

# BOARD OF ADJUSTMENT MEETING MINUTES

September 14<sup>th</sup>, 2020

## OPENING CEREMONIES AND PRESENTATIONS

### I. CALL TO ORDER

Vice Chairman Pat Bren called the meeting to order at 7:30 am.

### ROLLCALL

PRESENT: Chairman Larry Bares, Vice Chair Pat Bren, Shawn Soehren, and  
Bruce Burke

ABSENT: Trevor Ernst

STAFF Building Official Leonard Schwindt

### II. STANDARD MOTIONS

### III. REGULAR AGENDA

1. **A Variance request to reduce the street side yard fence requirement of a 15' setback to a 0' setback for a 6' fence. The site is located at 355 14<sup>th</sup> Street East, Lot 20 Block 1 in the Yon Replat.**

Trace Wells, lives at the property and explains the fence is a replacement for a wood 6' fence. Mr. Bren asks how much of the fence they are replacing. This fence would be facing 4<sup>th</sup> Ave and a little bit on the front side of the house, SE to where the street is. The corner of the house to the road is 6' and then it is tapered off to 2'. Mr. Schwindt explains what is allowed per code. He believes the current fence is in the right of way, which we would not allow. They would need to locate their property lines. Mr. Wells states he has letters from the neighbors saying they would be ok with the 6' fence. Discussion ensues regarding impacts on the adjacent properties. Mr. Wells explains that he would like higher fences for his larger dogs which could jump a 4' fence.

No one from public is here to comment.

I move to approve the variance finding that the requirements of Section 39.12.011(c)(1) have been met by the applicant for a variance with the following condition(s): **6' fence out of the right of way.**

**MOTION BY: Shawn Soehren SECOND: Pat Bren**  
**DISPOSITION:** Roll call vote... Aye 4, Nay 0, Absent 1  
Motion declared duly passed.

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2. **A Variance request to reduce the street side yard for a shed on R-1 zoned lot from 15' to its current location. The site is located at 355 14th Street East, Lot 20 Block 1 in the Yon Replat.**

Mr. Wells explains they hired someone to pour a slab for a dog house, and the contractor didn't get a permit. He states it is 6x12. Discussion ensues regarding placement on the lot. Easements are discussed.

No one from the public is here to speak.

Mr. Burke asks about the options if we were to ask him to move the structure. Options are discussed. Gas lines are discussed; Mr. Schwindt states no permitted structure will be allowed over the utility. Mr. Burke questions future situations like this. He wonders if we are setting a precedence. Mr. Bares thinks all requests need to be case by case. Mr. Burke does not believe we should approve this if the shed is currently over an easement. Mr. Bren and Mr. Burke suggests to deny until the utilities are located. Mr. Breen makes a motion to deny. Mr. Schwindt states that they could also table the item instead. Mr. Bren amends his motion, to postpone the item until utilities have been located.

1<sup>st</sup> Motion:

I move to TABLE the variance until the applicant has the utilities located.

**MOTION BY: Pat Bren SECOND: Bruce Burke**

Mr. Soehren questions the motion. He asks if the applicant verifies where the gas line is, are we going to ask him to move the shed. Mr. Schwindt states if they didn't move the shed, it would have to go through the legal process. Mr. Burke suggests we just deny the request today and have the owner move the shed into compliance not over an easement or utility. The board decides they will vote against the first motion and approve or deny the request. Mr. Schwindt also explains that the code states any accessory structure needs to be set back 15' from the property line.

**DISPOSITION:** Roll call vote... Aye 0, Nay 4, Absent 1

Motion does not pass.

2<sup>nd</sup> Motion:

I move to deny the variance request on the shed location, and build according to code.

**MOTION BY: Bruce Burke SECOND: Pat Bren**

**DISPOSITION:** 4 Aye, 0 Nay, Absent 1

Motion declared duly passed.

#### **IV. OTHER BUSINESS**

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**V. ADJOURNMENT**

Motion to adjourn:

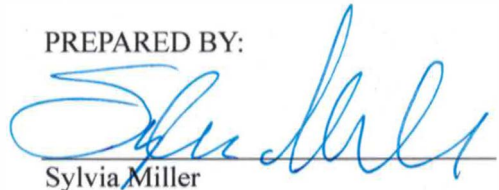
**MOTION BY: Pat Bren    SECOND: Bruce Burke**

**DISPOSITION:** Roll call vote... Aye 4, Nay 0, Absent 1

Motion declared duly passed.

There being no further business to discuss Vice Chairman Pat Bren called the meeting to a close; meeting adjourned at 8:13 am.

PREPARED BY:



Sylvia Miller

APPROVED BY:



Leonard Schwandt