

Item 24-0450: 98 Estherbrook Ct. The applicant proposes to construct an accessory building that is twenty-five feet from the front property line, which is closer to the front property line than the principal building

Board of Zoning Appeals

Mon, May 20, 2024 7:30PM

Paul McCann (BOZ Chair) 01:31

Okay, the next item on the agenda is for our audience. If there's anyone here other than the people who are directly representing the cases before us who would like to speak on behalf of the neighbors or, you know, concerned citizens, I'd ask you to come forward please, state your name, remind us of which case you are interested in commenting on, and then you may get questions from the board. Go ahead sir.

[Somebody spoke off microphone.]

Paul McCann (BOZ Chair) 02:44

Okay, thank you, sir. Any questions, folks? All right. Thank you for your comments. You bet. Is there any other representation from the audience? Okay, there being none, we'll proceed then with the items on the agenda. And we'll do those in the order in which they were received at the at the city inspections department.

Paul McCann (BOZ Chair) 03:07

Kurt, if you would read the request for 98 Estherbrook court. And whoever represents 98 Estherbrook Court, if you could also then come forward.

Supervisor Kurt Craanen (Inspections) 03:17

The applicant proposes to construct an accessory building that is 25 feet from the front property line, which is closer to the front property line than the principal building. Section 23-43 F(1)(8)(e) of the zoning ordinance prohibits detached accessory buildings in the front yard.

Paul McCann (BOZ Chair) 03:30

Okay, thank you. Could you state your names for us, please? Okay. Are there any other aspects of the case, any other details other than what you presented in the materials to the city that you'd like us to understand? Okay. One thing we are required to understand is what the hardship would be, if in the case of why you're asking for the variance, and then what it would be if you were not granted such a variance.

Charles T. (Estherbrook Court) 04:08

The one building was built [...] was built. It's deteriorating. The concrete's destroyed in it. And then we moved out. We had renters in the place, and they allowed wildlife into the garage that is closest, and its it's destroyed. We would basically have to tear it down to rebuild it.

Kara T. (Estherbrook Court) 04:29

There's no other place to—

Charles T. (Estherbrook Court) 04:30

There's no other place. And we're at the end of we're at the end of the cul de sac. Our house is set back, and on both sides of our driveway is a ravine. So, the option would be moved closer to another neighbor or go right

where the buildings are existing right now in the same footprint actually. I think he has the drawing. It is smaller than the existing buildings.

Paul McCann (BOZ Chair) 04:53

So, some of the things that we're allowed to consider are unusual topography or an unusual shape of your property. Would you say that that's existing?

Charles T. (Estherbrook Court) 05:02

Definitely. Yeah, there's a ravine on both sides and actually—

Kara T. (Estherbrook Court) 05:05

If you walk six feet to the left of the house, it drops down. Our deck, you know, is up on how—high is the deck up?

Charles T. (Estherbrook Court) 05:16

12 feet.

Kara T. (Estherbrook Court) 05:17

Behind the house it drops down.

Charles T. (Estherbrook Court) 05:19

So, where the existing building is closest to the cul de sac, that that'd be the garage. Right behind that drops off about 40 feet into a ravine. The house is built on the peak, you know, between where the ravines meet.

Paul McCann (BOZ Chair) 05:41

So buildable area around the home, is there any to the either side or the back?

Charles T. (Estherbrook Court) 05:51

No.

Paul McCann (BOZ Chair) 05:52

Okay.

Charles T. (Estherbrook Court) 05:56

If you're facing the house on the right, we have to build that up just to have a walkway.

Kara T. (Estherbrook Court) 06:01

The walkway was going into the ravine.

Paul McCann (BOZ Chair) 06:04

Okay. So, you just shored that up so that the—

Kara T. (Estherbrook Court) 06:07

And we had to do a retaining wall. The back patio was falling into the ravine, so we had to do a retaining wall about six years ago.

Paul McCann (BOZ Chair) 06:18

Okay. Are there any questions by board members to the applicant?

Paul McCann (BOZ Chair) 06:32

If there are no questions, I'd entertain a motion on the variance.

Scott Engstrom (BOZ Member) 06:35

I'll move to approve.

Kelly Sperl (BOZ Member) 06:37

I'll second.

Paul McCann (BOZ Chair) 06:39

Moved and seconded. Are there any further discussion items?

Scott Engstrom (BOZ Member) 06:43

I'll just note the unique topography. It's a unique lot. There's not a lot of buildable area. You're kind of limited also, when you have that ravine and the change of slope. So, I think that they've demonstrated a hardship based on the unique conditions of the property.

Kelly Sperl (BOZ Member) 06:59

And I would just add too that the existing footprint of those garages is currently there already and doesn't appear to be any neighbor complaints or anything.

Scott Engstrom (BOZ Member) 07:07

Right.

Kelly Sperl (BOZ Member) 07:07

So.

Paul McCann (BOZ Chair) 07:09

Okay. Any additional discussion? If not, we'll take a vote?

[A member of the public spoke. He was speaking for a couple seconds before the microphone turned on.]

Member of the Public 07:19

...Garages. [...] street and I just wondering, the last time a garage was built in that ravine area there was a lot of water that pushes from...

Paul McCann (BOZ Chair) 07:38

So, they modified the drainage plan when they put a garage in the neighborhood somewhere? Is that what your concern is; that there'd be a drainage issue here?

Member of the Public 07:47

Yes. That is what I'm worried about.

Paul McCann (BOZ Chair) 07:49

Okay. Okay,

Charles T. (Estherbrook Court) 07:50

Where's Owaissa?

Supervisor Kurt Craanen (Inspections) 07:54

He's talking about...

Paul McCann (BOZ Chair) 07:55

You're in a different case, sir.

Member of the Public 07:56

Okay.

Paul McCann (BOZ Chair) 07:57

I think I think it'd be best—why don't you go ahead and sit down for a second and we'll...

Member of the Public 08:03

I'm sorry.

Kelly Sperl (BOZ Member) 08:04

That's all right.

Paul McCann (BOZ Chair) 08:05

We're over on Estherbrook Court, over on the south side. And I think the Leminwah case, for those in the audience wondering why Mr. Craanen is going back there, is not going to be heard tonight. So, I think his question'll have to wait for next month.

Paul McCann (BOZ Chair) 08:22

So anyway, back to Estherbrook. Any other—we're already to no further discussion? Right? I'll take a vote.

Paul McCann (BOZ Chair) 08:31

Mr. Engstrom.

Scott Engstrom (BOZ Member) 08:32

Aye.

Paul McCann (BOZ Chair) 08:33

Mr. Sperl.

Kelly Sperl (BOZ Member) 08:33

Aye.

Paul McCann (BOZ Chair) 08:35

Mr. Loosen.

Kevin Loosen (BOZ Member) 08:37

Aye.

Paul McCann (BOZ Chair) 08:37

I will vote aye as well. Mr. Babbitts.

Michael Babbitts (BOZ Member) 08:39

Aye.

Paul McCann (BOZ Chair) 08:39

Okay. You have—it requires four yes votes. You have five. Good luck with your project.

Charles T. (Estherbrook Court) 08:45

Okay.

Kara T. (Estherbrook Court) 08:45

Thank you.

Paul McCann (BOZ Chair) 08:51

So, for the record, Mr. Babbitt's is here because Miss Cain is absent tonight. So he is sitting in as the alternate in that respect. So Kurt, 924, North Leminwah will be deferred till next month.

Supervisor Kurt Craanen (Inspections) 09:08

Yes.

Paul McCann (BOZ Chair) 09:08

Okay. And that's what the gentleman was unfortunately visiting in regard to. Okay.