

BOARD OF ADJUSTMENT
MINUTES October 6, 2005
REGULAR MEETING

Meeting called to order by Chairman Brad Snyder at 7:00 PM.

Members present Brad Snyder, Ken Wilson, Charles Boubeau,

Staff present: Edwin Frank

Minutes of September 1, 2005 were approved

Mr. Snyder explained to the applicants that a minimum of 3 affirmative votes are required to grant a variance. With only 3 of the 7 members of the board a unanimous vote is required to grant a variance. Mr. Snyder offered to the applicants to opportunity to reschedule their hearing until November 17 when a full board should be available. No one requested to reschedule. The agenda was approved.

4320 Whistle Lake Road - Herrigstad Variance

Staff comments from the fire department indicated a need for adequate water for fire suppression. That issue will be addressed at time of permit review.

A letter from one neighbor supporting the request was entered into the record.

Mr. Herrigstad presented his request to reduce the required yard from 50 feet to 20 feet and to allow an increase from 16 feet to 20 feet for a livestock barn. Mr. Herrigstad indicated that there is a seasonal stream that runs north and south through the easterly portion of this property. This request is to allow the barn to meet or exceed the wetland buffer and place the barn in an existing cleared area. Mr. Snyder explored other options with Mr. Herrigstad. An area on the north portion of the site was discussed as an alternate location that would not require a yard variance.

Mr. Wilson moved to grant the variance as requested. Motion died for lack of a second.

The question was divided. Mr. Snyder moved, second by Mr. Boubeau to grant a height variance to 20 feet from 16 feet. Motion carried 3 yes/0 no.

Mr. Snyder then moved to deny the variance request for yard reduction, second by Mr. Boubeau. Yes Snyder, Boubeau: No, Wilson.

2302 22nd Street – Harrison Variance

Mr. Harrison presented his request to reduce the rear yard setback from 20 feet to 5 feet to enlarge the existing deck from 4 feet deep to 20 feet deep. Mr. Harrison explained the existing site conditions that preclude developing a level yard with adequate fencing to protect their children. The site conditions were carefully discussed.

There were no staff comments. One letter was entered into the record recommending approval.

Mr. Snyder moved, second by Mr. Boubeau to grant the variance as requested. Motion carried 3 yes/0 no.

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401 East Park Drive – Ballow Variance

Mr. Ballow presented his request to increase the allowed lot coverage from 35% to 44.6%. The lot configuration consists of a 10 foot high rock ridge running north and south across the lot and several mature evergreen trees in the front yard that they would like to preserve. The proposal is to reduce the height of the building to accommodate adjacent views. To accommodate this proposal it is necessary to enlarge the footprint of the home. A portion of the existing non-conforming structure would be maintained as the carport.

Staff comments from engineering addressed an existing sanitary sewer condition that needs to be addressed at the time of permit review. Fire department comments about the need to address adequate water supply for fire suppression, this will be addressed at the time of permit review.

Mr. Wilson moved, Mr. Boubeau second to grant the variance as requested with the stipulation that the 50% destruction of an existing non-conforming structure rule be applied. Yes, Wilson: No, Snyder, Boubeau: Mr. Snyder stated that the variance is not granted.

2720 Oakes Avenue – Priebe Variance

Mrs. Priebe presented her request to construct a 4 foot high, an increase from 30 inches, rock wall along the front property line to help control road noise and provide protection for pets and family. The height of the wall would be measured the fog line at the north edge of Oakes Avenue.

Mr. Snyder spoke to the noise issue and personally feels that City Council and the Planning Commission should address this issue along the busier streets.

Mr. Wilson moved to grant the variance to construct a solid rock wall not more than 4 feet above the edge, fog line, of the road, second Mr. Snyder. Yes: Snyder, Wilson. No: Boubeau. Mr. Snyder indicated that the variance is not granted.

The Meeting was adjourned at 8:30p.m.