



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Wednesday, June 19, 2019

7:00 PM

3rd Floor Conference Room

Call to Order

Chair Nohr brought the meeting to order at 7 p.m., explained the meeting procedure, and called the roll.

Present: 5 - Douglas Farmer, Charles Clemence, Carol Haefs, Philip Nohr, Anastasia Gentry

Variance Appeals:

2622

An appeal regarding the regulation limiting a residential yard shed to 120 square feet at 1219 Kane Street, La Crosse, Wisconsin.

Matt Diehl, representing Fire Prevention & Building Safety, is sworn in to speak. Diehl mentions the three parts that are required to grant a variance: unnecessary hardship, hardship due to a unique property limitation, and no harm to the public interest. He states that the owner is proposing to construct a new yard shed. Municipal Code Section 115-390 (2) (c) states that yard sheds are limited to 120 square feet maximum. The owner proposes a yard shed that is 254 square feet. For this project to proceed as proposed the Board would have to grant a variance of 134 square feet to the 120 square feet allowed.

Diehl shows a plot plan and points out the house, the current detached garage, and the old shed. He points out where the new shed would be placed and the size it would be. Farmer asks for the dimensions of the lot; and find the dimensions in the variance packet. Diehl shows an aerial view of the property and points out the house. He shows photos of the front of the property and the rear of the property and points out the garage and the current shed that is there. Diehl states that it doesn't appear there is a hardship, it is a self-created hardship; in the variance application the owner claims he needs more room for his stuff. There is no unique property limitations; this is a typical City lot. There is no harm to the public interest. Diehl states that the request appears no to not meet the criteria for granting variances.

Nohr asks for the square footage of the current garage; Diehl responds that the property owner will be able to give the exact footage, but it appears to be 24 by 24. Clemence asks if the owner would be able to add on to his garage and Diehl says he would be able to do that according to his lot size. Haefs asks if it is a double-garage and Diehl states that it appears to be a two-car garage. Clemence asks if there is a limitation on how much of your yard can be taken up with...Diehl says 35 percent of the rear yard can be accessory structures. Clemence asks if he could add this on and Diehl says he could add on significantly and still be okay; he says 1,000 square feet is the maximum allowed for a detached garage.

Farmer says he could double the size of the garage; he's at 576 square feet on his

garage. Farmer says that the lot is a bit short of what is required today; the lot is only 6,200 square feet. Clemence says it is not small for a City lot. Farmer says we've got them in all sizes; and it may not affect things in this case, it makes the house close to the neighbors as the lot is only 44 feet wide. Farmer says the most it affects is what percentage can be used up by accessory structures in the back yard. Clemence states that his garage is two feet from the neighbor's property, built in 1940, and it probably wouldn't be approved today. Farmer says if they were asking to increase the size of the garage, they would have the size of the lot as a reason.

Speaking in favor:

James Nagel, 1219 Kane Street, is sworn in to speak. Nagel says from what he has learned if he would attach the shed to the garage, he could have a bigger garage. He says he is not asking for that much; the real difference is he doesn't want to spend a \$15,000 on a garage when he spend \$3,000 and have a nice shed that will do what he needs it to do. Nohr says he has a rather large garage and asks what Nagel is currently storing in the shed that it is not large enough. Nagel responds that he has snow blowers, a four-wheeler that is in a rented storage shed, a log splitter, yard equipment and he used to have a motorcycle. Nohr asks if he keeps anything in the garage and Nagel says if he puts two cars in there it is a tight fit for opening doors without dinging. He stores some of his belongings inside the garage because he has to and leaves the truck outside. Clemence confirms with Nagel that it is too expensive to add on to the garage; Nagel says he would have to redo the rafters and he doesn't need 1,000 square feet and doesn't want to tear the garage down and start over.

