ZONING BOARD OF APPEALS MINUTES OF JULY 13, 2004

Meeting called to order by Chairman Zimmermann at 4:45 p.m. in the Executive Conference Room, City Hall Plaza.

PRESENT: Harry Blackwood, Dean Markwardt, Wallace Reek and Karl Zimmermann

ABSENT: Don Wink

Also Present: Planner/Zoning Administrator Curtiss, Mike Behling, Tim & Sue Ann Matti

Reek nominated Zimmermann as Chairman.

<u>ZB04-011</u> Motion by Reek, second by Markwardt to close nominations and cast a unanimous ballot for Zimmerman as Chairman. All Ayes.

Motion carried

Reek nominated Blackwood as Vice Chairman.

ZB04-012 Motion by Reek, second by Markwardt to close nominations and cast a unanimous ballot for Blackwood as Vice Chairman. All Ayes.

Motion carried

Planner/Zoning Administrator read the request from Tim and Sue Ann Matti to construct a 28' x 32' garage at 1112 S. Cedar Avenue in the 'R-6' Medium High Density Residential District. Sections 18-04(2)(a) & (f) of the Municipal Code require that accessory structures neither exceed the ground floor area of the residence nor exceed 19' in height. Applicants request a 116 sq. ft. size variance and a 3 ft. height variance in order to build a detached garage which is 896 sq. ft. in size and 22' in height.

Planner/Zoning Administrator Curtiss stated that in February 2001, the zoning code was amended to increase height limitations for accessory structures to 19 feet. She cautioned the board against granting a variance to this section of the code, as it was previously amended to address general nature and recurrent requests related to height restrictions for accessory structures.

ZB04-013 Motion by Reek, second by Markwardt to grant a 116 sq. ft. size variance and a 3 ft. height variance in order to build a detached garage which is 896 sq. ft. in size and 22' in height. All Ayes.

Motion carried

The Zoning Board of Appeals considered the following issues in granting these variances.

- 1. No additional accessory structures are located on the lot.
- 2. Corner vision at the street should not be a concern. The proposed garage is located in the rear yard of the property.
- 3. This is a sizeable variance request; however, as the home is only 780-sq. ft. the applicant is restricted to this size. Most often, other properties with larger homes in the 'R-6' district would be allowed a garage of this size without a variance.
- 4. The proposed height of garage at proposed location on lot would not appear to block views of adjacent properties.
- 5. Applicant indicates that proposed size and height of garage would allow for reasonable storage of multiple items and "fit-in" with height and design of home which is 27' in height.
- 6. The proposed garage meets other zoning ordinance setback requirements.

7. Neighbors have been notified of this request. To date, there have been no objections to this variance request.

Planner/Zoning Administrator read the request from Woodstock Construction for variances for a detached garage constructed at 1110 W. Arlington Street in the 'R-3' Standard Single Family Residential District. Sections 18-04(2)(b) & (d) of the Municipal Code require detached accessory structures be setback a minimum of 3 ft. from side lot lines and distant at least 6 ft. from the principal structure. Applicant is requesting variances to allow the garage 2'-9 1/2" from the side lot line and 5'-9 1/2" from the residence.

Planner/Zoning Administrator Curtiss presented a statement of facts regarding the variance requests.

<u>ZB04-014</u> Motion by Markwardt, second by Blackwood to grant variances to allow the garage 2'-9 1/2" from the side lot line and 5'-9 1/2" from the residence. All Ayes.

Motion carried

The Zoning Board of Appeals considered the following issues in granting these variances.

- 1. The applicant indicates that the new garage was built on the foundation of the old garage that had been located on the property for over 50 years. The old garage, more than likely, was a pre-existing nonconforming structure for required setbacks. The zoning code requires that when a non-conforming structure is destroyed, it shall not be reconstructed except in conformity with requirements.
- 2. This is a minimal variance request of only a matter of inches.

Discussion was held on voting requirements.

Motion by Markwardt, second by Blackwood to adjourn at 5:25 p.m.

Motion carried

Bonnie Curtiss Planner/Zoning Administrator

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