

Mark Noble

From: Tony Poehling <tjpoehling@gmail.com>
Sent: Monday, November 19, 2018 6:23 AM
To: Mark Noble
Cc: Brad Reiland
Subject: Accessory Structure: 1806 CR 14

Good morning Mark, on Friday Brad asked me to write a note to you regarding the appeal for the accessory structure. Since the hearing on November 8, in order to avoid altering the essential character of the locality, Brad has agreed to pay for the cost to have the trees limped up near our property line to allow for sunlight, and on our property, pay for the cost of a line of tall arborvitae behind the accessory structures.

The following is the info I came across during my research about variances. I believe the city lays out the following standard to be met for the approval of variances. If I'm not mistaken, this criteria can also be used by the city council to overturn the decision of the BOAA.

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
2. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality

In regards to the above:

1. Brad intends to use the property in a reasonable manner (which he has since he's owned it). He intends to use the accessory structure in a reasonable manner, similar to the way he uses the first accessory structure. In regards to the additional height, he intends to place reasonable items (boat, other tall things) in the accessory structure that exceed the 15' max.
2. This situation would have been avoided by the landowner building a structure within code limits, but the plight of the landowner is unique to the property in that it was created by multiple, documented mistakes made by city representatives in regards to the first accessory structure (as well as the start of the process for the second accessory structure). The plans submitted for the second structure are the same plans submitted for the first structure. The first structure was approved on three separate occasions and a final approval was issued on Dec. 22, 2015. The second structure was also approved on three separate occasions by two different people. The city created the current plight of the landowner by the city requiring a variance for this second structure, after the prior documented approvals.
3. In order to "not alter the essential character of the locality", Brad as the landowner agrees to pay for the cost of professional tree trimmers to limb up the trees near the property line with 1926 CR 14 to expose the area to additional sunlight. He agrees to complete this by the end winter of 2018/2019. He also agrees to pay for the cost of full, healthy arborvitae trees, quantity 20 at a minimum height of 15', and the cost to have them planted on our property at 1926 CR 14 near the property line. He agrees to complete this by the end of spring 2019.