

**Minutes  
Board of Appeals  
Council Chambers  
Tuesday, September 10, 2013, 8 a.m.**

**Members Present**

Tim Fonder, Jarrod Smart, and Allison Dvorak

**Members Absent**

Dave Van Nieuwenhuizen and Liz Squire

**Guests Present**

Diane Dekoyer, Kyle Raph and Jay Hammrich

**New Business**

1. The file was opened for Appeal 4-2013. Diane De Koyer represented Affordable housing solutions which has submitted plans for Highland Homes, a single story five unit multi-family dwelling building to be located at 511N. Highland Avenue and 1521 E. 5<sup>th</sup> Street. The structure is to be located on one parcel owned by Affordable Housing Solutions and the parking lot is to be constructed on an adjoining parcel owned by Wesley United Methodist Church. Because the property line separating the parcels is located 7 feet 3 inches from the front of the building, said exterior wall is required to be constructed capable of a one hour fire resistive construction and unprotected openings are limited to 10% of the area of the exterior wall. Affordable Housing Solutions requested the elimination of the fire resistivities due to location on property provisions based on a 40 year ground lease agreement between the two adjoining property owners. The intent is to consider both parcels as one property based on the controls provided by the lease agreement. The secretary noted that the provisions for exterior walls are based on platted property lines and the building code has no exceptions for lease agreements to reduce fire resistivities of exterior walls located in close proximity to the property lines. Prior precedents made by the Board utilized no building code easements on adjoining properties that extended into perpetuity.

A motion was made by Mr. Smart and a second by Mr. Fonder to require either a no-building easement to be placed on the adjoining parking lot which is approved as to form by staff and the City Attorney; or the west exterior wall of the 5 unit apartment must be capable of a one hour fire resistive construction based on an interior and exterior fire exposure and the unprotected openings in the wall are limited to 10% of the wall area.

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Secretary