

**MINUTES
ZONING BOARD OF ADJUSTMENT
APRIL 3, 2012
5:30 P.M.
CITY HALL COUNCIL CHAMBERS**

Present: George Fisher, Larry Wolf, Jim Edmond, and Jane Reischauer.

Excused: Rochelle Conway.

Staff Present: Steve Boka, Director of Community Development
Andrew Fangman, City Planner, Community Development
Stephanie Oien, Office Coordinator, Community Development.

Chairperson Fisher called the meeting to order at 5:30 p.m. Fisher read the Mission Statement. He informed the appellants that there were only four members present and they could choose to table their case until May when more members may be present.

Appeal Case No. 892, filed by Dan Dolan of Dan Dolan Homes, to construct a detached single family residence closer to the side property line than is designated for the Riverbend 6th Addition. Joe Polaschek, attorney for Dan Dolan, was present to discuss the appeal. Polaschek noted that he represented Dan Dolan at the original Planning and Zoning Commission meeting when this addition was re-platted. They are requesting a two foot side yard setback on Lot 28. In order to comply with the five foot setbacks provided on the plat, the home on Lot 28 would have to be moved back. This causes a problem because the home then approaches a creek and wetland area. Another concern for the developer was that the front setbacks would not match up with the existing structures and cause inconsistency in the subdivision. Fisher asked if the stipulation being proposed would apply to any other lots that would be used for detached structures. Polaschek confirmed that was part of the request. He stated that most detached homes will comply with the existing setback requirements; only a few will not. Per the original development plan, lots were configured to set two detached structures on adjacent lots. Boka acknowledged that the last plat shows the setbacks. The dashed lines indicated areas of five foot setbacks while the solid lines indicated areas of zero lot lines where the two foot setback could occur. He further explained that the development plan was intended for both types of units and setbacks however the final plat does not show this. Edmond asked to clarify that the developer was not asking for more than what was intended. Boka confirmed that this action was being taken to clarify the original intentions with documentation. Wolf motioned to approve allowing a two foot setback where there is a common line shown on the plat, seconded by Fisher. All ayes, motion carried.

Appeal Case No. 893, filed by John Pershy, to construct a 30x50 foot detached garage at 711 Lake Park Blvd. John Pershy was present to discuss this request. Pershy explained that he was out of storage space in the existing attached garage. Fisher asked if there was a driveway present. Pershy responded that he intended to pour concrete over a rock surface. Fisher asked if the driveway would be installed prior to the garage construction. Pershy explained that he needed to elevate the ground for the garage, as the area was located in a flood plain. The driveway was going to be difficult to install prior

to construction. Boka stated that the flood plain ordinance allows for construction within the flood plain however one cannot add fill. He suggested that the Board table the item until he had time to meet with Pershy and discuss his options and the procedures that need to be followed. Edgmond motioned to table the issue and allow time for staff to meet with the appellant; seconded by Wolf. All ayes, motion carried.

Appeal Case No. 894, filed by Luke and Kyndra Noble, to construct a house and garage at 319 Kindler Avenue. Kyndra Noble was present to discuss their request. Fisher clarified that there would be 39 feet of frontage for the new lot and that the house and garage will be setback quite a ways off the street. He questioned if the driveway would be hard surfaced. Noble indicated that was part of their plans. Boka stated that staff encourages infill. He further explained that the property has 410 feet of unused space. The area requirement has been met for the original house with the property split. He indicated that he had spoken with a few neighbors who were concerned about the house being built on the portion of the lot that was 39 feet wide. Once they were informed that the house will be set back to where the property is 99 feet wide there were no objections. Edgmond questioned if there was an economic hardship and any special conditions for this request. Noble replied that there is a large piece of their property is unusable. They would like to use what they have and construct a new home. Currently they are living in the original house on the property and are constantly making repairs and updating the older house. Boka noted that economically there is not anything else they can do with the property. He added that it increases the housing stock in the community and utilities are already available. He further explained that the new lot complies with all zoning requirements with the exception of the 39-foot opening. Reischauer asked if the Nobles intended to live in the new house. Noble responded they would. Don Barko, 330 Kindler Avenue, stated that he was sympathetic to their situation. Barko noted that he was in a similar situation at his property. He indicated that he had no objections and supported the proposal. He added that he would be encouraged if the proposal was approved and hoped that others would get the same consideration. Boka stated there were several examples in that area of ways to promote infill with the large yards that are unusable. Fisher motioned to approve the request; seconded by Reischauer. The motion carried on a vote of 3-1 with Edgmond opposed.

Minutes: Edgmond motioned to approve the minutes from the April 3, 2012, meeting; seconded by Wolf. All ayes, motion carried.

Adjourned.

Respectfully Submitted,

Steve Boka, Secretary
Director of Community Development

ATTEST:

George Fisher
Chairperson