BOARD OF ADJUSTMENT MINUTES April 13, 2015 City of Waverly, Council Chambers, Waverly, Iowa

A. Call to Order: 7:00 p.m.

1. Members Present: Pete Lampe, Chair; Linda Brandt; Al Charlson Vern Gidley; Karla Shea, Vice-Chair

Staff Present: Ben Kohout, Zoning Specialist, Secretary; Tim Kangas, Council

2. Motion By: Shea Seconded By: Gidley

Move that the agenda be approved as printed.

Yes: 5 No: 0 Absent: 0

B. <u>Approval of Previous Minutes:</u>

Motion By: Charlson Seconded By: Brandt

Move that the minutes of the February 9, 2015, Board of Adjustment meeting be approved.

Yes: 5 No: 0 Absent: 0

C. <u>Communications:</u>

Planning and Zoning Commission - April 16, 2015 Agenda

- D. <u>Regular Business:</u>
 - 1. Case # 20150401, Variance governing the setback and height requirements for a new detached garage.
 - a. The Applicant's Requested Zoning Variance:

Donald Spore, property owner at 502 2^{nd} St. NW, Waverly, Iowa, is requesting a variance to the zoning regulations governing the setback requirements and height requirements for a proposed new detached garage. A garage is proposed to be 16 inches from the east (side) property line and 18 inches from the north (rear) property line. The garage is proposed to be 19 feet tall, to the peak.

b. The Zoning Regulations State:

Per City Code, the requirements call for this structure to meet a setback of five (5) feet from any "R" district property line and have a height not exceeding 18 feet. See Code of Ordinances Section 100.4.06, Accessory building and breezeway requirements.

c. Interested Property Owners:

Mr. Kohout stated he received a phone call from the property owner to the east, of $106 4^{\text{th}}$ Ave. NW, who stated a concern over the request and potential drainage onto their property resulting from an encroachment.

Mr. Kohout confirmed for the Board one written letter of concern was received from the property owner to the north, of $510 2^{nd}$ St. NW, which stated a concern over the reduced setback and health of a tree with installation of foundation at a reduced setback other than what is required.

d. Discussion:

Mr. Lampe opened the public hearing.

Mr. Don Spore, applicant, addressed the Board. Mr. Spore stated the existing garage is in poor shape and needs to be replaced. Mr. Spore stated he has invested in existing landscaping that includes a small pond with fish they constructed between the home and garage that he would not like to have to disturb.

Mrs. Pearl Spore, applicant, addressed the Board. Mrs. Spore stated she desired the new garage to be a better architectural match with the Victorian style of home and the increased height would be a better match.

Mr. Spore stated storage above the proposed garage is what is driving the height of the garage to the proposed height of 19 feet, as measured to the peak.

Mr. Lampe stated the Board has received a letter from the north property owner, who stated a concern over the reduced setback to the common property line and potential adverse affects to the health of the tree shared by the property owners. Mr. Spore stated for Mr. Lampe there are stakes in the corner to mark this property line.

Ms. Shea confirmed with Mr. Spore the landscaping that is present to between the garage and the house.

Mr. Lampe confirmed with Mr. Spore there is an existing 20 ft. by 24 ft. garage with a 12 ft. by 10 ft. addition located north of this garage.

Mr. Gidley confirmed with Mr. Spore the proposed new garage would be required to have new footings poured. Mr. Gidley also confirmed with Mr. Spore the result of a north property line setback would result in a shortened driveway and there is no real hardship for the owners to request this as a variance.

Mr. Spore confirmed for the Board a setback variance from the east property line from the required five foot setback is still desired as there is an existing poured sidewalk between the current garage and pond and landscaping that would need to be moved to accommodate this five foot setback. Mr. Spore also stated the existing gazebo to the west of the current garage is the area where socialization occurs with guests and this is desired to remain untouched with future construction as there was considerable expense undertaken to improve this area.

Mr. Lampe confirmed with Mr. Spore the proposed garage would have an entry door located on the west side.

Ms. Shea confirmed with Mr. Spore the existing garage does not have usable storage area above the garage and the proposed garage is sought to have storage above the garage and this is why the 19 foot height variance is being requested. Ms. Shea stated she does not believe desiring additional storage is a hardship under the Board of Adjustment guidelines for granting a variance. Ms. Shea also stated she does not support the larger garage, where there appears to be no practical difficulty in meeting the size requirements with this request.

Mr. Charlson confirmed with Mr. Spore the current private sidewalk along the west of the current garage is sought to be lined up with the proposed garage.

Mr. Charlson confirmed with Mr. Spore the proposed garage could be moved to the south and supports the request of an east property line variance due to existing

substantial landscaping features located to the west. Mr. Charlson confirmed with Mr. Spore drainage concerns along the east property line can be considered during construction planning to minimize adverse effects of a structure in proximity to the east property line. Mr. Charlson stated he has no concern with the height variance requested.

Mr. Lampe confirmed with Mr. Spore the pitch of the roof could be adjusted to not warrant a height variance and that Mr. Spore was unsure about what pitch would be agreeable with him to maintain a usable storage space above the garage.

Mr. Spore stated the size of the garage is warranted as it is difficult to store personal items such as two cars, snow blowers, having a workbench area and he thinks the City would receive more taxes based on the proposed larger garage footprint. Mr. Spore also finds the requested garage to be more in line with the scale and style of the residence on their property than the existing garage.

Mr. Gidley confirmed with the Board in the past they have generally ruled in favor of rebuilding garages damaged in the same size footprint as the previous garage. Mr. Gidley stated the existing garage currently does not meet setbacks and supports the requested variance along the east property line and the size and height requested, and does not support the north property line setback requested.

Mr. Lampe stated he does not see a hardship with the owner requesting a larger footprint and does not find there is a hardship on the side yard setbacks, when following the guidance of the Board of Adjustment hardship criteria based on past requests.

Ms. Shea stated she finds the building can be rebuilt without a variance to meet size, height and setback requirements and does not find there is a hardship presented.

There being no one else present wishing to speak, Mr. Lampe closed the public hearing.

e. Motion by the Board:

Motion By: Charlson Seconded By: Gidley

Move to allow for the detached garage at a setback of 24 inches from the east property line, at a setback of 36 inches from the north property line at a height of 19 feet.

Yes: 3 No: 2 Absent: 0

Lampe and Shea cast the "no" votes.

E. Old Business:

None

- F. <u>New Business:</u>
 - 1. Mr. Charlson stated he would like staff to look into the City of Ames and their ordinance provisions to allow for a special exception in older parts of Waverly that may allow for different setbacks and heights of detached garages in order to better address seemingly common requests for variances from the older parts of town.

G. <u>Adjournment:</u>

Motion By: SheaSeconded By: BrandtThat the Board of Adjustment meeting be adjourned.Yes: 5No: 0Absent: 0Meeting adjourned at 8:00 p.m.Respectfully Submitted,

Ben Kohout, Secretary