

b) *The Zoning Regulations State:*

The proposed addition of a back deck would protrude into the 30-foot rear-yard setback requirement approximately 5 feet. See Code of Ordinances Section 100.6.03.2.b(5).

c) *Interested Property Owners:*

No written or verbal comments were submitted.

d) *Discussion:*

Darwin Stock began the discussion by reviewing his project of a rear deck. He thought the deck would compliment his yard well and said it would be constructed very well also. Mr. Stock believed the deck would not hurt anything while still leaving a good-sized backyard. He also stated that he has not received any negative comments from his neighbors and because of rear-yard fences the deck would not be visible for many of the neighbors.

Member Brown asked if Mr. Stock had any alternate plans if the variance was not granted. Mr. Stock said he did not have any alternate plans. Mrs. Brown asked about extending the deck further lengthwise instead of deeper. Mr. Stock responded that he would still have a 25-foot rear-yard and did not consider this option.

Chairperson Block explained that with only three members present, a unanimous vote would be required. Mr. Block offered the opportunity to bring this case back to the next meeting if so desired. Mr. Stock did not believe it was necessary to come back at a different meeting and asked to continue.

Mr. Block expressed that he sees this subdivision with shallow lots of 110 feet deep as a hardship that the owner did not create and that the approval of the subdivision created the hardship. Mrs. Brown confirmed that there was room for the deck to expand to the sides and not encroach on the side-yard setbacks. Member Shea explained the power of the Board and that a hardship must be shown for a variance to be granted. She added that it is very difficult for a deck to meet these variance guidelines. Mrs. Brown echoed Mrs. Shea's concern, especially for a newly constructed house.

e) *Motion by the Board:*

Motion By: Pat Brown

Seconded By: Karla Shea

Move that a variance to allow the proposed back deck to extend into the rear-yard setback requirement approximately 5 feet at 107 Eliassen Avenue be approved.

Yes: 1

No: 2

Absent: 2

The "No" votes were cast by Members Brown and Shea with reasons for their vote being that a substantial hardship was not proven.

F. Old Business:

- Vern and Donna Oberheu approached the Board regarding their variance request and appeal process. Mrs. Oberheu reviewed their appeal hearing at the City Council and believed it was the Council's opinion that a 20x24-foot garage would be acceptable. She explained that this size of a garage would still require a variance but only of 4 inches. Mrs. Oberheu explained that they were delayed in getting back to the Board due to some significant health problems. She further stated that she believed it to be a hardship to cut off 4 inches for the garage.

Secretary Passmore stated that the appeal process and timelines were all met until Donna's health problems arose and that if the Oberheus wished to continue the appeal process, it would be allowed. He further stated that this appeal could not be acted upon at this meeting because there was no prior knowledge of the Oberheus' desire to come to this meeting and the proper notices were not sent out.

The Board discussed the specifics of the case, but without any information in front of the members any decisions would have to be placed on hold. Mr. Passmore told the Oberheus that they would be in discussion to either resolve their questions or hold an official hearing at the next meeting to finalize the variance appeal process.

G. New Business:

- Review of the Multiple Item Zoning Ordinance Amendment.

Review and comments regarding the multiple item zoning ordinance amendment are welcome. The staff summary has been provided explaining the changes and detailing the time line.

Secretary Passmore reviewed the amendment and went through the changes in the accessory building code in greater detail. Mr. Passmore stated that the size of accessory buildings allowed would not change, only where the sizes are applied to in regards to the lot size.

Member Shea thought the changes were good and would enable the members to better justify any decisions made. Chairperson Block also saw these as needed changes to alleviate any confusion.

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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