

ZONING BOARD OF APPEALS MINUTES OF FEBRUARY 8, 2005

Meeting called to order by Chairman Zimmermann at 4:54 p.m. in the Executive Conference Room, City Hall Plaza.

PRESENT: Harry Blackwood, Don Wink, Karl Zimmermann and 1st Alternate Marvin Duerr

EXCUSED: Wallace Reek

ABSENT: Dean Markwardt

Also Present: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer and Linden Nelson

Deputy Clerk read the variance request from Linden Nelson to construct an addition to the existing detached garage at 1801 W. 5th Street, in the 'R-2' Large Lot Single-Family District. Section 18-04 (2)(c) of the Municipal Code limits accessory structures in the front yard areas to the minimum front yard setback of the zoning district. Section 18-62(3)(f) requires a 30' front yard setback along Birch Avenue. Applicant requests a 18' front yard variance in order to build the garage addition at 12' from the Birch Avenue right-of-way.

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

ZB05-01 Motion by Duerr, second by Blackwood to grant a 18' front yard variance in order to build the garage addition at 12' from the Birch Avenue right-of-way. All Ayes.

Motion carried

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

1. This existing detached garage has been at its present location for over 50 years. It also sets closer to the front lot line on Birch Avenue than allowed by current code, but is preexisting, nonconforming or 'grandfathered.' No nonconforming structure may be enlarged or altered which increases its nonconformity except as permitted by the Zoning Board of Appeals. The 'increase in the nonconformity' is the additional encroachment into the required front yard area.
2. The proposed construction will not require additional variances. The new addition and the existing structure exceed the minimum side and rear yard setbacks. The accessory structures on the property would total 1016-sq. ft., still under the 1200 sq. ft. allowed in an 'R-2' district.
3. This is a substantial variance request, over half of the required setback. Typically, the Planner/Zoning Administrator cautions against granting variances that would place a structure much closer to a road right-of-way than code allows. However, the existing garage is already located only 10' from the Birch Avenue right-of-way.
4. Birch Avenue, as extended into the new Daniel's Addition subdivision, is designed at a local street standard with a 60' right-of-way. The need for additional right-of-way based on the function of the street is very unlikely.
5. The new garage addition, with a setback of 12', should not interfere with the minimum corner vision triangle required at the driveway/street intersection.
6. Applicant notes there is no other access to the property that works for a garage and wishes to use the existing access drive on Birch Avenue and add onto the existing structure instead of building a separate garage and driveway.
7. This addition should not disrupt any continuous appearance with adjoining lots to the north. The north end of the property is buffered by a tree line, allowing transition into the new subdivision and development patterns based on setback restrictions under 'R-3' zoning.

8. Neighbors have been notified of the request. To date, there have not been any objections from the surrounding neighbors. A letter in support of the variance request was received from James V. Zoellner of 1710 West 5th Street.

Motion by Duerr, second by Blackwood to adjourn at 5:03 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk