

b) The Zoning Regulations State:

The proposed new parcel will not meet the rear-yard setbacks for the residential house (2417) nor the side-yard setback for the commercial building (2419). See Code of Ordinances Section 100.4.10 and 100.13.05.2.a.

c) Interested Property Owners:

There were no written or verbal comments.

d) Discussion:

Tom Barbatti, son-in-law of the Picht's, represented the Picht's and described their situation regarding their property. He expressed the Picht's desire to sell all their property to Tiedt Nursery except for about one acre to retain with their existing home. Tiedt Nursery desires to own the property where their commercial buildings are located so they can make improvements to these structures. Mr. Barbatti further stated that there are no changes planned for the future except for the Picht's to possibly remove an old storage shed. He also stated that Tiedt Nursery would have first option on the purchase of the remaining property.

Secretary Passmore expressed the uniqueness of this request and the review that took place before this was brought before the Board. Vice-Chairperson Lampe clarified the two garages that would be retained with the new parcel. Member Foy asked if there was any possible way to draw a new property line between the structures and still meet setbacks. Mr. Passmore said that there is not enough space between the two structures, therefore any line would require a variance. The Board discussed the existing and continued non-conforming use of the residential home in the C-2 District.

Mr. Barbatti emphasized the interest of all the parties to have Tiedt Nursery purchase this parcel when it becomes available. Council Liaison Ribich asked about the possibility for the Nursery to buy all the land and the Picht's to rent from them. Mr. Barbatti said this idea was presented to Tiedt Nursery, but that they did not want to purchase all the land at this time. Member Brown did not see a concern with access around the new and existing parcels. Member Foy asked about the potential placement of a fence around the new parcel. Mr. Passmore did not see a problem with a fence as access would still be maintained. Mr. Barbatti explained that each parcel would have their own driveway and no access easements would be needed. The Board discussed the matter of a potential fence being installed and decided it to be a remote possibility with not a great affect on either parcel.

e) *Motion by the Board:*

Motion By: Pat Brown

Seconded By: Pete Lampe

Move that a variance allowing the proposed property lines to encroach upon the yard setbacks at 2417 and 2419 East Bremer Avenue be approved.

Yes: 3

No: 0

Absent: 1

Member Foy abstained due to a conflict of interest.

F. Old Business:

Member Foy asked about the quadrant rezoning process and if the southwest area had been brought up for discussion. Secretary Passmore stated that the Planning and Zoning Commission had not gotten to that area yet and would likely review it in April. He also mentioned that they will review the area along East Bremer Avenue as requested by the Board in October.

G. New Business: None

H. Adjournment:

Motion By: Chris Foy

Seconded By: Pete Lampe

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

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