

b) *The Zoning Regulations State:*

The proposed garage addition would protrude into the 10-foot side-yard setback requirement approximately 4'-10". See Code of Ordinances Section 100.6.03.2.b(6).

c) *Interested Property Owners:*

The property owner at 1110 12th Avenue NW, L. William Kehe, filed a written response objecting to the variance request. Mr. Kehe stated a reduction of potential clear space between structures and other available options as his main points of contention.

The neighboring property owner to the north at 1005 12th Street NW, Ed and Heidi Abben, signed their names to the applicant's request letter in support of the variance request.

There were no other written or verbal comments.

d) *Discussion:*

Tom Michel began the discussion by reviewing his proposed project. Mr. Michel stated their desire to add a 12-foot wide garage stall that would lessen the setback to the side property line from approximately 17 feet to 5 feet. He mentioned the neighboring residence most affected by the project is around 68 feet from the common property line. He stated that they looked at different options to accommodate their property but believed a variance to be the best alternative. He also stated that due to the property split in 1991, the adjacent property was given much more land, which placed their property in its current situation.

Member Foy confirmed with Secretary Passmore that the required setback for an accessory building is 5 feet. The Board reviewed the layout of the proposed project. Member Shea confirmed that this project would add a third stall to the garage. Member Brown asked about the possibility of building a detached garage in the back of their property. Mr. Michel explained that some trees would need to be removed, a drive created and that there would be some grade difficulties. Mr. Michel further stated that the current roof line of the existing garage did not readily allow for expansion to the rear and any expansion to the opposite side was undesirable.

Mrs. Shea reviewed the requirements of a hardship and stated that a hardship may not be created by the property owner. Mr. Michel explained that the property line that was drawn in 1991 created a hardship for the house. The Board discussed either the creation of an easement or the sale of property from the neighbor to accommodate the project. Mr. Michel stated that he did not feel this was a viable option with his neighbors.

The Board and Mr. Michel reviewed the history of the property and the construction of the existing homes. The division of the property in 1991 denotes that the lot of record ordinance that would allow a 5-foot side-yard does not apply. Members Gidley and Shea expressed the difficulty in proving a hardship not only for this case but in general. Mrs. Brown echoed the struggle in establishing the hardship in this case. Vice-Chairperson Lampe confirmed with Mr. Passmore that if a variance was granted, there would not be a problem with the driveway or any retaining walls.

Mr. Michel restated the problem with the creation of the north property line. Mr. Passmore reviewed the creation of the new parcel and the classification of the property per the zoning district.

e) *Motion by the Board:*

Motion By: Karla Shea

Seconded By: Pat Brown

Move that a variance to allow the proposed garage addition to extend into the side-yard setback requirement approximately 4'-10" at 1003 12th Street NW be approved.

Yes: 0

No: 4

Absent: 0

Member Foy abstained due to a conflict of interest.

Consensus from the Board for the unanimous "No" vote was that a hardship was not established.

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. Due to the resignation of the Chairperson in May of 2003, it is proposed to elect said chairperson and vice-chairperson for the remainder of the year. City staff is looking at revising this chapter and others similar to it in order to match the election process with the term dates.

Motion By: Chris Foy

Seconded By: Karla Shea

Move that Pete Lampe be elected as Chairperson of the Board of Adjustment for the 2003 term.

Yes: 4

No: 1

Absent: 0

Member Lampe voted "No", but accepted the position.

Motion By: Karla Shea

Seconded By: Pete Lampe

Move that Pat Brown be elected as Vice-Chairperson of the Board of Adjustment for the 2003 term.

Yes: 4

No: 0

Absent: 0

Member Brown abstained and accepted the position.

E. Old Business:

- The Board discussed the Planning and Zoning Commission's decision not to consider the rezoning of the new Subway building location. Secretary Passmore mentioned the Commission's concern over off-street parking requirements that exist in a C-2A district but not within a C-3 district and believed this area needed off-street parking.

F. New Business:

- The Board discussed the merits and method of when and how to abstain from a vote when a member has a conflict of interest.

G. Adjournment:

Motion By: Chris Foy

Seconded By: Karla Shea

That the Board of Adjustment meeting be adjourned.

Yes: 5

No: 0

Absent: 0

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.