

b) *The Zoning Regulations State:*

The proposed improvements would exceed 50% of the market value of the structure, classifying the project as a substantial improvement. See Code of Ordinances Section 102.6.02.

c) *Interested Property Owners:*

There were no written or verbal comments.

d) *Discussion:*

Randy Dillavou addressed the Board and described his proposed project. He stated that he has been running the business since 2001 and that the last substantial work that was done to the structure was probably in the 1960's. The work that he desires to do will dress up the appearance of the building, but will easily surpass 50% of the current market value of the structure. Mr. Dillavou stated that the shop consists mainly of a concrete floor, with tile only in the office, and that nothing would be damaged if water ever did get in the building. Member Foy and Secretary Passmore clarified the assessed value of the structure and even though a true market value was not established, the difference in the possible values becomes irrelevant when reviewing the proposed improvement value. Bob Cousin, contractor, mentioned that the 800 square foot accessory building is proposed to be demolished through this project and will not be replaced. Mr. Cousin stated that the floor elevation of the building is at the 100-year elevation instead of being one-foot above and that historically this building has not had water from floods. He further mentioned that the exterior wall around the bottom will be a cultured stone while the inside is all cement block, limiting any potential damage if flood waters got to the building.

Member Shea confirmed that the floodway appears to encroach into the property, but that the building is located in the floodway fringe district. Mr. Cousin confirmed that they were aware that even if a variance is approved by the City, the IDNR needs to review and approve the request. He further stated that this business is very visible along one of Waverly's main commercial roadways and this project would greatly enhance the entire appearance. Member Gidley confirmed that all utilities would be one-foot or more above the 100-year flood level. Mr. Passmore reviewed the floodplain ordinance as it applies to this project, the definition of substantial improvement, and the differences between the floodway and the floodway fringe. Mr. Dillavou confirmed per Mr. Foy that during the last few flood events the building did not receive any water and that if a foot of water did get into the building it would not cause any real damage.

Vice-Chairperson Brown reaffirmed that this project would improve the appearance of the building and removes an old structure near Bremer Avenue. Member Shea stated her concerns over possibly setting a precedent with this case and the number of other structures that could fall under this same requirement. Mr. Foy stated that he viewed this project as not really enlarging the non-conformance of the building, that the appearance of the building would be improved serving the public interest, that there would be no danger with the structure with the utilities elevated, and that the characteristics of the structure separate it from other properties and buildings. Mrs. Brown agreed with Mr. Foy and mentioned that she has received comments in the past regarding the property. Mr. Gidley stated that the intent of the floodplain ordinance to minimize flood damage is somewhat being accommodated for through this project and that this structure, being an auto shop with concrete floors that just need to be hosed down if flood waters ever get into the building, is going to be difficult to duplicate. Mrs. Shea agreed and acknowledged the uniqueness of the property and structure. Mr. Foy stated that this property is very distinctive, and that even though a hardship is difficult to prove, improvement of the building in any other way becomes extremely difficult.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Vern Gidley

Move that a variance to allow the proposed improvements to substantially improve the structure within the Floodway Fringe District without meeting the required elevation for 600 W. Bremer Ave. be approved.

Yes: 4

No: 0

Absent: 1

E. Old Business: None

F. New Business: None

G. Adjournment:

Motion By: Chris Foy

Seconded By: Karla Shea

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

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