

**BOARD OF ADJUSTMENT  
Regular Meeting**

**DATE:** February 3, 2021

**TIME:** 5:00 p.m.

**PLACE:** Zoom Online Meeting

**PRESENT:** Breza, Buege, Kouba, Krofchalk, Murphy, Sanchez

**STAFF:** Sommer

**ABSENT:** Conway

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Chairman Sanchez called the meeting to order at 5:00 p.m.

The minutes from the Board's December 2, 2020 meeting were approved unanimously upon motion by Tim Breza and seconded by Jim Murphy. All were in favor of approving the minutes.

Chairman Sanchez opened the public hearing and read the petition:

**Petition No. 21-1-V, Jon & Samantha Berhow**

Jon & Samantha Berhow - City Code Section 43.03.23 A)3)b) which prohibits parking spaces in front yards of residential uses. Applicant wishes to establish a 10' x 16' parking pad in a front yard adjacent to an existing garage. Property is described as R-2 zoning, Sect-22, Twp-107, Range-007, BOLCOM'S ADDITION, Lot-001, Block-001, S ½, or at 361 Minnesota Street.

Jon & Samantha Berhow, 361 Minnesota Street, addressed the Board. Ms. Berhow mentioned the reason they are asking for the variance is so they can expand their driveway and be able to park off-street. Ms. Berhow said there is very little room to park in their garage, it is 8x10 feet and a part of it is very close to the sidewalk, so if they were to park next to it they would hang over the sidewalk. Ms. Berhow also mentioned that it's a challenge to go in and out of the garage, the space is tight and they have a small child and they are concerned about getting the child in and out. Ms. Berhow said safety was their concern for for their child and for themselves.

Jon Krofchalk asked how long they owned the house and Ms. Berhow said they refinanced the house and she had her name added on in 2018 and Mr. Berhow said he owned the house since 2009. Mr. Krofchalk commented that they were there long enough to be familiar with the parking situation and asked why there was an issue with parking on the street. Ms. Berhow said they could park on the street but there was also college rentals nearby and college kids coming and

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going making it a safety issue especially with their child, and they felt it would be a lot safer by not parking on the street and being able to park on the pad.

There being no others who desired to speak, Chairman Sanchez closed the meeting to the public and opened it up for discussion.

Jim Murphy commented that Minnesota Street, even though there are college kids, was not a busy street and he didn't see where there would be a problem with adding the parking pad on the front yard.

Tim Breza also commented that he agreed with Jim Murphy.

Chairman Sanchez mentioned that if anyone was worried about this parking pad being added just to turn it into a rental, the space wouldn't be big enough for parking requirements for a rental and there were no plans to make it a rental.

Jon Krofchalk was concerned about this becoming a rental property later on and it was mentioned that they couldn't make it into a rental because of the parking and they would have to come back for a variance if that were the case.

The Board went through the variance finding questions and question number one asked if the variance was in harmony with the purpose and intent of the ordinance? Yes, considering the size of the lot.

Is the variance consistent with the comprehensive plan? Yes, it is residential.

Does the proposal put the property to use in a reasonable manner? Yes, the same use, and it was a good use for residential.

Are there unique circumstances to the property not created by the landowner? Yes, the size of the lot.

Will the variance, if granted, retain the essential character of the locality? Yes.

Are there considerations for the variance request besides economics? No.

Dave Kouba made a motion to approve the variance request as submitted; it was seconded by Jim Murphy. All were in favor of approving the variance as requested. Motion passed.

Petitioner was informed that there was a 10-day appeal period during which time no action could be taken on the petition.

Board members discussed the extension for John Hardy, 1473 Gilmore Avenue. Mr. Hardy got a variance approval on January 15, 2020 for a second driveway approach. The variance expired on January 15, 2021. Mr. Hardy's contractor could not get the curb cut completed on time and that is why he was asking for an extension.

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The request extension was made on December 11, 2020 through email with the City Planner, Carlos Espinosa.

Dave Kouba commented that since it was approved and because of the way things were in 2020, he was for granting the extension.

After some discussion with the Board members, Dave Kouba approved the variance extension and it was seconded by Jon Krofchalk. All were in favor to extend for another year. The variance will expire on January 15, 2022.

**Adjournment**

Dave Kouba made a motion to adjourn with a second by Jim Murphy. The vote of the Board was unanimous.

There being no further business to come before the Board, the meeting was adjourned at 5:18 p.m.



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Chad Sommer  
Interim Secretary