

Item 24-1577: The applicant proposes to extend the existing driveway ten feet. Section 23-43(f)(3)(f) of the Zoning Ordinance limits driveway extensions to four feet into the front yard

Item 24-1578: The applicant proposes to keep the concrete installed adjacent to the sidewalk that is not tapered from the sidewalk. Section 23-43(f)(3)(j) of the Zoning Ordinance requires driveway payment leading from the apron to taper onto the driveway to prevent vehicles from driving over the right of way terrace

Board of Zoning Appeals
Mon, Dec 16, 2024 7:00PM

Paul McCann (BOZ Chair) 01:51

So, you'll all notice that we have a television guest tonight. Kurt Craanen from the city of Appleton board of inspections department is stranded in Charlotte trying to fly home. It's his second night in an airport. So, he will—if he needs to, he will be able to connect up via this Zoom meeting and give whatever input or answer whatever questions we may need. In addition to having Kurt on hand, we have **[Vicky Dremel?]** from the city of Appleton inspections department, and Karen Homan from the Community Development Director, and also **[Tracy Read]** from inspections. So, we have plenty of resources here to go through these requests and to answer whatever questions may come up.

Paul McCann (BOZ Chair) 02:42

So, the first item that we normally take care of are public appearances, and this would be for anyone in the audience that is not directly related to the address associated with the request for variance. So, if you're a neighbor or community member or anyone with an interest in any one of our cases tonight, we ask you to come forward if you're interested, and then you can address the board. You can bring up whatever questions you'd like us to make sure get asked and answered or give whatever comments you're interested. Is there anyone out there from—? Yes, sir. If you'd step forward, please just step to the podium. Check the microphone. I've turned it on. I don't know, if—yeah.

Joseph Johnson (Resident) 03:30

Sure, sounds like it's on.

Paul McCann (BOZ Chair) 03:31

Okay. Thank you. Your name, sir.

Joseph Johnson (Resident) 03:34

My name is Joseph Johnson.

Paul McCann (BOZ Chair) 03:36

Okay.

Joseph Johnson (Resident) 03:37

I live on 3105 North Ballard Road.

Paul McCann (BOZ Chair) 03:39

Okay.

Joseph Johnson (Resident) 03:40

I'm a neighbor of 3115 North Ballard Road. I'm here because I have issues regarding issues you guys have with 3115 North Ballard Road, under 3115 North Ballard Road there is two issues of their property. There's an issue with the side of the property where there is an extension of a driveway, and there's an issue at the front of the driveway, or the front of their house, where you guys are consider it possibly be a parking lot. I've never seen it be used as a parking lot, but anyway, on the side of the house—my house, right after talking to Kurt, who had been to my house couple times, we walked down and we looked at the side of my house, and we had made a deal between me and the city of Appleton and the DeLeon's, the owners, that if I sold them a small sliver of my piece of property that would run from back all the way to the front between me and them that they'd determine the price that that the problem that was being addressed through the Council could be satisfied.

Joseph Johnson (Resident) 04:46

So I agreed to that. I agreed to that under the under the thoughtfulness of what I was being told was that once we get this side taken care of my side, the variance in the front of the house was going to be a no—pretty much a no brainer. That was going to be okay. That wasn't going to be a problem. A variance was going to be applied for that is going to be permitted for that. So, once I sold my sliver of property to them, a variance in the front was a done deal, would have pretty much been a done deal.

Joseph Johnson (Resident) 05:38

So, I went forward. I sold them that sliver of piece of property. I thought I sort of had a contract with the city of Appleton, because it's what they told me—Kurt when we talked about that in the yard. So, we went ahead and we had all the lot lines all changed. We did all that stuff. The DeLeon's did it all. They paid me for that piece of property. I accepted that piece of property to be sold. I signed the pieces the pieces of paper. Everything went ahead. Deal done, allegedly.

Joseph Johnson (Resident) 06:12

Now I find out that the deal is not so much done, that there could be more issues, and you guys want them to tear out the front of their where you consider they might—it's actually a patio—where you think they might be parking cars, parking vehicles. I've never seen them a parking vehicle there ever. Actually, it's considered a patio, or what I consider it because I've sat on it many times as a patio.

Joseph Johnson (Resident) 06:37

My question is—well, that's just my comment for that first of all. Gonna read my notes really quick here. The property, the way it is and sits right now, it actually improves the looks of my property next door, and their property, and the property driving up and down Ballard Road. So, the reason you would have them remove this piece of property is absolutely ridiculous. You're talking about—if I read all the papers right, which I'm pretty sure I did—a 10 by 6 extension of their driveway. They're supposed to only be a four foot and they went a little bit farther. They're at 10 by six. We're talking about a 60 foot—60 square foot piece of property. Okay? You guys are having a problem with this issue.

Joseph Johnson (Resident) 07:31

My—what I don't understand is why, if you're having a problem with this issue, I have a neighbor who lives without two houses down from me, who built a shed. The shed's 11 by 10. That's 110 square feet. City inspector's office was called in. Kurt's office was called in. I walked over there the day they measured that that the shed. That shed was 11 by 10, 110 square feet. I was told, anything over 100 square feet, you have to have a slab of cement put in for it. So, they were told you was the people who live there—3039 Ballard road—are told, we're gonna not really worry about that 10 feet of property. Rather arbitrary. Very capricious, that you can tell

one person, yeah, it's okay, that we're gonna be able to—we're gonna forget about. We're not gonna worry about that 10 feet of property. Because even though it's an ordinance, even though its strictly, specifically states, 100 square feet, this is 110 square feet, we're going to just ignore this. We're just going to arbitrarily and capriciously forget about it.

Joseph Johnson (Resident) 08:46

But the other one, DeLeon's, Latino family, were not—60 square feet. We're not just going to just say, hey, you know what that looks beautiful. It's nice. They're not parking there, using it as a patio. There's not an issue with this. The neighbor on this side, he likes it. He's all for it. My issue with the whole committee, with this whole thing is, how can you arbitrarily, capriciously, keep on making decisions like this? If it says 100 square foot a shed has to be on a cement slab then 100 square foot it is. Twice I have built my shed my shed, 12 by eight. I'm a little nervous right now. 12 by eight. I shouldn't be. 12 by eight is what? 986 square feet. I was 14 feet shy. Your inspector came over and looked at it said, if you were 14 feet over and you were at 100 feet, we'd make you put a cement slab down right now. We'd make you move this building. 110 square feet, we're gonna wave that. How does that or—how is that arbitrary, capricious? I'll use that word several, many times, because it's exactly what's happening. The DeLeons are put in a different position. And because I did sell them that piece of property—because I did sell them that piece of property, the way I stated it, I thought that was sort of a contract with the City of Appleton that, hey, I'll sell this piece of property. You're going to do the variance on that. This whole deal is done. I go through with it. We do the whole bit. I'm not going to repeat myself again. You guys have heard me once already say this whole thing, and now I find out—nah, we decided not to. We're not going to do that now. How does that work?

