

c) *Interested Property Owners:*

Secretary Passmore mentioned that he received a couple of inquiries regarding the request but that no objections were filed. Mr. James Haag of 1308 2nd Ave. SW expressed his opinions regarding a past variance request of his own and wanted to know if Mr. Schmidt would get a variance while his request was denied.

d) *Discussion:*

Secretary Passmore briefly reviewed the request and described the setback requirements for the corner lot. Mr. Passmore explained the lot of record requirements and how the rear-yard setback was calculated. Mr. Schmidt stated his request and offered to answer any questions. Chairperson Lampe confirmed with Mr. Schmidt that the existing breezeway was converted from a garage and that the proposed garage would be adjacent to the breezeway. Mr. Schmidt also stated that the existing 8-foot by 10-foot shed in the rear-yard would be removed once the new garage is built and that this shed is much too close to the property line. Vice-Chairperson Brown confirmed that the proposed garage would be in line with the back of the house once the shed is removed. Mr. Schmidt added that the angle of his property line creates the need for the rear-yard variance.

Member Shea asked if the garage could be moved forward to accommodate the rear-yard setback and Member Gidley asked if the garage could be rotated to meet the setback. Mr. Passmore responded that moving the garage too far to the front could violate the front-yard setback. Mrs. Brown confirmed that there is no garage currently on the property. The Board discussed different ways to align a garage on the property without requiring a variance. Mr. Gidley asked if it was impractical to cut into the existing breezeway to create the two-stall garage. Mr. Schmidt stated that he did not want to do that as the breezeway is his current laundry area as the house does not have a basement. The Board discussed the minimum size for a two-stall garage and agreed that the proposed location is the only viable place to build a garage. Mr. Gidley and Mrs. Shea both stated that the proof of hardship for this case is difficult considering the old garage that was converted into a breezeway or patio room. Mr. Schmidt stated that he just recently converted the old garage into the breezeway because it would not adequately fit his vehicles.

Mrs. Shea mentioned that by converting the existing garage first and then requesting a variance to build a new garage makes it difficult to grant a variance. Mrs. Brown stated that she did not have a problem with the request and the fact that the house does not have a basement and the old shed would be removed factors into her decision. Mr. Lampe stated that the owner converted the garage and in some ways contributed to his own hardship.

e) *Motion by the Board:*

Motion By: Pat Brown

Seconded By: Vern Gidley

Move that a variance to allow the proposed addition to encroach into the 11-foot rear-yard setback approximately 4 feet at 1316 2nd Avenue SW be approved, subject to the removal of the 8-foot by 10-foot shed in the rear-yard.

Yes: 1

No: 3

Absent: 1

Vice-Chairperson Brown voted "Yes".

2. Review of Case # 20051002, Timothy Fisher, 1916 4th Avenue NW.

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

The applicant is requesting a variance to the zoning regulations governing minimum accessory building separation from the main structure in residential districts containing lots of record.

b) *The Zoning Regulations State:*

The proposed house addition would encroach into the 10-foot accessory building separation requirement approximately 1 foot 4 inches. See Code of Ordinances Section 100.4.06.b and 100.21.07.5.

c) *Interested Property Owners:*

There were no written or verbal comments.

d) *Discussion:*

Secretary Passmore briefly reviewed the setback requirements and stated that the garage already exists too close to the house. Mr. Fisher reviewed his request and stated that he had considered another option that would place the addition even with the side of the house, but that would have required relocation of his utility lines. Aligning the addition to the side of the house would not have required a variance. Chairperson Lampe asked which utilities would potentially be conflicted. Mr. Fisher stated that both electric and cable would need to be moved. Mr. Lampe confirmed that the electric meter was on the back side of the house.

Member Gidley confirmed that the requested variance was really the second preferred option once the utilities were located. Mr. Gidley stated that the utility lines could be looked at as a hardship. Mr. Lampe confirmed that the stairway is not considered part of the deck as it is access to the house. Mr. Fisher stated that he does not want to come close to hitting the utility lines, which is why he is getting close to his garage. The Board discussed the potential locations of a rear addition and how it could fit onto the back of the house.

Mr. Lampe confirmed that the existing electric meter was actually located under the existing deck. Mr. Lampe then asked if the electric panel was planned to be upgraded. Mr. Fisher responded that they currently have a 100 Amp panel and were planning to upgrade to a 200 Amp panel as part of the project. Mr. Lampe stated that usually if you upgrade your panel, Waverly Light & Power will run a new electric line and not charge the owner any fees. Mr. Passmore asked if Mr. Fisher had talked to Waverly Light & Power and Mr. Fisher stated he had not done that yet. With respect to this information and the possibility to relocate the electric meter where it will not affect the project, the Board asked if Mr. Fisher would like time to investigate this option. Mr. Fisher stated that he would rather have his original plan that would not require a variance. He also stated the television cable lines are currently lying on top of his ground due to the recent Dry Run project that went through the back yards. All parties agreed to table the request until these items can be figured out, with the possibility that the owner may desire to withdraw his request entirely if things work out well.

e) *Motion by the Board:*

Motion By: Pat Brown

Seconded By: Vern Gidley

Move that a variance to allow the proposed addition to encroach into the 10-foot accessory building separation requirement approximately 1 foot 4 inches at 1916 4th Avenue NW be tabled.

Yes: 4

No: 0

Absent: 1

Secretary's Note: The owner withdrew the request; no further action required.

E. Old Business: None

F. New Business: None

G. Adjournment:

Motion By: Karla Shea

Seconded By: Vern Gidley

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

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