

BOARD OF ADJUSTMENT & APPEALS

Council Chambers

May 8th, 2013 5:30 PM

Present: Charles Block, Mike Pulis, Donna Amandus, Tiffany Siefken
Absent: Tim Wondra
Staff: Doug Krogmeier, Heather Huebner
Visitors: Jason Huffman, Marissa Huffman, Kevin Thie and Julia Thie

The meeting was called to order at 5:30 PM by Charles Block, Chairperson. A quorum was declared with four members present.

Minutes of the April 10, 2013 meeting were approved on a motion by Mike Pulis ; seconded by Charles Block. A spelling error of "Siefken" was noted. Huebner will amend. Approval was unanimous.

NON-AGENDA ITEMS: None

Case File #13-0 4: Board review/consideration of a Special Use Permit for Cottage Business (Salon above garage) for Jason/Marissa Huffman at 710 Denmark Hilltop.

Staff reviewed case report. Staff communicated that no issues are taken with this Special Use Permit.

Block open ed public hearing at 5:33 pm.

Jason Huffman, 710 Denmark Hilltop, explained that his wife, Marissa, currently works at Prime Design three to four days a week. They are requesting putting in one salon chair, and it will not be a full sized salon. She would work three to four days a week with the hours of operation between 9 a.m. to 6 p.m. They have plenty of parking spaces and Huffman informed that his neighbors have no concerns.

Block closed the public hearing at 5:36 pm.

Board concurred with Planning and Zoning Committee's Finding of Fact. Block noted that it is a good fit.

Donna Amandus made a motion seconded by Mike Pulis to approve a Special Use Permit for a Cottage Business (Salon above garage) for Jason/Marissa Huffman at 710 Denmark Hilltop.

Vote: 4-yes, 0-no. Motion passed.

Case File #13-05: Board review/consideration of a Special Use Permit for R&K Management Corp (Subway) at 2011 Avenue L.

Staff reviewed case report. Staff noted that the request to rezone 2011 Avenue L went in front of City Council on May 7th for the first of three readings. Staff explained the conditions that were made of Planning and Zoning regarding the 8 foot privacy fence on the west and north side of the property. Block inquired about the Zoning Code, stating that it quotes that no fence be higher than 6 foot. Staff recounted that Planning and Zoning and Board of Adjustment can make specific terms around the code with a Special Use Permit. Staff mentioned that JoDee's Bar and Grill did an 8 foot fence due to the proximity of the neighbors and feels this is a similar situation. In addition Staff said he has been working with Thie and it has been requested that a chain-link fence with bushes be placed along the north side of the property. Staff takes no issue with that request.

Block opened public hearing at 5:40 p.m.

Kevin Thie, co-owner of Subway, began by questioning if the chain-link fence along the north side is required to be 8 foot. Staff responded by saying no as long as the bushes are present to deter headlights. Thie explained that he does not want to spend the money on a vinyl fence as he anticipates it getting destroyed along the alley. In addition Thie stated that his first order of business (should he be granted the request) is get the house demolished and that he has no timeline on the parking lot. Block questioned if another entrance/exit to the highway would be incorporated and Thie indicated that he would. Staff mentioned that if a drive up window is in the future of Subway that the company would have to apply for a Special Use Permit.

Block closed the public hearing at 5:43 p.m.

Block requested that specification be made on the fence height requirements. Staff declared that he still would like to see 8 foot on the west and would be content with 6 foot on the north with the shrubs present. Pulis questioned if the fence along the north side will extend all the way to the street. Staff noted that the fence will

get closer to 20th street but it will not go all of the way. Block inquired how it will affect the delivery trucks. They responded that once the new paved parking lot is in place it will be easy, but until then the truck will have to be on the north side. This stated that the north side fence will not go up until the parking lot is paved so it should not be an issue. This mentioned that he recently found out that the delivery truck has been using the alley and is making sure they do not do that anymore. This communicated the possibility of putting up a post between the end of the north fence and 20th street to deter alley traffic.

Block questioned setback requirements on the west side privacy fence and referred to code 10-19-3 as it states that a fence not more than 6 foot shall conform to side and front yard setbacks. Staff declared that a taller fence (over 6 foot) can be installed with this Special Use Permit and that there is already a fence in position which will be removed and replaced with another one.

This inquired if the chain link fence along the north side can be four foot with the bushes in front of it. Staff did not like the idea of a four foot fence due to youth being able to jump over it. Staff wanted to see the shrubs along the north side be at least eight foot tall but will work with This within a 12 month time frame.

Mike Pulis made a motion seconded by Tiffany Siefken to approve a Special Use Permit for R&K Management (Subway) at 2011 Avenue L with the following conditions:

- 1. The chain link fence on the north side of the property be 4-6 feet (per code) with 8 foot bushes, within a year of planting.**

Vote: 4 -yes, 0-no. Motion passed.

Old Business : None

Other/New Business :

Board questioned upcoming cases, staff reported on upcoming subdivision and variances.

Donna Amandus stated that she will be absent at the June 12th meeting.

Donna Amandus made a motion seconded by Charles Block to adjourn. Vote: 4 -yes, 0-no Meeting adjourned at 6:03 PM.

Charles Block, Chair, Board of Zoning Adjustment and Appeals