

**MINUTES
ZONING BOARD OF ADJUSTMENT
NOVEMBER 6, 2012
5:30 P.M.
CITY HALL COUNCIL CHAMBERS**

Present: Allen Harvey, Jim Edgmond, Larry Wolf, Jane Reischauer, and Rochelle Conway.

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

Others Present: Lynda McAtee, Greg Johnston, and Doug Reist.

Chairperson Fisher called the meeting to order at 5:30 p.m.

Minutes: Allen Harvey and Jim Edgmond noted a few changes for the minutes from October 2, 2012. Larry Wolf motioned to approve the minutes from the October 2, 2012, meeting, subject to the revisions requested; seconded by Jim Edgmond. All ayes, motion carried.

Appeal Case No. 898, filed by Lynda McAtee, to install an electronic message center (EMC) at Tee's Ice Cream, 838 Park Avenue.

Lynda McAtee was present to discuss her request. McAtee indicated that the placement of the sign is the reason she is applying for a variance. Size is not a problem as the EMC is much smaller than the current sign. She noted that it is possible to have a building sign but that it would have to be located on the roof which may cause some structural issues. Another concern with a building sign is visibility. With the close proximity of neighboring buildings the sign would be difficult to read for passing motorists. She was also concerned that motorists would have to turn to read the sign and thus cause a driving distraction. Harvey asked if they were currently in non-compliance. Boka responded that the property is zoned S-2 which was designed for offices and residential uses. He noted that there are existing properties that are non-conforming to the current code requirements. EMCs were not permitted in the past. City Council has opened that up. It is required that the sign be set back a distance equal to the square footage of the sign, not to exceed 25 square feet. Tee's cannot meet the setback requirement. Conway noted that the appearance of the EMC is much better than the existing sign. Staff noted that correspondence had been received from two neighbors in support of the new sign – Beryl Battey, 1502 Washington Street, and Melvin Moore, 1500 Washington Street. Edgmond asked if it was possible to set the EMC off-center on the pole to move it back from the street farther. McAtee stated she would check into that. She noted it is a heavy sign and is designed to be anchored on the two existing poles. Harvey motioned to approve the request; second by Wolf. All ayes, motion carried.

Conditional Use Case No. 261, filed by Adam Shutt of Martin & Whitacre Surveyors & Engineers, Inc., for Doug Reist, to reconstruct a building on his property, Parcel ID #0826426018, adjacent to 1516 Isett Avenue.

Doug Reist and his attorney Greg Johnston were present to answer questions. Johnston gave the Board some background on the request. Reist purchased property in November 2011 and installed garage

doors in January 2012. Structural issues with the roof were later discovered. His contractor obtained a building permit to replace the roof. As the contractor worked on the roof they discovered one wall with significant termite damage and another that had no footing. Subsequently, the contractor started replacing walls. The entire structure of the building was replaced. Johnston noted that the building is not located in the floodway. A portion is located in the 100 year floodplain. Reist has stored several loads of gravel in anticipation of approval – these will be removed if the request is rejected. Johnston stated that new 30'x40' building uses the same footprint as the one that has been removed. He noted that in order to comply with flood plain regulations the elevation of the building needs to be 1 foot higher than the 100 year flood designation. He relayed that the building needs to be at least 21 inches higher. They intend to raise it 24 inches with three layers of cement blocks. He indicated that baffles could be installed in garage doors if needed to allow water flow. A new floor will be poured at the higher elevation. They intend to leave the surrounding area grass covered. Harvey asked the current status of the project. Johnston replied that the former building was demolished. They left one wall and constructed three new – framing only. Johnston indicated that it had a newer electric service which may need to be raised. Harvey asked if they intended to bring in fill to raise the building and remove dirt from elsewhere on the property. Fangman indicated that staff does not have much flexibility. Boka stated that the City cannot grant a variance for the building, it must be granted conditional use. The conditional use action gives record of the change. The options are to add fill and raise the building or flood proof the building. Boka added that the finished floor elevation should be one foot higher than the 100 year flood elevation. Edgmond motioned to approve the conditional use request with the stipulation that the first floor must be elevated to a minimum of 1 foot higher than 100 year flood elevation or the building must be flood proof. Second by Wolf. All ayes, motion carried. Boka noted that the project needs to go through the site plan review process.

Election of Officers

Wolf nominated Allen Harvey to serve as chair. Conway nominated Larry Wolf to serve as vice chair. All ayes, motion carried.

Adjourned.

Respectfully Submitted,

Steve Boka, Secretary
Director of Community Development

ATTEST:

Allen Harvey
Acting Chairperson