

MEETING MINUTES - BOARD OF ADJUSTMENT

November 15, 2021 – 5:15 p.m.

City Hall Commission Room

1. Call to order

Tveidt called the meeting to order at 5:15 pm.

2. Roll Call

Board members: Kevin Tveidt, Dave Kelly, Slade Weller, Kyle Kurth, Ron McMahon

City Staff present: Matt Elberson, Andrew Mentele, John Childs

Applicants present: Jim Sleger, Jill Sleger, Scott Cowan (contractor)

Opponents present: Roland Ritter, Char Morrison, Lynn Valenti

3. Approval of Minutes

Minutes of 11/01/2021 were approved 5-0.

4. Request for Variance – James Sleger, 106 River Rd.

Owner/Applicant seeking approval for the following Variances:

- a. Side yard setback

Tveidt noted that a supermajority of members present (4 out of 5) need to vote in favor for the request to be approved. Tveidt then asked the applicant to present his case.

Sleger said that they checked and rechecked the lot before starting, and that he never intended to encroach. (The board) can talk to the concrete contractor and to the city about process. He would have made changes had he known there was going to be a problem.

Morrison stated that she objects to the city granting a variance. It interferes with (her) property rights and it adversely affects her property by reducing the market value. She feels this is a negative precedent for the City and if he (Sleger) had obtained a survey he would have known about the error. Approval of a problem is wrong and it sends the wrong message that you can ignore ordinance and just build anyway. Setbacks are there for a reason. They have consulted a realtor and they confirmed the reduction in value. Morrison said that Sleger has not met the standard and that the house is a three-stall garage with a studio apartment on top.

Tveidt asked if there were any questions from the board for Char Morrison, none were heard.

Ritter talked about a letter from a realtor and the letter states that this house is not typical. They have lost their view to a garage.

Tveidt asked if there were any questions from the board for Rolland Ritter, none were heard.

Valenti said the Board should not grant a variance if it negatively impacts neighbor's rights.

Tveidt asked if there was anyone else on the phone who wished to comment.

McMahon asked who laid out the footings. Scott & Chris Hoffman confirmed that they did. Mentele said that Hoffman called him to check the front corners and that the house was aligned to the front lot line. Since then the surveyor confirmed that the rear pins have moved.

Kurth asked about the sum adding to 15' Elberson said that the min total is 15', but the least allowable per ordinance is 6'.

Ritter asked if they set pins when they started. Mentele said that the front pins were checked.

Sleger said he called Theilin to check the pins and that was when the hill movement was discovered. Mentele said that the city is not an LS and advised Sleger to get an LS.

Ritter said the house violates the covenants.

Morrison said if the lot is not square why put in a building to meet 6' on the corner and build the building knowing it's wrong. Jill Sleger said they were told all was good when they started. Elberson confirmed that the approved site plan showed the structure fitting on the property. Morrison asked what should they do now, Elberson stated that is what this process is for.

McMahon asked about the timeline, when they learned there was a problem. Mentele said there was a complaint after the trusses were set.

Cowan said that there is a huge elevation difference between the North and South property lines, the pins were far apart and the encroachment was not intentional. The house lines up with the street. McMahon asked if to correct the encroachment they would have to move the footing & wall, Sleger said yes, and that would mean the trusses and other parts of the house would be wrong.

Jill Sleger said they went up because they could not go back on the property. Jim Sleger said that the upstairs was more than an apartment - it's a 2 bedroom now but they could expand if necessary later. They wanted to add to the neighborhood and that their house is different because it doesn't look like the 70's and 80's homes on the street now.

Kelley asked if the only issue was the corner encroachment, Elberson said yes.

Morrison asked why they needed a 60' garage, Jill Sleger said they would use it for storage.

Ritter asked how it was making the neighborhood beautiful, and said it devalues their property.

Tveidt terminated further discussion and asked for action from the Board. Kelley moved to approve, seconded by McMahon. Request approved 4-1.

5. Additional Items

None

6. Adjournment

Weller moved to adjourn, seconded by Kelley. 5-0 to adjourn. Meeting adjourned at 5:47 pm.