

ZONING BOARD OF APPEALS MINUTES OF JUNE 12, 2007

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

PRESENT: Dean Markwardt, Wallace Reek, Don Wink and Karl Zimmermann

EXCUSED: Marvin Duerr

ALSO PRESENT: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer and Chris Golden

Mayor Meyers by duty of statute appointed Dean Markwardt as Chairman for the Zoning Board of Appeals at the Common Council meeting of April 24, 2007.

Karl Zimmermann nominated Wallace Reek for Vice Chairman.

ZB07-002 Motion by Zimmermann, second by Wink to close nominations and cast a unanimous ballot for Wallace Reek as Vice Chairman. All Ayes.

Motion carried

ZB07-003 Motion by Zimmermann, second by Wink to approve the minutes of February 13, 2007 as submitted. All Ayes.

Motion carried

Deputy Clerk read the variance request from Chris Golden to widen the existing driveway at 309 W. 27th Circle, in the 'R-5' Medium Low Density Single and Two-Family Residential District. Section 18-04 (10) (a) of the Municipal Code requires that driveways have a minimum 3' maintenance setback from all side property lines. Applicant requests a 3-ft setback variance for an approximate 28-ft section of the driveway along the south property line.

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

1. The property is located in an R-5 (Medium Low Density – Single & Two-Family) Residential District.
2. The minimum lot size in the R-5 District is 6,000-S.F. and minimum lot width is 40-feet.
3. The property is platted as Lot #11 of Park View Heights Subdivision; approximately 15,570-S.F. in size and approximate 80-feet wide at the building line.
4. The lot is located at the end of W. 27th Circle, a cul-de-sac street. Cul-de-sac lots are designed with side lot lines radial to curb street lines on which the lots face; resulting in odd-shaped lots (narrower at street frontage and wider at rear of lot).
5. Access and parking is currently provided for the single-family residence by a concrete driveway, approximately 28'W x 40'L. The closest point of the existing driveway is approximately 3.5-ft from the south property line.
6. The south yard of the property is fairly level with a slight slope towards the common interior line with Lot #12.
7. The applicant is requesting a variance to widen the south side of the existing driveway to create a parking apron alongside the garage, varying in width from 3.5-ft for the parking approach to 13-ft in width for the parking apron.
8. An approximate 28-ft section of parking apron approach would be located 0-ft from the south lot line.
9. Section 18-04 (10) (a) of the Zoning Ordinance requires a minimum 3-ft maintenance setback for driveways and parking lots, except where driveways are shared by two or more property owners, or where the lot is 50-feet or less in width.

10. Driveway standards were updated as part of the 1992 zoning code revisions. A 3-ft setback requirement was added to the code in order to provide adequate space on property to accommodate any impacts due to maintenance of driveways (repair, snow plowing, drainage, etc).

Planner/Zoning Administrator Curtiss pointed out that the lot is a little unusual. It is a little bit angular and doesn't have the frontage that you typically would see at the public street portion of a lot.

Chris Golden explained that the reason for his variance request is to accommodate his 26' camper. The corner of his garage to the edge of the lot line is only 10' and he has an 8' wide camper. In order for him to get his camper around the corner he needs to extend the pad out about 28' to the property line. The parking apron will go straight back to square off the pad.

Zimmermann asked if the owner of the vacant lot next door was notified.

Planner/Zoning Administrator Curtiss said yes, notices are sent to neighboring property owners whether the property is developed or not.

Planner/Zoning Administrator Curtiss explained that the subject property is pretty level. It has a slight grade to it.

Chris Golden said that the way it is sloped right now is exactly the way it is going to go. Nothing will change.

ZB07-004 Motion by Zimmermann, second by Wink to grant the variance request from Chris Golden.

Reek asked if 10' would be enough for him to be able to make that turn.

Chris Golden said that he did a test run and 10' will be just enough room.

Chairman Markwardt said that the vacant lot next to Mr. Golden would be the only property impacted by this request.

Reek asked what would happen if the property next door would want to do the same thing and run a slab.

Planner/Zoning Administrator Curtiss said that that would be a little interesting. The Zoning Board can add conditions to any granting of any request to help mitigate any future concerns.

Reek felt that there should be a condition added that there shouldn't be a canopy over the apron.

Zimmermann **amended his motion ZB07-004** to read as follows: To grant the variance request from Chris Golden with the condition that no permanent structure be put on the slab.

Vote on motion **ZB07-004 as amended**; All Ayes.

Motion carried

The Zoning Board of Appeals Rules of Procedure was reviewed.

Chairman Markwardt referred to the title Administrative Official under the Before the Meeting section of the Rules of Procedure and asked who that Administrative Official is.

Planner/Zoning Administrator Curtiss said that could be her or Roland Donath. Planner/Zoning Administrator Curtiss will spell out by title which Administrative Official the Rules of Procedure refer to.

Chairman Markwardt pointed out that per item E of page 1, the Secretary will need to let each Board Member know the name and property address of the person requesting the variance when she calls to let them know that there will be a meeting, so they can let her know if they have a conflict of interest.

Chairman Markwardt questioned the order of items G, H and I on page 1. Planner/Zoning Administrator Curtiss explained that they are in chronological order because the public notice of the meeting gets prepared in advance of the 7 calendar day. It gets prepared and sent to the News-Herald earlier than that 7 calendar day, because it has to be published exactly on that 7 calendar day.

The following changes were made to the proposed Rules of Procedure:

Page 2:

Under the Meeting/Public Hearing section, move items E and F up to follow item B.

Page 3:

Item 5 should read: Repeat Steps Under Items #3 and #4 for Other Hearings/Agenda Items

There is a typo in the last line. The last line should read: This can be done via a copy of the minutes or by a formal notice.

Change main headings of the outline to:

Before the Meeting

During the Meeting

After the Meeting

Planner/Zoning Administrator Curtiss will make necessary changes to the Rules of Procedure and bring it back to the Zoning Board for approval at the next meeting.

Motion by Zimmermann, second by Wink to adjourn at 5:28 p.m.

Motion carried

Lori A. Panzer

Deputy City Clerk