



*b) The Zoning Regulations State:*

The proposed garage addition would protrude into the 5-foot side-yard setback requirement approximately 3 feet. Code of Ordinances Section 100.4.06.1(c) states that an accessory building more than ten (10) feet from the main building shall have a minimum 5-foot setback from side and rear lot lines. Currently the existing garage is 2 feet from the property line but exists as a non-conforming building. Code of Ordinances 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:*

Richard John Kluitter began the discussion by reviewing his project. He stated that the extension of his garage is for additional storage space and will be built so that the garage continues to look uniform. Member Shea asked if there was anything specific about the lot that would not allow for a different type of addition to be considered. Mr. Kluitter responded that he did not believe anything specific existed. Vice-Chairperson Lampe asked about the waterway in the back yard. Secretary Passmore noted that the garage is approximately 80 feet from the waterway and is not a concern.

The Board discussed the other requirements for the garage verifying this was the only item to be in non-compliance. Mrs. Shea clarified that if the owner were to inset the garage the 3-feet, maintaining the required setback, this case would not need Board approval. Mr. Lampe asked Mr. Kluitter if he had talked to his neighbors about the project. Mr. Kluitter said that he had and that no opposition was voiced. Mrs. Shea commented that she is having trouble finding the hardship in this case and that the lot doesn't hold any unusual characteristics that force this addition to be placed as proposed. Chairperson Block added that when this garage was originally built, 2-feet was the setback requirement. Mr. Lampe confirmed with Mr. Kluitter that the addition will have a separate door and be closed off to the main garage. Member Foy affirmed what Mrs. Shea described and discussed other options that could be considered to gain additional garage space.

*e) Motion by the Board:*

Motion By: Pat Brown

Seconded By: Chris Foy

Move that a variance to allow the proposed garage addition to extend into the side-yard setback requirement approximately 3 feet and further increase the non-conformance of the accessory building at 1813 5<sup>th</sup> Avenue NW be approved.

Yes: 3                      No: 2                      Absent: 0

Member's Foy and Shea cast the "No" votes with the explanation that they did not feel a hardship or extenuating circumstances existed.

2. Case #20011002, Wartburg College, 222 9<sup>th</sup> Street NW

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

The applicant is requesting a variance to the zoning regulations governing minimum front-yard setbacks.

b) *The Zoning Regulations State:*

The proposed addition to the Becker Hall of Science would extend into the 30-foot front-yard setback requirement approximately 5.25 feet for the west front-yard and approximately 8.5 feet for the south front-yard. Code of Ordinances Section 100.8.03.2 state that for other permitted uses in the R-3 district there shall be a minimum yard frontage of 30 feet.

c) *Interested Property Owners:*

No written or verbal comments were submitted.

d) *Discussion:*

Secretary Passmore corrected the agenda as it pertained to the variance for the allowed height, and stated that the height variance is not required. The only variance that is required is for the front-yard setbacks. John Wuertz represented Wartburg College and introduced their architect James Baird from Holabird & Root. Mr. Wuertz explained that when they initially reviewed this expansion project they thought they were regulated by a 25-foot front-yard setback, similar to the rest of campus. Models and drawings were presented to the Board and Mr. Baird explained in detail the expansion project. Mr. Baird went through how the expansion was going to tie into the existing building and the desired function of the expansion.

Mr. Baird pointed out that when applying the 30-foot setback, part of the existing Science building would not conform and that the adjacent Communications building would also not meet this requirement. Mr. Baird also noted that the setback violation is created because they chose to round the proposed auditoriums instead of cutting them straight off to gain their best use of space. The Board discussed the floor plan with Mr. Baird to better understand the space needed for the classrooms and hallways.

Member Brown stated that even if the setback were 25 feet, a variance would still be required. Mr. Baird stated that if it was a 25-foot setback, he believed they could make the expansion project conform. Mrs. Brown asked if this was an issue of aesthetics or function. Mr. Baird believes this is a functional issue needed to achieve the desired project goals. He also stated that because of

the curved nature of the auditoriums, the visual effect of how far these buildings extend towards the right-of-way should be lessened to the naked eye. The Board and Secretary discussed the different front-yard setbacks for the different uses that are allowed in the R-3 district.

Member Foy stated that if a 25-foot setback would be considered, this would seem to be consistent with the rest of the campus. Vice-Chairperson Lampe agreed with Mr. Foy and asked Mr. Baird if they have or would consider moving the proposed structure back to meet a 25-foot setback. Mr. Baird responded that this could be accomplished without sacrificing the project. Mr. Baird and Mr. Wuertz officially amended their initial request, and proposed a variance request to encroach 5 feet into the 30-foot setback requirement.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Karla Shea

Move that a variance to allow the proposed addition to the Becker Hall of Science at Wartburg College to extend into the front-yard requirement approximately 5 feet for the west front-yard and approximately 5 feet for the south front-yard be approved.

Yes: 5

No: 0

Absent: 0

F. Old Business:

G. New Business:

H. Adjournment:

Motion By: Chris Foy

Seconded By: Pete Lampe

That the Board of Adjustment meeting be adjourned.

Yes: 5

No: 0

Absent: 0

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