

ZONING BOARD OF APPEALS MINUTES OF NOVEMBER 9, 2004

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

PRESENT: Harry Blackwood, Don Wink, Karl Zimmermann, 1st Alternate Marvin Duerr and 2nd Alternate Jim Asplin

EXCUSED: Dean Markwardt and Wallace Reek

Also Present: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer, Jodi Chojnacki, Linda Daly-O'Neill, Dermot O'Neill and William R. Koran

Deputy Clerk read the variance request from Joe & Jodi Chojnacki to construct a new 19' x 32' detached garage located at 609 W. 5th Street, in the 'R-6' Medium High Density Residential District. Section 18-04 (2)(b) of the Municipal Code requires a minimum 6' separation distance between detached accessory buildings and the principal structure. Applicant requests a 2'4" variance in order to build the new garage 3'8" from the existing home on the lot.

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

ZB04-024 Motion by Duerr, second by Asplin to grant a 2'4" variance in order to build the new garage 3'8" from the existing home on the lot. All Ayes.

Motion carried

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

1. The existing detached garage has been at its present location for over 70 years. It also sets closer to the home than allowed by code, but is 'grandfathered.'
2. The placement of the new garage in the same location, while it will not meet the minimum distance separation, will comply with the requirement for a minimum 3' side yard setback from the west lot line.
3. The new garage is only .5' wider than the existing garage and will set that much closer to the home than the old structure. The applicants propose to construct a firewall on the east side of the new detached garage to address any fire code issues.
4. The applicants have tried to negotiate with the neighbor to the west to purchase some additional property so the garage could be built in conformance with the code. The neighbor, however, does not wish to sell at this time.
5. Neighbors have been notified of this request. To date, there have not been any comments or objections from the surrounding neighbors.

Deputy Clerk read the variance request from Dermot A. O'Neill to structurally attach the existing garage to the dwelling located at 1007 W. 6th Street in the 'R-2' Large Lot Single Family Residential District. Section 18-04 (2)(g) of the Municipal Code requires that attached accessory buildings conform to the setback regulations applicable to main buildings. Section 18-62 (3)(f) requires a 25' rear yard setback for dwellings. Applicant requests a 14.5' rear setback variance in order to attach the garage to the home, where the garage portion is 10.5' from the rear lot line.

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

ZB04-025 Motion by Asplin, second by Blackwood to grant a 14.5' rear setback variance in order to attach the garage to the home, where the garage portion is 10.5' from the rear lot line. All Ayes.

Motion carried

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

1. The applicant states that 'safety' is the primary reason for the proposed construction.
2. The garage is existing and setback 10.5' from the rear lot line, built at almost 3 times the required setback for detached structures.
3. Even though the variance request is substantial (over half the required setback), the granting of the variance should not impact the adjacent neighbors as the placement and function of the structure will remain the same. Even though the construction will technically 'attach' the garage to the home, the two buildings will appear and function as two distinct separate structures.
4. Neighbors have been notified of this request. To date, there have not been any objections from the surrounding neighbors. Letters of support were received from Marilyn Hardacre and Torry Cobb.

Deputy Clerk read the variance request from William R. Koran to construct a 22'-high detached garage at 615 S. Washington Avenue, in the 'R-4' Low Density Single and Two-Family Residential District. Section 18-04(2)(f) of the Municipal Code requires that detached accessory structures not exceed 19' in height. Applicant requests a 3ft-height variance to complete the garage as proposed.

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

ZB04-026 Motion by Duerr, second by Wink to grant a 3 ft-height variance to complete the garages as proposed. All Ayes.

Motion carried

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

1. The proposed height of the garage would be more consistent with the height of the home on the lot.
2. The increase in height would not impact any residential neighbors, as the home is the only residence on the east side of the block.
3. The garage meets all other Zoning Ordinance requirements and setbacks.
4. Neighbors have been notified of this request. To date, there have not been any comments from the surrounding neighbors.
5. This variance request, if approved, would allow an accessory structure to exceed the Zoning Ordinance's recently increased height limitations (February 2001). However, in this particular case, granting of the variance would not be detrimental to any neighbors nor would it impair a general purpose of the zoning ordinance for securing adequate light.

Motion by Duerr, second by Blackwood to adjourn at 4:56 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk