

BOARD OF ADJUSTMENT & APPEALS

Council Chambers

February 12, 2014

Present: Charles Block, Mike Pulis, Tim Wondra, Tiffany Siefken, Donna Amandus  
Absent: Council Liaison Chris Greenwald  
Staff: Doug Krogmeier, Emily Britton,  
Visitors: Larry Wright, Jean Campbell, Tara Vincent, Diana Spiekermeier

**The meeting was called to order at 5:30 by Charles Block.** A quorum was declared with five members present.

**Minutes from the October 9, 2013 meeting were approved on a motion by Mike Pulis; seconded by Donna Amandus. Approval was unanimous.**

**NON-AGENDA ITEMS: none**

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**Case File # 14-02:** Variance to allow a reduction of front yard setback at 1806 Avenue D for Chris and Tara Vincent

**Staff reviewed case report.**

**Block opened public hearing at 5:32pm.**

Tara Vincent commented that she would like the variance approved and the front steps were changed for safety reasons. Donna Amandus asked Vincent if she knew the change required approval and a permit, which she replied that she did not know until they got a permit for another project. Amandus also questioned if there is anything that can be done to get information out about what requires approval and permits, because many people don't know. She went on to suggest, once everyone is aware, there could be fines or some form of penalty for avoiding the approval process. Doug Krogmeier explained that if they are approved he does not feel the need to penalize them, however if the request is denied they are required to take down the structure. He went on to explain that most people who have large projects do ask ahead of time, it is usually the smaller projects that people don't realize they need to do anything for. Also, he stated the code does allow for fines if necessary. Block asked if it would be different had the steps been built using concrete. Krogmeier explained the size of the structure is the issue, and assuming it was built the same size using concrete, it would not make a difference.

**Block closed the public hearing at 5:36pm.**

**Charles Block motioned, seconded by Tiffany Siefken, to approve the variance to allow a reduction of front yard setback at 1806 Avenue D for Chris and Tara Vincent.**

**Vote: 5-yes, 0-no. Motion passed.**

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**Case File # 14-01:** Special Use Permit to allow a tavern, flower shop, and residence at 1135 Avenue E for Diana Spiekermeier.

**Staff reviewed case report.**

**Block opened public hearing at 5:39pm.**

Diana Spiekermeier began by giving an overview of her business plans where she explained how she intends to use the former dining area as the flower shop, the 3 rooms previously used as the kitchen as flower preparation areas including the walk in cooler, while the bar will remain and be used to serve the beer and wine. The upstairs will

contain an apartment where she plans to reside. She also commented that she intends to demolish the two houses located on the lot to the north and east. Because she will be living in the building, she intends to operate primarily during the day with limited evening and weekend hours. A member of the audience asked if she will be open on Sundays, and she replied that she does not plan to be, but may hold baby/wedding showers for a couple hours on Sundays by request. Amandus requested clarification on the previous business's hours, and it was stated that the Hillside Inn was not open on Sundays. Amandus then commented that she is glad the building is being used, and Spiekermeier mentioned after driving by it every day she did not want to see it vacant and deteriorate.

**Block closed the public hearing at 5:42pm.**

Block pointed out the case report referred to this as a cottage business but that is not what she wants, and Krogmeier agreed stating that the wording was incorrect on the case report.

**Tim Wondra made a motion, seconded by Donna Amandus, to approve the Special Use Permit to allow a tavern, flower shop, and residence at 1135 Avenue E for Diane Spiekermeier.**

**Vote: 5-yes, 0-no. Motion Passed.**

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**Old Business:** none

**Other/New Business:** Melinda Blind explained the Income-Offset Program and this board's role in the appeals process. In order for the city to collect on delinquent bills, such as water and nuisance bills, they can be assessed to the property taxes. However, when the person does not own property, for example a renter with delinquent water, there was no way to collect the money until recently. The Income-Offset Program allows the city to turn these bills in to be checked against money dispersed by the state, such as state income tax returns and lottery winnings. When there is a match the city is paid before the person is given the money. Along with this process there is an option for people to appeal. When an appeal happens it is the duty of this board to make a decision. Amandus requested clarification by referring to their role as "judge and jury," which Blind agreed was a good comparison. The board will be given all relevant information, including sections of the city code that apply, for each appeal. Doug Krogmeier added that the appeal process can be used for a variety of things, not just the Income-Offset Program, and this board has the duty of hearing those appeals. He also assured the board that appropriate information about each case would be provided and would include the relevant code sections along with information and documentation concerning the process and steps taken to retrieve the money.

**Tim Wondra made a motion, seconded by Mike Pulis, to adjourn the meeting.**

**Vote: 5-yes, 0-no.**

**Meeting adjourned at 5:56pm.**

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**Charles Block, Chairperson**