

City of Minneapolis
Inspections Division of Regulatory Services
Office of Zoning Administration
250 South 4th St. Room 300
Minneapolis MN 55415-1316
612-673-5836
Fax 612-673-3173

Notice of exception
To the Decision of the Board of Adjustment

A complete application¹ shall be filed in the zoning office by 4:30 p.m. within ten (10) calendar days of the date of decision by the board of adjustment.

MAILING/OFFICE ADDRESS:

Zoning Administrator
Office of Zoning Administration
Public Service Center
250 S. 4th St. Room 300
Minneapolis MN 55415-1316
Office: 612-673-5867
Fax: 612-673-3173

Date: 02/01/2002
RE: 2515 Upton Ave. North, Minneapolis, MN 55411
(address)
File No. BZZ-379

I, John Starway do hereby file an exception to the Decision of the Board of Adjustment as provided for in Chapter 525.180;

525.180. Appeals of decisions of the city planning commission or board of adjustment. All decisions of the city planning commission, except zoning amendments, and all decisions of the board of adjustment shall be final subject to appeal to the city council and the right of subsequent judicial review. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of decision by the city planning commission or board of adjustment. No action shall be taken by any person to develop, grade or otherwise alter the property until expiration of the ten-day appeal period and, if an appeal is filed pursuant to this section, until after a final decision has been made by the city council. Not less than ten (10) days before the public hearing to be held by the zoning and planning committee of the city council to consider the appeal, the zoning administrator shall mail notice of the hearing to the property owners and the registered neighborhood group(s) who were sent notice of the public hearing held by the city planning commission or the board of adjustment. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made.
(2000-Or-034, § 2, 5-19-2000)

Further, I do hereby request that I be given an opportunity to express by case before the proper committee of the Honorable City Council.
The action being appealed and the reasons for appealing the decision are attached and made a part of this notice of exception.

Sincerely,

(Name) JOHN STARWAY
(Address) 2515 Upton Ave. North
Minneapolis, MN 55411
(Telephone) U.S.A.

¹ Complete Application -- includes a completed application form and attached statement explaining the basis for appeal, correct fee and mailing labels

BZZ-379 Enclosure : 6 pages

APPEAL of the Decision dated January 23, 2001.

Re: 2515 Upton Ave. North, Mpls.MN 55411, BZZ-379.

1. This appeal is legal, being filed timely within 10 days, from the Decision of the Board of Adjustments.
2. The Board of Adjustments erred in matter regarding the distance from storage area and ramp to the property line.

2a. The Informational Bulletin of Minneapolis Inspections Department which you made available to the public(Exhibit no. 1) reads the following:

“garages located in rear forty feet(40’) OR rear twenty percent(20%) of the lot may be placed one foot(1’) from the side and rear property lines.”

The property has the area at least 6,000 sq.ft. the 20% of the 6,000 sq.ft. is 1,200 sq.ft. The all structure, garage, storage and ramp is 1,008 sq.ft., i.e. less than 20%. As result of that they may be placed one ft(1’) from the side and rear property lines.

Your regulation cited above allows to choose to fit in part before the connector OR, or in part after the connector OR.

2b. Since the all structures will be concrete and metal made, there is no danger for fire.

2c. The all structures exceed six feet(6’) minimum distance to any dwelling unit, as required by your regulations.

3. The request for variance(garage, storage and concrete ramp) is for complying with city’s regulations and city’s ordinances.

3a. The storage is needed to enable me to comply with the requirements of the Minneapolis Housing Inspection demand to store materials, equipment(snow blowers, tiller, doors, construction materials etc) in a storage area and not in open air, on the rear of the property.

-continued-

Appeal, 2515 Upton Ave. North, Mpls., BZZ-379, 5th Ward), pag. 2.

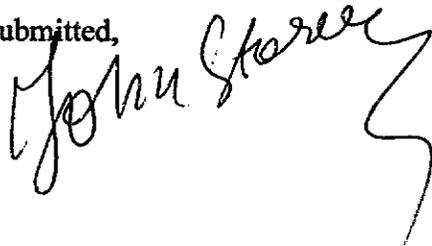
- 3b. The house from the property is a duplex and as result of that, the garage of 676 sq. ft. will allow to be used for 4 cars, for two families. There will not be enough room in garage for storing purposes of other equipment(snowblowers, tiller, doors, construction materials etc). Because of that the extension of area to 1,008 sq. ft. is requested.
- 3c. The concrete ramp is needed for washing cars from the garage and not for other purposes.
- 3d. The all construction(storage, ramp and garage) does not affect the public and neighbors' safety, health and well being. They have nothing repugnant. Moreover, the materials, equipment(snow blowers, tiller, doors, construction materials etc) will be stored inside of storage and rear yard will look nice and orderly.

I am asking kindly the decision of the Board of Adjustments to be reversed.

I look forward to your reply.

Respectfully submitted,

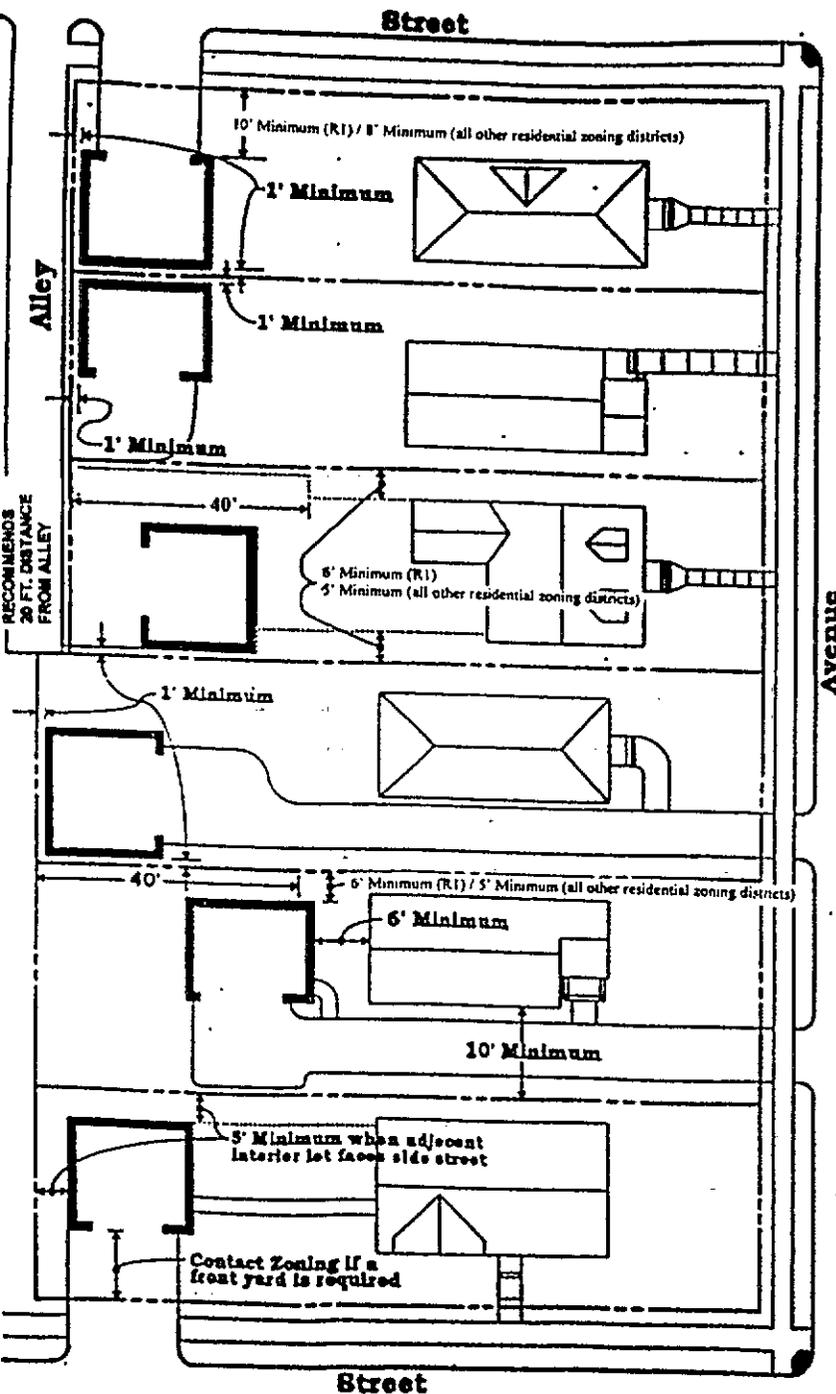
John Starway

A handwritten signature in cursive script that reads "John Starway". The signature is written in black ink and is positioned to the right of the typed name "John Starway".

