

**Board of Adjustment
December 14, 2010**

Present

Joe Milkes, Chairman
Ed Stankunas
Michael Pirek
Peter Krause, Alternate
Bill Gibson, Alternate

Staff

Selso Mata, Building Official
Tony Han, Plan Review Services Supervisor
Victoria Huynh, Assistant City Attorney III
Robert Whitley, Code Compliance Representative
Diana Casady, Sr. Administrative Assistant

A public hearing of the Board of Adjustment was called to order by Chairman Joe Milkes on Tuesday, December 14, 2010 at 3:05 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 Milkes admitted all records and testimony given into the official Board of Adjustment record.

Below is a summary of the actions taken under each of the posted items.

1. **Public comments:** There was no public comment.
2. **Approval of Minutes from October 26, 2010**

Board member Bill Gibson made the motion to approve the minutes from October 26, 2010 as written. Board member Mike Pirek seconded the motion. The Board voted 4/0 to approve the meeting minutes from October 26, 2010.

Board Member Peter Krause joined the meeting at 3:11 p.m.

3. **APPEAL # 10-10S 6600 K AVE:** A request to vary Subsection 3.1603(2)(c)(i) of the Zoning Ordinance number 2006-4-24 to reduce the required 30 foot adjoining private property line setback by 9 feet for an overall setback of 21 feet. This appeal is requested by property owner Don Valk. (Tabled from 9/28/10 Meeting and 10/26/10)

Mike Pirek made the motion to remove this agenda item from the table, Ed Stankunas seconded the motion.

Robert Whitley, Code Compliance Representative, updated the Board on the appeal request and gave a brief chronology of events since the October 26, 2010 meeting.

After discussion, Board Member Ed Stankumas made the motion to deny variance request 10-10S. Board Member Mike Pirek seconded the motion. The Board voted 5/0 in favor of the motion to deny Variance request #10-10Z.

4. **APPEAL # 10-12Z 8620 ARGENTINE WAY:** A request to vary Subsections 2.810(3), 3.601, 3.604 and 3.613 of the Zoning Ordinance number 2006-4-24 to reduce the required 15 foot side yard setback by .73 feet for an overall side yard setback of 14.27 feet. This appeal is requested by CB Jeni Homes, LLC, and is represented by Rick Davis.

Robert Whitley gave a presentation on the variance request from CB Jeni Homes

Rick Davis, representing CB Jeni Homes testified this property was bought under foreclosure. All of CB Jeni products (homes) are 42 feet wide and he is requesting he be able to encroach at the front north corner. They have adjusted as much as they can, and they have met all other setback on the lot except this one. They are building the smallest floor plan they have on this lot. They are also trying to maximize the appearance of this property so that they can sell it. Mr. Davis answered questions from the Board.

Chairman Milkes closed the floor to public comment.

After discussion Board Member Mike Pirek made the motion to approve variance appeal #10-12Z. Board member Ed Stankunas seconded the motion. The Board voted 5/0 to grant appeal #110-12Z.

5. Items for future agenda
None at this time, the cutoff date for the next meeting is December 23.

6. Nomination of individuals for and election of Vice Chairman.

Mike Pirek was nominated as Vice Chair and voted in as Vice Chairman of the Board of Adjustment by unanimous vote.

The Public Hearing adjourned at 3:44 P.M.



Joe Milkes, Chairman