



Board of Appeals MEETING MINUTES

May 2, 2024 - 6:00 PM
Council Chambers
3805 S. Casper Dr.

Please note: Minutes are unofficial until approved at the next scheduled meeting.

MINUTES

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Board Member Goetter called the meeting to order at 6:06PM and led the Pledge of Allegiance.

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Joelle Erickson took the roll call as follows:

Present: Board Member Klappa, Board Member Goetter, Commissioner Schulpius, Board Member Langer

Excused: Board Member James Oldham, Alternate #1 Board Member Nicole Willoughby, Alternate #2 Board Member Ronald Stair

Staff Present: Code Compliance Specialist Dan Hogan, Lead Inspector Steve Krentz, Community Relations Specialist Joelle Erickson

3. APPROVAL OF MINUTES

A. March 7, 2024 Meeting Minutes

MOTION: Motion to Approve Minutes

VOTE: Motion by: Board Member Klappa
Second by: Board Member Schulpius
Motion Passes 4-0

4. NEW BUSINESS

A. Petitioner requests to construct an elevated attached deck 33 feet from the rear yard property line. The property is Zoned R-1/R-2, Rural Conservation Single Family Residential District, which requires a rear yard setback of 50 feet. A rear yard variance of 17 feet is required in order to obtain a building permit. This item was tabled at the March 7, 2024 meeting.

Petitioner Dlugi requests to construct an elevated attached deck 33 feet from the rear yard property line which requires a rear yard setback of 50 feet. A rear yard variance of 17 feet is required in order to obtain a building permit.

Chairman Goetter gave an overview of the appeals process. The staff report and variance request were read into the record. Chairman Goetter then swore in the petitioner, Matt Dlugi.

Petitioner Dlugi: states that when they built their home 2 years ago they didn't realize that the setback of the property had to be 50 feet. The back of the home faces the West and the patio door is only 7' wide. A 7' wide deck would be impractical in a brand new house.

Board Member Schulpius: How close to the septic system is the deck going to be?

Petitioner Dlugi: Not even close – the septic tank is on the South side of the house. This is on the West side of the house.

Board Member Goetter: What do you do if we say no?

Petitioner Dlugi: I don't know. I hadn't looked at any other options.

Board Member Goetter: Have you looked at other options to make it less egregious for your neighbors?

Petitioner Dlugi: There is an exposed basement and we don't want stairs going over the windows. It would defeat the purpose of an exposed basement.

Board Member Langer: Did you speak to your neighbor directly to the West?

Petitioner Dlugi: We spoke briefly and he had no objection to it.

Code Compliance Specialist, Dan Hogan, explained that there were 3 opposition emails and/or calls from residents at 19200 W. Hillcrest Drive, 19225 W. Hillcrest Drive and 19250 W. Hillcrest Drive. These letters were added to the Agenda Packet for the Board of Appeals.

Board Member Goetter: Is this deck already built?

Petitioner Dlugi: The builder built the deck before I got a permit.

Board Member Klappa: I will make a motion to approve the request.

Board Member Langer: I will second the motion.

Board Member Schulpilus: This deck is already built and it's self-imposed hardship. This deck can be rebuilt and reconfigured.

MOTION: Motion to Untable the deck variance for 19155 W. Hillcrest Drive

VOTE: Motion by: Board Member Schulpilus
Second by: Board Member Klappa
Motion Passes 4-0

MOTION: Motion to Approve deck variance for 19155 W. Hillcrest Drive

VOTE: Motion by: Board Member Klappa
Second by: Board Member Langer
Motion Failed 1-3

- B.** Petitioner is requesting to construct a 768 square foot accessory building 15 feet from the rear yard lot line. The property is zoned R-5, Medium Density Single Family which requires a rear yard setback of 25 feet. A rear yard variance of 10 feet is required in order to obtain a building permit.
Petitioner Heeti is requesting to construct a 768 square foot accessory building 15 feet from the rear yard lot line which requires a rear yard setback of 25 feet. A rear yard variance of 10 feet is required in order to obtain a building permit.

Chairman Goetter gave an overview of the appeals process. The staff report and variance request were read into the record. Chairman Gotter then swore in the petitioner Ryan Heeti.

Petitioner Heeti: Looking to build a second garage. The current attached garage is only a 22'x22'. We are a big hobbyist family - we have a lot of camping equipment, campers, kayaks, wood working equipment, and car storage. We are only asking 10 feet. We are hoping to push the garage as far back as possible to retain as much of the backyard as possible. We are looking for as much storage as we can get.

Board Member Goetter: What is the hardship here?

Petitioner Heeti: The hardship is where we are required to have the 25 foot setback – it would move the garage more forward into the “usable” part of the backyard space. If you say no, we would have to shrink the depth of the garage to gain that 10' back. Where the rear set back is – is literally just brush and trees along with an elevation decrease that goes down into a grassy area. No one is near the rear side of our yard so it wouldn't affect anyone.

Board Member Schulpilus: have you considered putting an addition onto the existing garage? You could rearrange this so you would not require a variance.

Petitioner Heeti: We have thought about that. We own a 5th wheel camper so there is currently a concrete slab next to the current garage – if we built to the side, we would lose the capability to park the camper.

Board Member Schulpilus: Is there a reason why you would not flip the building?

Petitioner Heeti: The 10' space in between the fence and the back of the building – now we are taking up even more of unusable space of our backyard. What are we going to put back there? It would be useless to us. The plan is to remove the existing shed that is currently on the property. We are hoping to gain that space back by moving the lawn equipment in the shed to the new building.

Board Member Goetter: What is the round circle on the ariel view map?

Petitioner Heeti: It is a fire pit.

Board Member Langer: Any comments or discussion from neighbors? Or opposition?

Petitioner Heeti: Spoke to the neighbor to the East of us, he didn't have any opposition.

Theresa Zimmerman, 13433 W. Cleveland Avenue. Asked if there would be a commercial business operating in the garage.

Petitioner Heeti: There is 0% chance of me conducting any business out of this garage. This is strictly a hobby.

Mrs. Zimmerman then said she was in favor of the variance.

Board Member Langer: I move to approve the application as submitted.

Board Member Goetter: I will second the motion.

Board Member Langer: Even if you reconfigured it – you would still need a variance.

Board Member Goetter: What is most compelling to me is that the 2 properties immediately North are way up close to Cleveland. It is completely surrounded by trees. I don't think that anyone would ever know that it is being built there. Not much harm here for a 10' variance.

MOTION: Motion to Approve 10 feet variance for 13626 W. Montana Avenue

VOTE: Motion by: Board Member Langer
Second by: Board Member Goetter
Motion Passes 4-0

5. ADJOURN

MOTION: Motion to Adjourn at 7:25PM

VOTE: Motion by: Board Member Klappa
Second by: Board Member Schulpus
Motion Passes 4-0

***Respectfully Submitted,
Joelle Erickson, Community Relations Specialist***