Paul McCann (BOZ Chair) 10:45

Well, I—a couple of things that I can address from what your comments are. We only deal with things that are brought to us. So, you can talk to us about 10 other things that have occurred in the neighborhood or whatever. I'm not aware of any of them, nor was I involved in any of those conversations nor was anyone on the committee.

Joseph Johnson (Resident) 11:03

But these are things that do happen.

Paul McCann (BOZ Chair) 11:06

Okay. They happen. We're going to deal with 3115 North Ballard tonight. You've told us that you don't have a problem with 3115 North Ballard. That's a good thing for us to know. I understand the materials as installed encroached on your property, and that was what needed to be corrected, just by the nature of that fact that they built some of their driveway extension on your property, and they should not have done that. Once that was discovered, they had two choices. They could remove it, or they could buy—

Joseph Johnson (Resident) 11:46

No, I'm going to stop, you.

Paul McCann (BOZ Chair) 11:48

Well.

Joseph Johnson (Resident) 11:49

I was told, I have to remove it.

Paul McCann (BOZ Chair) 11:51

Well, I—

Joseph Johnson (Resident) 11:52

I was told by the city, I have to remove it because it was on my property.

Paul McCann (BOZ Chair) 11:57

All right. I'll restate that. It needed to be—it didn't need to be removed if it's on your property and it doesn't—

Joseph Johnson (Resident) 12:07

It did need to be removed because you guys sent me three letters saying it needs to be removed by these dates. And I called Kurt, who's evidently maybe gone. I talked to him a couple times, and he said, "Look, you're going to keep on getting these letters until we get these rezoning done. Just ignore the letters. Forget about the letters." But I said, so what if I will leave this?

Paul McCann (BOZ Chair) 12:29

So, so—

Joseph Johnson (Resident) 12:30

As is.

Paul McCann (BOZ Chair) 12:30

Okay, we understand. We understand—

Joseph Johnson (Resident) 12:32

He said "You have to remove that."

Paul McCann (BOZ Chair) 12:34

I think we understand. Does anyone have any questions? I think we understand the—what you presented and what your opinion is. I don't know that I can address all the issues you have with other non-compliances. I don't think we're going to even try, but—

Joseph Johnson (Resident) 12:47

It's not about the non-compliance. It's more about the just the arbitrary way of things are done—capriciously done.

Paul McCann (BOZ Chair) 12:53

Okay.

Joseph Johnson (Resident) 12:54

You know.

Paul McCann (BOZ Chair) 12:55

I appreciate

Joseph Johnson (Resident) 12:56

One way didn't do it for everybody or don't do it for either.

Paul McCann (BOZ Chair) 13:00

Okay, understood. Thank you. Mr. Johnson. If no one else has any other—

Joseph Johnson (Resident) 13:05

Any questions?

Paul McCann (BOZ Chair) 13:05

Okay, thank you.

Joseph Johnson (Resident) 13:07

Okay, thank you.

Paul McCann (BOZ Chair) 13:08

Are there any other—are there any of any other public appearances?

[Cut]

Paul McCann (BOZ Chair) 25:35

The next case, if you guys want to step forward, is for 13—or 3115 North Ballard. Again, if you'd read the request for variance.

Director Kara Homan (Community And Economic Development) 25:47

Sure. There's actually two variance requests in this case. The first one is action item 24-1577. When we get to the point where the Board of Appeals is voting. I would recommend you vote separately on each item. So, the first item is allowing them to extend their driveway 10 feet into the front yard. Section 23-43f—3f of the zoning ordinance limits driveway extensions to four feet into the front yard.

Paul McCann (BOZ Chair) 26:21

You can stop there.

Director Kara Homan (Community And Economic Development) 26:22

Sure.

Paul McCann (BOZ Chair) 26:23

We'll just go ahead and talk about that one and determine a result on that one. Ma'am, if you'd introduce yourself, please.

Sandra DeLeon (Variance Applicant) 26:31

Sandra DeLeon, owner of 3115 North Ballard Road.

Paul McCann (BOZ Chair) 26:34

Thank you. All right, if you could just fill us in on the nature of the property and what you would consider potentially to be a hardship or a reason that you need this.

Sandra DeLeon (Variance Applicant) 26:58

This has been a headache. I have—we've done—we've hired a contractor back in—that was in nine—'19. According to him, he took all the permits out that he was supposed to do. Ripped it up, left us, took our money, never showed up to finish the job. There was construction going down on Ballard road during the time, so we

had to find somebody else to do it. The contractors that were working on Ballard gave us an estimate and finished the job. I—there were no issues until Mr. John [Knapp?] who lives way across the other on this other side of the park, made a complaint to the City of Appleton. It looks like he has quite the relationship with you guys.

Paul McCann (BOZ Chair) 28:09

Ma'am, I don't know what you referring to.

Sandra DeLeon (Variance Applicant) 28:12

There was a complaint from John [Knapp] who lives on the other side of Memorial Park. This is why I'm assuming this is happening because he brought it to the city. So that started, and I was in an email change—with email chains with Kurt and Victoria. I had to redo a permit because a permit wasn't issued for this project. So, I did that, and then come to find out, I was—it was against city code which I wasn't aware of.

Sandra DeLeon (Variance Applicant) 28:57

We just want to keep it as is. My husband has a transportation business as well and parks a semi there. Not on that part that we want to stay. Obviously, that's the other variance that was issued. The part that is being requested to be removed by the city is in front of a non-livable breezeway which is—I consider not my dwelling. There is no concrete in the front yard in front of my dwelling, the livable space. The concrete part that you guys want us to remove is in front of a non-livable breezeway, which in the summers we set out to sit on to as a patio. Very rarely, we have to park there to move a vehicle out of a driveway and whatnot. But I'm just asking if it can stay there. It's improving the aesthetics of my home. It's not hurting anything or anyone in the neighborhood.

Sandra DeLeon (Variance Applicant) 30:07

If—this project has already cost us thousands of dollars having to rezone, pay this surveyor, concrete work. Another—we had to pay \$350 for this variance. If we have to remove the concrete, it's going to be more time, a lot of stress, and more money that we really can't afford to spend more money on this project that we already have.

Paul McCann (BOZ Chair) 30:44

Can we see a plan view of—yeah, the click share. You're going to go away, Kurt. So still be able to hear, but we're going to take a look at the plan viewers. Just trying to understand—

Sandra DeLeon (Variance Applicant) 31:01

Yup.

