

Board of Appeals  
Minutes  
Wednesday, September 4, 2013  
Council Chambers – City Hall  
Steve and Mary Trebus, 215 Union Street  
276-1006-60-000

The meeting was called to order by City Clerk Hecht at 6:30 pm.

Roll call: Members present; Gary Horvath, Andrew Brown, Morris Marsolek, Jeanette Leonard, and 1<sup>st</sup> Alternate Eric Amundsen.

Others present: Tony Steiner, City Planner; Mike Centenario, Management Analyst, Steve Trebus, and Mary Trebus.

Motion by Horvath and seconded by Marsolek to nominate Eric Amundsen as Chairperson. Discussion involved; can Eric serve as a Chair if he is an alternate member. Consensus was that Eric could be Chair for this meeting and at the next BOA meeting a regular member will be elected as chair.

Moved by Marsolek and seconded by Leonard to approve agenda/August 7, 2013 Board of Appeals Meeting minutes.

Hecht read the Public Hearing Notice that was published in the August 22, 2013 River Falls Journal. This public hearing is being held at the request of Steve and Mary Trebus for the purpose of obtaining a variance to the rear yard setback requirements in the R1-Single Family Low Density zone to accommodate a screen porch.

Hecht read the Zoning Board of Announcement of Proceedings.

Mike Centenario gave the Board a brief overview of the request and facts to consider during determination

Chairperson Amundsen opened the Public Hearing at 6:38 pm.

Steve Trebus was sworn in. Mr. Trebus stated that when he purchased the home as rental property and after a year decided they liked the home and began remodeling it. Foundation damage was found during this process. It was determined the grading would have to be changed. A current deck measuring approximately 16' x 21' had to be removed to re-grade the rear yard and improve drainage.

When Mr. Trebus attempted to procure a building permit for the screened in porch, he found that he did not meet the rear yard setback and needed to apply for a variance to build the porch. His property is bordered on the North by open space zoned C-Conservancy, on the South and East by R1 Single Family Low Density, on the West by R3 Multiple Family High Density. Neighbors do not object to the building of a screen porch. Two adjacent properties owners submitted letters of support which were included in the Board packet. The house has a glass door in the back that they would use to enter the porch.

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Discussion was held regarding the size of the proposed porch. The proposed porch will be smaller than the deck that had been removed and the reason for removing deck was that water damage to the home created a need for grading of the yard. Mr. Brown asked if what the setback's would have been when the home was built. Staff was not sure of the zoning when the home was built in the late 1970's. At the time the house was built the deck would have been considered as part of the principal structure. Staff found a building permit for the home but not for the deck. The parcel is irregularly shaped and was created by a CSM, not a subdivision plat.

With no one else wishing to speak the Public Hearing was closed at 6:47 pm.

Marsolek questioned if this could be an environmental hardship issue and asked if the City had an ordinance for that. Steiner said we do not.

Brown stated that all R1 zoning has the same rear setback and this could be something the Plan Commission and Council should look at changing instead of having people come to BOA. He felt that 4 of the 5 conditions to approve the variance are met, but is not sure there is an exceptional or extraordinary circumstance or condition.

Leonard stated that the steep slope and the run off issue meets that condition. Amundsen agreed that the slope was an issue and that Plan Commission and Council are the ones who should be making changes to the zoning ordinance. Marsolek added that most lots do not have a steep slope on them. Amundsen added that it should be noted that Mr. Trebus is asking for a screen porch that is smaller in size than the deck that was there previously and all 5 conditions are met.

Motion by Marsolek seconded by Leonard to approve the variance as requested. This motion was amended by Marsolek and seconded by Leonard to approve the variance as requested and to include the 1 foot overhang in the distance that was noted, but not shown on the map of survey.

Votes were read by Hecht with 4 members voting yes; Horvath, Marsolek, Leonard, and Amundsen. Brown voted no. Variance passed with the required 4 votes cast in favor of the variance.

Mike Centinario had prepared a finding of fact for the Board and presented that for their review, changes and approval. The Board agreed with the Finding of Facts that Centinario presented and directed Centinario to coordinate with Amundsen for the official signature.

MSC Marsolek/Horvath to adjourn at 7:01pm.

Respectfully submitted

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Lu Ann Hecht, City Clerk