

ZONING BOARD OF APPEALS MINUTES OF JULY 10, 2007

Meeting called to order by Chairman Markwardt at 4:43 p.m. in the Executive Conference Room, City Hall Plaza.

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

ALSO PRESENT: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer, Alderperson Hansen, Daniel Ziaya, Edward Rhodes and Betty Rhodes

ZB07-005 Motion by Zimmermann, second by Wink to approve the minutes of June 12, 2007 as submitted. All Ayes.

Motion carried

Deputy Clerk read the variance request from Daniel Ziaya to construct a 3-stall detached garage at 115 W. Blodgett Street, zoned R-6 Medium High Density Residential. Section 18-04 (2) (f) of the Municipal Code limits height of detached accessory structures to 19-feet. Applicant requests a 2-ft variance to construct the garage at 21-ft in height above grade level to the peak of the roof.

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

1. The property is located in an R-6 (Medium High Density – Single & Two-Family) Residential District.
2. The minimum lot size in the R-6 District is 6,000-S.F. for existing dwellings; minimum lot width is 80-feet.
3. The property is recorded as Lot 15 Block 20 of the original City of Marshfield plat. The corner lot is 44-ft wide lot and 6,776-S.F. in size.
4. Site plans and related material indicate that the proposed garage will meet all applicable zoning regulations except for the maximum height restriction for accessory structures.
5. Section 18-04 (2) (f) states that "*No detached accessory structure shall exceed 19-feet in height, or the height of the primary structure, whichever is less.*".
6. The proposed location of the garage is approximately 4-feet lower in grade than the house location on the lot.
7. This variance request, if approved, would allow an accessory structure to exceed the Zoning Ordinance's recently increased height limitations. The ordinance was amended in February 2001 to increase the height from 16' to the current 19' maximum.
8. Zoning limitations on garage height are intended to ensure that accessory structures are subordinate to the principal structure, and to prevent large structures from imposing too much on neighboring properties.
9. A side setback of 12-ft is proposed from the garage to the north property line adjacent the residence at 309 N. Chestnut Avenue. The minimum side setback for detached accessory structures is 3-ft; additional side setback as proposed will provide over 20-ft between the residence and the garage.
10. The majority of the homes in the immediate neighborhood are at a similar or greater height.

Planner/Zoning Administrator Curtiss said that if a two story residence were built in this location it would be required to have a 2-ft extra setback from the minimum side yard, which would put it at 9 ½'. So, it is even setback more than what the requirement would be for a larger structure.

Reek asked what the upper part of the garage would be used for.

Mr. Ziaya said that it would be used as a weight center.

Planner/Zoning Administrator Curtiss said that she had the same concern regarding the upper story and if it was going to be used as an accessory type apartment. Currently the code doesn't allow for more than one dwelling unit on the property.

Zimmermann asked if there would be a parking spot on the north side of the garage.

Daniel Ziaya responded yes. It will be used for his 24' camper.

Zimmermann and Planner/Zoning Administrator Curtiss explained that there is a 30' setback for parking and driveways and told Mr. Ziaya that he can't build his parking apron up to the lot line.

Mr. Ziaya said that he could move the garage another 3' closer to the house.

ZB07-006 Motion by Wink, second by Duerr to grant the variance request from Daniel Ziaya with the stipulation that there be a minimum 3' side yard setback to the adjacent property for the proposed parking apron. All Ayes.

Motion carried

Deputy Clerk read the variance request from Edward Rhodes to construct a covered porch at 1008 S. Severns Avenue, zoned R-3 Standard Single-Family Residential. Section 18-62 (4) (f) of the Municipal Code requires a minimum 25-ft front setback. Applicant requests a 3'-9" front setback variance to construct the covered porch 21'-3" from Severns Avenue.

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

1. The existing residence conforms to R-3 front setback requirements from Severns Avenue; the measured front setback is 25'-3".
2. An existing 3' x 5' masonry platform is located at the front entryway and extends into the front yard area.
3. Entry platforms and steps may project into any required yard a distance of not more than five feet, provided stairs and landings do not extend above the entrance floor of the building and provided the platform is not enclosed or covered.
4. The existing masonry platform will be removed and is proposed to be replaced by a 4' x 9' covered porch. The roof will tie-in with the existing roof and extend 4-ft out to cover the porch. The new roof extension will project 3' - 9" into the front setback.
5. Roofs may project into any required residential yard area not more than 2.5-feet.
6. General provisions of the zoning ordinance allow averaging of setbacks in Residential Districts using the two lots nearest to the lot in question and within the same block front.
7. The "averaging provision" only allows an averaged 24'-3" setback for this property. Adjoining residences at 1010 & 1006 South Severns Avenue have front setbacks of 23-ft and 25.5ft, respectively.
8. The proposed structural addition will be located 21'-3" from the front lot line; a 3-ft-9" variance is requested.
9. The property owner indicates the proposed construction is for safety reasons.
10. The request is the minimal necessary to cover the entry platform.

Mr. Rhodes explained the following safety reasons for his request:

- Existing landing is too small to open door without backing off the step.
- Existing roof line causes ice to build up on steps and landings in winter and spring.

Zimmermann asked if he had any intention of enclosing the porch.

Mr. Rhodes said no, but he might put a railing on it.

ZB07-007 Motion by Zimmermann, second by Duerr to grant the variance request from Edward Rhodes with the condition that the porch not be enclosed. All Ayes.

Motion carried

The Zoning Board of Appeals members reviewed the revised proposed Rules of Procedure and attachments.

This information will also be used to educate the applicants when they apply for their variance.

The Zoning Board of Appeals members felt that attachment "B", Zoning Board Announcements of Proceedings should be given to the applicants when they apply for a variance.

ZB07-008 Motion by Duerr, second by Zimmermann to adopt the Rules of Procedure for the Zoning Board of Appeals as presented. All Ayes.

Motion carried

Motion by Zimmermann, second by Reek to adjourn at 5:34 p.m.

Motion carried

Lori A. Panzer
Deputy City Clerk