



In addition, a setback from a parcel line would need to be observed and that the applicant's attorney chose to execute a multiple lot deed agreement with the City to allow construction of a new grain bin on two properties. Mr. Kohout confirmed for the Board both properties were owned by the applicant, Schneider Milling, Inc. Mr. Kohout stated the business has been in existence for a number of years and that the business was originally outside the City limits with structures on the property and was annexed and was zoned as C-2 at the time of annexation.

Beau Buchholz, attorney from Waverly representing Schneider Milling, Inc., addressed the Board. Mr. Buchholz stated there are 10 structures that are present and a majority of them may already exceed the 48 foot tall requirement in the C-2 district. Mr. Buchholz stated the tallest structure measures approximately 160 feet and doesn't think the 100 foot tall structure would be out of character with the other structures on the property. Mr. Buchholz stated the proposed grain bin would hold the grain that is typically piled on the property and would lessen dust, debris, rodents and molding of grain and lessen the impact of this business on nearby property owners if granted a variance to construct a new grain bin. Mr. Buchholz stated his client is willing to rezone to M-2, heavy industrial, and would like a variance so as to immediately start construction as a contingent of granting a variance, should one be granted by the Board.

Acting Chairperson Shea confirmed with Mr. Kohout the 160 foot tall structure may have been in existence prior to being annexed into the City limits or a building permit may have been erroneously issued in the past.

Mr. Gary Schneider, representing Schneider Milling, Inc., addressed the Board. Mr. Schneider stated the facility was started in the early 1960's as a feed and fertilizer sales business and confirmed for the Board the business was outside the City limits at that time.

Mr. Gidley confirmed with Mr. Schneider a permit was pulled prior to construction and at that time it was communicated by the City the height requirement guidelines would have to be met.

Mr. Charlson confirmed with Mr. Kohout building inspection guidelines would govern fire safety response minimum safety standards and would be enforced by the building inspection department of the City.

Ms. Shea discussed the zoning change as a contingency for approval to M-2 with the Board. Mr. Buchholz confirmed with Ms. Shea the applicant intends to apply for a rezoning, following this variance request as it may benefit the long term business plans and use of existing and future structures on the property and that a variance would allow for construction in a more timely fashion than a rezoning process allows for.

Ms. Shea confirmed of those in attendance, there were no persons wishing to speak on this request.

*e) Motion by the Board:*

Motion By: Charlson

Seconded By: Gidley

Move to allow the height of the proposed building being requested to be varied from the required 48 feet to 100 feet.

Yes: 4                      No: 0                      Absent: 1

2. Case # 20140802, Review of construction of new structure to encroach within required rear yard setback in R-1 district.

*a) The Applicant's Requested Zoning Variance:*

Haaland Construction, applicant on behalf of the owners of 1600 Knoll Ridge Drive, is requesting a variance to the Code setback requirements governing placement of a deck structure on their property. The applicant is proposing a deck to be constructed at a setback of 25 feet from the east property line, considered to be the rear yard.

*b) The Zoning Regulations State:*

Per City Code, the requirements call for all residential buildings and additions to not encroach within 30 feet of a rear lot line. See Code of Ordinances Section 100.6.03, R-1 Dimensional Requirements.

*c) Interested Property Owners:*

Mr. Kohout confirmed for the Board no comments were received by the City on the request.

*d) Discussion:*

Mr. Kohout reviewed the provided an explanation of the zoning code and aerial maps for this request with the Board. Mr. Kohout stated the permit was received for review and upon review, it was determined the rear yard setback would be measured from the east property line as the front door of the residence is on the west on this corner lot. Mr. Kohout further explained that when a deck is removed and to be re-built from the ground up, it is viewed with today's setback standards applied, unless a variance was granted to allow a lesser setback. Mr. Kohout explained the setback pertains to any structure more than 12 inches above grade as the Code appears to assume most any structure may be under a roof structure, or have the ability to add a roof structure after the fact.

Ms. Shea confirmed with Mr. Kohout the deck was pre-existing and torn down prior to applying for a permit and that a new structure must conform to today's Code requirements as the deck was to be greater than 12 inches above grade, and be at the same footprint.

Mr. Haaland confirmed for Ms. Shea the deck could hold a roof structure, and the deck is not designed for this and the applicants are not seeking to construct a roof structure.

Mr. Gidley stated he supports this variance as it seems to follow past allowances where a pre-existing condition was to be replaced in the same footprint.

Ms. Shea stated she supports applicants seeking variances and understands a need to replace rotten structures that may pose a risk to the public's safety.

