

b) The Zoning Regulations State:

The proposed garage is required to meet a 25 foot front-yard setback from the 6th Street SW right-of-way and a 5 foot setback from the alley right-of-way. See Code of Ordinances Section 100.4.06.

c) Interested Property Owners:

No communications were received from notified property owners.

d) Discussion:

Mr. Bahlmann stated his intention of replacing the existing non-conforming building (16 feet wide by 24 feet deep) with a larger building (24 feet by 24 feet) to accommodate larger doors and to be more usable. He explained the proposed location in the southeast corner of the property would require moving an existing organic garden. He added the other location in which he could potentially place his garage, directly in back of the house, would nullify the usable yard in the rear of his property.

Vice-Chairperson Brown pointed out there is room on the lot to place the garage in the southeast corner. Mrs. Brown inquired on moving the organic garden in the southeast portion of the lot and how hard it may be. Mr. Bahlmann mentioned his proposal would utilize a minimum amount of concrete in the yard by locating the garage closer to the west, 6th Street SW right-of-way line and reducing the driveway length. Mrs. Brown proposed the idea of switching the garden and garage to have the garage in the southeast corner and the garden in the southwest corner, closer to the 6th Street SW right-of-way. The applicant indicated that it would require extensive work to accomplish that task and his proposal would allow for more privacy as well as more yard space in the back yard.

Chairperson Lampe stated there may be at least 10 feet of setback needed from the alley (south) right-of-way line in order to locate a garage off of the alley in order to make a turn into the garage.

Mr. Lampe read the Iowa Supreme Court decision on how to establish a hardship and noted all of the requirements would have to be met. Mrs. Brown inquired if the garage would occupy approximately one-third of the garden area if the garage were to be placed meeting the requirements in the southeast corner of the property. Mr. Gidley indicated this was the case. Mr. Charlson added if the location was chosen at 10 feet from the house, it may allow the garden to be in an un-shaded and undisturbed state. Mrs. Brown indicated if the existing garden area was taken by the garage placement, Mr. Bahlmann would be able to replace his garden within the space immediately adjacent to the garden on another side.

e) *Motion by the Board:*

Motion By: Vern Gidley

Seconded By: Pat Brown

Move that a variance to allow the proposed garage to be 0 feet from the 6th Street SW right-of-way and 1 foot from the alley right-of-way at 521 4th Avenue SW be approved.

Yes: 0

No: 4

Absent: 1

The Board stated the reason the requested variance was denied was due to a lack of an undue hardship and other potential options that were available.

2. Election of Officers.

Per Chapter 45 of the Waverly Municipal Code, the first organizational meeting of the Board of Adjustment held in January of each even numbered year is the time and place to elect a chairperson and vice-chairperson. The elected officers shall serve concurrent terms of two (2) years.

Motion By: Pat Brown

Seconded By: Vern Gidley

Move that Pete Lampe be elected as Chairperson of the Board of Adjustment for the 2008 – 2009 term.

Yes: 3

No: 0

Absent: 1

Motion By: Vern Gidley

Seconded By: Al Charlson

Move that Pat Brown be elected as Vice-Chairperson of the Board of Adjustment for the 2008 – 2009 term.

Yes: 3

No: 0

Absent: 1

E. Old Business:

- None

F. New Business:

- Mr. Passmore thanked the members for attending the recent Planning and Zoning Commissioner's Workshop meeting. The Board expressed their thanks to Mr. Passmore for his time with the Board.

G. Adjournment:

Motion By: Pat Brown

Seconded By: Vern Gidley

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1