

The proposed building is required to meet a 50 foot front-yard setback from the north property line. See Code of Ordinances Section 100.5.03 (b).

Chairperson Lampe opened the public hearing. There being no one from the audience wishing to speak and no written comments, the public meeting was closed.

Tab Ray, Leisure Services Director outlined the request for the variance. The hardship is this location would be consistent with the other buildings adjacent to the proposed site and would not be a distraction from funeral services. This building would fulfill a public need to store equipment and soils for winter burials. The other alternative locations include to the south on a hill next to the crypt, west of the main entrance to the cemetery and would give poor views to the cemetery. Mr. Ray presented five pictures of the north end of the cemetery showing the proposed building site and sites looked at at this end of the cemetery. Craig Mehmen, Cemetery Supervisor, confirmed for Chairperson Lampe the fencing currently in place would be removed and the area would be cleared to make room for the proposed building set back at 35 feet. There is a fence depicted on the proposed site plan from the south right-of-way side of 8th Ave. SE to the cemetery road and Mr. Mehmen further confirmed the proposed fencing would screen the building from 8th Ave. SE traffic. Secretary Kohout confirmed for member Shea the current office is situated 22 feet from the south right-of-way and 34 feet from the curb and the proposed building would be situated behind the office setback. Member Charlson referenced an aerial Waverly photo and a triangular piece of property situated adjacent to the future 10th Ave. SE right-of-way area that is included on the south side of the current cemetery limits. Mr. Charlson confirmed with Mr. Ray a service area situated on the south side of the cemetery area on said triangular lot has been looked at but the centralized area currently being utilized shown on the site plan would allow for better access and creating a new access area would not fulfill any needs. Mr. Mehmen confirmed for Mr. Charlson the proposed site plan is the best option and fulfills a need for servicing the cemetery and allows for staff to go from the service buildings to the office to respond to phone calls and the public seeking answers to questions.

Mr. Charlson stated his opposition to the request due to the request is for a city structure and due to the option of looking at conceptual models of future building locations due to proximity and an apparent opportunity to locate buildings in a sheltered area, away from the existing residences on the north and east sides of the cemetery. Mr. Ray confirmed a study has been looked at and the cemetery plan is to allow the current site plan location to remain due to the visibility from 8th Ave. SE as it relates to the site being visible and may present a situation for a decrease in non-visible vandalism and other security.

Ms. Shea confirmed for Mr. Ray the submitted request outlines the desire for this site plan to be more aesthetically pleasing and it is a mere convenience and outlined similar past requests do not meet the hardship criterion. Ms. Shea further confirmed for Mr. Ray the submitted request does not meet the public need and the request is a public desire that is not being met.

Mr. Kohout confirmed for the Board that mailings were sent out to property owners within 250 feet. Mr. Mehmen indicated residents have approached him after receiving the letters and indicated their approval of the proposed site plan. Mr. Kohout confirmed for the Board that no negative responses were received from the public.

Mr. Lampe confirmed with Mr. Kohout there are two sections outlined in the A-1 zoning district which outline setbacks. Mr. Kohout outlined for the Board the code language used in both sections and explained the more restrictive 50 foot front yard setback was chosen for the proposed accessory use due to the lack of specificity outlined in 100.5.03.3. Mr. Kohout further outlined the requested 35 feet setback exceeds the outlined setbacks required for a collector street, set at 25 feet and confirmed 8th Ave. SE is considered a collector street shown on the Waverly Comprehensive Land Use Plan. Mr. Lampe confirmed with Mr. Kohout the Board has the power to interpret the code differently than the city official's determination and overrule the decision. He further confirmed with Mr. Kohout should it be determined after the City Attorney reviews the code, the requested setback does not need a variance, it will be approved.

Motion By: Shea

Seconded By: Charlson

Move that the request be tabled while an interpretation of the setback requirements outlined in the A-1 zoning district for the subject property be completed by the City Attorney. If there is no variance needed due to the Code allowing the proposed building placement at 35 feet from the south right-of-way of 8th Ave. SE, the request for a variance shall be null and void. If another meeting is required a special meeting to hear the request shall be convened in accordance with State and City Code ahead of the next regularly scheduled meeting.

Yes: 5

No: 0

Absent: 0

E. Old Business:

None

F. New Business:

None

G. Adjournment:

Motion By: Shea

Seconded By: Gidley

That the Board of Adjustment meeting be adjourned.

Yes: 5

No: 0

Absent: 0