

**BOARD OF ADJUSTMENT MINUTES**  
**March 25, 2026 – 2:00 P.M.**  
**Commission Chambers**

**PRESENT:** Denise Chase, Chair  
Kathy Garchow, Vice Chair  
Chris Core, Member  
Jim Schmidt, Member  
Dan Small, Member

**STAFF PRESENT:** Kristin Coman, Planning Manager; Brandon Berry, Senior Planner;  
Nancy Stuparich, City Attorney; Ginny Keeter-Bodkin, Deputy City Clerk

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

**1. Approval of the Agenda -**

There were no changes to the agenda.

**Motion: Vice Chair Garchow moved and the motion carried unanimously by a voice vote to approve the March 25, 2026 agenda as presented.**

**2. Audience Comments – No one came forward for comment.**

**3. Approval of Minutes – January 28, 2026 Meeting**

**Motion: Member Core moved, Vice Chair Garchow seconded, and the motion carried 5-0 to approve the January 28, 2026 meeting minutes as presented.**

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

**4. Action Items**

a. Case No. 25146 – 3212 El Centro St.

*Practical Difficulty Variance:* Walter and Cassi Griffith requests to install a generator on an elevated engineered platform that will encroach approximately 3 feet 11 inches into the required 5-foot side yard setback where 1.07 feet is proposed (LDC Sec. 6.14. and 12.7.(a)(3)).

Planning Manager Kristin Coman presented the case for this variance which included an aerial photo, request detail, survey, zoning, posting information, and photographs. Her presentation is part of the meeting record. The applicant should address whether the proposed platform is the minimum required and if it can be reduced in depth to reduce the extent of the requested variance.

Staff found the request reasonable; the proposed north side yard placement seems the least visible and least impactful location. While the requested variance represents a substantial reduction in the required side yard setback, the proposed platform could be reduced to lessen the degree of encroachment into the required setback area. Staff recommended the following conditions:

1) The platform shall be used solely for the placement of the generator and shall not be expanded or utilized for any other purpose other than the proposed generator without additional variance

approval and 2) the applicant shall submit sealed As-Built Survey noting all setbacks and approved by Zoning prior to the issuance of the Certificate of Occupancy/Final Inspection.

Applicant Walt Griffith appeared and testified that the generator is up to structural codes and per OSHA guidelines, the platform cannot be any smaller. He provided details from his discussion with the manufacturer. He had no objections from his neighbors; no letters for or against the variance were received by staff. The generator will be above flood level.

Member Core made the ex-parte disclosure that he had visited the site.

The Chair closed public comment and opened board deliberation. With no opposition from the neighbors and due diligence by the applicant, some members viewed the application favorably. Member Core expressed concerns with a gas-powered generator being within a foot of the neighboring structure. Ms. Coman read the two staff recommended conditions into the record.

**Motion: Member Small moved, and Member Schmidt seconded, to approve Variance Case 25146 at 3212 El Centro St. with the conditions that the platform be used solely for the placement of the generator and not expanded or utilized for any other purpose without additional variance approval, and the applicant shall submit a sealed As-Built Survey noting all setbacks and approved by Zoning prior to the issuance of the Certificate of Occupancy/Final Inspection. The motion carried 4-1 with Member Core voting no.**

b. Case No. 26016 – 301 Gulf Way

*Practical Difficulty Variance.* Mark Jonnatti for Todd Herman requests to 1) elevate an existing residence to achieve floodplain compliance and retain a 1.5-foot northern side yard setback and 2.0-foot eastern rear yard setback where 3.0 feet is required for residences following elevation (LDC Sec. 3.10.(b)(3)a.ii.); and, 2) construct a patio that will encroach to the existing secondary front building corner along 3rd Avenue with a 4.1-foot setback where 10.0 feet is required, and a northern side yard setback of 3.75 feet where 4.25 feet is required (LDC Sec. 11.7.(a)).

Senior Planner Brandon Berry presented the case for this variance which included aerial photo, request detail, survey, zoning, posting information, elevations, and photographs of the site as it exists. His presentation is part of the meeting record. The home underwent design review at the March Historic Preservation Board meeting for a House-Small development, permitting a setback of three feet on the north side of the residence and five-foot secondary front setback. Residences must provide three-foot setbacks along all property lines following elevation based on the 2025 LDC update. The applicant is seeking to retain north side yard and rear setbacks of 1.5 and two feet, respectively, necessitating this variance.