Paul McCann (BOZ Chair) 31:03

—the issues that you're talking about—the patio and the—

Sandra DeLeon (Variance Applicant) 31:06

So, where that—where the red truck was parked, that's the part where they want removed, that red part.

Paul McCann (BOZ Chair) 31:13

Where the red truck.

Paul McCann (BOZ Chair) 31:14

Well—

Kelly Sperl (BOZ Member) 31:14

It was in the other picture right there

Sandra DeLeon (Variance Applicant) 31:16

There where that red truck was parked. That—they want that whole section removed.

Paul McCann (BOZ Chair) 31:20

Well, right now it's how 10 feet wide?

Sandra DeLeon (Variance Applicant) 31:23

I believe so.

Paul McCann (BOZ Chair) 31:24

It's allowed to be four feet wide?

Sandra DeLeon (Variance Applicant) 31:26

Correct.

Paul McCann (BOZ Chair) 31:27

So, so that your neighbor before mentioned that there's just a few square feet that are in dispute. That's a pretty sizable 6 by 40 feet almost. You know, it's on a diagonal, so it's less than.

Sandra DeLeon (Variance Applicant) 31:43

So, do you consider my breezeway livable space dwelling?

Paul McCann (BOZ Chair) 31:47

Do I consider that? The code considers that to be part of your dwelling. Yes.

Sandra DeLeon (Variance Applicant) 31:52

So, then the interpretation of dwelling is wrong on my end, because dwelling, to me, is livable space.

Scott Engstrom (BOZ Member) 32:01

The Code defines dwelling as a building or part of a building containing living, sleeping, housekeeping accommodations and sanitary facilities for occupancy by one or more families.

Sandra DeLeon (Variance Applicant) 32:14

So how is a breezeway considered a dwelling?

Scott Engstrom (BOZ Member) 32:17

Because it's in a building that contains.

Scott Engstrom (BOZ Member) 32:19

So, we don't have the power or authority to change definition within the Appleton's code about what dwelling means. But we haven't gotten any indication that this doesn't satisfy the definition of a dwelling. So, for purposes of evaluating this variance, we have to operate under the assumption that this is a dwelling.

Sandra DeLeon (Variance Applicant) 32:19

It's not in the building. It's an—it's a it's a structure attached. My house is—so before we bought the house, they did this. There's no heating, cooling or anything in that portion of the home. It's a brick wall to go into my dwelling. So, this is not heated. It's used for storage. It's not cooled. I could potentially put a garage door in it to make it a three car garage or four car garage instead of a three car garage, but our two—three versus two. But it's not livable space. There's—

Paul McCann (BOZ Chair) 33:15

Let's—yeah. I mean, if you look at the plan view of it, it's part of the dwelling. It's attaching your house to your garage, right? I mean, that's the.

Sandra DeLeon (Variance Applicant) 33:27

I call it a walkway, breezeway, but not—

Paul McCann (BOZ Chair) 33:32

Well, you can do what you want with it.

Sandra DeLeon (Variance Applicant) 33:34

Right.

Paul McCann (BOZ Chair) 33:34

We understand what you're doing with it today. Doesn't make it feel to you like it's part of your dwelling, but by definition, it is.

Sandra DeLeon (Variance Applicant) 33:43

Okay.

Paul McCann (BOZ Chair) 33:44

So, so anyway, the driveway extension allowances in the code would allow four feet off to the north. I think that is right? North is up on this. So, it's suggesting that six feet of that is non-compliant. Then there's another section—I guess we're just talking about this 4 by 6—

Sandra DeLeon (Variance Applicant) 34:09

That's the other variance.

Paul McCann (BOZ Chair) 34:10

Yeah, okay, so let's just talk about this. So, it's asking you to remove 6 by nearly 40 feet of concrete. And I'd like to understand what hardships there are on this property, whether it's the dimensions of the property, the—trying to think of other pe—the topography, right? Is it—I know it's, it's pretty flat. So it isn't, it isn't like you have a hill there and you need to have that.

Sandra DeLeon (Variance Applicant) 34:42

It's a busy road. I have two teenage drivers, so they also back into that area to pull forward. My aunt, who is also has a wheelchair, passes in a wheelchair, uses that space as well to get in and out of our car, easy access. When I had my wheelchair handicap as well, I needed it. I came home from the hospital not able to walk or anything. So that space was very useful for me in this in that time, but I don't see any harm or issues that that space is causing.

Paul McCann (BOZ Chair) 35:26

If it weren't there already, the city would not allow you to put it there.

Paul McCann (BOZ Chair) 35:29

Okay.

Sandra DeLeon (Variance Applicant) 35:29

Right. And I was unaware, like I said before. We—there are reports in the City of Appleton police that we tried to get our money back from these two contractors, and we would have been spending 1000s of more dollars in lawyer fees. And the lawyer said, due to that contractor running out of state to Ohio, there's really no way you're going to get your money back that you spent. So, we were unaware of any issues that it was until the complaint was made.

Kelly Sperl (BOZ Member) 35:39

From the city's aspect, what—the complaint that was filed, what was the statement within the complaint? Just that it somebody said it didn't meet code, or...?

Sandra DeLeon (Variance Applicant) 36:20

Yes.

Vicky (Inspections) 36:20

Basically, yeah. Originally it was, "Was this allowed during permitting?" And when I explained to him that we don't have a permit, he progressed to state that there was parking being done here that didn't—

Kelly Sperl (BOZ Member) 36:35

Who's "he"? John...?

Paul McCann (BOZ Chair) 36:37

The complainant.

Vicky (Inspections) 36:38

Correct. Yes. It is in an email as well should you want to look at it, but it's just expressing that they're using it for excessive parking and a few other violations that I explained to him weren't necessarily violations, but this was—the main focus was the driveway was too large.

Paul McCann (BOZ Chair) 37:02

Okay.

Vicky (Inspections) 37:03

Or the extension was too large.

Paul McCann (BOZ Chair) 37:04

Let me just—as long as we're talking about other people's input, in addition to the neighbor who appeared tonight, there was a an anonymous slip of paper dropped off at the inspections department that reads with the 16th date and reads as follows, it says, "In regards to the proposal of retaining the existing driveway located at 3115 North Ballard Road, we feel because it was done to their liking which they did not have a permit to do so in the first place, it goes against the zoning ordinance which should apply to all residences, and it should be taken out to conform with the limits of the four feet not 10." And it is not signed, it is not—it's anonymous. So, I mean,

just to indicate whether—I don't know if it's one or more. Could be the same person expressing that same sentiment, that it's in non-compliance, and they've noticed that.

