

D. Regular Business:

1. Case #20010501, Larry Schultz, 109 4th Avenue NW

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

Larry Schultz, Applicant, 109 4th Avenue NW is requesting a variance to the zoning regulation governing minimum front-yard setbacks.

b) *The Zoning Regulations State:*

The proposed construction of a roofed 6' x 20' front deck would protrude into the front-yard setback requirement approximately 3 feet, leaving a 17-foot setback. Code of Ordinances Section 100.4.01 and 100.4.09 state that no structure shall be enlarged which does not comply with all the regulations. The regulation is that for lots of record in residential areas, the averaged front-yard setback may not be less than 20 feet.

c) *Interested Property Owners:*

No written or verbal comments were submitted.

d) *Discussion:*

Larry Schultz began discussion by reviewing his construction plan. Mr. Schultz stated that his house and deck would be setback further than his neighbor's house.

Secretary Passmore described the front-yard setback requirement in relation to the lot of record. Member Shea asked about the other houses along the block that are built too close to the lot lines. Mr. Passmore explained that this is common in the old part of town, which is why the property falls under a lot of record requirement. Vice-Chairperson Lampe explained the averaging of setbacks for the neighboring houses and which ones were used.

The board discussed that the line-of-sight for the block will not be altered. Mr. Schultz further explained the size and construction of the deck.

e) *Motion by the Board:*

Motion By: Pat Brown

Seconded By: Chris Foy

Move that a variance to allow the roofed six-foot front deck to extend into the front-yard setback requirement at 109 4th Avenue NW be approved.

Yes: 4

No: 0

Absent: 1

2. Case #20010502, Gerald & Linda Williams, 814 2nd Avenue NE

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

Gerald & Linda Williams, Applicants, 814 2nd Avenue NE are requesting a variance to the zoning regulation governing minimum front-yard setbacks.

b) The Zoning Regulations State:

The proposed construction of an attached 24' x 24' garage would protrude into the front-yard setback requirement approximately 10 inches, leaving a 24.16-foot setback. Code of Ordinances Section 100.6.03.2.b(4) state that the standard minimum front-yard setback shall be 25 feet.

c) Interested Property Owners:

Kevin Russell, neighboring property owner, stated prior to the meeting date that he was in favor of the addition. No other written or verbal comments were submitted.

d) Discussion:

Gary Williams began the discussion by reviewing the request and by stating he understood the process he must take in order to build his garage. He stated that they would like to extend to the front of their home because they are not able to extend towards the side. The need to store vehicles in the proposed garage was stated as the reason for the variance request.

Secretary Passmore described the required front-yard setback and stated the side-yard setback would be met. The survey that was submitted was used to determine the 10" encroachment into the front-yard setback.

Member Shea asked about the cost advantages in constructing the entire 24' by 24' garage versus shortening up 10" to meet the setback. Mr. Williams stated that the entire 24' by 24' garage would be of common construction and meet the Williams storage needs. Expanding to the West Side any further is not an option and neither is placing an unattached garage in the rear. Member Brown reiterated member Shea's question, and asked the difficulty in shortening the length approximately one foot. Mr. Williams answered again that the common construction and additional space were the reasons for coming before the Board. He also stated that the tree line that extends into his front-yard would not be altered, therefore not affecting the line of sight.

Member Foy commented that the 10" variance request could be viewed two different ways. Either that its only 10", grant the variance or that its only 10", scale back the garage. Member Brown asked Mr. Williams what his plan would be if his request was denied. Mr. Williams said he had not really thought that far, but that they would still want to build the gargage. Member Brown followed up by stating that the problem the Board is having with this request is the non-establishment of a hardship.

e) *Motion by the Board:*

Motion By: Pete Lampe

Seconded By: Pat Brown

Move that a variance to allow the attached 24' by 24' garage to extend into the front-yard setback requirement by 10" at 814 2nd Avenue NE be approved.

