SPECIAL ZONING BOARD OF APPEALS MINUTES OF OCTOBER 17, 2006

Meeting called to order by Chairman Zimmermann at 4:45 p.m. in the Executive Conference Room, City Hall Plaza.
PRESENT: Marvin Duerr, Dean Markwardt, Wallace Reek, Don Wink, Karl Zimmermann and 2nd Alternate Donald Schnitzler
ALSO PRESENT: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer and Colleen Kelly

Deputy Clerk read the variance request from David and Colleen Kelly to construct an 800-sq.ft. addition onto the residence at 619 E. 29th Street, zoned "R-3" Standard Single-Family Residential. Section 18-04 (6) of the Municipal Code requires a 50-ft setback from major streets. Applicants request a 20-ft setback variance in order to attach the new addition in line with the existing house, located 30-ft from the Peach Avenue frontage.

Planner/Zoning Administrator's statement of facts regarding the variance request:

1. The property is located in the R-3 District; on a lot 14,300-sq. ft. in size and 110-ft wide.
2. The minimum lot size required in the R-3 District is 10,000-square feet; the minimum lot width is 60-feet.
3. The property is a corner lot with street frontages on two sides; 110-ft frontage on E. 29th Street and 130-ft frontage on Peach Avenue.
4. For corner lots, the code requires that applicable "front yards" must be provided on all public streets.
5. Section 18-62 (4) (f) requires a minimum 25-ft front yard setback in the R-3 District.
6. Section 18-04 (6) requires a special 50-ft setback from major streets. In administration of the zoning code, this more restrictive requirement governs.
7. Peach Avenue is a major street and is classified as a minor arterial in the Transportation Plan.
8. Section 18-04 (6) contains an "averaging clause" where the major setback can be reduced based on the average of the two lots nearest to the lot in question, on the same side of the street and within the same block front.
9. The administrative "averaging provision" doesn't apply to this property because only one other lot is located on the west side of the 2800 block of Peach Ave.
10. The property is developed with a 1,152-sq. ft. ranch-style home with attached garage.
11. The home was built in 1980 and is setback 30' from Peach Avenue.
12. The majority of homes on S. Peach Avenue, between 29th and 25th Streets, were built in the late 1970s or early1980s and have similar 30'setbacks, consistent with zoning requirements at that time.
13. The major street setback requirement was added to the zoning code in the early 1990s. The newer homes north of 25th Street have been built with a 50' setback.
14. The general purpose of maintaining a major street setback is to ensure adequate setbacks of structures should the streets be upgraded in classification or widened and require additional right-of-way.
15. The City Engineer did not have any particular objections or concerns to note regarding this major street variance request.

Reek asked for clarification on why averaging couldn't be used.

Planner/Zoning Administrator Curtiss explained that because it is a primary residential use, you need two or more lots nearest to the lot in question and there is only one other lot on that same block front between

29th Street and Peachtree Circle. There is only one other home, so there isn't enough there to average for the administrative process.

Zimmermann asked what the addition was going to be.

Colleen Kelly responded a family room and master suite.

ZB06-032 Motion by Wink, second by Duerr to grant a 20-ft major street setback variance on Peach Avenue. All Ayes.
Motion carried

Motion by Duerr, second by Wink to adjourn at 4:50 p.m.
Motion carried

Lori A. Panzer
Deputy City Clerk

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