SPECIAL ZONING BOARD OF APPEALS MINUTES OF SEPTEMBER 20, 2005

Meeting called to order by Chairman Zimmermann at 4:46 p.m. in the Executive Conference Room, City Hall Plaza.
PRESENT: Harry Blackwood, Dean Markwardt, Wallace Reek, Don Wink and Karl Zimmermann
Also Present: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer, Ruth Egerer, Joe Stolarczyk, Jo Ann Regele, Joe Stolarczyk and Mayor Meyers (arrived at 4:47 p.m.)

Deputy Clerk read the variance request from Jo Ann M. Regele for an 8' x 12' entry platform constructed at 208 E. 3rd Street, zoned 'R-6' Medium High Density Residential District. Section 18-62(7)(f) requires a minimum 25' front yard setback. The applicant requests a 12' front yard setback variance from E. 3rd Street.

Mayor Meyers arrived at 4:47 p.m.

Jo Ann Regele explained why she didn't get a building permit for the entry platform. Everything happened so fast. Her brothers designed the platform; they bought the materials and started building it. They planned on making it a weekend project. She mentioned that when she went in to get a permit for her roof earlier she was told that she didn't need a permit, so when it came to the platform she didn't even think about it because it was going to cost much less than the roof.

Joe Stolarczyk, applicant's brother, stated that up to that point, she had every permit that was needed or required. They have been trying to beautify the yard and make it safer. The steps that were there were very unsafe.

Markwardt questioned if there was going to be a roof on the porch.

Joe Stolarczyk indicated that there might be a clear louver thing just to keep the rain off but nothing will be shingled structure wise. Whatever they decide to do will match the pergola.

Planner/Zoning Administrator Curtiss explained the code requirements and limits. The reason a variance is required is because what was replaced is larger and a little bit more than just an entry platform. We may want to look at changing the code as more and more variance requests come before the Zoning Board of Appeals. It seems that more people want to build decks on the front as opposed to just an entryway.

Mayor Meyers indicated that on the Assessor's page for this particular property, there are 6 or 8 building permits that have been taken out in the last three or four years. Obviously, she has tried very hard to work with the system in the City. He feels that the entry platform compliments the home.

Markwardt expressed his continuing concern of variance requests coming to the Zoning Board of Appeals after the fact. He asked if it was possible for the City to advertise the necessity for permits more broadly. He feels that some way we need to prevent these things from happening.

Discussion took place on ways in which the City might be able to educate the public. Some suggestions were to use the news-paper, the Public Access Channel through the City Government series that Don Nystrom is working on or creating detailed pamphlets.

ZB05-27 Motion by Wink, second by Blackwood to grant a 12' front yard setback variance from E. 3rd Street. 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. Construction was started on the platform structure without a permit.
3. The new platform structure is 8’ wide and 12’ long.
4. The front of the house sets 25’ from E. 3rd Street.
5. Section 18-04(5)(m) allows entry platforms and steps to project into required yard areas of residential districts, but no more than five feet. The old platform, a typical 4’ x 4’ w/steps, was excepted under this provision.
6. Existing porches and steps may be replaced for required building exit, if the size is not enlarged. This allows a pre-existing, porch or platform to be replaced to the exact size if in need of structural repairs.
7. The new platform structure is larger than the pre-existing one, projects 12’ into the required front yard setback and does not qualify for the above exceptions.
8. The averaging clause of Section 18-04(5)(g) does not benefit this property to allow for a reduced setback. The homes on the two nearest lots to the lot in question are at roughly the same 25’ setback.
9. Public notice has been published. Neighbors have been notified.

Motion by Reek, second by Blackwood to adjourn at 5:04 p.m.
Motion carried

Lori A. Panzer
Deputy City Clerk

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