Yes: 0

No: 4

Absent: 1

The board members expressed their reasons for denial as the following:

Vice-Chairperson Lampe: A hardship was not justified when there is a feasible solution to the situation.

Member Brown: A valid hardship can not be self-created.

Member Foy: Request not unreasonable, but no hardship exists.

Member Shea: Substantial hardship was not established when the land could yield a reasonable return without the variance.

3. Case #20010503, Veryl Groen, 3300 5th Avenue NW

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

Veryl Groen, Applicant, 3300 5th Avenue NW is requesting a variance to the zoning regulation governing maximum total square-footage of accessory buildings.

b) *The Zoning Regulations State:*

The proposed construction of a 1054 square-foot garage in conjunction with the existing 140 square-foot shed would total a combined 1194 square-feet of accessory buildings. This would place the lot 194 square-feet over the allowed 1000 square-foot maximum per Code of Ordinances Section 100.4.06.d(3).

c) *Interested Property Owners:*

Elsie Dean, neighboring property owner, stated during the meeting that she was in favor of the proposed garage. No other written or verbal comments were submitted.

d) *Discussion:*

Veryl Groen began the discussion by stating that he has an existing old shed on his property that is putting his total square footage over the allowable amount and that this old shed will be torn down in the future. He also mentioned that his plan included a five-foot overhang on one side of the garage that is increasing his total square footage. Mr. Groen said that he is required to put in frost footings, therefore he would like the garage to be as big as he desires. He also stated that he does not have any neighbors nearby that would object to the variance.

The Board discussed the proposed size of the garage to clarify what Mr. Groen desires to build, including for the five-foot overhang.

Secretary Passmore stated that the overhang is included in the square-footage calculations due to the uncommon width and ease in converting it into an enclosed area. Also, combining the old existing shed with the newly proposed garage is causing the area requirement to be exceeded.

Member Brown asked Mr. Groen if he planned to eliminate the shed. Mr. Groen replied that the shed is not planned to be eliminated at the present time, however when the shed deteriorates it would not be replaced. Member Shea asked if there was a garage presently on site. Mr. Groen said the present garage is attached to his home. He also stated that his zoning as A-1 would allow more accessory building if he actively farmed the land.

Member Brown asked what the Groen's plan would be if the variance was denied. Mr. Groen stated they would intend to build the garage but do not have a backup plan. Member Foy asked Mr. Groen again about removing the old shed. Mr. Groen mentioned that he needs the room, which is why he does not want to remove the shed until it deteriorates.

Member Brown mentioned that no reason has been given to allow the variance and Member Shea further mentioned that no hardship is being presented. Vice-Chairperson Lampe expressed modifying the size of the garage while removing the old shed would be a feasible solution.

The Board reviewed the zoning requirements and explained to Mr. Groen the theory behind having a zoning code. Mr. Groen expressed interest in modifying his proposed garage to be as close to the maximum 1000 square-feet allowed, yet leaving the old shed. Member Foy expressed the possible solution of attaching the garage to the main structure or allowing the proposed garage if the old shed is removed. Mr. Groen stated that he would like to see the variance request left as proposed due to the need of the old shed and newly proposed garage.

Council Liaison Reed asked again about compromising the size with the stipulation to remove the old shed. Mr. Groen affirmed his intention to keep the existing old shed.

e) *Motion by the Board:*

Motion By: Pat Brown

Seconded By: Karla Shea

Move that a variance to allow the proposed garage to exceed the maximum allowed total accessory building square-footage at 3300 5th Avenue NW be approved.

Yes: 0

No: 4

Absent: 1

The board members expressed their reasons for denial as the following:

All members agreed that other options were available and that a valid hardship can not be self-imposed.

F. Old Business:

G. New Business:

The Board and Secretary discussed a previous municipal design standard variance that was presented before the City Council.

H. Adjournment:

Motion By: Karla Shea

Seconded By: Chris Foy

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1