

plain shall have the concurrence or approval of the Iowa Department of Natural Resources. See Code of Ordinances Section 102.3.20 and Section 102.6.

c) *Interested Property Owners:*

Two neighboring property owners called city staff to ask about the nature of the project and did not express any reservations regarding the variance. There were no other interested property owners.

d) *Discussion:*

Mr. Chuck Todd with City Builders represented the Bakers and reviewed the request. He stated that they would not be increasing the amount of water displacement due to the way they construct their three season room on a deck. Member Foy confirmed that the only need for a variance is because of the size requirement. Mr. Todd mentioned that the existing deck that they are proposing to remove is 12' by 12', while the three season room that will be placed in the same location will be 12' by 14'. Member Shea asked if Secretary Passmore could review the floodplain code as to why a variance is required. Mr. Passmore first stated that all zoning codes are met by this proposed addition and so is the elevation requirement that calls for the floor to be 1-foot above the 100-year flood level elevation. He reviewed the floodway fringe requirements and the definition of a substantial improvement. The fact that the existing house has a basement that is not 1-foot above the 100-year flood level elevation makes the house a non-conforming structure. The proposed addition along with previous additions will place the square footage increase of the original floor area over the allowed 25% increase and classify the structure as substantially improved. The owner does not desire to eliminate or flood proof the basement therefore a variance is required. Mr. Passmore also reviewed the previous addition and the variance that was granted at that time.

The Board discussed the possibilities of flood proofing a basement and the calculation of the square footage of the structure. Mrs. Shea asked about the effect the recent floods have had on the house. Mr. John Baker stated that in 1993 they had some seepage into the basement and in 1999 they had water about waist deep in the basement. He also stated that the basement is not a finished basement. Member Brown clarified that if another 100-year event occurs, the proposed addition would not be effected. Mr. Foy stated that this request will have difficulty meeting the strict hardship guideline but that in looking at the intent of the code, this addition will not make the situation any worse versus leaving it the way it exists. Mr. Todd stated that they will actually have one less post than currently exists for the deck because of their design. The Board reviewed the purpose of the floodplain ordinance that attempts to minimize building expansion along the river. Mr. Todd restated that this addition will not violate this intention compared to what currently exists.

Secretary Passmore mentioned that the way the contractor intends to build the three season room is less floodplain intrusive than if a contractor were to build it with walls beneath the floor level. Chairperson Lampe confirmed that the stairs will come down on the west side of the three season room. Mrs. Brown stated that she also sees the intent of the code being maintained due to the post construction. Mr. Foy clarified that the entire house is in the 100-year floodplain. Mr. Passmore stated that including the proposed three season room, the monetary 50% increase allowed per the substantial improvement definition will not be violated. Mrs. Brown confirmed that if the Board grants the variance but the DNR denies the variance, the project will not occur. Mr. Passmore mentioned that the DNR will look upon the request with some different factors in mind, such as any potential increase in insurance claims.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Pat Brown

Move that a variance be approved to allow the proposed 12' x 14' enclosed house addition to be constructed in the Floodway Fringe District and further increase the nonconformance of the existing structure at 309 6th Avenue SE.

Yes: 3

No: 1

Absent: 1

The "No" vote was cast by Chairperson Lampe.

E. Old Business:

Member Brown commented on the appropriate rules of procedure when a board member needs to abstain from a particular vote. The Board discussed either having the abstainer sit out in the audience or actually wait outside the chambers until the next item of business. Consensus was that sitting outside the chambers was a better means to not influence the variance request in any aspect.

F. New Business:

Secretary Passmore confirmed that if there is a July 12th Board of Adjustment meeting, it will take place in the Civic Center.

G. Adjournment:

Motion By: Karla Shea

Seconded By: Chris Foy

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

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