

Mr. Fulton: And let the minutes show that Mr. Reed has joined us. This evening, what we normally do now folks is anyone who wants to testify this evening needs to be sworn in so if you would come forward and just stand and repeat after me. Do you solemnly swear to tell the truth the whole truth and nothing but the truth so help you God?

Mr. Dehn: I do.

Mr. Fulton: And your name is?

Mr. Dehn: My name is Fred Dehn.

Mr. Fulton: Thank you Fred. We'll call you back here in just a few minutes. The case this evening is Case number 15-101BZA which is a request for a variance to the Development Code pertaining to the minimum front, side and rear setbacks in a Limited Industrial District close to Lawson. The family is Fred Dehn, Mr. Dehn how do you pronounce your last name?

Mr. Dehn: Dehn, just like Dean.

Mr. Fulton: Thank you, representing Precision Repair Systems. There are a few minor adjustments on the staff report that Matt's done his normally good job, we have lots of information and if Matt do you want to give us a quick briefing.

Mr. Tapp: Yes Mr. Chairman. First I would like to make the Staff Report as part of the record, Mr. Chairman?

Mr. Fulton: Okay.

Mr. Tapp: Summarized the staff report 15-101BZA dated February 10, 2015. The Dehn's own Precision Repair Systems, which they own the industrial parcel up along 69 Highway and they worked out a property swap, so to speak or property acquisition from their neighbors to the west and they also live to the south and west so property was exchanged but the only way to alter or adjust a platted boundary which are shown in grey on the map being projected is through a replat and that did not occur. So this is the first step in getting it in full compliance is for all the existing buildings which were built quite a while ago into full compliance, if not and they pursue variances and that is why they are brought before the BZA this evening is to request front street side and then interior side and rear setbacks for various buildings which I won't go into detail unless asked. This is the first step and then they will go to Planning and Zoning Commission where a re-plating and a rezoning will occur. They did not build the building out of compliance they inherited the buildings; they did not create the non-compliance. Hopefully that explains it.

Mr. Fulton: Very good.

Mr. Klopfenstein: Mr. Chairman may I ask a question? Can you point out to me which one's are building 1, 2 and 3?

Mr. Tapp: Yes. You can check on Attachment C, I believe, I can be wrong there are various letters and different, actually attachment D as in Dog is the site plan drawing gives you the best description. But building number one is the one right to the north, building two is the one south of that one, and building three is further to the south from two and that's the very south building. And they are proposing to build a new self-storage building that's kind of what prompted this whole thing when the Dehn's first came to us. So in summary really quick, building number one requires a front/street side which is 69 Highway side and interior side and a rear setback variance and then buildings two and three just need the front/street side with is the 69 Highway side.

Mr. Fulton: I think this one drawing points out the numbers out well. So in essence, unless these variances are granted the rezoning of the entire parcel cannot take place?

Mr. Tapp: Correct.

Mr. Fulton: That's basically...

Mr. Tapp: The variances are the first step because if you can't get the variances then it is a moot point because you cannot get into compliance generally speaking.

Mr. Fulton: Very good. Mr. Dehn would you like to present to the board why we should approve the variances? And if you would come to the microphone and state your name for the record. We are on record by the way.

Mr. Dehn: I am Fred Dehn and we purchased building number one in 1981 and it was built in early 1960, and building number two we purchased it just a couple years later in 1984. No, '82 I am sorry. Building number three is a little further south I did have that building put in. Now that building it complied with the permits and inspections and everything when it was put in in 1984, again the setbacks have kind of changed a little bit since '84 but I have not changed a foot print of these buildings. And building number two was built, the center building there; it was built late 1930, it was the very first building there and I have not changed the foot print on that building also. Now I have made it look better because it was a concrete rock building that didn't match the other two buildings so we did surface that with a metal material that matched the other two buildings but it did not change the foot print of the building or the frame. And again like Matthew Tapp said this is the first step on trying to get that little tract of ground I own five deeds of it throughout the years it has been this and this and this and that but I would like to get those all tied together as one but I cannot do that, this is the very first step so.

Mr. Fulton: While you are up there are there any questions?

Mr. Klopfenstein: Can I assume that eventually you are going to tear down three buildings and rebuild?

Mr. Dehn: No, the buildings are in good shape.

Mr. Raasch: My question is to Matt. When was the 35 foot setback ordinance when did it go into effect?

Mr. Tapp: We haven't done that research but I will assume it was probably done if not in the 2000 Land Development Code which was one of the first ...

Mr. Raasch: 2009?

Mr. Tapp: 2000.

Mr. Raasch: Oh 2000.

Mr. Tapp: More than likely if not before that, but it was done after Mr. Dehn had built.

Mr. Raasch: So these buildings are basically are grandfathered in?

Mr. Tapp: Correct, as long as you don't expand a nonconformity they can continue to exist.

Mr. Raasch: Okay he just cannot add onto these buildings?

