



c) *Interested Property Owners:*

Lou MacDougall, neighboring property owner at 3604 Monaghan Drive, spoke in favor of the request. John Monaghan, developer and owner of neighboring lots, contacted both the secretary and members of the Board prior to the meeting to state his opposition to the variance request.

d) *Discussion:*

Secretary Passmore briefly reviewed the variance request and clarified that the rear-yard setback is the only variance required with the proposed project. The property being a corner lot, Mr. Passmore reviewed the establishment of the front and side yards. Aaron Betts reviewed his garage addition and stated that he would like a 12-foot garage addition to store his 1971 Pontiac LeMans instead of storing elsewhere. He stated because of the size of the car and the need for a larger garage door would require the full 12-feet requested. Mr. Betts also mentioned the need for additional storage space in general and did not want to place a shed in the back yard. He further stated that the subdivision's restrictive covenants limit the size of a shed to 144 square feet which again led him to request for a larger attached garage. Mr. Betts stated that because of the corner lot, the classified rear-yard is more like a side-yard, and that adjacent properties would not be affected.

Member Shea asked about the width of the car. Mr. Betts stated that it was about 6-feet wide but because it was an old two-door it required more space to open the doors. Vice-Chairperson Brown asked about how his driveway would be affected with the additional garage space. Mr. Betts said that he would likely just curve the driveway to meet the expanded garage and not create a wider approach. Member Foy clarified that the front and rear yards were determined when the house was originally constructed a few years ago and that any change in that previous determination could place the house in non-conformance with the setbacks.

Mrs. Brown and Chairperson Lampe stated that they received calls from the developer who was not in favor of the request but that they did not discuss the case with him and encouraged him to come to the meeting. Mrs. Brown asked Mr. Betts if the variance was not granted would he still do a legal 10-foot addition. Mr. Betts stated he was unsure if he would do the addition and would need to review all factors again. Mrs. Shea stated that she had a problem with the request as it is difficult for additional storage space to meet the standards of an undue hardship. Mrs. Brown stated she agreed with Mrs. Shea and mentioned that a 10-foot addition would be legal and still accomplish some of the goals.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Karla Shea

Move that a variance to allow the proposed garage addition to encroach into the rear-yard setback approximately 2 feet for 3601 Monaghan Drive be approved.

Yes: 0                      No: 4                      Absent: 1

All members stated that the reason for denial was that an undue hardship was not established.

2. Appeal of Case # 20070301, Dick & Kathy Magnall, 315 4<sup>th</sup> St. SW.

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

The applicant has appealed the variance decision from the March 12, 2007, Board of Adjustment meeting and following the remand of the case from the City Council, a final decision is desired. 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 referenced the comments from the previous meeting that were represented in the minutes.

d) *Discussion:*

Secretary Passmore reviewed the appeal process and stated that the City Council desired for second and final hearing be held for the request. Member Foy clarified that for an appeal request the same requirements apply, and that three affirmative votes are needed to grant a variance. Mr. Magnall reviewed his request and stated that the expanded porch will not encroach any further into the front-yard than it already does and that the existing porch is in need of repair. Mr. Magnall referenced supplied materials that indicated a similar variance request in 2000 that occurred within a few blocks. Mr. Magnall stated that even though they are not the same cases, the previous case was granted a variance and he desires the same type of antique front porch appearance. Mr. Magnall stated that if the City ever moves forward with a 4<sup>th</sup> Street SW widening project and the trees inside the right-of-way are removed, the front of his house would be without shade unless he is allowed to construct the wrap around porch. Member Shea confirmed that the front-yard variance is the only one required and that the side-yard will be met. Mrs. Magnall stated her desire to achieve front shade on the house and to rebuild the historic aesthetic curb appeal.

Member Foy mentioned that he was not allotting significant weight to a potential City street project and its possible affect on neighboring properties. Member Brown confirmed that if a street project did occur Mr. Magnall would still desire the wrap around porch as proposed. Mr. Magnall stated that his house was likely built before the setbacks existed and that the current line of sight will not be affected. Mr. Passmore confirmed that maintenance work on the existing porch would not require a variance, but it is the expansion of the porch that requires the variance. Chairperson Lampe offered the option of postponing the final decision to Mr. Magnall because there was one member absent. Mr. Lampe stated that if postponed until May, a final decision would have to be given at that time if a quorum is present. Mr. Magnall desired to postpone the decision until May in hopes of a full quorum.

e) *Motion by the Board:*

Motion By: Karla Shea

Seconded By: Chris Foy

Move that a final decision be postponed until the next meeting on May 14, 2007, in an effort to garner a full attendance from the Board.

Yes: 4

No: 0

Absent: 1

E. Old Business: None

F. New Business:

- Chairperson Lampe discussed the difference between access to a house versus a deck and the possibility to create a written guideline to create a clear distinction.

G. Adjournment:

Motion By: Chris Foy

Seconded By: Pat Brown

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

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