

BOARD OF ADJUSTMENT MEETING MINUTES

April 9th, 2018

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Larry Bares called the meeting to order at 7:30 am.

II. ROLL CALL

PRESENT: Larry Bares, Kory Schweitzer, Trevor Ernst, Pat Bren and Bruce Burke

ABSENT:

STAFF: Building Official Leonard Schwindt and City Attorney Janilyn Murtha

STANDARD MOTIONS

MINUTES – Minutes for March 13th, 2018 submitted for approval.

To approve the March 13th, 2018 minutes.

MOTION BY: Pat Bren **SECOND:** Kory Schweitzer

DISPOSITION: Motion carried unanimously.

REGULAR AGENDA

1. To consider a request to exceed the allowable accessory structure square footage by 2000. The site is located at 3575 8th Street SW, in Plummer Acres L1 B1 NE4 18-139-96 and is +/- 5 acres.

Justin Plummer stated he is the owner of the property located at 3575 8th Street SW in Plummer Acres, the site is 5 acres. Mr. Plummer stated he would like to build a 50x100 foot pole barn to house horses on one side and a shop in the other. The shop side will be used for hay and horse trailer storage. Chairman Larry Bares asked if this was a private road. Mr. Plummer stated he has a permanent easement and it's a family owned road. Mr. Plummer added that according to the code the roof of the barn can be one foot higher than the house and still be in compliance with city code. Building Official Leonard Schwindt stated, Mr. Plummer's interpretation of the code is correct. Mr. Schweitzer asked if the lean-to was included in the square footage. Mr. Schwindt stated the lean-tos would be additional square footage. Mr. Bren asked how big the lot was. Mr. Plummer stated its 5 acres. Mr. Burke asked if there would be other structures allowed in the future if this is granted. Mr. Schwindt stated keeping consistent with previous approvals there should be a condition of approval that no additional structures are allowed permitted or non-permitted. City Attorney Janilyn Murtha stated that would be appropriate. Mr. Schwindt stated that the lean-to should be included. Mr. Schweitzer stated that its 4872 square feet total over the allowable structure square footage. Mr. Plummer asked if her were to acquire more property in the future would this still apply. Mr. Schwindt stated this only applies to the current acreage.

Chairman Larry Bares asked the public for comments, there being no public comments he closed the public portion of the meeting. Mr. Bares asking for a motion.

****Motion to Approve Variance****

I move to approve the variance finding that the requirements of Section 39.12.011(c)(1) have been met by the applicant for a variance with the following condition:

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1. No other future accessory structures shall be allowed, permitted or otherwise.

MOTION BY: Bruce Burke **SECOND:** Trevor Ernst

DISPOSITION: Roll call vote... Aye 5, Nay 0, Absent 0

Motion declared duly passed.

OTHER BUSINESS

1. Building Board of Appeals

City Attorney Jan Murtha stated that the Board of Adjustment duties are outlined in 39.12.011, incorporating those with the Building board of appeals would add a broad description of duties to the Board of Adjustment. These matters would involve plumbing code, and building code issues in the event there were an issue needing to be resolved. The current members of the Building Board of Appeals Board weren't even aware they were even on the Board any longer it's been that long since there was a need for a meeting. The Board of Adjustment is more knowledgeable in these issues. There have been a few issues come forward that need to be heard. Mr. Bren asked what these issues were. Ms. Murtha stated the City mowed grass that wasn't cut and it's being contested. There are no plumbing appeals at this time. Mr. Schwindt stated that if a builder wanted to use materials the building department felt didn't meet criteria, they could come before the board and state their case. This can't be used for people to think the building code is adjustable. Mr. Schwindt added the Building Board of Appeals doesn't have to prove a hardship, this is what the code states and what the circumstance surrounding it involves. Mr. Schweitzer asked where this is outline in our code. Ms. Murtha stated that's Chapter 7 adopting the building code. A discussion ensued about combining boards, separate boards, decision making and review process. Mr. Burke stated he feels this should be separate Boards, in the event someone doesn't want to serve on both. Mr. Schweitzer added he agrees the boards should be separate. Mr. Ernst stated he is fine either way. Mr. Schweitzer stated if the Boards run concurrent there needs to be a ten minute break. Ms. Murtha stated it sounds like we will keep the Boards separate with a ten minute break, we will follow up to resolve any issues.

Motion to adjourn:

MOTION BY: Pat Bren **SECOND:** Trevor Ernst

DISPOSITION: Roll call vote... Aye 5, Nay 0, Absent 0

Motion declared duly passed.

ADJOURNMENT

There being no further business to discuss Chairman Larry Bares called the meeting to a close; meeting adjourned at 7:58 am.

PREPARED BY:

Brandy Goetz

APPROVED BY:

Leonard W. Schwindt