

**MEETING MINUTES**  
**The City of Polk City**  
**Board of Adjustment**  
**4:30 p.m., Monday, April 4, 2016**  
**City Hall**

Polk City, Board of Adjustment (BOA) held a meeting at 4:30 p.m., on Monday, April 4, 2016. **In addition to these published tentative minutes, there also may be additional meeting notes on file with the Polk City staff that are public records and available upon request as provided by law. These tentative minutes reflect all action taken at the meeting.**

**Board of Adjustment Members Present:**

Anthony Capaldo | Chair  
John Calhoun | BOA Member  
Ken Morse | BOA Member  
Bill Currie | BOA Member  
Dixie Bequeaith | BOA Member  
Mike Bakken | BOA Member  
Deanna Deason | BOA Member

**Staff Members Present:**

Gary Mahannah | City Administrator  
Jenny Gibbons | City Clerk

1. **Call to Order** | Chair Capaldo called the meeting to order at 4:30 p.m.
2. **Roll Call** / Calhoun, Morse, Currie, Chair Capaldo, Bequeaith, Bakken, Deason | In attendance
3. **Lovett Properties / 309 & 311 S 2<sup>nd</sup> St**

Dan Lovett described his situation with this duplex property and his efforts in being a good neighbor.

Gary Mahannah, City Administrator, gave a history of procedures, citing Chapter 165.21, Paragraph 4 specifically giving the Board of Adjustment three powers: variance, special exception and appeal. Mahannah stated that many times the BOA has met on variances, very few on special exceptions and this appeal would be the first this board has seen. The alleged error happened on May 18, 2015 when the Building Inspector, Safe Building issued a building permit that didn't address Chapter 165.09 paragraph 7A requiring a two-car garage and that same section refers to Chapter 165.16 sub paragraph B requiring off street parking with a minimum of two spaces per dwelling in addition to the garage space. The error was discovered in February 2016 by accident as Staff was looking at the Assessor site to determine if the property could be split and sold in response to Lovett Properties request. Mahannah discovered the error made back on May 18, 2015, and Safe Building requested that the builder, Lovett Properties comply with the City Code. Lovett Properties requested an appeal at that time because the project was already 90% complete.

March 29, 2016, a petition was received from 13 addresses, 15 signatures that would be opposed to granting the appeal as requested but offered a compromise allowing the 1 car garage per unit but requiring additional driveway space.

Chair Capaldo researched that the Code in question went into effect January 2013, Ordinance 2012-1100 that was in effect when the building permit was issued in error.

Safe Building, Denny Bernholtz, stated that the Plan Reviewer, Pat Carruthers-Green made the error during a challenging situation and with the required setbacks being confirmed, made an oversight of the garage and off street parking space trying to fit the plan on the site as it was challenging trying to make everything fit and meet codes.

Carol Lister, 214 Church St, spoke on behalf of the petition that Staff received.

Lovett Properties, Dan Lovett stated he was disappointed that an appeal couldn't be granted as is because of the additional cost it would take to widen the driveways. Lovett requested temporary occupancy be granted to allow 90 days to complete additional off street parking spaces.

**MOTION:** A motion was made by Calhoun and seconded by Morse to find in favor of the applicant, Lovett Properties, that errors were committed by the Building Inspector, Safe Building and therefore honoring the issuance of the building permit on May 18, 2015 to remain in effect. That this is an appeal and not a variance and therefore does not set any precedence for any future items before this board. The appeal is granted with the stipulation that the compromise proposed by the neighbors be attached to this motion, stipulating that off street parking be increased and that the developer Lovett be allowed Temporary Occupancy for 90 days once building is passed and approved ready having everything else to meet code, to allow completion of additional off street parking within that 90 day time period to obtain Certificate of Occupancy.

**YES: Morse, Currie, Chair Capaldo, Bequeaith, Calhoun**

**NO: Bakken, Deason**

**MOTION CARRIED**

4. Adjournment – 5:18 p.m.

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Jenny Gibbons –City Clerk