Gentry asks if it is a necessity to have all of the equipment; Nagel says he supposes that it's not, but it is nice to have it. He says a friend keeps his four-wheeler and the rest is in his garage. Nohr asks if the old shed is torn down already and Nagel responds that he just moved things out of the way so if he's approved he can get started on the shed. If granted, he would be happy with 10 by 18 or 10 by 20. Nohr confirms that he is asking for 10.7 by 24 on the application. Farmer asks Nagel if he built the house or remodeled it and Nagel responds in the affirmative. Farmer says he could put it on to the house and it wouldn't be rebuilding the garage. Nagel says he had someone look at it and they said he would have to reinforce the rafters and that gets to be a little more of an expense. Farmer says he is just trying to offer up some solutions.

Nohr asks what the picture is of in the packet. Nagel says it is a form for one wall; if he gets the permit he can start building. He just made one wall because he was bored and stopped there until he finds out. Nohr asks if he had talked to any of the neighbors and Nagel responds that the neighbors don't care; he has he has a letter of approval from one neighbor. He shows it to the Board. Nagel says he has talked to the neighbors on each side and across the alley; the letter is from the neighbor that lives directly to the south of them. Anastasia asks if Nagel can't go with the same size he already has because it is not big enough for his stuff. Nagel responds that right now it is 8 by 12 which makes it very narrow. An extra two feet would really mean a lot.

Speaking in opposition: none.

A motion was made by Farmer, seconded by Haefs, to deny the requested variance. The motion carried by the following vote:

Yes: 4 - Clemence, Farmer, Haefs, Gentry

No: 1 - Nohr

[2623](#)

An appeal regarding the requirement that fill around the perimeter of a building shall not be less than one foot below the flood protection elevation and shall extend at least 15 feet beyond the limits of any structure at 710 George St., La Crosse, Wisconsin.

Diehl states that the owner is proposing to raze the existing retail store and build a new retail store which will not meet the minimum requirement for fill around the perimeter of a building in the floodplain. Municipal Code Section 115-281 (a)(1) states that the elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of Section 115-281 (3)(a)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. For this project to proceed as proposed the Board would have to grant variances of nine feet on the north side and four feet on the west side to the fifteen foot requirement of elevated fill beyond the limits of the structure.

He shows a plot plan and points out what how many feet they will be able to fill outward on all sides. Farmer asks if it is on slab with no basement and Diehl confirms. Farmer asks why this is back and Diehl responds that they have come back because the permit expired. Farmer asks if this is the plan they approved last time; Diehl responds that it is. Diehl points out a larger plot plan showing the progress and an aerial view showing the existing building and he points out where the new building will go. Farmer asks if they have to pay fees over again. Diehl responds that each time they have to pay the fees.

Speaking in favor:

Benjamin Stralow, 800 Washington Ave. N. Suite 208, Minneapolis, is sworn in to speak. Nohr asks Stralow to tell the Board why they should grant the variance. Stralow says this it has been approved twice and they have been trying to get the remaining submittal items taken care of. Nohr asks for more information on those items. Stralow says they are working with Tim Acklin in the Planning Department to get some outstanding items recorded with the County. He says the one they have yet to do is an access easement that O'Reilly's legal has been going back and forth with the City on regarding the language. Stralow says the easement is to the north of the property. Farmer says that is the one that goes out there on the street. Stralow says there was some deliberation because there is a small part that O'Reilly doesn't own. Right now it is being determined if they are going to purchase that piece of land and then maybe they don't need the easement. Clemence asks if he they can get it done in 180 days and Stralow says they are working really diligently with O'Reilly and Acklin and the City surveyor.

Speaking in opposition: none.

Clemence: Using Mr. Cherf's previous motion, I will move to approve this again. The unique property limitation is that the lot is in the floodplain making it impossible to comply and still have enough useable property for the development. There is no harm to the public interest, in fact, this will be improving the location by having a better business there. The unnecessary hardship is they can't develop this without the variance and there wouldn't be enough developable property. For those reasons I move to approve.

Second: Farmer

The motion carried by the following vote:

Yes: 5 - Clemence, Nohr, Farmer, Haefs, Gentry

[2624](#)

An appeal regarding the regulation limiting a residential accessory structure to a maximum of 35 percent of the rear yard square footage at 727 22nd St. N., La Crosse, Wisconsin.

