

b) The Zoning Regulations State:

The proposed construction of a 832 square-foot garage in conjunction with the existing 324 square-foot garage combine to equal 1156 square-feet of accessory buildings. This would place the property approximately 372 square-feet over the allowed 784 square-foot maximum requirement. See Code of Ordinances Section 100.4.06.1.d(3).

c) Interested Property Owners:

One letter was received from a neighboring property owner, Karen Kuecker. Ms. Kuecker stated that she objected to size of the building and viewed it as too excessive for the neighborhood.

d) Discussion:

Vice-Chairperson Lampe explained before the proceedings began that because there was only three members in attendance, that to approve the variance request all three members would have to vote "yes". He offered to the applicants the choice of returning to the next meeting when more members could be present or to proceed as planned. Donna K. Oberheu asked about proceedings if the request was denied. Secretary Passmore reviewed the appeal process and also mentioned that Member Foy, even though absent, expressed his desire to abstain from this case because the Oberheu's are his clients.

Mrs. Oberheu addressed the Kuecker letter and expressed the neighborly feud that exists between the two property owners. The Kuecker property was identified on the map and is addressed as 606 1st Avenue NE. Member Shea confirmed that the first decision to be made was if the case was to be heard. Mrs. Oberheu responded that they desired a hearing and decision at this meeting.

Vern Oberheu reviewed his building project and placement of the proposed garage. He felt that they had more vacant property than anybody else in the neighborhood and desires to place vehicles inside a garage instead of sitting them outside. He also believed that a garage would look good along with adding more general storage space. Mrs. Oberheu reviewed some of the improvements that they have accomplished on the property in the past that have helped the aesthetics of the neighborhood. She also mentioned that their north property line has evergreens that shield the view from neighbors.

Mr. Oberheu thought consideration should be given to the older parts of town. Member Shea confirmed that even without the existing garage, the proposed garage is too large per the area requirements. Mr. Passmore verified this fact and reviewed the area calculations. Mrs. Shea stated her concerns and stated the Board's purpose. She explained that the Board is only allowed to grant a variance when there has been shown a hardship that is no fault of the

owners. She further stated her difficulty in seeing how this case would fit into how the Board is supposed to rule. Mrs. Oberheu said that they need more space to store their personal belongings.

Member Brown mentioned that the Board has this type of a situation come up more than others because everybody has so much “stuff” that they want to store inside a building. She also concurred that most people would agree that it looks better to have items stored in a building rather than sitting outside, but that the Board does not have the authority to approve such variances when hardships are not established. Mrs. Brown also mentioned that the Board in the recent past has not relaxed the standards for the reasons that have been presented. Per the request of Mrs. Oberheu, Mr. Passmore reviewed the area calculations that would allow for another accessory building to be built of lesser size, as they have 460 square-feet yet available.

The Board and the Oberheu's reviewed some of the other options that are available in order to gain more storage space. Vice-Chairperson Lampe mentioned that the area requirement standards were reviewed by the Planning and Zoning Commission and the Commission reaffirmed that the area requirements were adequate. Mr. Oberheu asked about placing portable buildings or buildings on skids to get around the standards. Mr. Passmore responded that these buildings are still considered and reviewed under the zoning and building codes as permanent structures. Mrs. Brown complimented the Oberheu's on their residence but reiterated that the Board has stood firm on these standards in the past. Mrs. Oberheu expressed her desire for the Board to deal with the current situation and forget about anything in the past or the future.

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 permitted total accessory building square-footage by 372 square-feet at 116 6th Street NE be approved.

Yes: 0

No: 2

Absent: 2

Members Shea and Brown stated their reason for the “No” vote was due to the fact that no special hardship was shown.

Vice-Chairperson Lampe, acting as the Chairperson for the meeting, did not vote due to its trivial nature following the two “No” votes.

Following the ruling, Mrs. Oberheu asked again for a definition of a hardship. Members Brown and Shea explained how hardship is determined and read the court definitions on what constitutes a hardship. The appeal process was again discussed and timelines detailed.

E. Old Business:

Member Shea thanked Member Brown for accepting another term on the Board and viewed this appointment as a good decision. Vice-Chairperson Lampe seconded Mrs. Shea's viewpoint.

G. New Business: None

H. Adjournment:

Motion By: Pat Brown

Seconded By: Karla Shea

That the Board of Adjustment meeting be adjourned.

Yes: 3

No: 0

Absent: 2

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