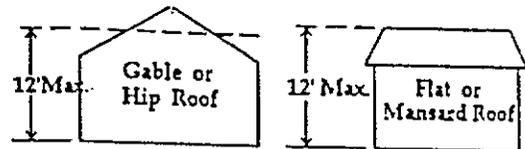
ZONING REQUIREMENTS FOR PRIVATE DETACHED GARAGES

MINNEAPOLIS INSPECTIONS DEPT. INFORMATIONAL BULLETIN

REVISED 8/22/00



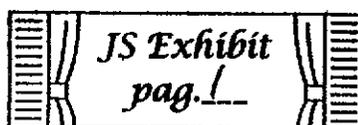
- Garages must not be used as a public Repair Garage or for storage of Commercial Vehicles.
- Six feet (6') minimum distance to any dwelling.
- Maximum of twelve feet (12') for the height of roof (measured to midpoint of roof).



- Garages located in the rear forty feet (40') or rear twenty percent (20%) of the lot may be placed one foot (1') from the side and rear property lines.
- Garages located outside of the rear forty feet (40') of the lot shall not be less than those specified for the principal uses to which they are accessory.
- The maximum area of a detached or attached garage and all other accessory structures may not exceed 676 square feet.

Permits must be obtained from the Public Works Department for curbs cuts: 673-2420. Permission must be obtained from the Park Board when a driveway is near a boulevard tree: 370-4900.

ZONING OFFICE: 612-673-5836



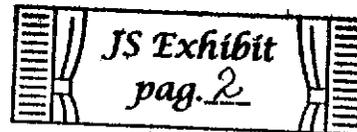
Alley right-of-way width varies, usually 12 or 14 feet. To verify, call Property Line information at 673-2431, and locate your corner stakes

5. 2515 Upton Ave. N. (BZZ-379, 5th Ward)

John Starway has applied for a variance to increase the maximum permitted sq. ft. of an accessory structure from 676 sq. ft. to 1,008 sq. ft. to allow a 17 ft. 8 in. x 38 ft. detached garage, and 14 ft. x 24 ft. accessory structure (storage area), a variance to reduce the south side yard setback from 5 ft. to 4 ft. to allow a 24 ft. x 14 ft. accessory storage structure outside the rear 40 ft. of the lot, and a variance to reduce the north side yard setback from 5 ft. to 3 ft. to allow an 8 ft. x 17 ft. (concrete) ramp attached to the garage.

Action:

The Board of Adjustment adopted the findings and **denied** the variance to increase the maximum permitted floor area of an accessory structure from 676 sq. ft. to 1,008 sq. ft. to allow a 17 ft. 8 in. by 38 ft. detached garage and a 14 ft. by 24 ft. accessory structure (storage area); **denied** the variance to reduce the required south side yard from 5 ft. to 4 ft. to allow the 24 ft. by 14 ft. accessory structure outside the rear 40 ft. of the lot; and **denied** the variance to reduce the required north side yard from 5 ft. to 3 ft. to allow an 8 ft. by 17 ft. concrete ramp attached to the garage.



Minneapolis City Planning Department Report

Variance Request
BZZ - 379

Date: January 23, 2002

Date Application Deemed Complete: December 19, 2001

End of 60 Day Decision Period: February 17, 2002

Applicant: John Starway

Address of Property: 2515 Upton Ave. N.

Project Name: N/A

Contact Person and Phone: John Starway, 322-6763

Planning Staff and Phone: Jason Wittenberg, 673-2297

Ward: 5 **Neighborhood Organization:** Northside Residents Redevelopment Council

Existing Zoning: R1A

Proposed Use: Detached garage

Proposed Variance: Variance to increase the maximum permitted floor area of an accessory structure from 676 sq. ft. to 1,008 sq. ft. to allow a 17 ft. 8 in. by 38 ft. detached garage and a 14 ft. by 24 ft. accessory structure (storage area); also a variance to reduce the required south side yard from 5 ft. to 4 ft. to allow the 24 ft. by 14 ft. accessory structure outside the rear 40 ft. of the lot; and a variance to reduce the required north side yard from 5 ft. to 3 ft. to allow an 8 ft. by 17 ft. concrete ramp attached to the garage.

Zoning Code Section Authorizing the Requested Variance: 525.520 (1), (3)

Concurrent Review: N/A

Background: The applicant intends to construct a detached garage and a detached storage shed. The combined floor area would exceed the maximum permitted floor area of 676 sq. ft. In May of 2001, the applicant was granted a building permit to construct the proposed 17 ft. 6 in. by 38 ft. garage, which, by itself, complies with the maximum permitted floor area.

Minneapolis City Planning Department Report
BZZ – 379

The storage shed would not be located entirely in the rear 40 ft. of the property and thus must maintain a side yard of at least five feet without the requested side yard variance. The applicant also requests a variance of the north side yard for a concrete ramp leading from the detached garage.

Planning staff visited the site on January 9th and discovered what appear to be zoning violations on the property:

- Section 541.450 states that the total number of vehicles located outdoors on a zoning lot shall not exceed two per dwelling unit. The applicant has four motor vehicles and one recreational vehicle parked outdoors on the site.
- 535.420 states that fences shall be maintained in good repair. Portions of the existing fencing on the site do not appear to meet this standard.
- Section 535.420(1) limits the height of fences in a required front yard to three feet. The applicant has a solid privacy fence that is located in the required front yard setback that is approximately six feet in height.
- Table 535-1 limits the permitted encroachments in required yards. A vestibule-type structure that may not qualify as a permitted obstruction has been constructed at the front entryway.

In addition to the above observations, neighboring property owners have suggested that the applicant has paved much of the back yard of the property. According to City records, a housing inspector has visited the site a number of times over the course of the past two years.

Findings Required by the Minneapolis Zoning Code:

1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Maximum permitted floor area: Complying with the maximum permitted floor area of all accessory structures appears to be a reasonable alternative for the applicant/property owner.

Minimum south side yard: Staff has not identified a reason why the proposed shed could not be located at least five feet from the south side property line.

Minimum north side yard: Staff's understanding is that the applicant would like to use the proposed ramp in order to drive a vehicle through the garage and temporarily locate a vehicle in the rear yard. The property slopes down from the rear to the front. Parking a vehicle in the rear yard would not be permissible and is not necessary in order to reasonably use the property.

Minneapolis City Planning Department Report
BZZ - 379

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Maximum permitted floor area: The City made a conscious decision to institute a 676 sq. ft. maximum permitted floor area for accessory structures accessory to both single- and two-family dwellings. Nothing unique about the property has been identified to suggest that the maximum permitted floor area should be varied for this site.