Diehl states that the owner is proposing to remove an existing deck and replace it with an addition and a new deck. Municipal Code Section 115-390 (2) (c) states that residential accessory structures are limited to 1,000 square feet or 35 percent of the rear yard. The existing garage is already 1,022 square feet. For this project to proceed as proposed the Board would have to grant a variance of 33 square feet to the 989 square feet allowed.

Farmer says they see these things come in or a variance because it's a deck and if it would be concrete it wouldn't need a variance. Diehl points out the proposed deck and addition and if it would be a concrete patio, there's no permit required. Diehl says it is a raised deck and an addition, he points out both. Farmer asks if it is the deck that is creating the variance; Diehl responds in the affirmative. Clemence asks why they have to have a variance if the garage isn't to be changed. Diehl says it is decreasing the rear yard; you are only allowed 35 percent of the yard to be accessory structures so by adding this addition on they are decreasing the size of their rear yard which then makes the detached garage a more nonconforming structure. Farmer says it is only 33 square feet that they are asking for the variance and Clemence asks if that is any more than what they had already. Diehl says he is not sure what the current deck is. Clemence says he is not sure how the math adds up and Diehl says because they are building an addition and deck, that changes the footage of the rear yard and makes the garage more nonconforming.

Brent Thielen, inspector for this property is sworn in to speak. Thielen states that they are removing the 12 by 18 deck. He points it out and says the owner is proposing to put the addition where the deck. Thielen says it will increase the distance into the rear yard, so he is decreasing the rear yard making the garage more-nonconforming than it already is; if the new deck didn't go farther into the setbacks they would not have to have a variance. Farmer asks if he is giving a landing platform for a backdoor entrance. Thielen says he believes there is a set of doors coming off with a three-foot landing and then it lines up with the stairs going to the garage. Farmer says this is the same sort of issue where it is cheaper to put in wooden stairs than concrete steps.

Clemence asks if it wouldn't require a variance they didn't cover it. Thielen responds that if he didn't have the landing there it would be okay. Nohr asks about having it three feet less, like is mentioned in the Fire Prevention & Building Safety presentation packet. Thielen says the deck right now is out 15 feet and the addition is 12; the existing deck was 12 feet and the 3 feet that stick out is where he is encroaching. Farmer says there is a roof over the garage service door and over the stairs. Thielen points out that the land slopes toward the garage and the steps built on there go up to the flat part of the lot. He points it out an aerial view of the property. Farmer says it would keep the snow off the stairs. Thielen says if there were no roof, they would be fine. Nohr says he is going to have to have some egress from that addition and that will probably...Thielen says he is pretty sure that is the three feet; it is the platform.

Speaking in favor:

Brad Wickersham, 727 22nd St. N. is sworn in to speak. Wickersham says the 33 square feet is the stairway in the back of the house and attached to the garage. It is about 7 feet of a drop to the garage; Farmer confirms the steps go down into the garage. Wickersham says that area can be a shortage. Farmer says you would then

have a drainage problem with rain and snow. Wickersham says the actual new deck is a little bit longer but actually less square feet than the current; they want the addition and the entrance there for energy efficiency as a place to take your boots off. Right now the access is directly into the kitchen. Nohr asks if the wrap-around is so you can swing a door out; Wickersham says it is for the door and get down the steps; the alternative is to go out the front and walk around the block. Nohr asks if the deck area is really a landing; Wickersham says there is a landing and steps in front of the door.

Nohr asks why he needs the deck and Wickersham responds that the only part that's actually deck is on the side; it is a private protected area. He says now they use that area for having dinner and sitting out in the summertime; they will be losing some deck area to this project. Nohr confirms that this deck will be smaller than the current one. Wickersham says as a net result they pick up a small amount of the green space. Nohr asks for the size of the addition; Wickersham says it is 12 by 12. He says it is enough space to come in when you get the groceries and put a chair so you can sit down and take your shoes off. Nohr asks if it could be 9 by 12 so there wouldn't be an issue. Wickersham says they are just trying to get as much space as they can since there is another set of doors coming into the house. Wickersham says they need to be able to open the doors and they needed this amount of space when they laid out the door swings.

