

ZONING BOARD OF APPEALS MINUTES OF MAY 10, 2005

Meeting called to order by Vice Chairman Blackwood at 4:46 p.m. in the Executive Conference Room, City Hall Plaza.

PRESENT: Harry Blackwood, Dean Markwardt, Wallace Reek, Don Wink and 1st Alternate Marvin Duerr

EXCUSED: Karl Zimmermann

Also Present: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer, Robert Obermeier, Scott Wagner, James Rakovec and Gene O. Loos

Wink nominated Zimmermann as Chairman.

ZB05-07 Motion by Markwardt, second by Reek to close nominations and cast a unanimous ballot for Karl Zimmermann as Chairman. All Ayes.

Motion carried

Blackwood nominated Reek as Vice Chairman.

ZB05-08 Motion by Markwardt, second by Wink to close nominations and cast a unanimous ballot for Wallace Reek as Vice Chairman. All Ayes.

Motion carried

Deputy Clerk read the variance request from Robert Obermeier to construct a 24' x 24' detached garage on the corner lot at 414 West Blodgett Street, in the 'R-5' Medium Low Density Single and Two-Family Residential District. Section 18-04(2)(e) requires a minimum 17' setback for accessory structures on corner lots that are 44' or less in width. Applicant requests a 4-ft setback variance in order to build the garage 13' from the Pine Avenue frontage.

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

Mr. Obermeier pointed out that the only reason for facing the proposed garage to the north is because if the garage faces Pine Avenue and if he leaves his car out it will be in the sidewalk all the time. He stated that his neighbor has a spot that he can park his car in between the house and the garage and that is why his neighbor has his garage facing Pine Avenue.

Duerr stated that the applicant's house actually sits closer to the existing right-of-way than the proposed garage will. The house is already there, so the garage will be farther back than the house.

ZB05-09 Motion by Duerr, second by Wink to grant a 4-ft setback variance in order to build the garage 13' from the Pine Avenue frontage. All Ayes.

Motion carried

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

1. The lot is only 40' wide and it is also a corner lot. Without a variance, it would be difficult to develop anything on that lot.

2. This is the minimum variance request necessary to allow a standard two-car garage on the lot. A 24' x 24' size is a standard two-car garage.
3. The garage entrance will face north. Access and parking are proposed between the house and the garage. The layout of the garage and the proposed parking apron would provide adequate off-street parking in addition to preventing any parking or encroachment or extension of a vehicle over the sidewalk and into the right-of-way which you might end up with if you were to design it differently.
4. No additional variances are required for the proposed garage. The site plan demonstrates compliance with other setback, separation, and size requirements for accessory structures.
5. A similar variance was granted for a similar 2-stall garage on the abutting 40-ft wide lot to the south.

Deputy Clerk read the variance request from James Rakovec to construct/expand a concrete driveway at 1110 West 17th Street, in the 'R-2' Large Lot Single Family Residential District. Section 18-04(10)(a) of the Municipal Code requires a minimum 3' setback for driveways. Applicant is requesting a 1.5' variance to install the driveway 1.5' from his west lot line.

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

Mr. Loos stated that he has no problem with this variance request.

Markwardt asked for an explanation of a maintenance setback.

Curtiss explained that a maintenance setback is snow removal, drainage and any other aspects relating to the pavement itself (repair of the paved areas). Maintenance of that as repairs would be necessary. She stated that this was inserted in the code about 10 years ago.

Duerr pointed out that if you are sitting on a lot line it is awful difficult to get rid of your snow.

Mr. Loos said that it was ok for Mr. Rakovec to blow his snow to the west towards his house. There is 13' there and that won't be a problem. He said that he and Mr. Rakovec can take care of the drainage and Mr. Rakovec can do the snow however he wants to.

Duerr stated that he looked at the property and the property is laid out exactly the same way the map is. When they put that driveway in, it will actually make a nice natural drain right straight down. He mentioned that he heard the two gentlemen discussing that they were going to put drain tile in, so it will work out.

Mr. Loos said that they have drain tile to the back now.

Planner/Zoning Administrator Curtiss pointed out that in regards to the six conditions necessary to obtain a variance, it is hard to apply those standards to a specific situation that is inserted within a code for something like a driveway, for a maintenance purpose as to opposed to another developed aspect of property such as a building or a structure.

Wink questioned what would happen if any one of these two properties sell? Would there be a problem potentially down the line?

Planner/Zoning Administrator Curtiss replied that a variance runs with the land. Once it is approved, it is approved.

Mr. Rakovec feels that this will make the drainage better. The water now comes from the west through Gene's yard to my yard to the next. There is no stopping water flow. It is just kind of a natural ditch in there. With cement there maybe we can stop some of that flow.

ZB05-10 Motion by Markwardt, second by Blackwood to grant a 1.5' variance to install the driveway 1.5' from the west lot line. All Ayes.

Motion carried

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

1. There is questionable compliance with all six conditions necessary to obtain a variance as specified in Section 18-35(2) of the Municipal Code.
2. The driveway is 11-ft wide at the point where the drive extends past the house.
3. The minimum width for a driveway in the code is 8-ft.
4. The distance between the house and the west lot line is 12.5'.
5. The minimum 3-ft side setback for driveways is required in the code as a 'maintenance setback'.
6. The applicant indicates in his letter that he will work with his neighbor to maintain drainage between the lots.
7. The neighbor that would be most impacted by the variance request has submitted a letter of 'no objection'.

Motion by Duerr, second by Markwardt to adjourn at 5:01 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk