

b) *The Zoning Regulations State:*

The proposed new single-family dwelling would be closer than a quarter-mile to another single-family dwelling. See Code of Ordinances Section 100.5.02.2.a(2).

c) *Interested Property Owners:*

Hank and Jo Bagelmann of 1501 Horton Road spoke in favor of the variance request. Mr. Bagelmann stated that their residence would be directly across from the proposed house location and strongly encouraged Mr. Tiedt to pursue this request. Mrs. Bagelmann emphasized that they were in favor of having Mr. Tiedt become their neighbor. Kevin Thies of 1703 Horton Road also spoke in favor of the request and felt that Mr. Tiedt has owned the property for a long time and should be allowed to build his new home upon his land.

d) *Discussion:*

Secretary Passmore reviewed the ordinances and the separation constraints that are required in the A-1 district. Mr. James Tiedt described his plans to build a new house on his approximately 90 acres of agricultural land and stated that no matter where he desires to place a new house it will violate the quarter-mile separation. Mr. Tiedt stated that due to that fact, he chose a location that made the most sense overall, which is what is shown on the site plan. He stated that he has spoken to the immediate neighbors and they do not have any problems with the request. Mr. Tiedt further stated that he does not intend to change the agricultural use of the land nor does he desire to develop the property, he just wants to reside on his property.

Member Shea confirmed with Mr. Tiedt that he has owned the property since 1980. Member Foy asked about the purpose behind the quarter-mile separation requirement. Mr. Passmore mentioned that he believed the requirement was in place to encourage orderly residential development in lieu of creating a County feel with many large acre lots along the roadside without City services. He further stated that if a cluster of these homes appear in one area, then the ground should likely be rezoned to residential. The Board then discussed the definitions of a farm dwelling and its application to the separation requirement.

Member Brown confirmed with Mr. Tiedt that the proposed house would be about 250-feet away from the Bagelmann residence. Mr. Bagelmann stated that it seems unlikely that this type of situation with the separations could be repeated and would be worthy of a variance. Chairperson Lampe noted that if more residences are desired on this land in the future that rezoning would seem appropriate versus more variances. Mr. Lampe further clarified with Mr. Tiedt that the proposed location was on higher ground and that a lot of the surrounding property lies within the floodplain.

Ms. Shea noted that the real problem exists with the number of surrounding residences that were likely built before the area was annexed into the City and that a rezoning proposal of the area would be quite in-depth and take significant time. Mr. Passmore agreed that a large rezoning proposal would be more appropriate at the time when a development is proposed in the vicinity. Mr. Lampe mentioned that the Comprehensive Future Land Use Map designates this area as residential. Mr. Foy stated that he was having difficulty seeing the hardship for the variance but also thought a house in this area was a reasonable request. Member Brown stated that she agreed with Mr. Foy. Member Gidley also stated he was having trouble justifying the request.

The Board discussed the boundaries of Mr. Tiedt's property and established that regardless of where Mr. Tiedt chose to locate a house it would not meet the separation requirements. Mr. Tiedt stated that he believed this was his hardship and that his family owned the land long before any of the surrounding homes were built in the area. Ms. Shea mentioned that if a variance is not granted, in essence the Board would be saying that you could not build a farm house on your farm and stated that the intent of the agricultural district would be maintained because the proposed house would be a farm dwelling. Mr. Gidley agreed with Ms. Shea and reviewed that a substantial justice would be done to allow a farm dwelling on a farm. Ms. Brown asked Mr. Tiedt what his plan would be if a variance is not granted. Mr. Tiedt responded that he really didn't know and would have to figure that out if the variance is denied. Ms. Brown stated that this was a very difficult request and agreed with Ms. Shea's reasoning but was still unclear if a hardship has been established. The Board discussed the intent of the code and the qualifications of justifying a variance. Ms. Shea stated that she believed the request would meet a special condition based upon the existing surrounding residences which would allow a variance to be granted. Mr. Gidley stated that the floodplain also creates a special condition upon the property. Mr. Foy stated that he agreed with Ms. Shea but was concerned about future implications if a similar request was presented in front of the Board. Mr. Passmore stated that if more residences continue to be desired in this area, then the City will need to seriously consider rezoning.

e) *Motion by the Board:*

Motion By: Vern Gidley

Seconded By: Chris Foy

Move that a variance to allow the proposed single-family dwelling to be within a quarter-mile of another single-family dwelling at 1415 Horton Road be approved.

Yes: 5

No: 0

Absent: 0

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