Gentry asks if they wouldn't have to request a variance if it were not for the need for steps because of the grade of the lot. Wickersham says that is true; the stairway is almost the whole 33 square feet. Nohr says he can visualize the 12 by 12 because it is the size of most bedrooms, but it seems like a large entrance and asks why 9 by 12 is not enough. Wickersham says some of it has to do with where the roof aligns because they would have to tear part of it off. Nohr asks where the roofline runs and Wickersham points it out and says the way they are doing it is to avoid taking it off since they just put a new roof on a couple years ago. Nohr says he understands the width, but asks why it has to go 12 feet out. Wickersham says they would have two doorways open; double-doors for the outside and there is one on the inside directly across from that. Nohr confirms that they would be three foot doors so together that would be six feet. Gentry confirms that they don't want slider doors and Wickersham responds that they don't really like them.

James Olson, 613 5th Avenue South, is sworn in to speak. He says he wants to reiterate that there is a slope and a grade. He has pictures that he shows to the Board to depict how it makes the garage nonconforming because of the steps. He says they wouldn't be here if the grade wasn't there. Farmer asks if he is the contractor and Olson responds that he is the contractor. He points out that there are about 7 or 8 steps on the stairs. Nohr says he wants to understand the deck that is going on; there must be steps coming off the deck, and he asks if they are going further into the area or if they are part of what is outlined on the plan. Olson gives them the contractor drawing to look at and points out the steps. He asks what the three feet is and confirms that the steps come off the three-foot landing.

Nohr asks if these steps go closer to the garage steps. Olson shows a picture of the back of the house. and points out where the addition is going and says it is bigger than what they are adding. Nohr says he is questioning if the deck area includes the steps. He confirms that the steps are not included in the deck area. He asks if the steps coming off the deck almost touch the steps going in the garage. Olson says they will not be that close. Farmer says it would almost be easier to attach the garage. Olson says another issue is they need to have the steps covered to keep the snow and the rain out otherwise it would drain into the garage. Farmer says there are two items

that trigger the variance; with the roof gone, they would be fine. The other item is the steps or the landing platform. The unique circumstance occurred prior when they built the garage with the roof over the steps because of the 7 foot grade, which triggers everything else.

Speaking in opposition: none.

Farmer: This one, Mr. Chairman, has a very obvious unique property limitation with the garage being seven feet lower than the rest of the property and then all the unusual circumstances go from that. If the garage had never been built this wouldn't be here because the garage being built with a staircase going down with a roof over it to keep water out of it and run to the garage is the three square feet that they need right there. And I can't say it is the wrong thing putting a roof over the stairs; it's the first garage we've ever seen with a roof over the stairs. So the variance would be required. It is difficult to concede an interest where there is a harm to the public interest because this is here in a sense because of a technicality of the stairs going down to the garage and then when they're all said and done, they want stairs coming off the house which is again three square feet. So it is two technicalities; with the absence of either one we would not have it here. Then finally, my point that I always make, is if the back staircase was concrete, that is an extension of sidewalk and would not require a variance at all. And so the unnecessary hardship is you'll end up with a deck with no staircase coming down; no back steps. So I would move for approval.

Seconder: Haefs.

The motion carried by the following vote:

Yes: 5 - Clemence, Nohr, Farmer, Haefs, Gentry

2625

An appeal regarding the requirement to provide a rear yard setback of 20 feet at 411 3rd St. S., La Crosse, Wisconsin.