Sandra DeLeon (Variance Applicant) 38:10

We've had issues with the neighbors on the north of us because of the lot line issue that

Paul McCann (BOZ Chair) 38:20

Survey—the survey identified two encroachments, right? One to your south and one to your north.

Sandra DeLeon (Variance Applicant) 38:26

Yes, so now the people on the north have issues with us. Their fence was removed and they left the concrete on our property. They also have black top that is on our property that, I mean, if I have to remove my concrete, I will be asking them to remove their black top as well and the concrete that is on my property. I'm not sure how far a garage has to be from a lot line, but if it's less than a foot, they might have to move that as well. So that is—

Paul McCann (BOZ Chair) 39:09

Is it an attached garage or a detached garage?

Sandra DeLeon (Variance Applicant) 39:11

No, it's a detached garage.

Paul McCann (BOZ Chair) 39:13

Then it kind of depends, but you can—

Sandra DeLeon (Variance Applicant) 39:15

But, I mean—

Paul McCann (BOZ Chair) 39:16

—discover that on your own later.

Sandra DeLeon (Variance Applicant) 39:18

Because of the lot line issue, they started a lot of other issues with all of the property—properties down Ballard.

Paul McCann (BOZ Chair) 39:29

I think if you move everyone's lot line, two feet one direction or the other, it can cause all kinds of what used to be friendly people into non-friendly people.

Sandra DeLeon (Variance Applicant) 39:39

They weren't really friendly at ever since we've lived there.

Paul McCann (BOZ Chair) 39:44

So as long as he's here, let's let the alderman from the district weigh in on what's going on in this area.

Aldersperson Chris Croatt (District 14) 39:50

Well, thank you. Chair. Appreciate the opportunity. She's right. This—it's a it's a case of one thing has turned into many. A lot of people looking at each other's properties and reporting things. And then there was a reference to a neighbor or someone that lives not even on Ballard or in this area that reported them. There is—

there was another property recently that the council voted on with concrete in the front yard. So, there's—all these properties on Ballard have basically been identified by the neighborhood as having some sort of issue on them. There's—and she referenced hers to the north. Mr. Johnson was here; he's to the south. And then the property with the concrete in the front yard is even further south, I believe, next to Mr. Johnson.

Alderman Chris Croatt (District 14) 40:42

But regardless, one of the things that I've seen, and you probably have seen this as well, is we have an issue with contractors doing work and telling citizens that they took out the permits and "Don't worry about it. Everything's okay. Just pay me," and then the work gets done and then the residents find out that they're non-compliant, and now they have to ask for forgiveness, but they were told either by the contractor, and in some cases, some have stated that they have information from the city that said—and I'm not, I'm not suggesting that that happened, but I've heard some things that "The city told me it was okay." But the real issue that I see is contractors doing work for citizens—and we've seen this for years—putting in concrete pads, extending driveways and into the front yard, and telling the their customers that they have—they done—they did everything right, and then they take the money and leave.

Alderman Chris Croatt (District 14) 40:43

This is a case of something that's installed. Yes, I know the photo shows a vehicle parked on it, so you know, one of the things is, we don't park on it, but then there's photos that show vehicles parked on it. But the other issue that they have—and I know you're going to take that up—is on the south side of their property. But I don't want to get into a debate about the dwelling part of it, but she's right that that part—the house, I believe, was once a detached house and a detached garage, and somebody made the connection. If you go into the breezeway, quote, unquote, breezeway, the ex—the exterior of the house is still there.

Sandra DeLeon (Variance Applicant) 42:27

Yes.

Alderman Chris Croatt (District 14) 42:28

Yeah. So, it's a like—it's like another house that I was in on Ballard in that they put these breezeways in, but they leave the exterior the house intact.

Sandra DeLeon (Variance Applicant) 42:38

The concrete pad in the back was where the garage used to be.

Alderman Chris Croatt (District 14) 42:43

Oh, way back there. Okay.

Paul McCann (BOZ Chair) 42:44

By the pool?

Alderman Chris Croatt (District 14) 42:45

Yeah.

Paul McCann (BOZ Chair) 42:45

Okay.

Alderson Chris Croatt (District 14) 42:46

So, the neighborhood has a number of issues, and it's become one of those things where each neighbor is looking at each other's property, and, you know, you're looking at property—your property to the north now, and saying, "If I have an issue, I'm going to look at their property." So, it's kind of cascaded. It's not just a lot line issue now. It's pretty much a number of things. I'm sure inspections is dealt with almost every property on Ballard between Witzke and the commercial properties to the north.

Paul McCann (BOZ Chair) 43:16

Mr. Johnson's not here to hear it anymore, but this is how the inconsistencies are taking place. It's really based on a complaint that is, you know, heard by the inspections department or by the city. The complaint is investigated, the issue is reduced to writing, and it becomes an issue for that property that the inspections department doesn't go up and down the block looking for any other non-conformances.

Alderson Chris Croatt (District 14) 43:43

No. But once one or two were identified, then everybody's like, "Well, what about that shed? And what about that driveway? And what about that concrete pad?" And Mr. Johnson actually referred to a shed that's to the south a few properties that's supposedly over the square footage size limit. It's I think back there somewhere. Yeah.

Sandra DeLeon (Variance Applicant) 44:02

Yeah, you can't really see it.

Alderson Chris Croatt (District 14) 44:04

But that's kind of what's happened here. You know, I would say, you know, I know your criteria—so they have a specific criteria that they have to decide these things on and one of them is hardships. I think the hardship for them is going to be the financial part that they've already went through, but, you know, tearing that out and cutting it down to four feet.

Paul McCann (BOZ Chair) 44:24

And you recognize that that is not a hardship that we can consider.

Alderson Chris Croatt (District 14) 44:28

I do understand that.

Paul McCann (BOZ Chair) 44:29

Okay, just so you're—

Alderson Chris Croatt (District 14) 44:31

I know, but it is—it's a financial hardship, but it's not the definition of—

Paul McCann (BOZ Chair) 44:34

It's not allowable as a hardship for us.

Alderson Chris Croatt (District 14) 44:38

And quite honestly, I think it probably makes the space very much less functional, usable than it is today. Yes, it it's—I guess my problem is it's after the fact, and it—it's a unique property in that the layout of the home, the breezeway, the garage—there's a lot of concrete on the property, I will say that, but it's a big lot. These lots are deep. From Ballard to the back, these lots are very deep. So, there's a lot of green space in the back. I mean, it's

up to the board, obviously, to decide, but I would be, I would be ad—I would be an advocate for just leaving it the way it is, and not having them rip it out. But I'm also a rules guy, and I like people to follow the rules. I just get really frustrated with these contractors that are doing work and then leaving the citizens to deal with the mess.