Mr. Tapp: Correct, so the reason for the variance is you have to get everything into compliance if you want to go re-plating and rezone including buildings which he cannot do so that's why he is requesting variances.

Mr. Reed: Do I understand correctly if the variances are granted that's he's able to modify the building with the conditions and the operations and so forth?

Mr. Tapp: We are asking for maximum setbacks, you can see in the staff report anything beyond would have to come back to the Board of Zoning Adjustment so for example we said a maximum 5.65 foot front/street side setback for all buildings so if he needs a higher variance than that he needs to come back to the Board of Zoning Adjustment. Now it is up to the Board you can have a blanket variance I wouldn't advise that and I am sure Tim would not advise that if he were here. If you want to be more specific so that he does not expand.

Mr. Fulton: He many not (*inaudible*)

Mr. Tapp: You don't want to compound on nonconformity. We have setbacks for a reason.

Mr. Futon: Okay thank you, do you have any other comments?

Mr. Dehn: None other than since 1981..

Mr. Raasch: Basically he wants to build behind these buildings right?

Mr. Tapp: He wants to build a new building south of number three, a little south.

Mr. Dehn: Where you see the last building there.

Mr. Tapp: Which will be in compliance with the setbacks.

Mr. Dehn: Yes it will be in compliance with the setback rules.

Mr. Tapp: You can see that on Attachment D, sorry Mr. Dehn I keep interrupting.

Mr. Dehn: Yes Attachment D has got that.

Mr. Tapp: And so to clarify Mr. Chairman if I may, the reason for the distances they are a little bit larger about half a foot from the actuals just in case if another surveyor comes by and might have a little bit of difference, we don't want to be exact exact, so we give a little bit of factor there.

Mr. Raasch: That is smart.

Mr. Fulton: Thank you Mr. Dehn, we reserve the right to call you back up if we have questions.

Mr. Dehn: Okay.

Mr. Fulton: I would like to point out at this time that Attachment A the vicinity map the north street that borders this property is NE 166th Street and not MM Highway. That might be corrected just so the map is all in order.

Ms. Viviano: I think our little circle must have moved.

Mr. Tapp: Attachment A is not correct.

Ms. Viviano: I think it moved is what it did; it should have been down here.

Mr. Fulton: Just for the record.

Mr. Tapp: Yes let the record reflect that.

Mr. Fulton: Now is there anyone else that would like to speak as a proponent for this request for variance?

Mr. Tapp: Pardon.

Mr. Fulton: I just said is there anyone else that would like to speak in favor of this request, if not is there anyone that would like to speak in opposition to the request since we have one other gentleman in the room. Hearing none we will close the public hearing but reserve the right to call Mr. Dehn if anyone has additional questions. At this time the Chair will entertain a motion call a motion on this request for variance and then we will discuss it.

Mr. Reed: I move that we accept the recommendations of the staff and approve this variance.

Mr. Fulton: We might include on the basis as he pointed out we need on each motion. We need to point out why we are approving and has set out by staff in order for the reasons for approval and by the way we have heard no opposition to this as of yet, correct?

Mr. Tapp: Correct staff has not received any opposition to this request.

Mr. Fulton: Is there a second to the motion?

Mr. Raasch: I second the motion because the buildings were all in compliance when they were built.

Mr. Fulton: Very good, okay now we are open for discussion. Is there anyone who wants to make any comments or additional questions. Well done and a lot of information all the t's are crossed. Anyone, everyone ready for the question? I don't see heads nodding, if not we will call for the question.

Mr. Tapp: Buddy Raasch?

Mr. Raasch: Approve.

Mr. Tapp: Brian Klopfenstein?

Mr. Klopfenstein: Yes.

Mr. Tapp: Larry Whitton?

Mr. Whitton: Yes.

Mr. Tapp: Vernon Reed?

Mr. Reed: Yes.

Mr. Tapp: Chairman Dave Fulton?

Mr. Fulton: Yes.

**Final Vote 5/0/0 Approved Case 15-101BZA
Fred Dehn**

Mr. Fulton: Very good, thank you Mr. Dehn for presenting this and for the staff to present a very complete composite of what your plans are. That helps greatly to save a lot of time when come to have such a well done documented, thank you very much. Is there any other business to come before the Board?

Mr. Dehn: Thank you.

Mr. Tapp: No Mr. Chairman there's not.

Mr. Fulton: If not do I hear a motion to adjourn?

Mr. Whitton: So moved.

Mr. Fulton: Second?

Mr. Reed: Second

Mr. Fulton: All those in favor say aye.

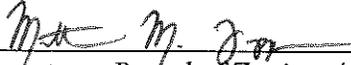
All: Aye.

Mr. Fulton: We are adjourned.

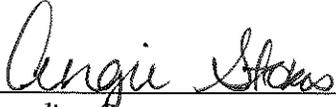
Meeting Adjourned



Chairman, Board of Zoning Adjustment



Secretary, Board of Zoning Adjustment



Recording Secretary