Minimum south side yard: A unique factor has not been identified regarding why the applicant could not comply with the required side yard setback.

Minimum north side yard: Although the grade change on the property is unique, the "problem" is essentially created by a desire to drive a vehicle into the rear yard between the home and proposed garage.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Maximum permitted floor area: Granting the variance would result in overbuilding in the rear yard of the property and would not be in keeping with the spirit and intent of the zoning code. It appears that all other accessory structures on the block comply with the maximum permitted floor area.

Minimum south side yard: A one-foot variation from the required side yard for the proposed shed would likely not have a substantial impact on the adjacent property or the character of the area.

Minimum north side yard: Granting a variance for the ramp would not be in keeping with the spirit and intent of the zoning ordinance. Using the required side yard setback to drive and park vehicles in the back yard would alter the essential character of the area.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Maximum permitted floor area: The proposal would not increase congestion on area streets. Assuming compliance with the building code, granting the variance

Minneapolis City Planning Department Report
BZZ – 379

would not increase the danger of fire or be detrimental to the public welfare or endanger the public safety.

Minimum south side yard: Granting the proposed side yard variance would not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Minimum north side yard: Granting the proposed side yard variance would not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Recommendation of the City Planning Department:

The City Planning Department recommends that the Board of Adjustment adopt the findings above and deny the variance to increase the maximum permitted floor area of an accessory structure from 676 sq. ft. to 1,008 sq. ft. to allow a 17 ft. 8 in. by 38 ft. detached garage and a 14 ft. by 24 ft. accessory structure (storage area); deny the variance to reduce the required south side yard from 5 ft. to 4 ft. to allow the 24 ft. by 14 ft. accessory structure outside the rear 40 ft. of the lot; and deny the variance to reduce the required north side yard from 5 ft. to 3 ft. to allow an 8 ft. by 17 ft. concrete ramp attached to the garage.

John Starway

322-6763

APPLICANT'S NAME

TELEPHONE

2515 Upton Av N Mpls MN 55411

ADDRESS

APPLICATION _____ 2001

CITY PLANNING _____ 2001

BD. OF ADJUST _____ 2001

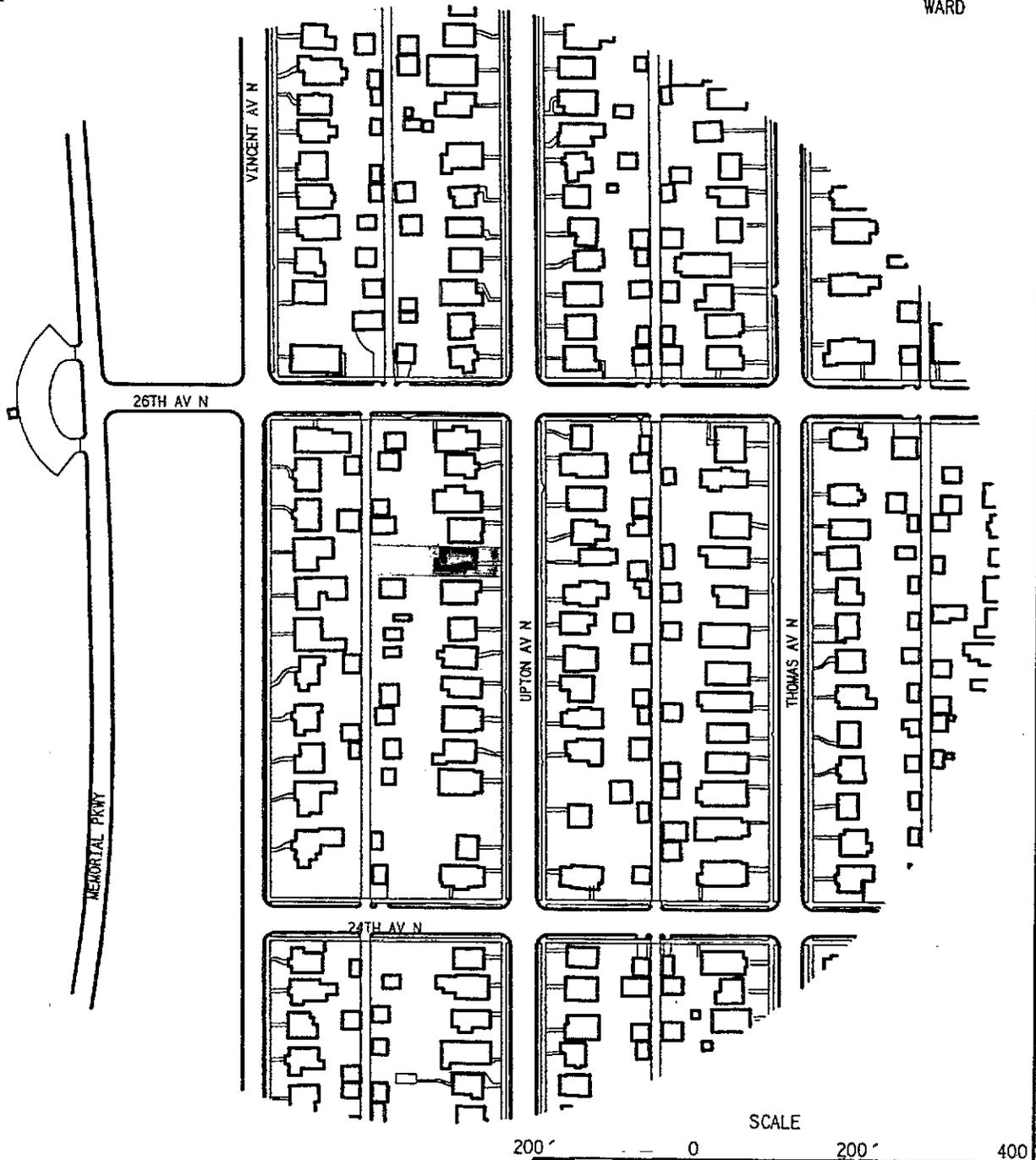
CITY COUNCIL _____ 2001

ZONING PLATE

ZONING MAP CHANGE _____ 2001

INITIAL _____

5th
WARD



PETITION FOR AMENDMENT		APPEAL FOR VARIATION		BOARD ACTION	
PRESENT ZONING	PROPOSED ZONING				

PROPERTY ADDRESS
2515 Upton Av N

FILE NUMBER
BZZ-379

JOHN STARWAY
2515 Upton Ave. North, Minneapolis, MN 55411

2515 Upton Ave. North
John Starway,
Variance

**STATEMENT OF PROPOSED USE AND DESCRIPTION OF THE
PROJECT**

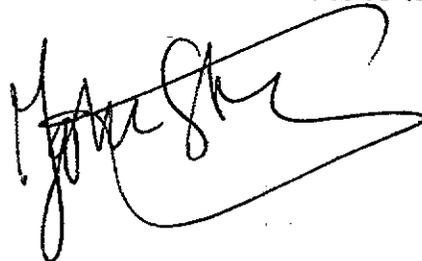
THE USE:

1. The storage will be used for storing board or metal bars up to 20 ft. long.
2. It will be used for storing snowblower, compressor, loan mower, etc.
3. The storage will be used to keep gathered all stuff which now is spreaded across the yard(doors, paints etc), as required by the housing inspection.

DESCRIPTION OF THE PROJECT:

1. The storage will be made completely of concrete blocks to avoid the possibility of fire.
2. The roof will be maid of menal sheet to avoid the possibility of fire.