Sandra DeLeon (Variance Applicant) 45:29

Right. Because it's not criminal, but yet they're stealing. If I were to go to a bank, steal money, I'd be in prison. Why are these guys able to continue to go to the next victim and do the same thing and just keep going and keep going, but nothing criminal gets done? So.

Scott Engstrom (BOZ Member) 45:48

I think if we were a legislative bal—body or a policy making body, some of the comments you'd be getting back from us might be a little bit different, but—

Sandra DeLeon (Variance Applicant) 45:54

Yeah.

Kelly Sperl (BOZ Member) 45:56

I believe—in reference to the quantity statements about a lot of concrete, I believe it's 40% lot coverage for residential, or is—and that might be R1 versus R-whatever. But I don't think this is—

Paul McCann (BOZ Chair) 46:10

Not even close.

Kelly Sperl (BOZ Member) 46:10

Yeah, we're not even close to that. So, this is not a concrete jungle, in a sense.

Paul McCann (BOZ Chair) 46:16

Well, I so—so the reason—the reason the City Council considered this, and it's been in the books for a long time, is people who would have a seven, eight cars parked in their front yard, and everybody sees it as they drive by and—

Sandra DeLeon (Variance Applicant) 46:34

On the grass, you mean?

Paul McCann (BOZ Chair) 46:35

Well, no. In their front yard. You could, you could potentially park a dozen cars on the space you have there. And, you know, it's not what the city wants to have for a drive by appearance for their neighborhoods. Perfectly understood. That's why all of the wording around you're not allowed to park on the grass, you're not allowed to park in the apron. You're not allowed—you know, they don't want car lots in front of people's homes. The space that you have available to you here leads to that potential. You've said you don't park in that space. That's pretty hard to argue that point with that photograph. That space—

Sandra DeLeon (Variance Applicant) 47:14

Understandably. I mean, we do have to move cars to get in and out of the garages. So.

Paul McCann (BOZ Chair) 47:21

So, a person driving by here would say there's four cars parked in your front yard. You know? And that's the concern. The concern is—

Sandra DeLeon (Variance Applicant) 47:30

We do have five residents. I have my own car. My husband has two cars. My son has his own car. My daughter has her own car. My sister-in-law that lives with us has her own car. So, I mean.

Paul McCann (BOZ Chair) 47:43

I appreciate all of that. I—it's—the reason for the code, the reason for it to be written the way it's written is to reduce the amount of clutter in the front yard of a property, and so, that's why it's written. And you know, you have some issues here. I would agree that you have some issues that would make me, if I live there, want to have extensions to my driveway. It is very difficult to back out onto Ballard load—road. I learned that again—

Sandra DeLeon (Variance Applicant) 48:16

I got into an accident backing out on Ballard Road.

Paul McCann (BOZ Chair) 48:18

Yeah. So, so I mean that as a potential for hardship here as to allow you to have an extension or to allow you maybe to vary a little bit from—that that makes perfect sense to me. This is considerably different than that. I mean, this affords you a lot of space to park commercial vehicles alongside the garage and actually, I think that there's potentially a missed non-conformance in this, in that the fact that it extends behind the garage and connects up with whatever that patio is—that is—that little square there is probably also non-compliance. It's not addressed tonight, but that little square there should not be allowed to be there by code. Yes, sir?

Alderman Chris Croatt (District 14) 49:10

Chair, just one more thing. There was another image you pulled up that had two triangles down at the bottom?

Kelly Sperl (BOZ Member) 49:16

That's part of the—

Paul McCann (BOZ Chair) 49:17

That's the next variance. That's the next—

Alderman Chris Croatt (District 14) 49:18

Is that the next piece? Okay,

Paul McCann (BOZ Chair) 49:21

Yep.

Sandra DeLeon (Variance Applicant) 49:22

This is the photo that Kurt sent me—

Paul McCann (BOZ Chair) 49:24

Yep.

Sandra DeLeon (Variance Applicant) 49:25

—saying that the red pieces had to be removed, which that corner that you pointed to.

Paul McCann (BOZ Chair) 49:29

Yeah, there's two different—there's two different issues. One, first, we're addressing the upper—

Sandra DeLeon (Variance Applicant) 49:34

Okay.

Paul McCann (BOZ Chair) 49:35

—box that says "Remove." And then secondly, we'll consider the fact that you're required to have a taper that matches up with your apron and your curb cut.

Kelly Sperl (BOZ Member) 49:48

Can you scroll down two properties to the south? Or however you want to look at that. Right there.

Paul McCann (BOZ Chair) 49:57

That's also non-conforming.

Kelly Sperl (BOZ Member) 49:58

It's also non-conforming.

Paul McCann (BOZ Chair) 50:00

And there's been a complaint, and there's been a request to remove that slab.

Kelly Sperl (BOZ Member) 50:03

Okay.

Director Kara Homan (Community And Economic Development) 50:04

And that was heard by the City Council before the ordinance changed to move that regulation under your jurisdiction, and the council denied their request, and they'll be removing it.

Kelly Sperl (BOZ Member) 50:14

I was wondering, because that's definitely front yard right there, yeah.

Paul McCann (BOZ Chair) 50:19

And that has been considered by the council and denied, which would give you—ma'am gives you an indication of what the City Council's opinion is of front yard driveway extensions that are non-compliant, and that's who we work for.

Paul McCann (BOZ Chair) 50:42

So, I'd like to hear a little bit more about use and the potential that there could be a hardship here. You mentioned five occupants and five vehicles. I appreciate that you have a—two car or three car garage?

Sandra DeLeon (Variance Applicant) 51:00

Two.

Paul McCann (BOZ Chair) 51:01

Okay.

Scott Engstrom (BOZ Member) 51:04

I know you discussed some—or I think in the application materials, there was some discussion of, like, mobility issues.

Sandra DeLeon (Variance Applicant) 51:10

Yep, my aunt's is a wheelchair so.

Paul McCann (BOZ Chair) 51:13

And she visits, or lives there?

Sandra DeLeon (Variance Applicant) 51:14

Visits, yes. I'm the host of holidays. So.

Paul McCann (BOZ Chair) 51:24

So, from accessibility, that's in order to get her to the breezeway and—but the breezeway is not a handicap accessible entrance to the home, is it?

Sandra DeLeon (Variance Applicant) 51:37

There is—it would be through the garage. The garage.

Paul McCann (BOZ Chair) 51:44

Is the house at grade, or is there a step, or?

