



BOARD OF APPEALS

June 29, 2023

MINUTES

1. Call to Order

The meeting was called to order at 4:30 PM.

Upon calling the meeting to order, the committee was informed Randy Ammerman, who served as the Chairman had an emergency and was unable to attend. A new Chairperson is needed.

A motion was made by Jayne Rulseh nominating Preston Jones to serve as the Chairperson. The motion was seconded by Roger Russove . The motion carried on a unanimous voice vote.

2. Roll Call

Present: Preston Jones, Roger Russove and Jayne Rulseh.

Excused: Randall Ammerman

Also Present: John Streu, Owner – Applicant, Community Development Director, Elizabeth Runge, Adam Taylor, Zoning Administrator

Members of the Public: Connie Denor, Levy Wensen, Avis Bleick, Dennis Bleick, and Chad Bauknecht.

3. Statement of Public Notice

Elizabeth Runge confirmed the statement of public notice.

4. Public Hearing

Prior to public hearing, Chairman Jones invited Mr. Streu to describe his proposed project. Mr. Streu presented an overview of his application and the request to build a storage garage for his personal use. He explained he will be losing the use of a storage structure he currently uses. He also explained the nature of his property is such that he cannot build the storage garage anywhere else.

Staff reviewed the summary memo that was sent to the BOA committee. The city's current ordinance Section 10-1-15 F. 4(b) and 4(c) regulate the location for accessory structures. The proposed location in the variance request is in Mr. Streu's front yard, which is not permitted.

The statutory standards for a variance of unnecessary hardship, unique property limitation, and protecting the public interest are not met and therefore the staff recommendation is to deny the variance request. The applicant does currently have use of the property with a home and a garage.

Next, Chairman Jones opened the public hearing. The first call of the hearing was opened for public comment. Dennis Bleick, of 2628 Riverhills Drive, spoke. He said he consulted a real estate agent, and the agent told him the construction of this storage garage could possibly devalue their properties with its proposed location.

The second call of the hearing was opened for public comment. Chad Bauknecht of 2530 Riverhills Road, spoke. He said his concerns were related to the access at Bellevue Place. The access is currently an unfinished road that ends adjacent to LB Clarke Middle School. He did not want there to be a cost to the city for “finishing” this road as a result of this request.

The third and final call of the hearing was opened for public comment. There were no comments on this last call. At the end of the third call, the public hearing was closed.

6. Action to be Taken

The Board discussed the standards for a variance to be granted and the requested variance as proposed.

A motion was made to deny the variance as the request to build the storage garage in the location proposed did not meet the statutory standards of unnecessary hardship, unique property limitation and the protection of public interest.

Motion made by Ms. Rulseh and seconded by Mr. Russove.

Roll call vote.

Voting Yes: Jones, Russove, and Rulseh

Motion carried.

7. Adjournment

Motion by Mr. Rulseh and seconded by Ms. Russove to adjourn at 5:15 PM.