

**Board of Adjustment
October 13, 2009**

Board Members Present:

Randy Hart, Chairman
Joe Milkes
Henry Pauly
Donnie Swango
Greg Suttle

Present, not seated

Edward Stankunas, Alternate

Staff Present:

Victoria Huynh, Assistant City Attorney
Selso Mata, Building Official
Anthony Han, Assistant Building Official
Robert Whitley, Code Compliance Representative
Cindy Cowden, Sr. Administrative Assistant
Diana Gallegos, Sr. Administrative Assistant

A public hearing of the Board of Adjustment was called to order by Chairman Randy Hart on Tuesday, October 13, 2009 at 3:00 p.m. in the Council Chamber of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. Chairman Hart swore in those persons potentially giving testimony before the Board.

1. **Public Comments:** There were no public comments.
2. **Approval of Minutes:** September 22, 2009

Mr. Milkes made a motion to approve the minutes of September 22, 2009. Mr. Pauly seconded the motion. Motion was approved unanimously with a vote of 5/0.

Chairman Hart admitted all records and testimony given into the official Board record.

3. **Appeal # 09-22Z 1700 Hearthstone Drive:** A request to vary Subsection 2.811 (3), Subsections 3.204 (3) (4) (8), Subsection 3.604 and Subsection 3.702 of the Zoning Ordinance number 2006-4-24 to allow an existing accessory building to remain in the required side and rear yards (Subsections 3.604 and 3.702). This appeal is requested by Richard Lindberg, the property owner.

The board examined the application and received a brief presentation from Robert Whitley, Code Compliance Representative.

Mr. Richard Lindberg, applicant, provided a detailed presentation of his appeal.

Per the applicant, he contacted the Building Inspections department prior to the construction of his storage building and was told that since the building was under 120 square feet he would not be required to obtain a building permit so he moved forward with his design and construction. He stated he was not aware of the required setbacks

until he received a letter from the City requesting that he remove the structure. Within days he visited the Building Inspections Department and met with Mr. Whitley who explained the required setbacks and the existing violation. Mr. Lindberg went on to present the numerous other structures within his neighborhood that also did not meet the required setbacks. Mr. Lindberg presented letters from 18 of his surrounding neighbors that support the construction of his storage building in its current location.

He concluded by stating he felt he met all the required criteria for a variance approval and asked the board to consider and approve his appeal.

Mr. Whitley acknowledged receipt of one letter in opposition to this appeal.

Chairman Hart closed the public meeting at 4:01.

Chairman Hart expressed that he was of the opinion that there are other options available to the applicant such as relocating the storage building to another area in his yard or possibly even reducing the overall size as the applicant suggested. Both Mr. Pauly and Mr. Milkes were in agreement.

Mr. Swango and Mr. Suttle felt that the appeal did not meet all of the required criteria and that there are other options available to the applicant.

At 4:11 Chairman Hart reopened the meeting and provided to the applicant the opportunity to withdraw his application to allow himself further opportunity to seek other options.

Mr. Lindberg requested that his application be withdrawn.

4. **Items for future agenda:** Staff has not received any appeals for the October 27, 2009 meeting.

The Public Hearing adjourned at 4:13 P.M.


Randy Hart, Chairman