

**Board of Adjustment
May 10, 2016**

Board Members Present

Carolyn Kalchthaler, Chairperson
Peter Krause
Robert Miller
Jim Norton
Ban Alali
William Gibson
Enghlab Eftekhari
Joyce Beach
Phil Head, Alternate, (Not seated)

Absent

Phillip Pierceall, Alternate

Staff

Victoria Huynh, Deputy City Attorney
Selso Mata, Building Official
Patti Hoffer, Code Compliance Rep
Diana Casady, Sr. Administrative Assistant

Chairperson Carolyn Kalchthaler called the meeting to order at 3:00 p.m., Tuesday, May 10, 2016 in the Senator Florence Shapiro Council Chambers of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. The following matters were discussed.

Chairperson Kalchthaler admitted all documents and testimony given into the official Board of Adjustment record.

1. Public comments: There was no public comment.

2. Approval of Minutes from April 12, 2016

Board Member Bill Gibson made the motion to approve the minutes from April 12, 2016, Jim Norton seconded the motion. The Board voted 8/0 in favor of approving the minutes from April 12, 2016.

3. APPEAL #16-07Z 3120 Golden Springs Drive: A request to vary from Subsection 9.700 (.3) of Division 2, Article 9, Zoning Ordinance No. 2015-5-2 as amended, to allow encroachment of an attached, screened, covered patio into the required 15 feet sideyard buildline by 6.5 feet. Tabled at the April 12, 2016 meeting.

Board Member Jim Norton made the motion to remove the agenda item from the table. Enghlab Eftekhari seconded the motion. The Board voted 8/0 to remove the agenda item from the table.

Patti Hoffer, Code Compliance Representative, gave a presentation on the variance request and answered questions from the Board.

Rob Baldwin, representing homeowner Nikhil Kapadia, explained the history of the project and how it was built without a permit. He explained that the lot is unique because there are right of ways on all four sides of the property and that increases the setbacks, and makes this property almost like an island. The structure is a covered patio that is open without heating or air conditioning. Mr. Baldwin testified on the four points for granting a variance request and answered questions from the Board.

Mr. Kapadia testified that he did not know he needed to get permission from the Homeowner's Association before he built the structure. He assumed the Contractor would take care of the permits. As soon as he found out about no permit being pulled, he made contact with the City. He is trying to bring it into compliance by getting a variance for the structure. This project was built before a permit was even applied for. The contractor did not try to get the permit until Mr. Kapadia asked about it after he was contacted by the Homeowner's Association. The contractor tried to apply for the permit with the City, and it was denied. The contractor only told the homeowner there was a problem, but never told him what the problem was. Mr. Kapadia answered questions from the Board.

Selso Mata asked the homeowner if there was a door onto the patio area, the homeowner testified that he covered two kitchen windows when the structure was built and there is a door that opens to the porch.

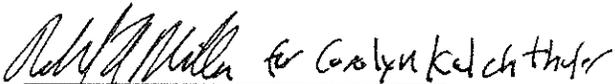
Chairperson Kalchthaler closed the floor to public comment, and discussion was confined to the Board.

After discussion, Board Member Jim Norton made the motion to approve Appeal #16-07Z with the following conditions: 1) the structure must be open air and can never be enclosed 2) no air conditioning, heating, or plumbing will ever be installed for the structure. Ban Alali seconded the motion. The Board voted 7/1 in favor of the motion with Mr. Eftekhari casting the only no vote. The variance request was approved.

8. Items for future Agenda.

One Zoning Case for May 24, 2016

Meeting adjourned at 3:50 p.m.


Carolyn Kalchthaler, Chairperson