

ZONING BOARD OF APPEALS MINUTES OF JUNE 10, 2014

Meeting called to order by Chairperson Gerl at 5:00 p.m. in the 1st Floor Conference Room, Suite 108, City Hall Plaza.

PRESENT: Ken Bargender, Ed Gerl, Richard Kenyon, Robert Lewerenz, Dean Markwardt and 1st Alternate Todd Zieglmeier

ALSO PRESENT: City Planner Miller, Zoning Administrator Schroeder, Deputy Clerk Panzer, Scott Boson, Anthony Miller, John Nelson and Carl Hamann

ABSENT:

ZB14-011 Motion by Markwardt, second by Kenyon to approve the minutes of May 13, 2014 as submitted.

Motion carried

Deputy Clerk read the variance request from Nelson-Jameson, for property located at 1510 South Anton Avenue, zoned "GI" General Industrial District, for a 25 foot variance, to construct a warehouse addition at a front yard setback of 25 feet from the Anton Avenue right-of-way. Section 18-40(7) requires a minimum front yard setback of 50 feet.

Background

Nelson-Jameson is requesting a 25 foot variance along the east property line to construct a needed warehouse addition, located at 1510 South Anton Avenue, zoned "GI" General Industrial District.

The original building on this site, constructed in 2002, was just over 20,000 square feet. In 2013 Nelson Jameson constructed a 20,280 square foot addition. The existing number of loading docks and warehouse size, including the 2013 addition, became insufficient due to unanticipated rapid business growth. The newly proposed addition will have an additional 6 loading docks and an additional area of 10,884 square feet. Given the layout and orientation of the existing building, there is no other feasible location to place the needed loading docks on the property and still be able to meet the required setbacks.

The existing building stretches over two lots. The lots are owned by separate LLC's but the building functions as one operation. The portion of the building that is located on the adjacent lot to the north supplies a majority of the parking and office space and is the front entrance into the building with some warehouse space. The north portion of the building meets the required front yard setbacks off of East 5th Street and South Anton Avenue (50 foot required setback). The south portion of the building is primarily warehouse and loading space.

If the lots were combined, South Anton Avenue would be treated as a street side yard and the proposed addition would meet the minimum 25' street side yard setback requirements. This would be a reasonable treatment of the setbacks as the buildings are connected and are part of a single operation. The only difference is the property line separating the two main portions of the building. At this time it is not feasible to combine the parcels as it is technically owned by two separate companies. Because they are two separate lots, the zoning code requires that the Anton Avenue frontage be treated as a front yard, which requires a 50 foot setback.

If the properties were ever to be sold to different operations, the connection corridor would have to be removed and the buildings would stand alone. An approved variance would still be effective for the south portion of the building if it were ever to be split. If the property were to be combined in the future, the variance, while still in effect, would not be necessary as the Anton Avenue right-of-way would then become the street side yard, which has a setback of only 25 feet.

The City Engineer reviewed the proposed access widening as well as the locations for the trucks backed up to the docks and did not see an issue with the proposal.

City Planner's statement of facts regarding the variance request:

1. The property is located at 1510 South Anton Avenue.
2. The property is zoned "GI" General Industrial District.
3. The property has 334 feet of frontage along South Anton Avenue and is 126,920 square feet in area (2.9 acres).
4. The property meets the minimum lot size and width requirements of the "GI" General Industrial District.
5. Section 18-40(7) requires a minimum front setback of 50 feet from the right-of-way in the "GI" General Industrial District.
6. The proposed setback is 25', which requires a variance of 25'.
7. The proposed addition will impede into the required setback for approximately 93'.
8. The proposed addition is for a warehouse addition to the east of the existing building.
9. The existing building is connected to the principal building on the abutting lot to the north.
10. The buildings are connected by a 20 foot wide temporary walkway.
11. The portion of the building located on the north parcel, which has customer parking and the front offices, meets the minimum front yard setback of 50' on East 5th Street and South Anton Avenue.

Variance Criteria (Section 18-165(6)(a))

(How will the variance not be contrary to the public interest?) *The configuration of the existing structure currently places the façade of the building in excess of 125' from the right-of-way. If this variance is granted, the reduced width of setback will comprise less than 1/3 of the lot width. The overall spatial volume between the building and right-of-way will still be far greater than if the entire structure was located with its façade at the allowable building setback of 50'.*

(Will substantial justice be done by granting the variance?) *If this variance is granted the average setback between the existing and new building facades and the right-of-way will be 93'. This should provide sufficient visual relief to prevent any negative impact from the 25' reduction for a distance of less than 100'.*

(Is the variance needed so that the spirit of the ordinance is observed?) *The spirit of the ordinance is to provide sufficient clearances between the right-of-way and adjacent properties to provide visual open areas and avoid overcrowding between adjacent properties. Although ownership of this site and the property immediately to the north is two different entities, these two properties function as one operation. The north property fronts on 5th Street and therefore has its front setback on 5th Street. This property, although singular in operation has its front setback on Anton Avenue due to its different ownership.*

(Due to special conditions, will a literal enforcement of the provisions of the zoning ordinance result in unnecessary hardship?) *The available width of the dock face is determined by the location of the building setback line. Literal enforcement of the 50' setback requirements will eliminate 2 doors and reduce the ability to ship out product by 33%. This reduction will create a hardship as it will limit overall productivity of the facility.*

ZB14-012 Motion by Lewerenz, second by Kenyon to grant the variance request from Nelson-Jameson for a 25 foot variance at 1510 South Anton Avenue to construct a warehouse addition at a front yard setback of 25 feet from the Anton Avenue right-of-way.

Motion carried

Motion by Kenyon, second by Lewerenz to adjourn at 5:08 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk