ZONING BOARD OF APPEALS MINUTES OF NOVEMBER 14, 2006

Meeting called to order by Chairman Zimmermann at 4:47 p.m. in the Executive Conference Room, City Hall Plaza.
PRESENT: Wallace Reek, Don Wink, Karl Zimmermann, 1st Alternate Jim Asplin and 2nd Alternate Donald Schnitzler
EXCUSED: Marvin Duerr and Dean Markwardt
ALSO PRESENT: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer, Dick Meyer and Don Zais

ZB06-033 Motion by Reek, second by Asplin to approve the minutes of the October 10, 2006 regular meeting as submitted. All Ayes.
Motion carried

ZB06-034 Motion by Wink, second by Reek to approve the minutes of the October 17, 2006 special meeting as submitted. All Ayes.
Motion carried

Due to Dennis R. Jacobsen's absence, Chairman Zimmermann moved down to agenda item 4.

Deputy Clerk read the variance request from Habitat for Humanity to develop a single-family home on the corner lot at 200 N. Pine Avenue, zoned "R-5" Medium Low Density – Single and Two-Family Residential District. Section 18-62 (6) (f) requires minimum 25' front yard and rear yard setbacks. Applicants request a 17' front yard setback variance from N. Pine Avenue and a 17' rear yard setback variance.

Background

The previous residence on the lot was fire-damaged and has been razed; the owner has the lot for sale.

Habitat for Humanity is interested in the property and has an offer to purchase subject to contingencies regarding the "build-ability" of the lot. Richard Meyer has filed a variance application on behalf of Habitat for Humanity to build a single-family home on the property. The application reflects the variances necessary for the proposed layout of their largest floor-plan, a four-bedroom home. This is the largest home that would potentially be built on the lot under the Marshfield Area Habitat program. The 2-bedroom or 3-bedroom homes have smaller footprints and may require less substantial variances.

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

1. The property is located in an "R-5" District; on a lot 6,770-sq. ft. in size and 44-ft wide.
2. The minimum lot size in the R-5 District is 6,000-square feet. The minimum lot width is 40-feet.
3. The lot conforms to size and width requirements. It was platted predating adoption of the subdivision regulations and zoning requirements for additional setbacks on corner lots. New corner lots created under the current subdivision regulations require extra width to provide adequate setbacks from side streets.
4. The property is a corner lot with frontages on two public streets, W. Arnold Street and N. Pine Avenue.
5. For corner lots, the code requires that new development maintain applicable front yard setbacks on all public streets.
6. Section 18-62 (6) (f) requires minimum 25-ft front yard setbacks in the R-5 District.
7. Section 18-04 (6) requires a more restrictive 50-ft setback from Arnold Street, a major street. Arnold Street is a collector between N. Central Avenue and N. Saint Joseph Avenue.

8. The zoning code includes “averaging provisions” for front yard and major street setbacks where the two nearest residences in the same block front on the same side of the street were developed closer based on previous codes or predating the ordinances.
9. Based on averaging provisions, the major street setback on Arnold Street can be averaged down to a minimum of 15-ft. Averaging provisions cannot be applied on the Pine Avenue frontage, because only one other lot is within the block front on the same side of the street.
10. Habitat’s proposed & preferred building layout positions the front of the home facing Pine Avenue, defining the functional front yard. The rear yard setback is measured from the west lot line opposite the functional front yard on Pine Avenue.
11. Based on the layout and the narrow corner lot, the proposed development requires substantial variances to the front yard and rear yard setbacks.
12. The applicant has also provided a more detailed layout at the corner of the property to show how the house would set in relation to the required vision clearance triangle. The scaled drawing shows that approximately 6-ft of the corner of the home, as laid out, would encroach into the vision triangle.
13. Section 18-04 (12) requires a vision clearance triangle extending 30-ft from all public street right-of-way intersections. No structure shall be permitted within the vision triangle area which materially impedes vision between the height of 2 ½ feet and 8-feet.
14. Generally, vision clearance setbacks on private property are required to help reduce the potential for a visual obstruction which could cause unsafe traffic conditions for motorists traveling or turning onto roads.
15. The posted speed limit on W. Arnold is 25MPH. The intersection is provided with 2-way stop control on N. Pine Avenue.

Planner/Zoning Administrator Curtiss explained the options for the layout of the property.

1) Frontage on N. Pine Avenue.
2) Frontage on W. Arnold Street.

Schnitzler asked if the homes on the other three corners were set back.

Planner/Zoning Administrator Curtiss responded that there are some situations out there where homes are in the vision. The homes in that neighborhood average anywhere from 8 to 16 feet. There are homes closer and there are also homes on corner lots that do encroach currently within the vision clearance triangle. She said that she talked to the City Engineer on this request and he didn’t have any particular concerns, because there are two different ways that vision triangles are established. She explained the different ways that vision triangles are established in detail.

Zimmermann pointed out that with the Boulevard now, Arnold Street no longer has the traffic that it use to have.

Asplin said that this home would be considered a small home if you take a look at the average ranch style home that is being built now. An average ranch style home would never fit on that lot anyway.

Zimmermann asked if the garage in the back was going to stay.

Don Zais responded that it will probably stay and be turned into a storage shed.

Reek asked wouldn’t it be somewhat advisable to put a small house on there since it is a small lot?

Don Zais explained that the problem that they have is that they do not know who the family is. Right now we are in the process of selecting the family for next year. One of the families that he is sure is going to be highly considered is already a family of five, a Mom with four kids. She didn't make the cut last year. If we end up with a family of three then instead of a 4-bedroom footprint, we could get by with a 3-bedroom footprint.

Don Zais explained that there is no wasted space in the floor plan. There is no hallway. Everything is basically open. He also explained that they have an offer to buy it based on obtaining the variance. If we can't obtain a variance, our offer is null and void.

Dick Meyer said that when he discussed this with Bonnie Curtiss they decided that it is better to come in with the maximum size since we don't have anything specific. It is possible that it could be smaller.

Planner/Zoning Administrator Curtiss pointed out that a variance is only valid for one year.

ZB06-035 Motion by Wink, second by Asplin to grant a 17' front yard setback variance from N. Pine Avenue and a 17' rear yard setback variance. All Ayes.
Motion carried

Schnitzler thanked Don Zais and Dick Meyer for all their work that they are doing. He said that the houses on Washington and 4th Street look nice.

ZB06-036 Motion by Asplin, second by Wink to hold over the appeal of Dennis R. Jacobsen until the December regular meeting. All Ayes.
Motion carried

Motion by Wink, second by Schnitzler to adjourn at 5:23 p.m.
Motion carried

Lori A. Panzer
Deputy City Clerk