Staff recommended that the applicant address whether the piled elevation surrounded by a frangible slab provides an opportunity to shift the home further west to comply with the three-foot setback requirement, and whether that would cause any adverse impacts. The applicant should acknowledge that retention of the existing side setback for the residence may limit or increase the cost of future development on the neighboring property due to fire separation requirements. The applicant should also consider use of a convex mirror or other aid to assist with visibility for vehicles backing out from the new driveways into the alleyway.

Staff found the request is reasonable and it preserves an existing home without significant additional impact to neighboring property. If the applicant can address staff questions and accept the potential fire and visibility issues, staff found that the request meets the criteria for issuance. The applicants should have a final as-built survey prepared, submitted, and approved prior to permit closeout.

No ex parte communication was declared.

Architect Mark Jonnatti testified on behalf of the applicants that the project primarily involves lifting the existing structure with minimal interior changes, limited to adding an elevator. The intent is to raise the building in place and even a slight relocation would significantly increase cost, complexity, and risk, including potential structural damage during the move. Regarding setbacks, shifting the building to comply would create other noncompliance issues, particularly impacting the adjacent public thoroughfare. Minor adjustments like trimming the building or shifting it west are technically possible, but not practical compared to lifting in place. He argued that the project already meets most setback conditions and that granting the requested variances would maintain alignment with the public interest.

Regarding fire safety, Mr. Jonnatti indicated there would be no issue if the building remains as proposed. He added that the adjacent property owner has no current development plans but expressed willingness to accept conditions if needed. He noted that the alley and garage configuration provide adequate space for maneuvering. He stated that modern vehicle safety features reduce the need for a convex mirror, though the applicant is willing to install one. He also pointed out that proposed design changes would improve visibility at the alley intersection. He also confirmed that no mechanical equipment would encroach into restricted areas and that all such elements are shown on the plans. He submitted letters of support from nearby property owners and noted that no opposition had been received. He displayed some renderings of the proposed dwelling.

Property owner Todd Herman testified that he owns the adjacent property and acknowledged the fire requirements should that property be developed in the future.

Public Comment - Jay Anderson of 202 Pass-A-Grille Way commented on the next two cases, in favor of raising historic homes for safety in the future.

Chair closed public comment and opened board discussion.

**Motion: Vice Chair Garchow moved and Member Core seconded to approve Variance Case No. 26016 at 301 Gulf Way with the staff recommended condition to have a final as-built survey prepared, submitted, and approved prior to permit closeout; the motion carried 5-0.**

c. Case No. 26019 – 102 4th Avenue

*Practical Difficulty Variance:* Lisa Wilson for Gilbert and Denine DiMola requests to construct access decks and stairs that encroach to 4.2 feet from the front property line where 10.0 feet is required, and a deck to align with the existing rear of the home that encroaches to 5.25 feet from the rear property line where 10.0 feet is required, in association with a project to elevate an existing residence to achieve floodplain compliance (LDC Sec. 20.10.).

Senior Planner Brandon Berry presented the case for this variance including an aerial photo, request detail, survey, zoning, posting information, existing and proposed renderings, and photographs. The

residence is proposed to be elevated in place, with access decks added along the side of the home extending to the existing rear. No new living space is proposed. Access stairs are being added to the front of the home in place of an existing porch, and an open deck is to be installed adjacent to it, along the front of the residence.

This property went before the Historic Preservation Board on March 5, 2026 for a Certificate of Appropriateness and Design Review; there were minimal concerns about the encroachments and more discussion regarding the design elements. The extent of elevation may preclude home from contributing status consideration under future historic surveys, which was discussed with and understood by owners.

The applicant should address if the rear deck extension provides any direct benefit, such as egress from the residence or another function and address whether the front deck is the minimum depth for comfortable use or serves any function other than for seating.

Staff found the request was not out of scale or produce any adverse effect, but it is not the minimum variance necessary to make use of the structure following elevation. The rear deck is not necessary to provide building access. The front deck provides a reasonably sized seating area to replace the covered porch that is being removed for stair access to the front door but is also not essential for access. Staff recommended conditions that 1) The deck railing below the balustrade should be of a material and design in keeping with the architecture of the building, such as vertical metal picket. Modern cabling and other similar non-contemporaneous elements shall not be used and 2) The applicant should have a final as-built survey prepared, submitted, and approved prior to permit closeout.

