

Wednesday, December 3, 2025 at 4:30 PM

Board members		01/08/2025	02/05/2025	03/05/2025	04/02/2025	05/07/2025	06/04/2025	07/02/2025	08/06/2025	09/03/2025	10/01/2025	11/05/2025	12/03/2025	
Josh Sayer	Chairman	1	1	-	-	1	1	1	-	1	1	-	1	
Oscar Heinrich	Member	1	1	-	-	A	V	1	-	1	1	-	1	
George Warmer	Member	1	1	-	-	1	A	1	-	1	1	-	1	
Michael Bruschwein	Vice Chair	1	A	-	-	1	1	1	-	A	1	-	1	
Chris Hayes	Member	1	1	-	-	1	1	1	-	1	A	-	1	
Dave Hagstrom	Member	1	1	-	-	1	1	1	-	A	1	-	1	
Brian Roush	Member	1	1	-	-	1	1	A	-	A	1	-	1	
TOTAL NUMBER OF APPLICATIONS 2024		01/08/2025	02/05/2025	03/05/2025	04/02/2025	05/07/2025	06/04/2025	07/02/2025	08/06/2025	09/03/2025	10/01/2025	11/05/2025	12/03/2025	TOTAL
Variance		1	1	-	-	1	1	2	-	1	2	-	2	11
Appeal		-	-	-	-	-	-	-	-	-	-	-	-	0

Please note: "A" stands for excused absence, "1" stands for present, "V" stands for Zoom participation

Call the Meeting to Order: Chairman Sayer called the meeting to order at 4:32 PM.

Attending Staff:

Karen Husman, Zoning Coordinator; Makayla Paul, Planner I; Brenda Berns, Planning Clerk

Public in Attendance: Kyle Hayter, Deputy Chief MHP; Eric Gilbert, MHP; Aaron Freivalds, MHP; Barbara Hawkins; Dave Hawkins; Todd Reichenbach, VTR Properties.

Public Comment

No members of the Public made comments.

Karen Husman read the rules for the Order of Hearings

Approval of Meeting Minutes – October 1, 2025

Motion

Motion made by Board member Heinrich, seconded by Board member Hagstrom to approve the meeting minutes of October 1, 2025 as submitted. Motion carries unanimously.

Disclosure of Ex Parte Communication – Board members and Staff

Disclosure of Ex Parte Communications – None

Disclosure of Site Visits – Board members Heinrich, Hagstrom, Sayer visited VAR 1387

Board members Heinrich, Hagstrom visited VAR 1388

Disclosure of Conflict of Interest – None

Regular Business

Karen Husman, Zoning Coordinator, read the rules and procedures for conducting a public hearing.

Public Hearing

Chairman Sayer opened the Public Hearing.

- a. **City Variance 1387 – 615 S 27th St** – A variance request from Section 27-504, Table 27-500.1, Section 27-1209.C.2(b) and 27-1209.E.2(b), to allow an 8-foot security fence with barbed wire in the required setback area in a Public, Civic Institution (P2) zone district.

Karen Husman, Zoning Coordinator explained City Variance 1387 is a request of the MHP to allow an 8’ chain link fence with barbed security wire in a P2 due to a requirement of their lease with the property owner. It was noted that other similar fences exist in the surrounding area, including at the Women’s Prison. Staff confirmed that the MHP holds an encroachment permit to allow them to enclose the alley as a portion of the parking area, and that the proposed fence meets clear-vision requirements.

Recommendation

Planning Staff are recommending conditional approval based on draft findings of the review criteria for variances and the seven (7) standard conditions.

Applicant Agent

Todd Reichenbach, VTR Properties, stated that they were able to secure a lease with an emphasis on advancing the fence project.

Applicant

Kyle Hayter, MHP - Mr. Hayter stated that they have occupied the property for approximately 30 years and plan to remain at the location based upon approval of this variance. He noted that vandalism has occurred in the past, and that the proposed fence is needed to eliminate this threat. He also explained that garage bays are located in this area and that the bay doors are occasionally left open for ventilation, further supporting the need for added security.

Discussion

The Board discussed the ownership of the property and the history of the lease arrangement, noting that the facility was originally developed as a build-to-suit project and that the State is unable to maintain an additional building. Discussion followed regarding the extent of fencing on the site, with clarification that portions of the property and parking areas are shared with other agencies and are used for activities such as vehicle and motorcycle testing.

The Board also discussed the site's location along 27th Street near the Women's Prison and whether a decorative fence could be incorporated along the front of the property to enhance the downtown corridor. It was noted that the project includes shared costs and budget limitations, and that available funding is limited.

Questions were raised regarding the inclusion of barbed wire, and staff confirmed that barbed wire is required to be above the eight foot fence height of the fence. The Board inquired about alternative options, and staff indicated that no alternatives are provided for under the current code.

