



*b) The Zoning Regulations State:*

The proposed public bathroom would protrude into the 50-foot front-yard setback requirement approximately 15 feet. See Code of Ordinances Section 100.18.05.2.a(1).

*c) Interested Property Owners:*

There were no written comments. Neighbor Fred Wagner spoke against the proposed bathroom location. He preferred a different location in the park that was on higher ground and would not affect the view of adjacent houses. Neighbor Sherry Wagner spoke against the request because it would be too close to her residence and she thought too many people not using the park would use the bathroom. Neighbor Richard Arens spoke against the request because he thought that the bathroom would be vandalized and he did not want it close to his house. Neighbor Steve Hansen stated his opposition to the proposed location but thought a bathroom in the park was needed. Resident Eldon Crandall expressed his desire to see the bathroom in the middle of the park to be closer to all potential users.

*d) Discussion:*

Tab Ray reviewed the request and also reviewed the last case in front of the Board. He stated that the proposed 8'x16' bathroom location is not in the floodway and that the structure will have a green tin roof with tan masonry walls, windows and a drinking fountain. He described the landscaping that would be placed around the building and stated that it would be closed during the winter. Mr. Ray stated that the Parks and Recreation Commission have recommended this location and the general public desires a restroom in the park. He mentioned this would be considered a public need and that if the zoning of the park was residential as is the area surrounding the park, the structure would meet the setbacks. Mr. Ray supplied a drawing which showed the buildable area within the park and stated that by meeting the U-1 District 50-foot setback and staying out of the floodway, most of the park is eliminated. He mentioned that City Hall was granted a variance for its current location which had the same requirements.

Member Foy asked if the bathroom could be moved back into the center of the existing circular trail to accommodate the required setback. Mr. Ray stated that moving the bathroom to the center would not allow for that area to be fully developed and that the bathroom would not be adjacent to the existing trail. Member Shea reviewed the items and powers of the Board and clarified that if the bathroom was moved 15-feet a variance would not be required. Mr. Ray mentioned that the City Council has not approved the project yet and that at the next Council meeting it will be discussed. Member Gidley stated his concern over the neighbors concerns regarding quality of life and potential property values.

Secretary Passmore reviewed the required setbacks for the entire park and mentioned that the City will likely vacate some abandoned right-of-ways in the park. Mr. Foy stated that the Board is specially authorized to permit the use of any premises as long as the use is for public service but also mentioned Mr. Gidley's concerns were valid. Mr. Gidley stated that the public need could still be met at a different location. Chairperson Lampe confirmed that there are other locations that would not conflict with a floodway and would meet the required setbacks. Council Liaison Grace reviewed the decision that will have to be made by City Council depending on the proposed location. Member Brown restated the need for the park to have a bathroom.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Karla Shea

Move that a variance to allow the proposed public bathroom to extend into the front-yard setback along 4<sup>th</sup> Avenue NW approximately 15 feet at the north end of Kohlmann Park, 400 1<sup>st</sup> Street NW, be approved.

Yes: 2

No: 3

Absent: 0

Members Gidley and Shea and Chairperson Lampe cast the "No" votes.

Member Shea expressed her reason for denial was due to lack of a public need at the specific location and also stated concern over the surrounding properties. Member Gidley agreed with these reasons as did Chairperson Lampe.

E. Old Business:

Secretary Passmore reviewed the recent Planning and Zoning Commission meeting and the action taken.

F. New Business:

Tab Ray passed out an alternative bathroom site location to the Board and the public to gather any feedback. The new location was more centrally located and received positive feedback from both the attending public and the Board. The new location would not require a variance following the proper vacation of the abandoned streets within the park.

G. Adjournment:

Motion By: Karla Shea

Seconded By: Vern Gidley

That the Board of Adjustment meeting be adjourned.

Yes:

No:

Absent:

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