



# Board of Appeals MEETING MINUTES

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April 3, 2025 - 6:00 PM  
Council Chambers  
3805 S. Casper Dr.

## MINUTES

### 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Board Member Goetter called the meeting to order at 6:00 PM 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 Oldham, Board Member Klappa, Board Member Goetter, Commissioner Schulpius, Board Member Langer

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

Staff Present: Lead Inspector - Steve Krentz, Community Relations Specialist - Joelle Erickson

It was confirmed that a quorum was present and that the meeting was properly posted in compliance with open meetings law.

### 3. APPROVAL OF MINUTES

#### A. March 6, 2025 Meeting Minutes

**MOTION:** Motion to Approve Minutes

**VOTE:** Motion by: Board Member Schulpius  
Second by: Board Member Klappa  
Motion Passes 5-0

### 4. NEW BUSINESS

- A. Case #2680 - Petitioners request to keep a 240 square foot accessory structure 13 feet 6 inches from the rear property line. The property is zoned R-5 Medium-Density Single Family Residential District and requires a rear yard setback of 35 feet. A variance of 21 feet 6 inches is required in order to obtain an after-the-fact building permit and for the structure to remain in its current location.

Board Member Goetter gave an overview of the appeals process. The staff report and variance request were read into record. Board Member Goetter then swore in the petitioner, Michelene & Scott Frey.

Petitioner Michelene Frey: Stated that they are here because they didn't know they needed to have a permit for a hard-top gazebo. They were unaware that they needed a permit for the gazebo until an inspector came out to inspect their pool. They have young kids and want them to stay in the confined pool area. They have the signatures of three surrounding neighbors that are in support of the structure staying.

Board Member Schulpus: Had you come to the City ahead of time - what would you have done differently?

Petitioner Michelene Frey: I still would've filed for a variance but I wouldn't have put up the structure until there was an approval for the structure.

Board Member Klappa: When was the structure put up? It is sitting on concrete that was poured around the pool?

Petitioner Michelene Frey: Yes, the pool was installed in June and the concrete was poured in July.

Board Member Goetter: When did you apply for a permit for the pool?

Petitioner Michelene Frey: October of the year before.

Board Member Goetter: At that time did you intend to build the gazebo?

Petitioner Michelene Frey: Yes, we poured an extension on the end of the concrete.

Board Member Klappa: There was no indication of a gazebo on the drawings that you submitted to the city?

Petitioner Michelene Frey: Correct.

Board Member Langer: Is the gazebo a free-standing structure?

Petitioner Michelene Frey: It is a metal, hard-top gazebo that was purchased online from Wayfair. (pre-fab)

Board Member Langer: It is on the East side of the lot?

Petitioner Michelene Frey: Yes. The pool is on the North side of the lot and the gazebo is on the northeast end of the pool area.

Board Member Goetter: How difficult would it be to move the gazebo to a different location?

Petitioner Michelene Frey: You would have to tear it down because it is very, very heavy and you'd have to try to take it up and over the fence. You would have to disassemble it.

Board Member Goetter: What is the distance from the edge of the pool and the edge of the gazebo?

Petitioner Michelene Frey: Approximately 8-10 feet. The fence goes around the pool and the gazebo and doesn't come up to the house.

No one was there to speak in favor or opposition.

**MOTION:** Motion to Approve

**VOTE:** Motion by: Board Member Oldham  
Second by: Board Member Klappa  
Motion Passes 4-1

- B.** Case #2681 - Petitioner requests to construct a 1,200 square foot accessory structure on his property that is .98 acres. Properties under two acres are allowed a maximum of 840 square feet of accessory square footage. A size variance of 360 square feet is required in order to obtain a building permit and for the structure.

Board Member Goetter gave an overview of the appeals process. The staff report and variance request were read into the record. Board Member Goetter then swore in the petitioners, Charlie and April Kennedy.

Petitioner Charlie Kennedy: Due to the lot constraints and the way the house was built on the property, I am looking to get the maximum size accessory building that I can. I cannot build it as an attachment to the home so detached is the route I have to go. I've talked to the direct neighbor to the side of the house where I am looking to build and they are fine with it. I also spoke with the neighbor across the street and he approved it as well.

Board Member Goetter: What happens if we say no to your request?

Petitioner Charlie Kennedy: I don't know.

Board Member Goetter: Why do you need this structure to be this big?

Petitioner Charlie Kennedy: The current garage is a 90 degree angle. The size of it is a 2 car garage but there are doorways and closets that are taking up garage space. You can get 1 car into the garage currently. I would like to park all of my vehicles into one space, if I can. I have a work vehicle that can park outside.

Board Member Schulpus: You are going to run a driveway - all the way back to the new garage?

Petitioner Charlie Kennedy: Yes. I don't have building plans yet. I am preemptively trying to figure this out. It's 5' feet and 6' deeper than the maximum.

Board Member Schulpus: 1,200 square feet is a 4+ car garage?

Petitioner Charlie Kennedy: 3 car garage.

Board Member Schulpus: I have a 720 square feet and it's a 3 car garage.

Board Member Oldham: Is your intent to solely store personal property in the garage?

Petitioner Charlie Kennedy: Yes, no business will be run out of the property. I work on my own personal vehicles. No business operation run out of this location.

Board Member Goetter: Is anyone else here to speak in support of this petition?

Petitioner April Kennedy: We are looking to build something of this size because we do have a few vehicles and we would prefer to park them inside.

Board Member Goetter: How many vehicles are there all together?

Petitioner April Kennedy: 5 vehicles and 1 motorcycle. 1 of our vehicles is currently stored off site. That number includes the work vehicle, too. It would be built to match the style of our home and it would be built in the backyard. We currently can only park 1 vehicle in our garage.

There was no one present to speak in opposition but there were three residents that submitted letters of opposition. Board Member Goetter read the letters from the residents located at 5205 S. Skyline Drive, 13655 W. Marquette Drive, and 13760 W. Marquette Drive. He provided an opportunity of rebuttal to the petitioners.

Petitioner Charlie Kennedy: This garage is not going to increase the amount of traffic as there are still only 2 drivers in my home. More storage isn't going to increase the traffic. If the garage was attached to the house - I could theoretically build the garage as large as I want. If the lot would allow me to build it attached to the house - I would - then I wouldn't need the variance. I am not running a business out of home.

Board Member Oldham: Have you looked at building this garage as an attachment?

Petitioner Charlie Kennedy: Right now as it stands, my garage is 42' off of the lot line. I could only build 25' off of the lot line due to the setbacks. That would also block off windows for my bedroom and the spare bedroom. If I built it off to the East, that would cut off access to the backyard. I cannot find another way to reconfigure this.

Board Member Klappa: But you could make it 840 square feet to be in compliance, right?

Petitioner Charlie Kennedy: Correct. But I would like to not build that small.

Board Member Goetter: We will now go into closed session and I will entertain a motion.

**MOTION:** Motion to Deny the Request

**VOTE:** Motion by: Board Member Goetter  
Second by: Board Member Schulpus

Motion Passes to Deny Request 5-0

**5. ADJOURN**

**MOTION:** Motion to Adjourn at 6:48 PM

**VOTE:** Motion by: Board Member Langer  
Second by: Board Member Schulpius  
Motion Passes 5-0

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