

**Board of Adjustment Public Hearing
Minutes For Wednesday, September 17th, 2025 for 134 N 5th Ave E Variance**

1. **Called to Order at 5:01 PM by Chair Roose.**
2. **Roll Call: White, Hernesmaa, Councilor Roose, Heil, Palcher.** Staff Kochendorfer.
Excused: Anderson, Burke
3. **Additions or Deletions from Agenda**
4. **Public Hearing for the consideration of a Variance request for 134 N 5th Ave E.**

The Variance public hearing procedure was read by chair Roose.

The Public hearing notice was read by Planning and Zoning Administrator Kochendorfer

5. **Planning and Zoning Administrator Kochendorfer explained the request**

Kochendorfer explained the variance request submitted by Tatiana Riaboken. The applicant would like to add a 6-foot fence on the north side of the property, off of E Camp St. The property was surveyed, and the depiction of the property boundary on Land explorer is mostly accurate. The fence will still be 18” off the property line, and she wants the 6-foot fence to allow for a garden space, and to keep the animals out of the garden area. The fence will be further back from the 20-foot vision triangle from the corner, and will come back from the corner of the house, due to there being a shrub there as well. The fence will not be closer than 20 feet on that corner. Kochendorfer explained that ample vision for the corner will be maintained, and the owner will still be required to receive a Fence Permit, with the approval subject to a plan review by Kochendorfer.

6. **Letters received/ and or phone call comments read into record**

- Jean Zaverl, 509 E Sheridan St- Supports the fence variance.

7. **Those in support may comment**

- None

8. **Those opposed may comment**

- None

9. **Comments from those who wish to provide additional information**

- None

10. **Applicant will have the opportunity to answer additional questions**

11. Closure of the hearing @ 5:12 PM

12. Reading of the Finding of Facts

Planning and Zoning Administrator Kochendorfer read the finding of the facts (included in the agenda packet). **Planning and Zoning Administrator recommends approval of the variance on the following finding of facts:**

- **FACT:** The property in question will be used in a reasonable manor
 - **FINDING:** The Property is currently being used as a residential dwelling, and will continue to be used as such. The property borders the commercial zoning district. The variance will not alter the use of the property, but will actually create a buffer from the roadway.
- **FACT:** The Plight of the owner of the property in question is due to circumstances unique to their property and not created by the landowner
 - **FINDING:** The owner did not build the house or design the layout of the property. Being a corner lot, it presents the unique challenge of having two sides of the house border a street and avenue, which restricts the height that the fence can be to 4 feet, versus the standard 6 feet.
- **FACT:** If the variance is granted, it will not alter the essential character of the locality
 - **FINDING:** The proposal is in the Residential (R2) Zoning District. The property will continue to be used as a residential dwelling, and will not alter the character of the property. The 6 feet high fence will provide better safety and security to the property, and the owner, by lessening vehicle noise, as well as allowing the owner to maintain a garden space. The fence will help keep animals out of the garden space.
- **FACT:** Economic considerations alone do not constitute a practical difficulty. Practical difficulties include but are not limited to: inadequate access to direct sunlight for solar energy systems.
 - **FINDING:** The placement of the house, and the fact that the house is on a corner, limits the height of the fence. A large portion of the useable yard space is on the Camp St side of the house.
- **FACT:** A Variance may not be granted for any use that is not a permitted use under this chapter for property in the district where the affected land is located.

- **FINDING:** The property will not change uses, and will continue to function as a residential dwelling.

13. Decision rendered by the Planning Commission

Motion White to approve the variance, a 6 feet high fence on the Camp St side of the house / second Heil. Motion carried without objection.

14. Adjournment at 5:18 PM