Diehl state that the owner is proposing a freezer addition and new stairs leading to the upstairs apartment. Municipal Code Section 115-151 requires a 20 foot rear yard setback if any part of the structure is used for a residential unit. For this project to proceed as proposed the Board would have to grant a variance of 20 feet to the required 20 foot setback. Diehl shows a plan for the freezer and stairs; he points them out and the lot line. Nohr asks if the upstairs apartment is above the freezer and Diehl responds that it is not; he points out where the freezer is going. Farmer asks if it is a business there right now. Diehl says he believes it is, but they can confirm that with the owner. Diehl shows a street view of the property; points out the lower and the apartment upstairs. Clemence asks if the freezer would take up the whole rear yard. Diehl says he believes it is just a section; he points it out. It is a commercial area, but because it has a residential portion upstairs, they are required to have a 20 foot rear yard setback. Gentry asks if the tenants park in the back and Diehl responds that he is not sure. Nohr asks about the steps and Diehl responds that those steps would go up to the apartment and be along the property line in the rear. Clemence asks how they get in now and Diehl responds that he believes there are steps there now. Nohr asks if the freezer will go under the stairs that are there now; Diehl respond that there will be new stairs.

Speaking in favor:

Brian Wellendorf, 1335 Market Street, is sworn in to speak. Wellendorf states that the existing set of stairs in the rear is made of wood. He says in the fire district there can't be wood stairs so they are taking them out and replacing them with metal stairs. Since there is an apartment they need a 20 foot setback versus 9 if there were no apartment

upstairs. He says they are putting the cooler outside because they are going to tuck it right under the stairs. They can make the stairs out of metal and stick the cooler out there and kill two birds with one stone. Nohr asks for the purpose of the cooler and Wellendorf responds that there is a business inside which is a commercial kitchen for the Apothik food truck. Clemence asks if the cooler is necessary for the business and Wellendorf says it is and if they don't have stairs the upstairs apartment is useless.

Nohr says they have stairs right now and Farmer says that they have to be replaced. Wellendorf responds that they are not conforming because they are made of wood and they are also in the 20 foot setback; even though they have been there for many years. Clemence says if there are any changes they have to upgrade and Wellendorf agrees. Nohr asks if this is a new business and if that is why they need a freezer. Wellendorf agrees and says it previously has been a bar without food service and they are redoing all of it with a hood so they can operate the food truck out of there. He says they are also talking about redoing the apartment. There are a set of stairs in the front but they need a second egress in the back.

Nohr asks if this is a public restaurant and Wellendorf states that it is a place to prepare food for the food truck, it's a commercial kitchen for the Apothik food truck. Farmer asks for confirmation that the freezer would have a larger footprint than the stairs. Wellendorf says right now they are proposing and 8 by 9 or something, but it would have a greater footprint than the stairs. Farmer asks for confirmation that the inside is not accessible to the public. Wellendorf responds that they do not have public access at this time, but in a second phase they would want turn it into a restaurant. Farmer says that would be a hardship, if they can't put the freezer in, then that wouldn't work. Wellendorf says there's really nowhere upstairs or inside were you could put the freezer.

Farmer asks for the width of staircase and Wellendorf says it is three feet. Farmer asks how wide the freezer is; Wellendorf says it is about 6 by 9. The staircase is going to have the bend because it made the most sense; they are going to tuck the garbage cans there under the stairs. Farmer says they could make it so there is a hard curve to come right down next to the freezer; Wellendorf says it would be cumbersome and then probably another landing would be needed. He says they could do it, but it would increase the price of the stairs. The way it is right now they can park the truck and another vehicle. Clemence asks if the tenant parks there now. Wellendorf says they do not park there because it used to be a beer garden and there's a fence there. Farmer asks Wellendorf to point out where the beer garden fence is and Wellendorf shows that it was the whole back area and the stairs have always come down in the same area. It was a solid six foot fence around.

Maria Norberg, 2102 31st St. S., is sworn in to speak. Norberg states that she is here to answer any other questions. She is the building owner and purchased it a couple of months ago. She states that it used to be a bar and they are making some improvements. Their goal for the second phase is to open it as a public place; right now it is for internal operations only, but they are planning for the long-term. Farmer asks if the freezer is one of those metal skinned boxes; Norberg states that he is correct. She says it is an outdoor walk-in cooler; she says they could get by without it for the current set-up, but they would have to be back in 6 months. Farmer said could be easily dismantled if needed. Norberg adds that it would be accessible from the inside, but built on the outside. Farmer says it is hard to get a freezer out of the inside of the building. Nohr says there are several doors on the plan and asks if one is into the cooler and one to the parking lot. Norberg says there is a door into the cooler from the inside of the building the door in the middle is a door from the building out to the

alley. Nohr asks what is planned for the open area; Norberg responds that it is for the food truck or one or two vehicles for staff parking.

