

b) The Zoning Regulations State:

The proposed addition would protrude into the 15-foot rear-yard setback approximately 6.2 feet. See Code of Ordinances Section 100.13A.04.2.a(2).

c) Interested Property Owners:

There were no written or verbal comments.

d) Discussion:

Secretary Passmore supplied an area map showing the zoning districts and the surrounding neighborhood. Mr. Robert Denny and his partner Mr. Kevin Loyd began by stating their case for a rear-yard variance. Mr. Denny described the project that would add space to the existing building by just extending the existing walls to the east. He stated that the addition will not be affecting the current line of sight from the alley and is not changing the existing building condition.

Vice-Chairperson Lampe asked about the intended use of the addition that would be next to the new Subway restaurant. Mr. Denny responded that this is for a potential new retail establishment or office space. Member Foy asked how the existing building was built with the current setback. Mr. Passmore mentioned that the C-2A district ordinance was created after the building was built. The zoning of the area at the time the building was constructed was found to be C-3, therefore being in conformance. The area was then rezoned after the C-2A district ordinance was created and thereby placed the existing structure into non-conformance.

Member Foy asked about where parking would be located. Mr. Denny responded that they would continue the existing parking lot in front of the building. Member Shea expressed confusion in regards to there not being an identified use and the potential to either alter the design of the rear building wall to meet the setback or add to the front of the building. Mr. Denny responded that the front parking layout would not flow very well, visual appearance would not be as nice and in the rear there could be a safety concern with vehicles in the alley. He also mentioned that to use the leftover space in the existing building, a modification of these types would not flow very well for the interior of the building.

The Board discussed some other options regarding parking and building layout, but no solutions were evident to better utilize the area. Member Brown stated that this would not be a large variation to the surrounding neighborhood as most buildings are on their lot lines. Mrs. Shea stated the difficulty in detailing a hardship for this case. Mr. Foy echoed this sentiment and added that if this parcel would not have been rezoned, this case would not exist.

Mrs. Brown asked Mr. Passmore for any recommendation on the issue. Mr. Passmore stated the difficulty in defining the hardship and that this was a tough decision. He also agreed with the safety concerns in the alley if the building were to be modified to meet the setback requirement. Mr. Lampe expressed his interest in having the Planning and Zoning Commission look at this area for potential rezoning in the future. Mrs. Brown stated her desire to see the building address posted somewhere visible on the building. Mr. Foy added that this case didn't meet the hardship definition as has been previously discussed, but due to other conditions and safety concerns he could justify granting the variance.

e) *Motion by the Board:*

Motion By: Pete Lampe

Seconded By: Chris Foy

Move that a variance allowing the proposed addition to extend into the rear-yard setback approximately 6.2 feet at 517 West Bremer Avenue be approved and that a recommendation be given to the Planning and Zoning Commission to look at the zoning on this property.

Yes: 5

No: 0

Absent: 0

(Secretary's note: This area will be brought to P&Z during the review of the Southwest quadrant)

F. Old Business:

Secretary Passmore updated the Board on the Vern and Donna Oberheu case and that a permit was issued for a conforming accessory building.

G. New Business:

H. Adjournment:

Motion By: Karla Shea

Seconded By: Pete Lampe

That the Board of Adjustment meeting be adjourned.

Yes: 5

No: 0

Absent: 0

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