Member Core made the ex-parte disclosure that he had visited the site and spoke with the owner.

Gil and Denine DiMola testified to adding the front deck there because they are losing the bottom deck but are keeping it conservative. The side deck on alley side is to access the back entrance door and electrical panel. Mr. Berry confirmed these plans as the ones advertised; should roof plans change, the applicant would need to return with a change of scope for the roof. Mr. DiMola submitted eight letters of support into the record. No letters in opposition were received by staff.

There was no public comment; the Chair opened board discussion, which was favorable for the project; the deck makes sense for living space.

**Motion: Member Core moved, and Member Small seconded, to approve Variance Case No. 26019 at 102 4<sup>th</sup> Avenue with staff recommendations that deck railing below the balustrade be of a material and design in keeping with the architecture of the building and modern cabling and other non-contemporaneous be used and that the applicant have a final as-built survey prepared, submitted, and approved prior to permit closeout. Any other design changes will trigger a return review; the motion carried 5-0.**

d. Case No. 26022 – 104 4th Avenue

*Practical Difficulty Variance.* Lisa Wilson for Ronald and Margaret Schiff requests to construct an enclosed elevator that encroaches to 4.67 feet from the front property line where 10.0 feet is required, and concrete deck with stairs that encroach to 3.5 feet from the eastern side property line where 4.2 feet is required, in association with a project to elevate an existing residence to achieve floodplain compliance (LDC Sec. 11.7.(a)(3) & 20.10).

Senior Planner Brandon Berry presented the case for this variance including aerial photo, request detail, survey, zoning, posting information, existing and proposed renderings, and photographs.

The residence is proposed to be elevated in place with an enclosed elevator installed at the front of the residence in close alignment with the existing front of the building, as well as a deck with stairs added to the east side and stairs to the west. The front elevator will fall within the required setbacks. There is an accessory dwelling in the rear of the property. This item was reviewed by the Historic Preservation Board at their March 5, 2026 meeting. Comments were primarily regarding the new drive access from 4th Avenue. The extent of elevation will likely preclude home from contributing status consideration; this was discussed with and understood by owners. Staff found the subject additions to be reasonable in the scope of the improvements being made to the home. However, Staff requested that the owner or agent provide testimony as to whether it was considered for the elevator to be accommodated within the foyer.

Staff found both requests reasonable and offered minimum safe and continued access to the living level of the home. The existing division of units within the structure will be well served by the deck and elevator improvements, and accommodation of access by another means would result in a greater impact on a neighbor or would require significant modification to the home. Staff's recommended conditions were that 1) The elevator shaft roofline should be as shown on plans and constructed with shaft not to exceed the primary home gable's eave line and 2) the applicant shall have a final as-built survey prepared, submitted, and approved prior to permit closeout.

Andrew Schiff testified on behalf of his parents, the applicants. They considered putting elevator where the front door is but that interfered with the garage and front porch; they considered other options as well but want the elevator available for aging family members.

Mr. Schiff clarified that after final coordination with the elevator company, the elevator shaft design has been confirmed but would need to extend approximately two feet above the existing roofline. As a result, it cannot align exactly with the current eave height as originally shown in the plans. He provided a rendering and explained that the shaft would be architecturally treated (e.g., with faux window elements) to maintain visual compatibility with the building. Staff's roof alignment condition can no longer be met as written. This prompted discussion on whether it should be modified or removed. The shaft height would remain within allowable city limits and is not expected to exceed the main roof peak, though exact height figures were not immediately available. The applicant provided letters in support.

There being no public comment, the Chair opened board discussion.

**Motion: Vice Chair Garchow moved, and Member Core seconded, to approve Variance Case No. 26022 at 104 4<sup>th</sup> Avenue with the staff recommended condition that the applicant have a final as-built survey prepared, submitted, and approved prior to permit closeout; the motion carried 5-0.**

Ms. Coman noted for the record that pages 81-102 in the meeting packet were placed there in error and did not belong.

5. Adjournment - The next meeting is scheduled for April 29, 2026.

**Chair Chase adjourned the meeting at 3:25 PM.**

*These minutes were approved at the May 27, 2026 Board of Adjustment meeting.*