

ZONING BOARD OF APPEALS MINUTES OF OCTOBER 11, 2005

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

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

EXCUSED: Dean Markwardt

ALSO PRESENT: Planner/Zoning Administrator Curtiss, City Clerk Hall, Brian Anderson, Joseph Ledger (arrived at 4:53 p.m.), Randy Christiansen and Michael Dura.

ZB05-28 Motion by Wink, second by Reek to approve the minutes of September 13, 2005 and September 20, 2005. All Ayes.

Motion carried

City Clerk read the variance request from Joseph & Kristen Ledger for a 9' x 12' deck at 1012 S. Adams Avenue, zoned 'R-3' Single Family Residential. Section 18-04(6) requires a special 50' setback from major streets. Applicants request a 28' major street setback variance for a deck constructed 22' from S. Adams Avenue.

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

ZB05-29 Motion by Duerr, second by Wink to grant a 28' major street setback variance for a deck constructed 22' from S. Adams Avenue with the condition that he follows the guidelines that the Building Inspectors sets for the footings. 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 applicants indicate the deck was built to replace the old cement steps at the front entrance. The 4' x 4' entry platform and masonry steps provided the required exit at the front of the house.
3. 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/steps were exempt under this provision.
4. Existing porches and steps may be replaced for required building exit if the size is not enlarged.
5. The deck projects 9' into the required front yard setback and does not qualify for the above exceptions.
6. Construction was completed on the deck without required permits. The deck does not meet the zoning ordinance setback requirements. The deck is required to meet the same setbacks required of the principal structure.
7. The house was built in 1952 and is located 39' from S. Adams Avenue. The house is a pre-existing non-conforming structure. Non-conforming structures shall not be enlarged or altered to increase the degree of nonconformity, except as permitted by the Zoning Board of Appeals. The deck addition would increase the degree of setback nonconformity from 39-feet to 22-feet.
8. Section 18-04(6)(a) requires a 50' major street setback along S. Adams Avenue.

9. Section 18-04(6)(a) allows reduction of the 50' special setback from major streets to the averaged setback of the two lots nearest to the lot in question. The house to the north (1008 S. Adams) is developed with a 30' front yard setback and Wells Nature View CBRF to the south is developed with a 120' front setback. The averaging clause does not benefit this property.
10. Footings are not yet in place for the deck. The Building Inspector upon issuance of a permit will require footings.
11. Public notice has been published for the stricter setback required. Neighbors have been notified.

City Clerk read the variance request from Marshfield Care Center to construct a canopy addition on the north entrance of the building at 814 W. 14th Street, zoned 'R-8' Multi-family Residential. Section 18-04 (6) requires a special 50' setback from major streets. The applicant requests a 22' major street setback variance from W. 14th Street.

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

ZB05-30 Motion by Duerr, second by Blackwood to grant a 22' major street setback variance from W. 14th Street. All Ayes.

Motion carried

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

1. There is questionable compliance with the six conditions necessary to obtain a variance as specified in Section 18-35 (2) of the Municipal Code.
2. Section 18-04 (6) requires a 50' major street setback along W. 14th Street.
3. Section 18-04 (6)(a) allows reduction of the 50' special setback from major streets to the averaged setback of the two lots nearest to the lot in question. The residence to the west & the church to the east are setback at least 40-45' from 14th Street; therefore, the averaging position does not benefit this property and a variance is required.
4. Most of the structures located on the south side of West 14th Street in the blocks east and west of the facility range from 30'-40' for existing front yard setbacks.
5. The north elevation of the facility is setback approximately 61' from W. 14th Street.
6. The 26' x 26' canopy is proposed as a freestanding drive-through structure and would be located in front of a new entrance on the north elevation.
7. The applicant indicates the canopy is proposed primarily for safety and protection from the weather elements.
8. Public notice has been published. Neighbors have been notified.

City Clerk read the variance request from Brian Anderson to construct a 26' x 32' garage and an 8' x 26' deck at 112 W. 12th Street, zoned 'R-4' Low Density Single and Two-Family Residential. Section 18-62 (5)(f) requires a minimum 25' rear yard setback. Section 18-04 (2)(a) requires that accessory structures shall not exceed the ground floor area of the residence. The applicant requests a 22' rear yard setback variance and an 82-square foot size variance.

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

Mr. Anderson indicated that the deck that they are proposing to construct would be a free-floating deck and not attached to the house.

ZB05-31 Motion by Duerr, second by Wink to grant a 22' rear yard setback variance and an 82-square foot size variance with the condition that the old garage is removed. All Ayes

Motion carried

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

1. There is questionable compliance with the six conditions necessary to obtain a variance as specified in Section 18-35 (2) of the Municipal Code.
2. The lot is 88'-wide x 88'-deep, with frontage on W. 12th Street. An alley abuts the lot to the east.
3. The property is developed with the home, existing garage and driveway access oriented to the W. 12th Street frontage.
4. The existing 380-sq. ft., one-stall garage was built in 1945. This garage will be removed.
5. A new 26' x 32' garage is proposed to be constructed at the rear of the house with orientation and access from the alley.
6. The builder proposes an 8' x 26' deck between the garage and the house. He indicates the deck is necessary due to the elevation difference between the house and the garage.
7. The proposed garage meets the minimum setbacks for a detached accessory structure; however, the deck constructed between the two structures would qualify the accessory as "attached". The attached garage does meet the minimum 25' setback requirement.
8. The setback variance request is substantial, well over three-fourths the required setback.
9. The two buildings would be technically defined as "attached", yet appear and function as two distinct separate structures.
10. The 832-sq. ft. garage exceeds the 750-sq. ft. ground floor of the house by 82-square feet.
11. The accessory structure size is under the 1,000-sq. ft. maximum allowed in the R-5 zoning district.
12. The reason for size limitations on accessory structures in zoning codes is most commonly to ensure that these structures are subordinate to and do not overwhelm the principal structure and to prevent large structures from imposing too much on neighboring properties.
13. The area to the west of the house, where the old garage is being removed, is not sufficient to build a standard two-car garage and meet setback or separation requirements for detached or attached accessory structures.
14. The area at the rear of the house provides 43' of space, enough to build a detached standard (24' x 24') two-stall garage, provide rear setback, 6' separation distance between structures, and not require any size or setback variances.
15. Public notice has been published and neighbors notified.

Motion by Reek, second by Blackwood to adjourn at 5:22 p.m.

Motion carried

Deb M. Hall
City Clerk