

b) The Zoning Regulations State:

The proposed structure would encroach into the required 30-foot front-yard setback by approximately 17 feet. See Code of Ordinances Section 100.7.03.2.

c) Interested Property Owners:

There were no written or verbal comments from surrounding property owners.

d) Discussion:

Secretary Passmore briefly reviewed the front-yard variance request and stated there were no other variances requested. Mr. Passmore also described what is viewed as a structure per the code, and that the proposed shelter would be considered a structure requiring the necessary setbacks. Sally Schneider of St. Paul's Lutheran Church reviewed the request and stated that they are proposing an open structure without walls or a fully enclosed roof system. She mentioned that the shelter will blend nicely with the parkland across the street, not alter the character of the neighborhood and would not be a safety concern as it will sit in the middle of the block. The open structure will also accommodate any future flooding that could occur in the area and would be located over an existing concrete patio. The shelter would be used for their outdoor worship services or any other civic related potential uses. Mrs. Schneider stated that the proposed location is the only spot where a shelter could be located to take advantage of the established trees for shade, and that it is also within the very limited existing green space that they can use.

Member Foy clarified that this would be considered a front-yard because it is adjacent to the street right-of-way and looked at in the ordinance as an "other" permitted use. Member Brown confirmed that no permit was required for the existing concrete pad and that at-grade patios do not need to meet setback requirements. Mrs. Brown asked if any thought was given to placing a structure over the concrete pad when the concrete was originally placed. Mrs. Schneider stated that at the time the church was comfortable using a temporary tent to cover the area about once a month, but now the popularity of the outdoor services has grown to the point where they conduct outdoor services more often and it is becoming difficult to put up and take down the tent every time. Chairperson Lampe confirmed that the alley through the block was vacated and is part of the church property and that the roof of the structure would be a lattice type roof open to the sky. Al Hagen, member of St. Paul's, described the post and beam structure. Member Foy clarified that a majority of the entire structure would be within the setback area. Mr. Hagen stated that the concrete pad was placed in its location to take advantage of the shade and the view of Kohlmann Park, and that this structure would also utilize these amenities.

Member Gidley asked what options have been considered if a variance is not granted. Mrs. Schneider stated that they were not aware of any options due to the fact that they do not have a lot of space in which to place a structure. Mr. Foy clarified that the new fire station along 1st Street is in a different zoning district that does not have setbacks. Mr. Foy then stated that the Board is to follow a prescribed set of guidelines in order to grant a variance and one of those guidelines is if not granting the variance will place an undue hardship on the owner. He mentioned that this would be a great project, but that he views the church still able to use the property as desired without granting a variance. Hank Bagelmann, member of St. Paul's, stated that putting up the tent as often as now desired has become difficult and that it is not advisable to leave the tent up over long periods of time because the weather will cause damage. Mrs. Brown mentioned that she was having trouble with the request as the Board has denied variances for over a few inches for a structure that would be used every day versus a few times a month. Mrs. Schneider mentioned that she would consider the number of people that would use it at once, not the number of times it would be used. Mr. Gidley stated that he agreed with Mr. Foy and was having trouble seeing the justification for the variance. Dick Magnall, member of St. Paul's, confirmed that the existing garage on the property could be removed and replaced at some point in the future. Mr. Foy stated that per the variance guidelines, the Board has to look at the point that the owner may not create their own hardship and mentioned the original placement of the concrete pad.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Pat Brown

Move that a variance to allow the proposed structure to encroach into the front-yard setback approximately 17 feet for St. Paul's Lutheran Church be approved.

Yes: 0

No: 4

Absent: 1

Members stated their reasons for denial to be that a hardship was not established and that enforcing the ordinance would not deprive the use of the property.

E. Old Business:

- Secretary Passmore updated the Board on two previous variance requests. The approved variance for the new Carney Law Office has not been issued a permit yet and work has not started. The denied variance for the Green's addition has modified their plan to meet requirements and construction has started on the project.

F. New Business: None

G. Adjournment:

Motion By: Chris Foy

Seconded By: Vern Gidley

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

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