Sandra DeLeon (Variance Applicant) 51:47

There is a step.

Paul McCann (BOZ Chair) 51:48

Yep, okay. All right. Any other questions of the applicant? So, if—because there is a doorway there, there could be a sidewalk there, right?

Vicky (Inspections) 52:21

And we spoke about that earlier—uh, previously, before she applied for the variance and whatnot, about keeping a small section just to a walkway.

Paul McCann (BOZ Chair) 52:30

So, three—for example, three feet, three feet of that, or four feet of that could be a sidewalk. There would be a two-foot strip of dirt—well, no, there'd be two-foot strip of dirt, and then there could be a four-foot extension to the driveway. So, what we're talking about, are we talking about, really, her being required to take a two-foot strip if she wanted to have a sidewalk that went to that door?

Director Kara Homan (Community And Economic Development) 52:59

Well.

Kelly Sperl (BOZ Member) 53:00

Sidewalk could go right to the house.

Paul McCann (BOZ Chair) 53:02

But, but look at that, look at that front, that front entrance view again. Right? So, if you had a sidewalk that came off of the driveway following that very angle that's there, 40 feet long, or whatever it is, that could be four feet wide, all the way up to the entrance of the house.

Kelly Sperl (BOZ Member) 53:22

Yeah, right off the angled corner, up and—

Paul McCann (BOZ Chair) 53:25

So, we're talking about strip two feet wide, 40 feet long, that she would have to remove if you don't call it—if you don't call the North four feet driveway, you call it sidewalk,

Vicky (Inspections) 53:38

Well, it's 40 feet long.

Paul McCann (BOZ Chair) 53:40

Go ahead.

Director Kara Homan (Community And Economic Development) 53:42

Is what you're describing adjacent to the sidewalk?

Paul McCann (BOZ Chair) 53:45

No, I'm saying where it says "remove" right now, if the north four feet of that—

Kelly Sperl (BOZ Member) 53:51

Came all the way out.

Paul McCann (BOZ Chair) 53:52

—came all the way out, and follow that same profile back into the driveway, and you call that a sidewalk. You call that—

Director Kara Homan (Community And Economic Development) 54:00

But it's attached to the driveway?

Kelly Sperl (BOZ Member) 54:02

No.

Paul McCann (BOZ Chair) 54:02

it's a sidewalk. It comes back to the driveway. It just returns back to the driveway.

Vicky (Inspections) 54:09

You mean, like, cut out just like a middle chunk?

Kelly Sperl (BOZ Member) 54:11

Correct.

Paul McCann (BOZ Chair) 54:12

I'm saying the disputable chunk here could potentially just be—

Kelly Sperl (BOZ Member) 54:15

Two feet.

Paul McCann (BOZ Chair) 54:16

—two feet wide and 40 feet long.

Director Kara Homan (Community And Economic Development) 54:19

I think we would need to have a site plan submitted for us to review and interpret what is the driveway and what is the sidewalk. Because—

Paul McCann (BOZ Chair) 54:28

Okay.

Director Kara Homan (Community And Economic Development) 54:29

—I'm trying to visualize it in my head.

Kelly Sperl (BOZ Member) 54:30

But they could run a sidewalk all the way from that door straight out to the building to Ballard road, so they could hook it back in as Paul is describing—hook it back into the driveway at the angle. So that goes back to the simple fact of what he said is really, if the top piece, four feet of that, is a sidewalk, there's only two feet that's really in dispute here, because she can have four feet, and we're six feet beyond that.

Paul McCann (BOZ Chair) 54:55

If the property owner is trying to obtain accessibility to that door and they want to put a sidewalk in, they could put that sidewalk in four feet wide and return it back to the driveway. So really, the part that's not—if you allow a four-foot extension of the driveway and you allow a four-foot sidewalk, there's two feet in between those two represented by that blue box that has to come out. And actually, there could probably be a four-foot sidewalk tight to the house as well that would connect just like you show it could. So, talk about less and less non-compliant square footage, right?

Director Kara Homan (Community And Economic Development) 55:39

The issue is really tied to definition. So, the non-compliance we're talking about in the red remove area is defined as driveway. So that is, in its entirety, non-compliance—non-compliant. If it were to be modified where a piece of it were to be sidewalk versus driveways then that would be a different matter. But right now, we're just looking at it as a driveway.

Paul McCann (BOZ Chair) 56:05

All right.

Director Kara Homan (Community And Economic Development) 56:05

So, it's still the total non-compliance because it's functioning.

Kelly Sperl (BOZ Member) 56:09

Right, but if we're looking at the fact that that could be sidewalk, now we're only looking at two feet, that's not compliant.

Director Kara Homan (Community And Economic Development) 56:15

If that's how they wanted to do it.

Paul McCann (BOZ Chair) 56:16

And then you can't park on the sidewalk. No, I understand that I'm redefining things a little bit, but I'm trying to—I did not—just from my view today of it, I didn't recognize that that is the access door to the home from anybody who parks in the—well, from anybody. I mean, is there a...?

Sandra DeLeon (Variance Applicant) 56:42

There's no sidewalk up to the front door.

Paul McCann (BOZ Chair) 56:43

Yeah.

Sandra DeLeon (Variance Applicant) 56:44

I don't know why a house was built with no, but that's our main entrance to get into our house.

Paul McCann (BOZ Chair) 56:51

The breezeway?

Sandra DeLeon (Variance Applicant) 56:52

Yes.

Paul McCann (BOZ Chair) 56:54

All right. Okay. So, what does the property owner need to do to call that a sidewalk and get it reconsidered by the city as to what they would need to remove?

Director Kara Homan (Community And Economic Development) 57:15

Kurt, are you still on?

Vicky (Inspections) 57:16

I think we have to swap to—

Paul McCann (BOZ Chair) 57:18

Well, I think he's still on. I think if we want to look at him.

Supervisor Kurt Craanen (Inspections) 57:23

Can you hear me?

Paul McCann (BOZ Chair) 57:24

Yes, sir. We can see you too.

Supervisor Kurt Craanen (Inspections) 57:27

Yeah. I've been listening to what you're talking about. I would want a strip of grass between the driveway and any walkway, because they will use it as a driveway. They will park on it. And I think that's been already done.

Paul McCann (BOZ Chair) 57:41

Yeah.

Supervisor Kurt Craanen (Inspections) 57:41

And we've dealt with this in the past, people wanting to do this, and we would say, "Oh, fine, put a strip of grass there." So, the applicant could do that.

Sandra DeLeon (Variance Applicant) 57:50

Can it be artificial?

Supervisor Kurt Craanen (Inspections) 57:54

Sorry?

