A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, TUESDAY, NOVEMBER 12, 2019 BY CHAIR EVANS.

PRESENT: Board Members Alternates Seated as Board Members
Paul Evans Michael Hanchett
Ryan Gesund Maria Ward
Steve Allen
Miles Uhlar

ABSENT: Joe Krug
Greg Butts
Sue McAlpine

ALSO PRESENT: Erin Schlutow, Community Development Director
Dennis Hennen, City Council Liaison
Michael Gordon
Jason & Kendra Bath
Members of public

APPROVAL OF AGENDA
It was moved by Ms. Ward to approve the agenda as presented. Motion was seconded by Mr. Allen.

AYES: Gesund, Uhlar, Hanchett, Ward, Allen, Evans
NAYS: None
ABSENT: Butts, Krug, McAlpine

Motion Carried.

APPROVAL OF MINUTES
It was moved by Mr. Allen to approve the minutes of September 9, 2019 and supported by Mr. Gesund.

AYES: Uhlar, Hanchett, Ward, Allen, Gesund, Evans
NAYS: None
ABSENT: Butts, Krug, McAlpine

Motion Carried.

REGULAR AGENDA

1. Application PBA-04-19; 1811 Earlmont
   Community Development Director Schlutow provided a brief summary of the requested side yard setback variance at 1811 Earlmont for the proposed addition to the principal single family home.

   Applicant Michael Gordon, Architect, provided explanation of the project and reasons for the variance.

   Homeowners, Jason and Kendra Bath, answered questions posed by the Zoning Board of Appeals related to the history of the property and reason for the variance.
Chair Evans opened the Public Hearing at 7:14pm.

Gerald Gallagher, 1812 Earlmont, spoke in support of the proposed project and the requested variance. He noted that the homeowners at 1811 Earlmont have made improvements to the property since they moved in. He noted that the conceptual rendering of the proposed addition was beautiful.

Chair Evans closed the Public Hearing at 7:15pm.

Community Development Director Schlutow summarized written comments received from Brett & Jodi Miller, 1877 Earlmont. The homeowners recognize the need for the variance from the City and do not believe that the addition would negatively impact the neighborhood and welcome the investment in the community.

Board members discussed the variance request.

Mr. Allen concerned about the visibility at the intersection but does not think that the proposed addition will cause any problems seeing oncoming traffic or stop sign.

Ms. Ward noted that it would improve the neighborhood. She noted that she didn’t have any problem with the project. They have constructed a new garage and new driveway and these were nice enhancements to what was there.

Mr. Uhlar agrees that it looks nice, but it doesn’t fit the criteria for granting of a variance.

Ms. Ward referenced the properties submitted by the applicant that show other properties with similar encroachment into the side yard setback. She noted that what they are proposing would allow them to stay in their home and it improves the neighborhood and the value of the property.

Chair Evans thinks it’s a wonderful addition and shares concerns about aging in place in the community. However, Chair Evans isn’t sure the request meets all the standards for granting a variance.

Mr. Gesund inquired about the size of the lot and lot coverage maximum with the proposed addition.

Board Members inquired whether it would be permitted to construct the addition on the rear of the house rather than on the side of the house, as proposed. Community Development Director Schlutow had discussed this possibility with the applicant but they moved forward with the variance request onto the side yard.

Applicant Gordon addressed questions of rear yard distance from the garage to the principal structure. If the addition in the rear, it would occupy the entire rear yard space.

Chair Evans inquired about the side setback for the district. Community Development Director Schlutow noted that it was a combined 5ft. and 10 ft., where the setbacks can be offset, but there is a required 15 ft. between structures.

Chair Evans read through the five standards of review one at a time.

Based on the finding of fact, it was moved by Mr. Allen to deny the requested side yard setback variance, PBA-04-19, as Standards for Review A, B, C, D have not been met. Second by Mr. Gesund.
AYES: Hanchett, Allen, Gesund, Uhlar, Evans
NAYES: Ward
ABSENT: Butts, Krug, McAlpine

Motion Carried

2. **Meeting Dates**: Review of meeting dates for 2020 calendar year.

Mr. Hanchett motioned to approve the meeting dates for the 2020 calendar year. Seconded by Mr. Gesund.

AYES: Ward, Allen, Gesund, Uhlar, Hanchett, Evans
NAYS: None
ABSENT: Butts, Krug, McApline

Motion Carried

**OTHER BUSINESS**

None.

**LIAISON COMMENTS**

Councilmember Hennen summarized the timeline for the marihuana ordinance. On November 26, 2019, the Planning Commission will make a recommendation to City Council. City Council will have first reading of the licensing ordinance on November 18, 2019, and the second reading on December 2, 2019. The City Council will have the first reading of the Zoning Ordinance on December 2, 2019 and the second reading on December 16, 2019. The licensing ordinance will be in place prior to the moratorium expires, Council will not need to renew the temporary ban that is in place. The City can hold off on accepting applications until the Zoning Ordinance has taken effect.

**BOARD COMMENTS**

None

**PUBLIC COMMENTS**

None.

With no further business, Chair Evans adjourned the meeting at 7:46 PM.