Speaking in opposition: none.

Clemence: It seems to me the unique property limitation, really, you can't do anything except have a beer garden there unless you have a variance.

Anything that they put in that area, it is only a 20 foot yard and that is the setback so anything you do back there is going to be impossible, so that is the unique property limitation. There is no harm to the public interest; it is an alley and it's not going to impact neighbors or anything like that. The unnecessary hardship, again, you can't do any updates at all to the building or what is being done now. That would be a hardship. So it seems to me it meets the three criteria and therefore I move to approve.

Seconder: Gentry.

The motion carried by the following vote:

Yes: 5 - Clemence, Nohr, Farmer, Haefs, Gentry

2626

An appeal regarding the requirement to provide a 25 foot setback from the front property line at 1647 Charles St., La Crosse, Wisconsin.

Diehl states that the owner is proposing to build a new deck in the front yard. Per Municipal Code Section 115-143(c) (2) states that there shall be a front yard setback of 25 feet or the average of the neighboring main structures. The owner is proposing a 20 foot front yard setback. For this project to proceed as proposed the Board would have to grant a variance of 5 feet to the required 25 foot setback. Diehl shows a plan and points out the dwelling, the proposed deck, and the setbacks to the house and the deck. Diehl shows a street view of the property and Nohr asks if the neighboring property has a deck. Diehl responds that there is a deck. Nohr asks if that deck would help the average for the two properties. Diehl states that you do take the average of the two, he's not sure what the setbacks are that were used in the calculations, but that is what was provided on the permit application.

Nohr asks if the deck was taken into account on the measurements and Diehl states that it would fall on to the contractor for those measurements and if the inspector had questions, they would go out and verify. Diehl states that it is up to the applicant to make the measurements when they fill out the application. Gentry asks if the house next-door is encroaching on the applicant's property and Diehl says it is because of the angle of the flyover camera that creates the look of encroachment. Nohr says it looks like the deck is closer than 25 feet. Farmer says the tree is in the way on the aerial view. Diehl says they do not go out to check setbacks because that would be all they did. Clemence says if they checked every one it would be a lot of work and if the property owner doesn't make them aware that they might qualify, how are they supposed to know, then they'd have to check every one.

Speaking in favor:

Brandon Stemper, W5387 Brookview Road, Holmen, is sworn in to speak. He states that he did take the neighbor's deck into account and the average of the two is 4.7, so they could come out 4 feet 8 inches and they are asking to come out 8 feet. He says the average doesn't really help them; a 4 foot deck just wouldn't work for the family there. Stemper says the deck on the house next-door is out 6 feet and the other neighbor's house has the exact same setback. Nohr says it looks like the houses are in line on the aerial view. Stemper says the average of the two comes out to about four and a half feet. Nohr asks what they are asking for and Stemper says they are asking

for an 8 foot deck which would go 5 feet into the 25 foot setback.

Nohr asks why they need 8 feet and why wouldn't 6 feet work like the neighbor has; Stemper says the homeowners both have medical conditions. The husband has Alzheimer's and will be getting a wheelchair and the wife has been diagnosed with AFib and is worried about strokes. Stemper says are going to have a ramp on the side so they can get in and out of the deck so a six foot or a four foot deck is not going to be enough. Nohr asks for clarification about the ramp and Stemper says it will actually be on the front; the ramp would be put on only if necessary, they don't need it right now. He says they would go out 8 feet with the deck and have steps that go out another three feet.

Farmer states that he usually argues for these if they are for a landing at the top of the stairs, but eight feet is a lot more than that; the law doesn't allow them to approve something just because it would be nice. He says if it is made of concrete they don't need the variance because it would be an extension of the sidewalk. Stemper says it is really about them getting out in the community because they are very cooped up in the house. They can't extend anything out back, so they are trying to extend out on the front so they can get out in the fresh air. The wife has been the caretaker and he is on crutches. They want to go outside and enjoy the deck; they have a screened in porch on the back so they can't build there. Nohr asks why the deck can't be on the back side of the house and Stemper says it is because of the way it is conformed. He doesn't think there is area there and Nohr says they would probably run into the rear yard requirements.

