

ZONING BOARD OF APPEALS  
January 13, 2009

**CALL TO ORDER:** 6:03 p.m. by ViceChairman Konietzko.

**ROLL CALL:** ViceChairman Konietzko, Boardmembers Abent, Reed and Alternate Potter and Alternate Shirvell.

Absent: Boardmember Kruger (excused) and Chairman Patrick.

City staff present: Building Inspector Hummel and Deputy City Clerk Terpstra.

ViceChairman Konietzko stated that both alternates would be voting.

**ELECTION OF CHAIRMAN AND VICECHAIRMAN:**  
**Boardmember Abent volunteered to become Chairman of the Board, supported by Shirvell. Carried. 5 Yeas. 0 Nays. Boardmember Abent nominated Boardmember Reed as ViceChairman of the Board, supported by Konietzko. Carried. 5 Yeas. 0 Nays.**

**APPROVAL OF MINUTES:** Board member Abent moved, supported by Kruger to approve the minutes of November 12, 2008 as presented. Carried. 5 Yeas. 0 Nays.

**UNFINISHED BUSINESS:** None.

**APPEAL TO BE CONSIDERED**

Public Hearing: 511 E. Shepherd at 6:15 P.M.

Deputy Clerk Terpstra read the appeal of 511 E. Shepherd – requesting a height variance of 30” so that a 6 ft. high fence can be installed in the front yard setback and also a request for a 0% surface area for an open ornamental fence. There were

no letters received, however the building department received two calls.

Building Inspector Hummel stated that one call was from Stephanie Williams, 622 Johnson, who was concerned with visibility on the corner. A second call was from Linda Welch, 640 Prairie, also concerned with how close the fence would be to the street. After it was explained to them that visibility would not be a problem they were fine with the fence. Linda Welch was a former manager of the facility and fully supports the safety of the residents.

Joe White, Wolverine Engineering, and Janene Craven, owner of the property were present. Mr. White handed out drawings of the site to the board members. He explained that the fence would be to provide resident safety and comply with state regulations. Chief Fullerton has also requested that a 25’ x 25’ clear vision area be added, at Johnson and E. Shepherd to comply with city ordinance, along with a gate to be added to the south and east property lines for fire access. The gates, in line with the existing exterior doors, would be locked at all times but the fire department would be able to gain access through the gates.

Janene Craven, owner, stated that this facility would be for memory care and dementia patients. These type of patients often escape through windows which have to be left operable for fire reasons. They would also like to provide privacy and dignity of the patients and family members.

Discussion was held on lighting, signage and landscaping along Shepherd Street.

Public Hearing Closed: 6:22 p.m.

**Boardmember Abent moved, supported by Reed to grant the variance for 511 E. Shepherd, to allow the 6 ft. high fence with 0% open because of resident safety being a**

**factor and also that it is a unique circumstance being that this property has only been used for this type of facility. Carried. 5 Yeas. 0 Nays.**

**PUBLIC COMMENT:** None.

**BOARDMEMBER COMMENTS:** ViceChairman Konietzko also requested, with the support of the board, that the landscaping be softened on the Shepherd Street corridor as discussed.

**ADJOURNMENT:** Board member Abent moved to adjourn at 6:27 P.M.

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Ginger L. Terpstra, Deputy City Clerk