

Minutes
Building Board of Appeals
Ground Floor Conference Room
Tuesday, April 26th, 2016, 8 a.m.

Members Present

Dave Van Nieuwenhuyzen, Liz Squyer, Jarrod Smart, and Terry Kelley

Members Absent

Allison Dvorak

Guests Present

Keith Thompson and Gary Dean

Approval of Minutes of Last Meeting

A motion was made by Mr. Smart and a second was made by Ms. Squyer to approve the minutes of Tuesday, February, 23rd, 2016. Yeses, 4. Noes, 0.

New Business

1. Keith Thompson of Koch Hazard and Associates represented the River Square (the old DM&E building) office remodel project located at 140 N. Phillips Avenue. Mr. Thompson sought approval to replace existing window openings located on the south property line; to install a new flood gate and a mechanical opening on the south property line, and to build exterior decks up to the south property line with no wall fire protection. The building code in effect in 1981 and the current building code does not allow openings in a wall located less than 3 feet to a property line. Board of Appeals 16-1981 which was heard during the design phase of the original building construction approved unprotected windows and door openings on the south elevation of the building which is located on the property line. A condition of the original appeal was the filing of a legal instrument with the Minnehaha Register of Deeds to accommodate the closure of the windows with a conforming fire resistive construction at any time that the property to the south is changed. No such document is on record with the County. In order to access the existing overhead doors which provides vehicular access and egress to the basement parking garage, a mutual access easement is in effect for the east 35 feet of the south elevation.

A motion was made by Mr. Smart and a second was made by Mr. Kelley to allow the existing windows to be replaced to match the existing conditions and to allow the open decks based on the existing mutual easement that exists on the adjoining property. No new openings located outside of the existing mutual access easement are allowed.

Prior to calling the roll, an amendment was made to the main motion by Mr. Smart with a second by Mr. Kelley to require the owner of the River Square property to record with the Minnehaha Register of Deeds a legal document stating that any time that the yards of the property to the south are changed, all openings located less than 3 feet to the property line must be closed in with a proper fire resistive construction. Upon calling the roll for the amendment to the main motion, the amendment passed, 4 yeas, 0 nos. Upon calling the roll for the main motion, there were 4 yeas and 0 nos. The amendment and the main motion passed unanimously.

Secretary