John Starway



JOHN STARWAY
2515 Upton Ave. North, Minneapolis.MN 55411

THE AT LEAST EIGHT REASONS FOR THE VARIANCE

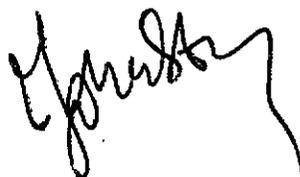
These are the good reasons for asking for variance, if it can be named variance:

1. The house is a DUPLEX, so I have the right for the following approximate footage for garage, storage and other together:
 $2 \times 676 = 1352 \text{ sq. ft.}$
2. The storage will be made of briks and metal sheet. So, there will be no risk of fire or safety problems.
3. The Housing Inspection had observation that in last years construction materials(boards, metal etc.) are in yeard and that they must to be stored in a storage. The storage/shed will allow me to comply with recommendations of House Inspection.
4. The materials can't be stored in garage, because in garage will be 4 cars: mine, my wife's, reserve car and trailer. So in garage will not be room.
5. Without the storage 24ftx14 ft I can't store the materials and staff, and can't renovate the second floor to rent later the second apartment.
6. I am in financial hardship and need to build the storage etc. by myself, based on my resources.
7. Building a storage/shed etc. is not a obscenity or a repugnant action. It does not have effects on public morality or interest of others.
8. Building the storage and ramp, still will leave unused 195 sq. ft. , because of the duplex($2 \times 678 \text{ sq.ft.} = 1352 \text{ sq.ft.}$):

$$1352 - 676 - 345 - 136 = 195 \text{ sq. ft.}$$

Sincerely,

John Starway



JOHN STARWAY
2515 Upton Ave. North, Minneapolis, MN 55411

To: Jason Wittenberg
City of Minneapolis Planning Department
250 South 4th St. Room 300
Minneapolis, MN 55415-1316

RE: Some clarifications

Date: Nov. 2, 2001

Dear Jason:

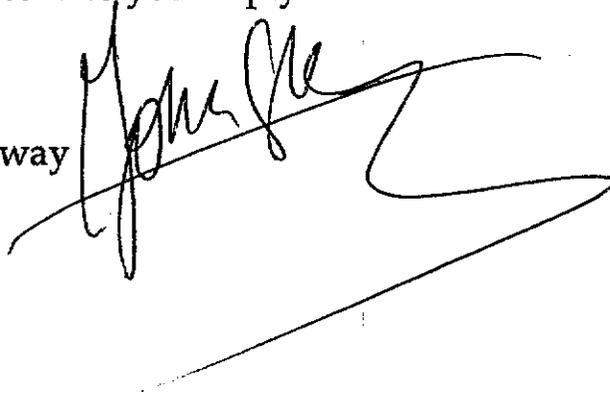
I received your letter requesting some clarifications. These are the clarifications:

1. I requested variance for storage/shed not for garage.
2. For the garage already exists the approval. The garage has area 17.8X38.
3. The shed or storage has the area approximately 24x14.

I look forward to your reply.

Sincerely,

John Starway

A handwritten signature in black ink, appearing to read "John Starway", is written over a horizontal line. The signature is stylized and cursive.

JOHN STARWAY
2515 Upton Ave. North, Minneapolis, MN 55411

To: Jackie Cherryhomes
Council Member, Fifth Ward
City Council room 307
350 South, 5-th Street
Minneapolis, MN 55415

RE: Proposal to build a storage

Date: Oct. 16, 2001

Dear Jakie:

This letter is to inform you that I applied for variance to build a storage on my property with dimension 14x24x12 ft.

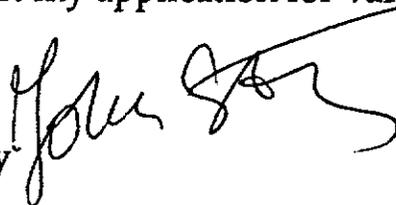
The storage is needed for storing my staff and materials. Some staff or material may have length up to 20-22 ft.

The storage is needed to comply with the regulations of the City Housing Inspections, i.e. staff to be stored in storage and not on open space on the ground or grass. If variance is not approved, then I can't comply with city's housing inspection regulations.

Please support my application for variance.

Sincerely,

John Starway



U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

MINNEAPOLIS MN 55415

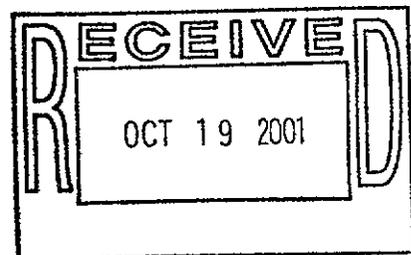
Postage	\$ 0.34
Certified Fee	\$2.10
Return Receipt Fee (Endorsement Required)	\$1.50
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 3.94



Sent To	Jackie Cherryhomes Council Member, Fifth Ward
Street, Apt. No.; or PO Box No.	City Council room 307
City, State, ZIP+ 4	350 South, 5-th Street Minneapolis, MN 55415

PS Form 3800, January 2001

See Reverse for Instructions



JOHN STARWAY
2515 Upton Ave. North, Minneapolis, MN 55411

To: Northside Residents Redevelopment Council
1014 Plymouth Ave. North,
Minneapolis, MN 55411
Phone: (612)335-5924

RE: Variance for a storage(shed)

Date: Oct. 24, 2001

Dear Ladies and Gentlemen:

This is to inform that I submitted an application for variance for a storage(shed) with dimensions 14 x 24 ft.

The storage/shed is needed for storing materials, mowers, lawn tractor, air compressor etc. for the purpose of complying better with housing inspection requirements to store them in a storage.

In order to avoid the possibility of fire, the storage/shed will be build of concrete blocks and metal.

Please support my application for variance.

Thanks,

John Starway



U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
Postage	\$.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 2.44

7000 1140 0002 0695 9739

MINNEAPOLIS UNIVERSITY ST.
OCT 29 2001
USPS

Sent To Northside Residents Redevelopment Council
Street, Apt. No.; 1014 Plymouth Ave. North
or PO Box No.
City, State, ZIP+4 Minneapolis, MN 55411
PS Form 3800, January 2001 See Reverse for Instructions

BZZ - 379

Correspondence:

1/10/02 - Chad Spolman, 2500 Vincent Ave. N., is opposed to granting the variance request. Believes it will only be used for junk storage. Notes that there are a variety of problems with the property right now, including the fact that much of the back yard has been paved.

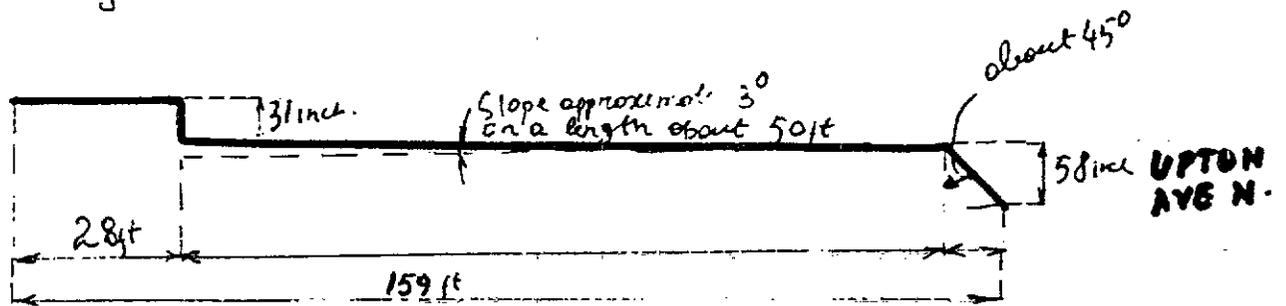
1/14/01 - Resident of 2519 Thomas Ave. N. opposes the variance request.

