

## **SPECIAL ZONING BOARD OF APPEALS MINUTES OF NOVEMBER 1, 2005**

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

**PRESENT:** Dean Markwardt, Wallace Reek, Don Wink, Karl Zimmermann and 1st Alternate Marvin Duerr

**EXCUSED:** Harry Blackwood

**Also Present:** Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer, Gerald Krueger, Jon Versteegen, Jim Cain, Rev. Mark Lafferty and Mike Wolfgram (arrived and left at 5:03 p.m.)

Deputy Clerk read the variance request from Alliance Missionary Church to construct a 65' x 150' addition on the west side of the existing church at 2203 E. Becker Road, zoned 'R-4' Single and Two-Family Residential District. Section 18-62(5)(f) of the Municipal Code requires a minimum 35' front setback for non-residential uses. The applicant requests an 11.5' front setback variance from Anton Avenue for the proposed addition which would be located 23.5' from the lot line.

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

Markwardt noted that the only access to the parsonage is from the church property parking lot. He questioned what would happen if the parsonage ever sold and would no longer be a parsonage. Could they put in a driveway off of Anton Avenue?

Gerald Krueger responded that they are looking at putting in a road coming from Emerald Street.

Jon Versteegen added that if the two properties were physically separated, the parsonage would have to have deeded access to it and then it could be connected by a drive off of the entrance of the church property.

Markwardt asked if there were any responses from neighbors.

Planner/Zoning Administrator said that there was one neighbor on Emerald Street that called, but he was mainly curious about the details of the project. He didn't have any objections.

Reek asked what the building would be used for and if it would have an entrance way.

Jon Versteegen explained that it won't have an entrance, but there is an exit from the building on the lower level on that side. The building is a multipurpose room. It will be used for a program called Awana and receptions. Future plans include using it as a gymnasium that would be open to community groups. At that time there would be a parking area close to that entrance because that would be the entrance they would use.

Markwardt questioned how the confusion of the setback requirement happened.

John Versteegen said that it was his understanding that the Architect of Record called and was given that as a setback from someone, but there is no record of who he spoke to. The information on the existing drawings indicated that the building was sitting on there a little bit differently than it actually is. Either a change was made or the original drawing was not accurate when the building was placed, so it is actually

cocked a little bit different on the site than the way it was shown on the plan, thereby turning the whole corner of the building closer to the property line. The intersection at Anton and Becker isn't exactly a 90 degree angle. The drawing showed it as a 90 degree angle. It is off very slightly and it is enough to bring it several feet closer.

**ZB05-32** Motion by Reek, second by Wink to grant an 11.5' front setback variance from Anton Avenue for the proposed addition which would be located 23.5' from the 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. Section 18-62(5)(f) requires a 35' front yard setback for non-residential uses in the district.
3. Section 18-04(5)(k) requires that corner lots shall maintain a side yard setback on all public streets the same as the required front yard setback.
4. The property is a corner lot with south frontage on E. Becker Road and west frontage on N. Anton Avenue.
5. The survey identifies that the southwest corner of the addition would be located 23.5' from the west lot line on Anton Avenue, 11.5' into the required setback.
6. The west elevation of the new addition would face single family residences on Anton Avenue.
7. Approximately 100-ft of distance would separate the residences and the closest point of the new addition.
8. The church site is approximately 8-to-10-ft higher than the elevation of the residential properties on the west side of Anton Avenue.
9. From the west view, the lower level of the two-story addition would be below grade. The structure would be 24-ft above grade level.
10. The south elevation view of the building is 35-ft above the grade level. This view is primarily facing Becker Road, but also visible to Anton Avenue due to the angled layout.
11. The proposed project meets all other requirements of the zoning ordinance.
12. The minimum variance necessary for the project as designed is almost one-third of the required setback. The variance is only necessary for an approximate 30-ft corner section of the building.
13. In the application, the variance request is "that the setback from Anton Avenue be 25' in lieu of the 35' required", a 10-ft setback variance, less than necessary for the designed project and less than advertised in the public notice.
14. Public notice has been published. Neighbors have been notified.

Mike Wolfgram arrived and left at 5:03 p.m.

Motion by Markwardt, second by Wink to adjourn at 5:07 p.m.

**Motion carried**

Lori A. Panzer  
Deputy City Clerk