

The applicant is requesting a variance to the zoning regulation governing the minimum front-yard setbacks in the R-2 Residential District.

b) The Zoning Regulations State:

The proposed front porch addition would encroach into the required 25-foot front-yard setback by approximately 9.5 feet. See Code of Ordinances Section 100.7.03.2.

c) Interested Property Owners:

Secretary Passmore stated that he received a call from Ricky McCloud, the owner of the neighboring property to the south at 320 3rd Ave. SW, who had no objections to the proposed request.

d) Discussion:

Secretary Passmore reiterated to the applicants the opportunity to review their request or delay it to the next meeting. He explained that the front-yard encroachment is the only setback in violation for the proposed project that would enlarge an existing non-conforming front porch. Member Brown confirmed that the porch would not come any closer to the sidewalk along 4th Street SW and would wrap around the house to the south. Mr. Magnall stated that he intends to paint the house this season and that the current porch is in bad shape. He desires to include all this work into one project this year to create a similar look to the front of his house as is seen within the surrounding neighborhood and mentioned some of the nearby homes along 4th Street SW have similar wrap around front porches.

City Engineer Cherry addressed the Board and stated his concerns regarding the request in respect to the potential improvements that have been considered for the 4th Street SW corridor. Mr. Cherry stated that corridor is in need of improvements and that the vehicle traffic continues to increase even after the highway by-pass was completed. He mentioned that the most likely improvements would be a three-lane roadway with a center turning lane that would move the edge of the roadway closer to the edge of the existing right-of-way. This type of a project would likely involve the loss of a number of trees along the corridor but would not likely require additional right-of-way to be acquired. Mr. Cherry stated that if a tree lined roadway is still desired by the public, the trees would need to be placed behind the sidewalk, and that a project as being proposed by the applicant would limit that ability. He mentioned that a roadway improvement project has not been scheduled at this time. Member Foy asked Mr. Magnall about any trees on his property. Mr. Magnall stated that there are two trees in front but they are within the City right-of-way. Mrs. Brown confirmed that Mr. Magnall had prior knowledge of this type of a roadway project. Mr. Magnall stated that he has heard of a roadway project for years and that he has lived in this house for thirty years.

Mr. Magnall mentioned that it should be up to the property owners to decide if and where new trees would be placed on their property and that if desired he had plenty of space to the south to plant more trees. Mrs. Brown confirmed with Mr. Cherry that there are no definite plans in place for this roadway project. Mr. Magnall stated that the prospect of this project does not bother him with respect to this request.

Mrs. Brown confirmed that even if the variance is not granted, repair work will need to occur on the existing porch. Mr. Magnall stated that much of the existing floor would need to be replaced no matter the result of the request. The Board clarified with Mr. Passmore that if the existing porch is repaired for maintenance purposes, a variance would not be required unless the entire porch is removed. Chairperson Lampe confirmed that the request will not encroach any further to the front except that it will lengthen the overall encroachment. Mr. Foy clarified that using the average setback rule did not help the request to lessen the front-yard setback. The Board recalled a request from about seven years ago in which a variance was granted for a front wrap around porch that encroached towards 4th Street SW. The Board clarified one more time with Mr. Magnall that he desired to proceed with a potential vote. Mr. Magnall mentioned that his wife intended to be present for the meeting but due to her paint allergies and the fact that the room had just recently been repainted she had to return home and miss the meeting.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Pat Brown

Move that a variance to allow the proposed front porch addition to encroach into the required 25-foot front-yard setback by approximately 9.5 feet for 315 4th St. SW be approved.

Yes: 2

No: 1

Absent: 2

Member Foy cast the "No" vote and stated that an undue hardship was not established nor will the property be denied its beneficial use.

2. Review of Case # 20070302, Jason Strelow of Village Creek Rentals L.L.C., 624 16th St. SW.

a) *The Applicant's Requested Zoning Variance:*

The applicant is requesting a variance to the zoning regulation governing the minimum front-yard setbacks in the R-3 Residential District.

b) *The Zoning Regulations State:*

The proposed attached garage would encroach into the required 30-foot front-yard setback by approximately 15.5 feet. See Code of Ordinances Section 100.8.03.2.

c) *Interested Property Owners:*

Secretary Passmore stated that he received a call from Barth Steere, the owner of the neighboring duplex to the north at 506 & 508 16th Street SW, who had no objections to the proposed request. Mr. Passmore stated that he also spoke with Will Kurtt with LSI (Bremwood), owners of the property to the west, and they did not have any objections.

d) *Discussion:*

Mr. Strelow reviewed his request to attach a one stall garage to the end of his apartment building that would face 16th St. SW. He stated that he desires to accommodate for all of his units with enclosed parking spaces and has tried many different options but can not get all of them onto the property without asking for a variance on the end units. Mr. Strelow stated that he intends to build a separate building in the middle of the two apartment complexes, but that not all the needed spaces will be accounted for in this building. He also stated that in the future he will likely need to make a request for a similar variance to attach a garage to the south apartment building. He mentioned that he has spent a lot time trying to configure the garages in numerous places, shapes and sizes, but to no avail. Chairperson Lampe confirmed that the request is only for the one garage per the application. Mr. Strelow stated that he is currently remodeling the end apartment unit that the proposed garage would attach to and that is why the request is only for this one garage and also that variances are only good for one year.

Mr. Lampe asked about the area in back between the two buildings as a potential location. Mr. Strelow stated that he has constructed a dumpster pad in this location so that he could move the dumpsters out of the front yards. Member Brown confirmed that none of the other garages are being built at this time. Mr. Strelow stated that his goal is to convert these apartments into condominiums and that providing covered parking and storage would greatly enhance these units. Mr. Lampe noted that the front of the existing building currently extends into the front-yard setback. Secretary Passmore mentioned that the variance request only involves the front-yard setback as the side setback to the north will be met and he also reiterated to Mr. Strelow that he had the option to proceed or wait with this request.

Member Foy asked about potential locations behind the apartment buildings. Mr. Strelow stated that all the meters are set up on the backside of the buildings, access would be difficult and the dumpster pad is also in the back. He further mentioned that the garages would be only a one-stall garage in order to accommodate for all twelve units. Mrs. Brown confirmed that the ten unit garage that would go in front and between the buildings will meet the required setbacks. Mr. Strelow stated that he has owned the property about two years and the configuration of the existing buildings makes adding garages very difficult.

The Board discussed other potential options but a 30-foot rear-yard setback also limits what can occur behind the buildings. Mrs. Brown confirmed that a carport or a lean-to would be reviewed under the same requirements. Mr. Lampe confirmed with Mr. Strelow that he desired to continue with the case and take it to a vote.

e) *Motion by the Board:*

Motion By: Pat Brown

Seconded By: Chris Foy

Move that a variance to allow the proposed attached garage to encroach into the front-yard setback approximately 15.5 feet for 624 16th St. SW be approved.

Yes: 0

No: 3

Absent: 2

Mr. Foy stated that an unnecessary hardship was not established and the continued beneficial use was not being denied. Mr. Lampe stated the same reasons as Mr. Foy and also that economic conditions were not grounds to grant a variance. Mrs. Brown stated that she agreed with the previous statements and did not see the necessity behind the request.

E. Old Business: None

F. New Business:

- Secretary Passmore mentioned that a variance request has already been filed for the April meeting.

G. Adjournment:

Motion By: Chris Foy

That the Board of Adjustment meeting be adjourned.

Yes: 3

No: 0

Absent: 2

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