

BOARD OF ADJUSTMENT MINUTES
May 15, 2024 – 2:00 P.M.
Commission Chambers

PRESENT: Michael Bomar, Vice Chair
Denise Chase, Vice Chair
Kathy Garchow, Member
Joe Moholland, Member
Dan Small, Member

STAFF PRESENT: Kristin Coman, Community Development Director; Matthew McConnell, Assistant City Attorney (via Zoom); Ginny Bodkin, Deputy City Clerk

Chair Bomar called the meeting to order at 2:00 P.M.

1. Approval of the Agenda -

Community Development Director Kristin Coman asked that Discussion Item 5.a. be moved to the next scheduled meeting.

Motion: Member Moholland moved, and Vice Chair Chase seconded the approval of the May 15, 2024 agenda as amended; the motion carried 5-0.

2. Audience Comments – There were no comments.

3. Approval of Minutes – April 24, 2024

Motion: Vice Chair Chase moved, and Member Garchow seconded the approval of the April 24, 2024 meeting minutes as presented; the motion carried unanimously.

The Deputy Clerk duly swore in all those present who would be testifying.

4. Action Items

a. Case No. 23084 – 2841 Alton Drive

Practical Difficulty Variance: William and Terri Grocott requests to construct an 8' x 22' addition for expansion of existing attached garage with proposed front yard setback of 16.96' where 20' is required (LDC Sec. 8.7(a)(1)).

The Board members individually declared their ex-parte communications and research, which included driving by the property, conversations with the Applicant prior to their application, and reviewing emails from staff.

Community Development Director Kristin Coman reviewed a presentation of the request for this practical difficulty variance. Her presentation included photos, zoning, site plan, request details, existing conditions, surveys, proof of noticing, and staff comments. Her presentation is part of the meeting record.

Staff found the request reasonable and recommended approval of the variance request with the following conditions: 1) the Applicant will complete installation of landscaping in conformance with the Land Development Code Sec. 22.4 and 22.10 with landscape inspection completed and approved by Zoning prior to the issuance of a Final Inspection or Certificate of Occupancy, and 2) Applicant shall submit a sealed As-Built Plan noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Final Inspection or Certificate of Occupancy.

Applicant Terri Grocott provided testimony to the Board regarding the size of the garage and reasons for the request; she showed an additional printed plan, rendering and photos, which are part of the meeting record.

Motion: Vice Chair Chase moved, and Member Garchow seconded to approve the variance for Case No. 23084 with the staff recommended conditions; the motion carried 5-0.

b. Case No. 24004 – 130 N. Tessier Dr.

Practical Difficulty Variance: Charles and Karen O'Neill requests installation of fencing within front yard and secondary front yard that exceeds permitted height of 4' with 6' and 8' high proposed (LDC Sec. 6.15).

The Board members individually declared their ex-parte communications and research, which included walking and driving by the property.

Ms. Coman reviewed a presentation of the request, which is part of the meeting record. She reviewed photos, zoning, variance request details, survey, proof of required noticing, and staff comments.

Staff found the request reasonable and recommended approval with the condition that fencing located within the required 20' front yard setbacks shall not exceed 6' in height and 4' high fencing to be installed as per plan submitted. No letters for or against were received.

Applicant Chuck O'Neill provided testimony to the Board regarding some of the conditions at the property when they purchased it, the areas of the fence that they desire to improve and reasons why, and that he spoke to all of his surrounding neighbors, and they were in support of the variance.

The Board members asked questions of the Applicant. There were no comments for or against the variance and no letters were received. The Board deliberated.

Motion: Vice Chair Chase moved, and Garchow seconded to approve the variance for Case No. 24004 with the staff recommended condition; the motion carried 5-0.

c. Case No. 24018 – 285 42nd Ave.

Practical Difficulty Variance: Paul and Pamela Stein request additional relief for the secondary front yard setback of the recently constructed 18.5' x 18' detached garage, which does not meet the previously approved 3.5' setback (BOA Case No. 23006), now measuring at 3.09' existing after construction (LDC Sec. 6.13(a)(2)).

The Board members individually declared their ex-parte communications and research, which included driving by the property.

Ms. Coman reviewed the staff presentation for this request, which is part of the meeting record. The presentation included zoning, a survey, proposed site plan, request detail, previously approved variance with conditions and as built survey comparison, proof of required noticing, photographs, and staff comments.

Chair Bomar called a recess at 2:48 PM and reconvened the meeting at 2:55 PM.

Staff found the request reasonable and recommended approval. No letters for or against were received.

Applicant Paul Stein provided testimony to the Board regarding property surveys with differing measurements; he submitted copies of the surveys into the record. He stated that he wanted to avoid tearing down the garage altogether.

The Board asked questions of the Applicant. There was no comment for or against the request.

Motion: Member Garchow moved, and Vice Chair Chase seconded to approve the variance for Case No. 24018 as proposed; the motion carried 5-0.

5. Item(s) for Discussion

a. Board Procedures - This item was continued to the next scheduled meeting on Thursday, June 20th meeting.

6. Adjournment – The next meeting is scheduled for June 20, 2024. Ms. Coman noted that at the November 29, 2023 meeting, the Board decided to move the June meeting a week earlier and to a Thursday due to scheduling conflicts.

Vice Chair Chase moved, and Chair Bomar seconded to adjourn the meeting at 3:06 PM.

These minutes were approved at the June 20, 2024 Board of Adjustment meeting.