing the encroaching stairs.

Ed Gulick, 3015 10th Ave N, this home predates zoning. They will be making this situation better by removing the stairs that are encroaching on the neighboring property.

Opponents:

Rebuttal:

The public hearing closed at 6:16 p.m.

Motion:

On a motion by Boardmember Boucher, seconded by Boardmember McKinney and approved with a 5-0-2 voice vote Variance #1021 was approved with the following conditions:

1. The variance approval is limited to Lot 24, Block 7 of Country Club Heights Subdivision.
2. The owner shall apply for a building permit for the addition within one year of Board of Adjustment approval.

| 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:

Boardmember Walborn rejoined the Board.

Item #2: City Variance #1022 – 4137 Clevenger Avenue - A variance from BMCC 27-310(i)8. requiring a maximum square footage of a detached accessory not to exceed the principal building first story square footage of 1,040 square feet to allow a 1,280 square foot detached garage on Lots 15-20, Block 1 Klein Subdivision, an 18,660 square foot parcel of land in a Residential 6,000 (R-60) zone. Tax IDs A09640 & A09641. Traci & Mark Silvis are the owners.

Ms. Cromwell read the legal description and **Lora Mattox** 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. She said staff is forwarding a recommendation of conditional approval.

Discussion:

Proponents:

Mark Silvis, 4137 Clevenger Ave, collects old cars and the insurance company requires that the cars be able to be locked when they are stored. They have applied for a single tax code for this property so if it was sold, it could be sold as one property.

Opponents:

Rebuttal:

The public hearing closed at 6:13 p.m.

Motion:

On a motion by Boardmember Walborn, seconded by Boardmember Cox and approved with a 6-0-1 voice vote Variance #1022 was approved with the following conditions:

3. The variance approval is limited to Lots 15-20, Block 1, Klein Subdivision.
4. Lots 15-17, Block 1, Klein Subdivision will not be sold separately from the adjacent property known as Lots 18 – 20, Block 1, Klein Subdivision where the primary residential structure is located.
5. All other sections of BMCC 27-310(i) shall apply including but not limited to horizontal siding only, vertical siding is not allowed.
6. No home occupation or business activities shall be permitted.
7. The owner shall apply for a building permit for the detached accessory structure within one year of Board of Adjustment approval.

| Boardmember | Yes | No | Abstain | Not Present |
|---|-----|----|---------|-------------|
| Leon Pattyn | X | | | |
| Barbara Walborn | X | | | |
| Boardmember McKinney McKinney | X | | | |
| Troy Boucher | X | | | |
| Daniel Eggen | | | | X |
| Brent Nelson | X | | | |
| Paul Cox | X | | | |

Discussion:

Other Business:

Election of Officers:

Boardmember McKinney nominates **Chairman Pattyn** for Chairman, seconded by **Boardmember Walborn**

Chairman Pattyn nominates **Boardmember Boucher** for Chairman, seconded by **Boardmember Cox**

The election of officers was tabled until the next meeting.

Adjournment:

The meeting was adjourned at 6:28 p.m.

Leon Pattyn, Chairman

ATTEST:

Elizabeth Allen, Planning Clerk