Haefs asks if the screened porch will allow them fresh air and Stemper says it is a four-season room with big windows, but it is just like sitting in the house. He asks them to turn back to the doctor's note that states they would benefit greatly to get out in the public and help with their mind-set. Stemper says they would like to spend time with each other and neighbors who have no objections. Stemper says he went down the whole block and looked at the setbacks, which were 7.5 feet, 19 feet; the whole block has shorter setbacks. They may have been built before the code changed, but by granting this it is not going to make the house stand out from the rest. Farmer says if a variance was granted equal to the house to the north they would have a four-foot deck and they would still have to grant a variance of some kind. Stemper shows Farmer a picture of the house with a short setback that is down at the end of the block. Farmer says if they had the average of the few houses, they would be better off. Stemper says if this were a few houses down they could build a bigger deck. Stemper says all the neighbors approve of it. He says he believes it is a necessity for the mental health of the homeowners; it would be very beneficial to go out on their deck and it will increase the property value and face value of it. Clemence asks how wide the neighbors' deck is and Stemper responds that it is four feet.

Nancy Kjos, 1647 Charles Street, is sworn in to speak. Kjos states that her husband has been going through quite a time; he can't cook or drive anymore. She says they are right across from the school playground and he loves to see and talk to the kids when they come out. She says he is so comfortable with that and she wants to take advantage of the time he has left; hopefully that is a long time. She just wants him to have a good experience. Nohr says the biggest problem that some of the Board is having is with the eight feet, when the neighbor has a smaller deck. Kjos says the neighbors' deck is 14 by 7 – she measured it. And the other neighbor has an enclosed front porch. Nohr again asks why they need 8 feet. Kjos says they want to get a table and chairs out there; her husband really wants it; it is all he talks about. Kjos says the torchlight parade lines up in front of the house and her husband really enjoys

interacting with the participants.

Farmer says the drawings are sketchy and it is hard to figure out what is really happening here; this is very hard to follow, it would be better if they referred the item and requested solid plans. If someone could confirm the sizes then they can make firm decisions on actual numbers; there is a lot of grey area. Farmer adds that it would be a 30-day delay, but it is hard to say yes when it is a grey area. Kjos says they have a new neighbor who has a front porch and a back deck; their back porch used to be the garage at one time, but they don't use it at all. Farmer says they need more information. She asks if they need to go smaller; she thinks the curb appeal would...Haefs asks if 14 by 7 would suffice and Farmer says it doesn't even look like 14 by 7, she may have measured, but it is just words.

Kjos says that she believes all of the habitat homes, especially the one being built on 1400 Charles is maybe five feet from the street. Clemence states that they are limited; they are required to base their rulings on certain criteria and it might help if we had more information. Farmer says if they have visual confirmation of the measurements, he would argue for an average of the four houses; they need firm numbers. Kjos asks if the inspection department has checked and Farmer says, in fairness to the inspection department, it is hard to make a case based on the drawing. Farmer says if it would be deferred, it would be to next month, with no additional filing fee; they are trying to do a favor. Gentry says she thinks they can get it done in this amount of time and she commends Kjos for giving the best quality of life to her husband; she says the width would be for maybe turning around a wheelchair on the deck; they are trying to do them a favor. Farmer says it sounds very nice, but they don't have anything to look at. Nohr asks if she and Stemper are agreeable to referral, and Kjos states that she is.

Speaking in opposition: none.

A motion was made by Farmer, seconded by Haefs, to refer the request to the July 17, 2019 meeting of the Board of Zoning Appeals. The motion carried by the following vote:

Yes: 5 - Clemence, Nohr, Farmer, Haefs, Gentry

Adjournment

Motion by Haefs, second by Farmer to adjourn at approximately 8:37 p.m..