

b) The Zoning/Floodplain Regulations State:

The proposed house addition would protrude into the 10-foot separation requirement approximately 5 feet and further increase the non-conformance of the existing building. The lot is classified as a lot of record. See Code of Ordinances Section 100.4.06(b) and 100.21.07.5.

c) Interested Property Owners:

There were no other written or verbal comments.

d) Discussion:

Before the discussion began, Member Foy stated that he had a conflict of interest and removed himself from the Board. Chairperson Lampe asked Secretary Passmore to review the variance request. Mr. Passmore explained the accessory building code that would be violated by this house addition. He stated that due to the fact that the existing garage sits only two feet from the side lot line, it exists as a non-conforming structure, and that the ten foot separation between the garage and house is required. Chuck Todd with City Builders represented the McCulloughs and passed out pictures of the house and garage. Mr. Todd stated the difficulty in moving the proposed addition due to electric and phone lines that currently exist on the other side of the house. He stated that the proposed location is the best location and also would not conflict with the existing bathroom that is also on the other side of the house.

Mr. Lampe confirmed the post and beam construction of the addition with the contractor and the location of the open stairway to the north. Mr. Todd showed pictures of what the final sunroom addition would look like. Mr. Chris Foy asked how far to the east the existing deck sits in regards to the house. Mr. Todd responded that the existing deck extends approximately 6 feet and currently is non-conforming as it sits too close to the garage. The construction of the existing deck and garage is unknown as there were no permits found in the address file. Mr. Passmore stated that the garage was likely built conforming with the two-foot setback many years ago and has since become non-conforming through changes in the ordinance. Mr. Passmore reviewed the current required 5-foot setback for the garage and the reasoning behind the setback and separation distances.

Member Shea confirmed the garage and house overlap each other by about 6-feet making it difficult to move the addition slightly and be able to meet the separation requirement. Mrs. Shea further confirmed that the stairs down to the ground are not considered part of the structure. Member Gidley reviewed the requirements for a breezeway with the Board. Mr. Lampe confirmed with Mr. Todd that the electric meter would be readable after the construction is complete. Member Brown asked about any neighbor comments. Mr. David McCullough stated that no neighbors they spoke to have any concerns.

Mr. Lampe stated that many surrounding properties have these same issues due to their time of construction. Mr. Todd restated their concerns regarding the electric lines and their desire not to relocate these and possibly affect neighbors' properties. Mr. Passmore reviewed the possibility of attaching the house to the garage and stated this was legal but would require the garage to have full depth footings and would likely place the entire house into non-conformance if the garage stays in the current location. Mrs. Shea reviewed the hardship guidelines and questioned if this request met those standards. Mr. Foy stated that because the property is a lot of record, the Board in the past has looked differently upon these cases. Mr. Passmore mentioned that each case in front of the Board is a case in itself and precedents are not necessarily set.

Mrs. Brown stated she felt that since the garage was originally placed in the correct location and with the difficulty with the electric lines and the bathroom window, that this case did meet a hardship guideline. Mrs. Shea added that the change in ordinances really created this situation upon the property owner. The Board discussed the hardship requirements and powers of the Board of Adjustment.

e) *Motion by the Board:*

Motion By: Pat Brown

Seconded By: Vern Gidley

Move that a variance to allow the proposed house addition to extend into the accessory building separation requirement approximately 5 feet and further increase the non-conformance of the existing garage at 1010 Cedar River Drive be approved.

Yes: 4

No: 0

Absent: 0

Member Foy removed himself from the Board and abstained from voting due to a conflict of interest.

E. Old Business:

Chairperson Lampe mentioned that he was reappointed to the Board for another five years.

F. New Business:

Secretary Passmore informed the Board of the ongoing Comprehensive Land Use Plan update along with the proposed timelines and upcoming meetings.

G. Adjournment:

Motion By: Karla Shea

Seconded By: Vern Gidley

That the Board of Adjustment meeting be adjourned.

Yes: 5

No: 0

Absent: 0

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