The Public Hearing was closed.

Motion

Motion made by Board member Heinrich, seconded by Board member Bruschwein to approve Variance 1387 with staff recommendations, findings of fact, and seven (7) conditions of approval. The motion carries unanimously. **Variance 1387 is approved.**

b. City Variance 1388—3030/3032 Rosebud & 3020/3022 Rosebud Dr – Build to Zone –

A variance from Section 27-305, Table 27-300.4 requiring a 10-32 foot build to zone to allow a front build to zone of 10-45 feet in the Mid-Century Neighborhood (N2) zone.

Karen Husman provided an overview of the variance request. The applicant is seeking a variance to allow the front door more than 32 feet from the front property line. The variance would also allow the applicant to forgo installing a door on the front of the garage, which was originally included to meet zoning code requirements.

Recommendation

Planning staff are recommending Denial based on draft findings of the review criteria for variances.

Discussion

The Board discussed the proposed variance and its relationship to existing homes in the neighborhood. Staff noted that two similar homes exist nearby, and that the difference between the existing and proposed design is minimal, with the previous units approved under the former code.

Board members asked about maintaining consistency with prior approvals, and staff explained that approving the variance would apply only to the parcel in question and would set a precedent for other properties on the same block that are undeveloped. The discussion included the applicant's proposal to reduce lot sizes from 10,000 to 8,000 square feet and concerns about potential increases in duplexes and rental units in the neighborhood.

Staff referenced the code requirement to locate the front door at 32 feet from the street rather than 45 feet, noting that while modifications could be made to building plans to adhere to the required "build to area". Questions were raised about whether the layout supports a walkable neighborhood and having the front door virtually invisible from the street does not promote a walkable community.

Applicant

Barbara Hawkins – Ms. Hawkins stated that she purchased the property over 20 years ago and constructed the duplexes, which she has since rented. She noted that one duplex was built at the request of a client who intended to purchase it. The units have been managed as rental properties with monthly rents of approximately \$2,400. She explained that there is a purchase and sale agreement in place for the duplex currently under construction, as well as another buy/sell agreement for an additional unit. Ms. Hawkins stated that if additional square footage were required, it would eliminate the ability to provide two-car garages. She emphasized that tenants paying premium rents expect two-car garages. She further stated that the recent zoning change to the mid-century designation is not compatible with the surrounding properties and does not align with or enhance the character of the neighborhood.

Applicant

Dave Hawkins – Mr. Hawkins stated that he developed the lots, widened Rosebud Road, and participated in the SID process, during which the 20-foot setback requirement was established. He explained that the project was not designed to encourage alley traffic, as residents typically prefer to park directly in front of their garages. Mr. Hawkins noted that while the buildings could potentially be reoriented, the garages are currently set back 21 feet from the property line. He further expressed concern that, given the shallow depth of the lots, prospective buyers are unlikely to prefer homes that are positioned too close to the street.

Discussion

The applicant questioned why the subject property was zoned N2 rather than N3, like the surrounding neighborhood. It was explained that the N2 zoning allows the existing duplexes on the property.

Questions were raised regarding what would be required to pursue a zone change, and it was noted that property owners would need to apply for such a change. The possibility of rotating the buildings was discussed with staff indicating that this option would require further review. When asked about timing, staff estimated that additional review would take approximately one to two months.

The applicant stated a desire to complete the duplexes currently under construction. Staff noted that they are bound by the requirements of the code. It was also stated that when the plans were resubmitted, the applicant was advised to apply for a variance.

Discussion continued regarding the role of the board, noting that while staff findings are consistent with the code, the board may consider broader consistency issues when making a decision. It was noted that two properties have already been built with similar conditions to what is being requested. Staff clarified that the board must make findings in support of the variance and referenced the hardship criteria outlined in the staff report.

The Public Hearing was closed.

Motion

Motion made by Board member Warmer, seconded by Board member Heinrich to approve Variance 1388. The Board of Adjustment voted **6-1** to conditionally approve the requested variance based on the findings that the application satisfies the variance review **Criteria 3 and Criteria 4. Variance 1388 was approved**, subject to stated conditions.

Criterion 3: That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other land in the same district; There are several other existing structures in the neighborhood that do not meet the build-to requirements. Approving the request would not grant a special privilege.

Criterion 4: That the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code and with the growth policies; There are existing residential structures including 2 duplex structures that do not conform to the build-to standard. The requested variance is in harmony with the intent of the growth policy and zoning code, there are already established structures that are comparable to the proposed structures, therefore continuing with the neighborhood character.

Other Business

Karen Husman noted there will be one variance to come before the Board in December.

ADJOURNMENT: The meeting adjourned at 5:37PM

Brenda J Berns, Planning Clerk