Sandra DeLeon (Variance Applicant) 57:55

Can it be artificial grass in between? A strip of—?

Supervisor Kurt Craanen (Inspections) 58:01

Can it be artificial grass? I would say, no. Well, we can certainly talk about that.

Paul McCann (BOZ Chair) 58:09

But you wanted to

Supervisor Kurt Craanen (Inspections) 58:10

—gonna bring up and talk about it today about whether we'll accept that or not. But my initial reaction would be no.

Paul McCann (BOZ Chair) 58:14

But you want it to be an impervious surface of some kind, right? You want it to be dirt.

Kelly Sperl (BOZ Member) 58:19

Pervious. Pervious.

Paul McCann (BOZ Chair) 58:21

I'm sorry, pervious,

Supervisor Kurt Craanen (Inspections) 58:24

It's unrelated to this, but—

Paul McCann (BOZ Chair) 58:27

Yep, okay.

Sandra DeLeon (Variance Applicant) 58:28

How big does that section have to be in between the driveway and the sidewalk?

Paul McCann (BOZ Chair) 58:35

I think you're talking about two feet—two feet wide.

Kelly Sperl (BOZ Member) 58:38

Right.

Paul McCann (BOZ Chair) 58:39

If you were to be allowed a four-foot sidewalk to have access to that door, then the only part that is not part of your driveway extension is the two feet between that four-foot sidewalk and your driveway extension of four feet, right? The whole thing's 10, four, four and two feet in between. I'm just trying to look at it as—

Sandra DeLeon (Variance Applicant) 59:02

And I'm just trying to save myself stress and money, trying to get around this due to the fact that a contractor said it was okay, and three years later it's not.

Paul McCann (BOZ Chair) 59:19

Well, it's not okay because you've got a complaint from a neighbor, and by all appearances, you're using it to park on.

Sandra DeLeon (Variance Applicant) 59:29

Right. But we were, we were never told not to park on it. The contractor said, "We're good. I got an okay from the city. I'm going to start tearing it up." And we agreed, and we paid him. He teared everything up, and then the next contractors just went with the plan that the contractor left us. We were unaware of any issues, any zoning issues at all. We were never told we could not park on it. So how would we have known not to park on it? How would we know if we were in violation of code if we were told by our contractors that everything was okay from the city?

Paul McCann (BOZ Chair) 1:00:16

I agree, you're in a bit of a bind without—

Sandra DeLeon (Variance Applicant) 1:00:18

As a new homeowner—I mean, we bought the home at a very young age. We don't know all the legality and stuff there is to become a homeowner. We just trust in a contractor that—I mean, we had it done thousands of dollars. So that's my issue. I was never told not to park on it. If I'm told not to park on it, okay, I'll put a no parking sign there. Nobody will park on it. But I was never told not to park on it—

Paul McCann (BOZ Chair) 1:00:48

Sure.

Sandra DeLeon (Variance Applicant) 1:00:49

—until there was a complaint made.

Paul McCann (BOZ Chair) 1:00:54

Okay. Are there any other questions or any other issues for either the alderperson or the applicant?

Michael Babbitts (BOZ Member) 1:01:07

I guess I have a question. Seems the issue that's being brought forward is due to the parking on it. I know you didn't know. If it were a sidewalk, would that be—that would be illegal to park on, right? Is that known?

Kelly Sperl (BOZ Member) 1:01:23

Technically, I guess, yeah.

Paul McCann (BOZ Chair) 1:01:24

Yeah, it'd be a violation to park on it.

Sandra DeLeon (Variance Applicant) 1:01:26

I mean, I can promise you, from going on forward, I will not park on that stretch of concrete. But I was never told not to park on it. It's concrete. What do you do on concrete? Park. I was never told it was an issue until the complaint. So, I wouldn't have known.

Paul McCann (BOZ Chair) 1:01:44

Right.

Sandra DeLeon (Variance Applicant) 1:01:45

I don't study the codes like I study my Bible. Sorry.

Paul McCann (BOZ Chair) 1:01:55

Any other questions of the applicant or alderperson? If not, we will entertain a motion on the variance.

Kelly Sperl (BOZ Member) 1:02:05

I will make a motion to approve this so we can go to the next discussion level.

Scott Engstrom (BOZ Member) 1:02:10

Second.

Paul McCann (BOZ Chair) 1:02:11

Moved and seconded to approve the variance. Any further discussion?

Kelly Sperl (BOZ Member) 1:02:16

I think—I mean, Ballard Road is one of these roads in the city (and we've talked about this in a couple other variances over time here) that, you know, when things evolve, roads get widened, things—you know, traffic counts and things get excessive. I think there's an honest mistake here. But I think the real hardship is the the traffic count and the busyness, if you will, of Ballard Road, there's a safety factor there, and I think that creates, in my mind, a hardship. Um, the fact that we have a neighbor to the south that's very supporting of this, the alderman is here to speak on behalf of it, I think, you know, if there's, if there's a way we can—I mean, we're really looking at two feet here as a variance for that, because the sidewalk is allowed there. And I mean, short of cutting two feet out, is that really something that needs to be done to make this into a better scenario? So that's my thought behind it.

Paul McCann (BOZ Chair) 1:03:21

Any other discussion?

Vicky (Inspections) 1:03:24

I would like to mention something—

Director Kara Homan (Community And Economic Development) 1:03:25

[Interrupting Vicky] No, no, no, you're not. **[To the board]** It's your debate.

Paul McCann (BOZ Chair) 1:03:34

Any other? Then we will take a vote on the on the motion to approve this variance as requested. Mr. Sperl?

Kelly Sperl (BOZ Member) 1:03:47
Aye.

Paul McCann (BOZ Chair) 1:03:48
Mr. Engstrom?

Scott Engstrom (BOZ Member) 1:03:50
Nay.

Paul McCann (BOZ Chair) 1:03:53
Mr. Babbitts?

Michael Babbitts (BOZ Member) 1:03:55
Nay.

Paul McCann (BOZ Chair) 1:03:57
We're not going to get there then. Mr. Loosen?

Kevin Loosen (BOZ Member) 1:04:00
Nay.

Paul McCann (BOZ Chair) 1:04:01
All right, you did not get four yes votes, so the request is denied.

Sandra DeLeon (Variance Applicant) 1:04:08
Okay. What is my next step?

Paul McCann (BOZ Chair) 1:04:10
You visit with the City Department of Inspections, and they will tell you what remediation you need to do. I suppose you can talk to them about what we talked about tonight, and maybe only take out a two-foot strip, but that's entirely between you and whatever plan you put forward to the city.

Sandra DeLeon (Variance Applicant) 1:04:27
What is my next step to go against the neighbors on the north to move their garage over and their black top? Go with them too?

