

b) *The Zoning Regulations State:*

The proposed construction of the parking lot at the corner of 5th Avenue NW and 12th Street NW would protrude into the five-foot setback requirement by one foot, leaving a four-foot setback to the property line. Code of Ordinances Section 100.19.04.1 state that no part of any parking space shall be closer than five feet to any established street right-of-way or alley line.

c) *Interested Property Owners:*

No written or verbal comments were submitted.

d) *Discussion:*

John Wuertz represented Wartburg College and began the discussion. Mr. Wuertz explained that the parking lot has been in existence for many years and that the project was to curb & gutter and asphalt the lot. He believed that the project was a maintenance project and did not need a permit. The curb and gutter was placed before a permit application was completed. Mr. Wuertz reviewed the plot plan and stated that the parking lot could not be shifted any further north because of the dry run channel and that to narrow the lot width would reduce the number of parking stalls.

Member Shea asked about the parking around Wartburg. Mr. Wuertz stated that parking lots are often full on campus and that Wartburg does not desire to see any stalls lost. Vice-Chairperson Lampe asked how snow removal is accomplished on the lot. Mr. Wuertz explained that when the snow accumulates it must be then hauled away. Member Brown commented that she was disappointed that Wartburg started the work without a permit but saw it counterproductive to do anything about it at this point. Mr. Wuertz restated that he believed this project to be a maintenance issue. Secretary Passmore responded that the extent to which Wartburg was rebuilding the parking lot, it is viewed as either a new lot or a substantial improvement on an existing lot that would be required to meet current regulations. Mr. Passmore also made note that the City became aware of the project after the curb and gutter was poured. Mr. Wuertz concurred with this statement and further described that he then had to make a difficult decision as to whether or not to asphalt the lot. He went ahead with the asphalt so that the project would be completed before the students arrived on campus and decided to take his chances with the Board's decision. Member Foy confirmed that the one-foot encroachment occurs on both the west and south sides of the parking lot.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Karla Shea

Move that a variance to allow the Wartburg parking lot at the corner of 5th Avenue NW and 12th Street NW to extend into the setback by 1 foot be approved.

Yes: 4

No: 1

Absent: 0

Vice-Chairperson Lampe cast the "No" vote on the principal that this was an after-the-fact approval request.

2. Case #20010802, Timothy and Julie Gootee, 1807 5th Avenue NW

a) *The Applicant's Requested Zoning Variance:*

Timothy and Julie Gootee, Applicants, 1807 5th Avenue NW are requesting a variance to the zoning regulation governing minimum separation of an accessory building from the main building.

b) *The Zoning Regulations State:*

The proposed construction of a rear deck would protrude into the 10-foot separation requirement by approximately 4.2 feet. Currently the main structure is 8 feet from the accessory building but exists as a non-conforming building. The accessory building does not provide the required side-yard for the main building, as it is 1.9 feet from the property line. Code of Ordinances Section 100.4.06.1(b) states that accessory buildings closer than ten feet or less to a main building shall be considered a part of the main building and shall be provided with the side and rear yards required for the main building. Furthermore, Section 100.21.07.5 states that in R-1 and R-2 Districts, non-conforming buildings on lots of record can not further increase the non-conformance of the original building.

c) *Interested Property Owners:*

No written or verbal comments were submitted.

d) *Discussion:*

Timothy Gootee began the discussion by reviewing his project to add a deck in his rear yard. He stated that when his house was built over thirty years ago the current building codes were less stringent as to the placement of an accessory building. The door to access the proposed deck would be located on the edge of the deck and any deck being built to accommodate this door would be very difficult to meet the separation requirements. Mr. Gootee also mentioned that he had spoken to some of the surrounding residents and that they did not have any concerns.

The Board further reviewed the plot plan to confirm the location of the deck and any other options that would be available to accommodate access onto the deck. The Board also discussed the principles behind this specific code requirement, which involve fire considerations.

e) *Motion by the Board:*

Motion By: Pete Lampe

Seconded By: Chris Foy

Move that a variance to allow the proposed rear deck to extend into the accessory building separation requirement by approximately 4.2 feet and further increase the nonconformance of the building at 1807 5th Avenue NW be approved.

Yes: 5

No: 0

Absent: 0

3. Case #20010803, Brad Schmidt, 1725 3rd Avenue NW

a) *The Applicant's Requested Zoning Variance:*

Brad Schmidt, Applicant, 1725 3rd Avenue NW is requesting a variance to the zoning regulations governing the minimum side-yard setback for accessory buildings and governing the maximum total square footage allowed for accessory buildings.

b) *The Zoning Regulations State:*

The proposed construction of a garage would protrude into the required 5-foot side-yard setback by approximately 3 feet and would exceed the 720 square-foot total accessory building area allowed by 80 square-feet. Code of Ordinances Section 100.4.06.1(c) states that an accessory building more than ten feet from the main building shall have a minimum five-foot setback from side and rear lot lines. Furthermore, Section 100.4.06.1.d(1) states that the total area for accessory buildings shall not occupy more than 720 square feet.

c) *Interested Property Owners:*

No written or verbal comments were submitted.

d) *Discussion:*

Brad Schmidt began the discussion by explaining the project. He explained that to utilize the current driveway the new garage would need to be located where the old garage exists, and be only two feet from the property line. He also explained that his current 80-square-foot shed is being converted into a doghouse and that this shed is desired to be kept.

4. Case #20010804, Lyn and Chris Wedemeier, 303 4th Street SE

a) *The Applicant's Requested Zoning Variance:*

Lyn and Chris Wedemeier, Applicants, 303 4th Street SE are requesting a variance to the zoning regulation governing minimum front-yard setbacks.

b) *The Zoning Regulations State:*

The proposed construction of an egress window and pit would be placed 2.7 feet from the property line and would further increase the non-conformance of the original building on the lot of record. The majority of the house currently exists in the required 25-foot setback area. The single-family dwelling in the U-1 district is allowed to exist on existing lots of record as a permitted use. Code of Ordinances Section 100.18.05.2.b(4) states that the minimum required front-yard shall be 25 feet. Furthermore, Section 100.21.07.05 states that in R-1 and R-2 Districts, nonconforming buildings on lots of record can not further increase the nonconformance of the original building.

c) *Interested Property Owners:*

No written or verbal comments were submitted.

d) *Discussion:*

Lyn Wedemeier began the discussion by reviewing his project. He explained that he has looked at every possible solution to gain another bedroom in his basement and that this is the best option. Mr. Wedemeier stated that a portion of the front of the basement is crawl space while the back of the basement has his sewer line traveling approximately 5 feet high through it. There is a ravine in his backyard, which is likely why most of the entire house is located in the front-yard setback area. He stated that the egress pit would be located within the outside parameters of the house, but that any option that could be designed would likely require some type of a variance.

Vice-Chairperson Lampe asked if a railing would be placed around the pit. Mr. Wedemeier stated that he probably would put a railing up even though building codes would not require it in this case. The Board discussed the lot and lay of the land, along with the street that goes past as a legitimate hardship. Also discussed were the U-1 district requirements.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Pat Brown

Move that a variance to allow the proposed egress window and pit to extend into the front-yard setback requirement by approximately 22.3 feet and further increase the nonconformance of the building at 303 4th Street SE be approved.

Yes: 5

No: 0

Absent: 0

**Board of Adjustment Minutes
August 20, 2001**

F. Old Business: None

G. New Business: None

H. Adjournment:

Motion By: Pete Lampe

Seconded By: Karla Shea

That the Board of Adjustment meeting be adjourned.

Yes: 5

No: 0

Absent: 0

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