JOHN STARWAY
2515 Upton Ave. North, Minneapolis, MN 55411

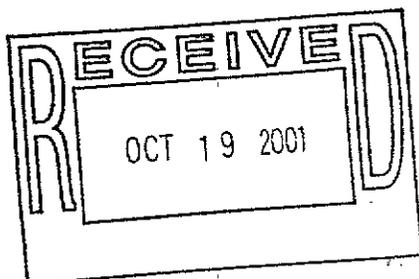
ELEVATIONS

Scale: 1in = 30ft

Longitudinal (on length) section of the lots

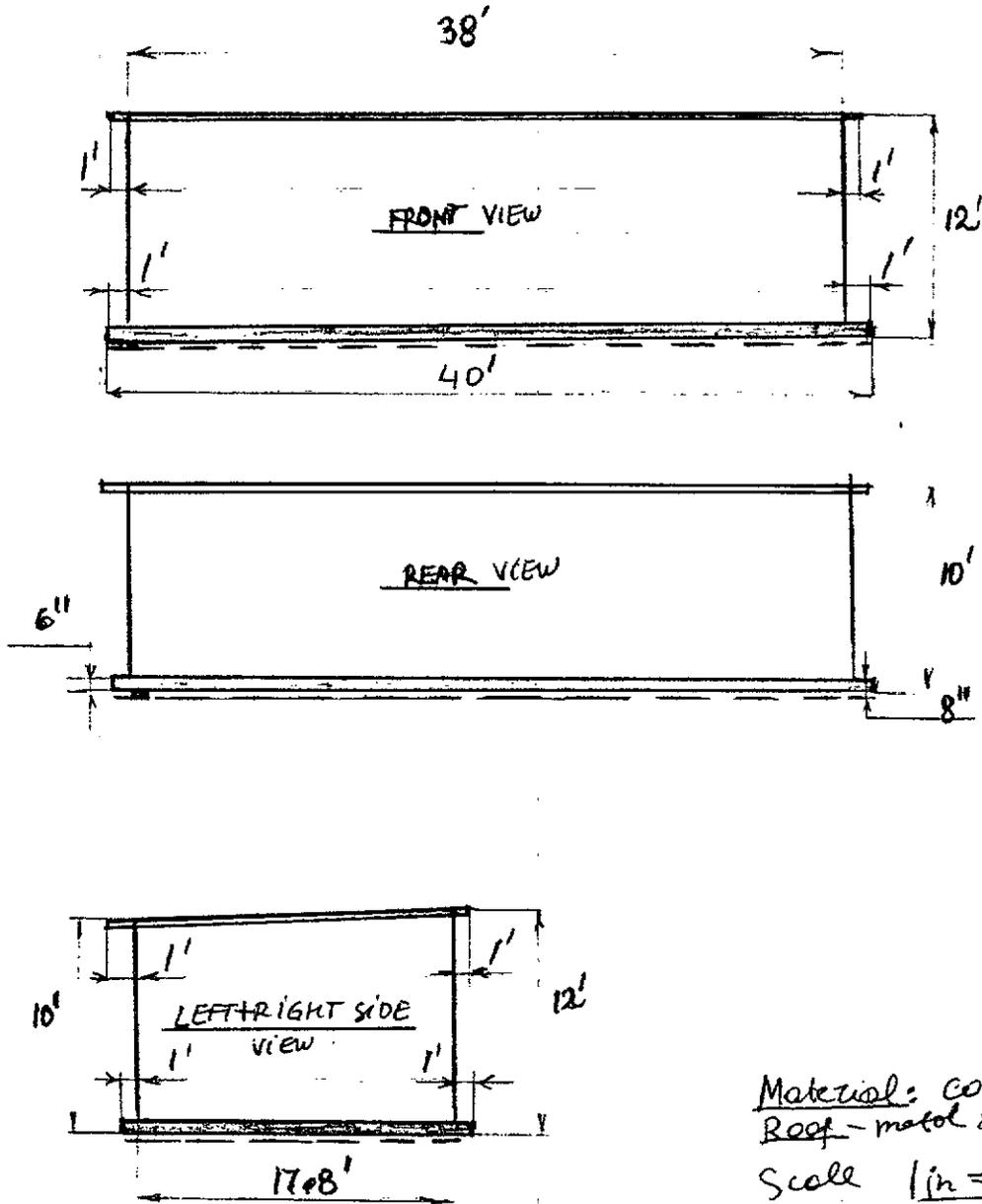


The height of the garage 11.5 ft (not exceed 12 ft)



2515 Upton Ave. North
Minneapolis, MN 55411

REAR DETACHED GARAGE

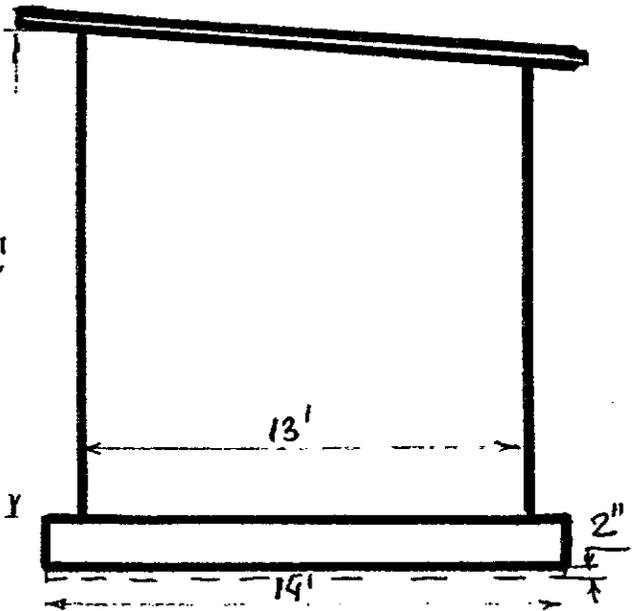
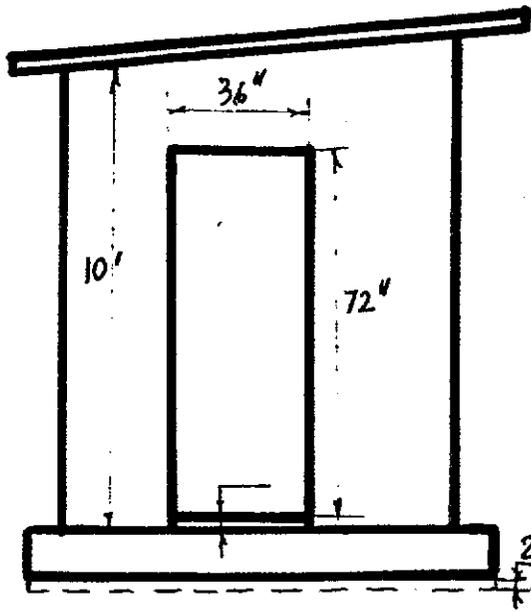
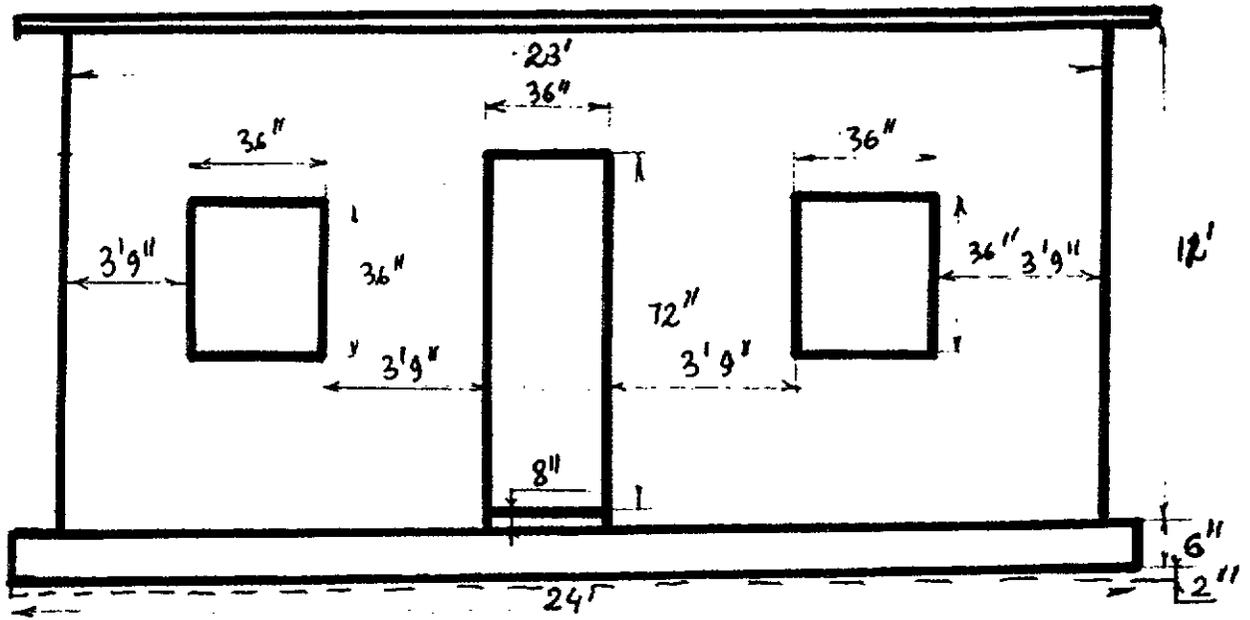