Scott Engstrom (BOZ Member) 1:04:35
We can't provide you with legal advice.

Sandra DeLeon (Variance Applicant) 1:04:36
Okay.

Director Kara Homan (Community And Economic Development) 1:04:38
Yeah. So, when, when you follow up with Inspection Supervisor Craanen, if you are looking to file a complaint, he can walk you through that process.

Sandra DeLeon (Variance Applicant) 1:04:48
Okay, looks like you guys aren't done with Ballard Road.

Paul McCann (BOZ Chair) 1:04:51

No. We do have one other issue regarding this property, if you would go ahead and read that request, please.

Director Kara Homan (Community And Economic Development) 1:05:00

Sure. So, the second component of this variance request is agenda item 24-1578. It's a request to keep the concrete installed adjacent to the sidewalk that is not tapered to the sidewalk. Section 23-43f3j of the zoning ordinance requires driveway pavement leading from the apron to taper onto the driveway to prevent vehicles from driving over the right of way terrace.

Paul McCann (BOZ Chair) 1:05:29

Okay, so this you understand is those two triangles [...] front. The code says that it has to match up with your apron.

Sandra DeLeon (Variance Applicant) 1:05:42

Again. I wasn't aware of that. The reason why we did that is because my husband has a transportation company and he parks the semi one commercial vehicle on that pad of concrete, which is six inches thick, 10—eight inches thick. And we have it because of the truck parking and that heavy weight. I mean, if it would have been on—it'd be—just to back it in and everything and to park. That is why it's there. But again, I was unaware of issues.

Paul McCann (BOZ Chair) 1:06:21

Well, you can't, you can't—isn't it difficult to access that little triangle without—?

Sandra DeLeon (Variance Applicant) 1:06:27

No, because that's the—that triangle where it is, that's where he's parking—like, that's—he backs in with the truck, and that that—where it's either dark or light, that's where the truck sits for—

Paul McCann (BOZ Chair) 1:06:41

So, he pulls forward to the sidewalk?

Sandra DeLeon (Variance Applicant) 1:06:45

Not all the way up to the sidewalk, but, yes, he's facing Ballard for accessible to the road.

Paul McCann (BOZ Chair) 1:06:52

So, what's the hardship that requires you to be right out to the sidewalk and not have that 45-degree angle?

Sandra DeLeon (Variance Applicant) 1:06:59

Again, I was unaware of this city code. I mean, it's—

Paul McCann (BOZ Chair) 1:07:04

The hardship, is just the fact that it's there and you don't want to remove it. Is that—I mean?

Sandra DeLeon (Variance Applicant) 1:07:09

No, it's used for commercial parking vehicle. So that's about all I have to say on that one.

Paul McCann (BOZ Chair) 1:07:15

Okay. Mr. Croatt?

Aldersperson Chris Croatt (District 14) 1:07:21

Thank you, Chair. May I ask a question of inspections? Or the community director?

Paul McCann (BOZ Chair) 1:07:27

You can ask me a question—

Aldersperson Chris Croatt (District 14) 1:07:28

Okay.

Paul McCann (BOZ Chair) 1:07:28

—and they can hear it and then they—I'll ask them to answer it.

Aldersperson Chris Croatt (District 14) 1:07:31

I'm wondering if a resolution to this would be a widening of the apron. Would they be—would they have that option to apply for a apron widening?

Sandra DeLeon (Variance Applicant) 1:07:40

We're going to consider that with the construction that was supposed to be done on Ballard road in the future.

Paul McCann (BOZ Chair) 1:07:49

I'm sure they can. You know, that's an entire process of its own.

Aldersperson Chris Croatt (District 14) 1:07:54

Yeah. But instead of cutting the triangles out, if they're going to widen the apron, give the variance and contingent on apron winding or something. That's just—that was just my thought.

Paul McCann (BOZ Chair) 1:08:05

Okay, yeah. I don't—I mean, there's a process that's outside of our process for—it's the street department that approves those, is that correct?

Director Kara Homan (Community And Economic Development) 1:08:15

Yeah. So, our driveway permitting process is coordinated between community development, public works. Kurt, if I say anything wrong, you just step in. If the variance were to be denied, I believe it could be cured with a right of way permit that would authorize the extension of the apron, assuming it doesn't exceed the width that Public Works requires. Oftentimes, the sidewalk segments, if they're not thick enough to have driving across them, would need to be replaced too, but that would be determined by DPW engineering, because it's in the right of way, not on private property.

Paul McCann (BOZ Chair) 1:08:55

So, they do actually engineer those middle two pieces of your sidewalk to accept the weight of things that are going across the apron into your driveway. So, there are two more to the left and right of that that would probably have to be examined for adequacy. But you certainly can—I mean, if you if you end up with an issue tonight that says you are not allowed to have that, you probably would want to look at the process.

Sandra DeLeon (Variance Applicant) 1:09:30

It's fine. Right? I understand.

Paul McCann (BOZ Chair) 1:09:37

Okay. Any other comments? You're good? Any other questions of the applicant? Entertain a motion.

Scott Engstrom (BOZ Member) 1:09:54

I'll move to approve for purposes of bringing to the discussion.

Paul McCann (BOZ Chair) 1:09:57

Okay.

Kelly Sperl (BOZ Member) 1:09:57

Second.

Paul McCann (BOZ Chair) 1:09:58

Second. Moved and seconded. Any further discussion?

Scott Engstrom (BOZ Member) 1:10:02

I think we've discussed here the reasoning.

Paul McCann (BOZ Chair) 1:10:06

Okay. Then we'll take a vote. Mr. Loosen?

Kevin Loosen (BOZ Member) 1:10:16

Aye.

Paul McCann (BOZ Chair) 1:10:18

Mr. Babbitts?

Michael Babbitts (BOZ Member) 1:10:26

Nay.

Paul McCann (BOZ Chair) 1:10:27

Mr. Engstrom?

Scott Engstrom (BOZ Member) 1:10:28

Nay.

Paul McCann (BOZ Chair) 1:10:29

Mr. Sperl?

Kelly Sperl (BOZ Member) 1:10:31

Nay.

Paul McCann (BOZ Chair) 1:10:32

So again, did not achieve the four yes votes to receive a variance. So, I think again, based on your last question, I think you follow up with the inspections department to—

Sandra DeLeon (Variance Applicant) 1:10:49

Yep.

Paul McCann (BOZ Chair) 1:10:50

—find out what your options would be. Any other questions of us?

Sandra DeLeon (Variance Applicant) 1:10:58

No.

Paul McCann (BOZ Chair) 1:11:02

Okay, thank you.