ZONING BOARD OF APPEALS MINUTES OF NOVEMBER 8, 2005

Meeting called to order by Chairman Zimmermann at 4:48 p.m. in the Executive Conference Room, City Hall Plaza.
PRESENT: Don Wink, Karl Zimmermann, 1st Alternate Marvin Duerr and 2nd Alternate Jim Asplin
EXCUSED: Dean Markwardt and Wallace Reek
ALSO PRESENT: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer and William C. Borofka

ZB05-33 Motion by Wink, second by Duerr to approve the minutes of October 11, 2005 and November 1, 2005 as submitted. All Ayes.
Motion carried

Deputy Clerk read the variance request from William C. Borofka to attach an 8-ft covered porch addition on the south elevation of the home at 817 E.18th Street, zoned 'R-4' Single and Two-Family Residential District. Section 18-62(5)(f) of the Municipal Code requires a minimum 25' front yard setback for residences. The applicant requests a 3' front yard setback variance from E. 18th Street to locate the covered porch 22' from the front lot line.

Duerr referred to the applicant's photo and indicated that the applicant's patio actually extends out further than the 8' that the proposed porch would.

Planner/Zoning Administrator Curtiss agreed, but added that patios aren't structural.

Duerr responded the porch is going to come up to the patio from the corner of the house into the patio area. For compliance he would have to build a 5' porch and when you put a chair on a 5' porch, you stumble over it. He felt that there shouldn't be a problem with it due to the nature of the neighborhood and where it is at.

Zimmermann asked if the proposed porch would be enclosed.

William Borofka replied no.

Zimmermann said that he wouldn't like to see it enclosed. We don't want to block any view.

Duerr felt that even if it was enclosed you would not have a site triangle problem from the Palmetto side, because the house sits back on the property very deep.

ZB05-34 Motion by Duerr, second by Asplin to grant a 3' front yard setback variance from E. 18th Street to locate the covered porch 22' from the front lot line as long as the said porch is not enclosed.

Zimmermann asked if any objections were received from the neighbors.

Planner/Zoning Administrator Curtiss replied no.

Zimmermann pointed out the fact that the board doesn't grant variances for appearance purposes.

Duerr indicated that Mr. Borofka plans on putting patio doors in, so it will be used for an entrance also.

Vote on motion **ZB05-34**; 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 18-62(5)(f) requires a 25' front yard setback for dwellings.
3. The house is currently located 30' from the front lot line of E. 18th Street.
4. The majority of the homes in the 800-block of E. 18th Street are built at a similar 30-ft setback.
5. Section 18-04(5)(m) of the Municipal Code allows projections into residential "required yards" for entry platforms, steps and canopies not more than five feet, where stairs and landings do not exceed above the entrance floor of the building. The covered porch structure does not qualify under this provision of the code. A covered porch is considered a structural addition to the permanent residential structure, subject to the same setback requirements.
6. Based on an existing 30-ft setback, there is room on the front for a 5-ft porch addition without any setback variances necessary.
7. The applicant has indicated the porch is proposed for aesthetic reasons. A patio door is planned, but not a necessary required exit from the dwelling.
8. Public notice has been published. Neighbors have been notified.

Motion by Wink, second by Duerr to adjourn at 4:57 p.m.
Motion carried

Lori A. Panzer
Deputy City Clerk

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