Material: concrete bricks
Roof - metal sheets or fiberglass.

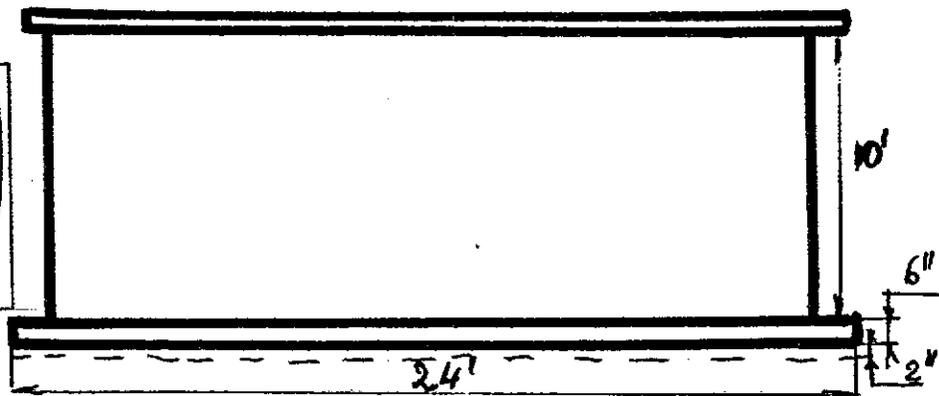
Scale 1/4" = 10ft

Roof - Flat, inclined

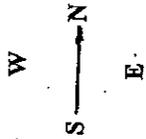
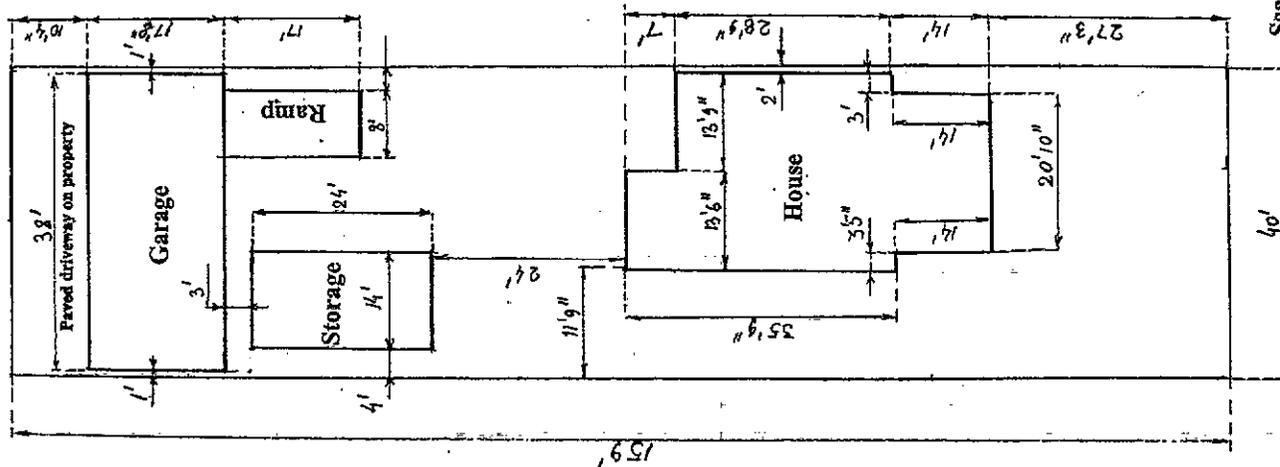
2515 Upton Ave North
 Minn., MN 55411, John Starusky



RECEIVED
 OCT 19 2001



Rear driveway



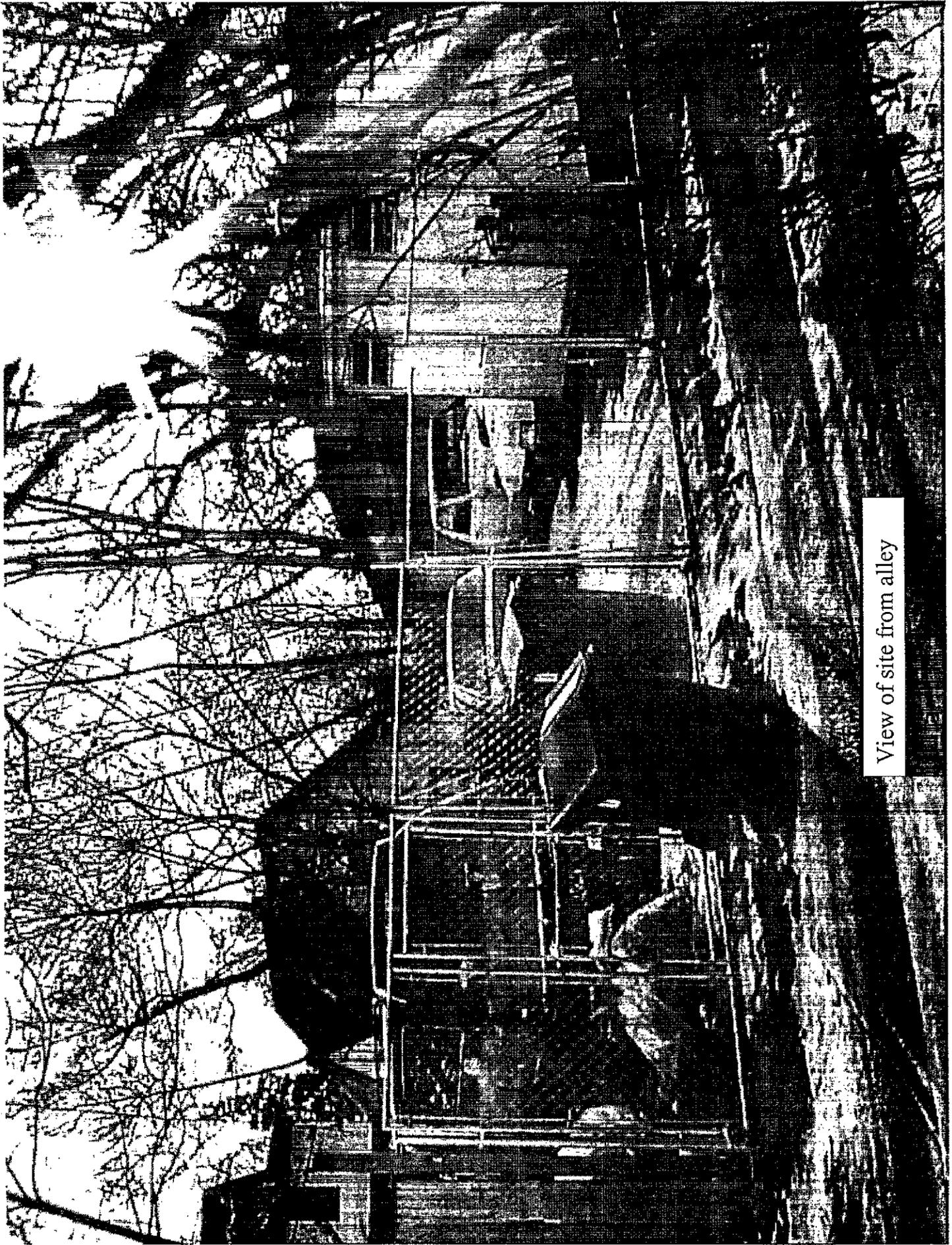
Scale: 1 inch = 15 ft.

Street 2515 Upton Ave. North
 Property: John Starway, 2515 Upton Ave. North,
 Minneapolis, MN 55411

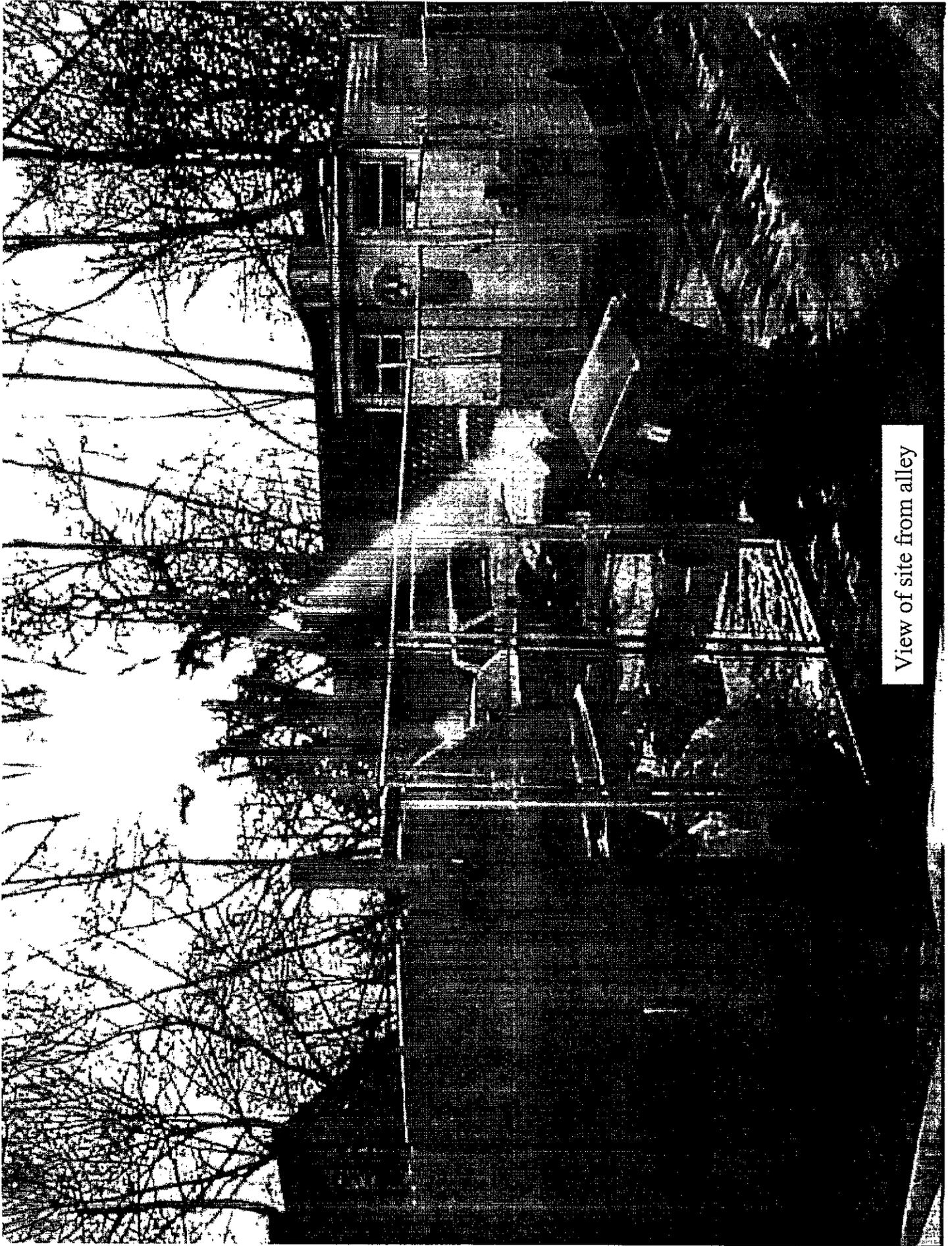
2515 Upton Ave N.
John Starkey



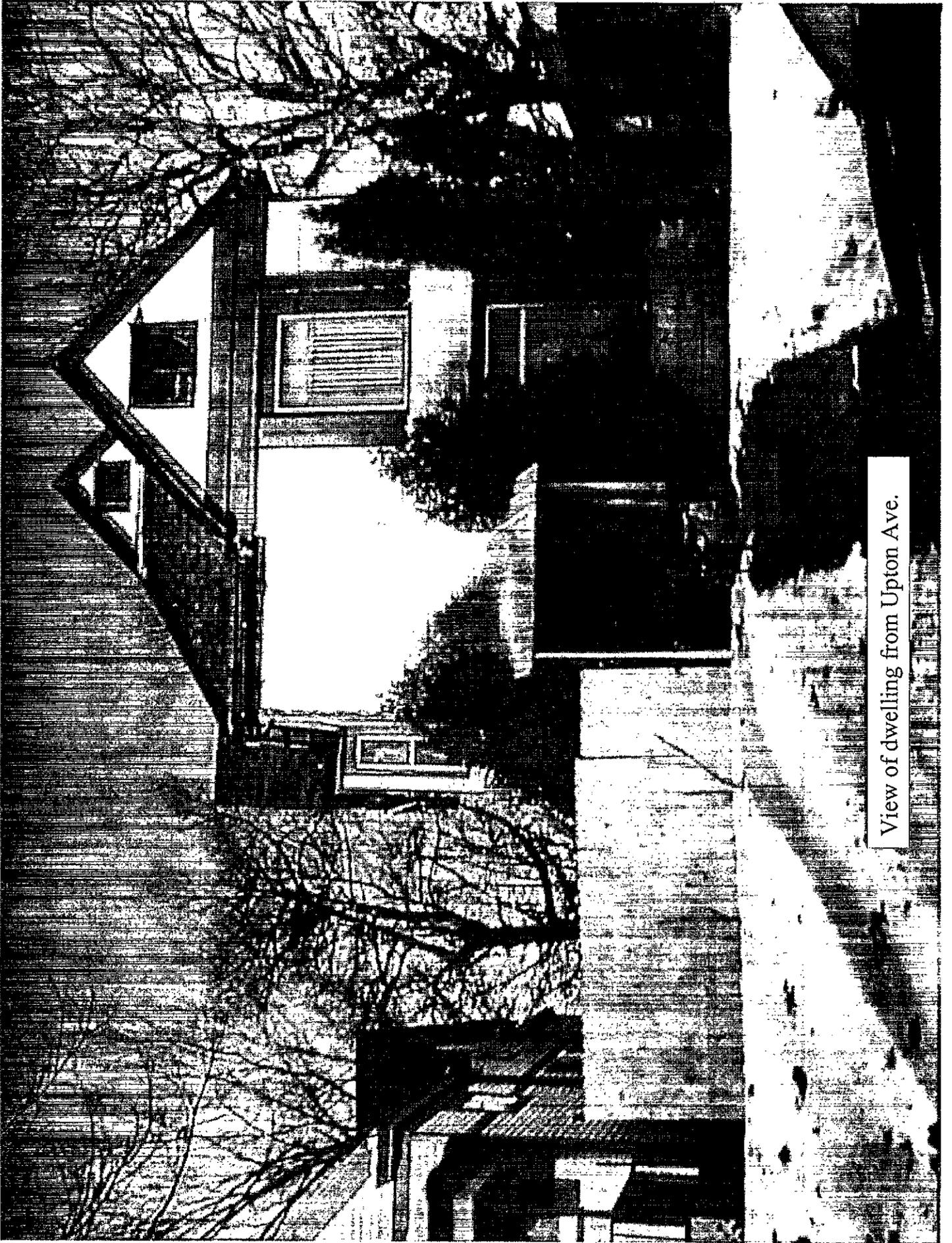
→ ACOPY



View of site from alley



View of site from alley



View of dwelling from Upton Ave.

**BOARD OF ADJUSTMENT
MEETING MINUTES
CITY OF MINNEAPOLIS
ROOM 220 CITY HALL
January 23, 2002**

CALL TO ORDER AND ROLL CALL VOTE

Present were Debra Bloom, David Fields, John Finlayson, Marissa Lasky, Paul Gates, Gail Von Bargen & Richard White. Richard White called the meeting to order at 2:00 p.m. Nicole Peterson from the Zoning Office was present, along with Jason Wittenberg of Planning.

HEARING

2515 Upton Ave. N. (BZZ-379, 5th Ward)

John Starway has applied for a variance to increase the maximum permitted sq. ft. of an accessory structure from 676 sq. ft. to 1,008 sq. ft. to allow a 17 ft. 8 in. x 38 ft. detached garage, and 14 ft. x 24 ft. accessory structure (storage area), a variance to reduce the south side yard setback from 5 ft. to 4 ft. to allow a 24 ft. x 14 ft. accessory storage structure outside the rear 40 ft. of the lot. and a variance to reduce the north side yard setback from 5 ft. to 3 ft. to allow an 8 ft. x 17 ft. (concrete) ramp attached to the garage.

Zoning Presentation by Ms. Peterson:

John Starway the applicant for 2515 Upton Avenue North located in the R1A district has applied for a variance to increase the maximum permitted sq. ft. of an accessory structure from 676 sq. ft. to 1,008 sq. ft. to allow a 17 ft. 8 in. x 38 ft. detached garage, and 14 ft. x 24 ft. accessory structure (storage area), a variance to reduce the south side yard setback from 5 ft. to 4 ft. to allow a 24 ft. x 14 ft. accessory storage structure outside the rear 40 ft. of the lot. and a variance to reduce the north side yard setback from 5 ft. to 3 ft. to allow an 8 ft. x 17 ft. (concrete) ramp attached to the garage. The alleged hardship is lack of storage space. Two statements of opposition.

Planning Department Staff Recommendation by Mr. Wittenberg:

Staff recommends **denial** of the variance to increase the maximum permitted floor area of an accessory structure from 676 sq. ft. to 1,008 sq. ft. to allow a 17 ft. 8 in. by 38 ft. detached garage and a 14 ft. by 24 ft. accessory structure (storage area); **denial** of the variance to reduce the required south side yard from 5 ft. to 4 ft. to allow the 24 ft. by 14 ft. accessory structure outside the rear 40 ft. of the lot; and **denial** of the variance to reduce the required north side yard from 5 ft. to 3 ft. to allow an 8 ft. by 17 ft. concrete ramp attached to the garage.

Applicant's Statement

Mr. Starway, the applicant spoke in support stating that he has received violation letters ordering him to fix a variety of things on his lot and to the best of his ability he has tried to do that. Mr. Starway also states the existing house is a duplex and only one unit is occupied by himself and family, and that he does park his vehicles on the lot and not on the street to protect his vehicles. Mr. Starway also states he has police records offering reasons why he parks on his lot, and with the house being a duplex, he understand he has a right to park 2 vehicles and that one day he will rent the 2nd unit and the tenant will want to park their vehicle on the lot because parking in front of the house on the street is not a safe place to park. Mr. Starway also states "I do not understand the fence concern, in the past I have fixed any violation that was brought to my attention and the portions which needed repair have been corrected. Mr. Starway states he replaced portions of the

wood fence with de-mountable aluminum fencing and that it is working quite well. Mr. Starway states the height of his fence which is 6 ft. in not out of compliance with the ordinance and read a portion of a fence code stating "not more than 8 ft. regardless of location, not in the front or the rear or any other place on the lot so I do not understand because now the fence is not falling down and I do not agree it out of compliance. The vehicles parked in the rear of my lot are not recreational vehicles, I do not have a recreational vehicle, what I do have is a concession trailer. Mr. Starway asks for storage space he needs, pointing directly at one violation letter that orders him to remove paint, materials, and construction materials from his property and he would like them to be kept in a shed. Mr. Starway wanted to address the 3 ft. fence height in the front yard and expressed I do not have a fence on the front of my property or on the front of my property line, I have a fence that is 20 ft. back from the front property line, close to my house and maybe I do not understand but I see that concludes the issue and that 8 ft. regardless of location is what the code states. The fence height is as it is for the protection of myself and my wife, we both have been in danger and one incident resulting in a trip to the hospital. The department of housing I understand that I am to address and tend to the safety and health of my dwelling and I understand I am in compliance with this and my fence does not affect negatively the health or cause a safety issue for my neighbors. I understand the code allows each unit to park 2 vehicles and that would allow 4 cars and with my house being a duplex I do not understand the violation there. By the department of housing I am again ordered to store the materials on my lot in a place such as in an enclosed structure such as the variance I am asking for and if I do not get approval I am put in the situation to not be able to obey housing inspection orders and this is the reason I need the second shed and the ramp is not for driving cars into the rear of the lot it is intended for the use of washing my car on it. I can move the shed from 4 ft. to 5 ft. from the fence this would not be a problem.

Action:

The Board of Adjustment adopted the findings and **denied** the variance to increase the maximum permitted floor area of an accessory structure from 676 sq. ft. to 1,008 sq. ft. to allow a 17 ft. 8 in. by 38 ft. detached garage and a 14 ft. by 24 ft. accessory structure (storage area); **denied** the variance to reduce the required south side yard from 5 ft. to 4 ft. to allow the 24 ft. by 14 ft. accessory structure outside the rear 40 ft. of the lot; and **denied** the variance to reduce the required north side yard from 5 ft. to 3 ft. to allow an 8 ft. by 17 ft. concrete ramp attached to the garage.

Roll Call Vote To Deny.

Yeas: Bloom, Fields, Finlayson, Gates, Lasky, Von Bargen, White

Nays: None

Abstain: None

Absent: Rand

The meeting adjourned at 4:00 p.m.