

**BOARD OF ADJUSTMENT MINUTES**  
**September 12, 2016**  
**City of Waverly, Civic Center,**  
**200 1<sup>st</sup> St. NE, Waverly, Iowa**

A. Call to Order: 6:00 p.m.

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

Members Absent: None

City Staff Present: Ben Kohout, Secretary; Tim Kangas, Council Liaison, Arrived at D.1.

2. Motion By: Shea Seconded By: Brandt

Move that the agenda be approved as printed.

Yes: 4 No: 0 Absent: 1

B. Approval of Previous Minutes:

Motion By: Brandt Seconded By: Charlson

Move that the minutes of the August 8, 2016, Board of Adjustment meeting be approved.

Yes: 4 No: 0 Absent: 1

C. Communications:

Planning and Zoning Commission – September 1, 2016 Meeting Cancelled

D. Regular Business:

1. Case # 20160901, Variance governing the setback line requirements for a proposed front garage addition at 109 South Ridge Drive.

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

Andrea and Eric Haaland, property owners at 109 South Ridge Drive, Waverly, Iowa, are requesting a variance to the zoning regulations governing the front setback line requirements recorded on the subdivision plat for a proposed building addition on their property. The variance requested is to allow a proposed garage addition be varied from 40 feet setback line from the South Ridge right of way to 27 feet.

*b. The Zoning Regulations State:*

Per the recorded subdivision plat for Hinds Third Addition, a 40 foot front yard setback is required. See Section 100.2.109, the definition of setback lines.

*c. Interested Property Owners:*

Mr. Kohout confirmed for the Commission there was one letter of support received from the property owner at 104 South Ridge Drive, Mr. Todd Sorge. There was no correspondence in opposition received.

*d. Discussion:*

Member Lampe opened the public hearing.

Secretary Kohout reviewed the proposed garage addition layout with the Commission. Mr. Kohout explained this subdivision has a 40 foot front yard setback recorded on the subdivision plat, and this setback is enforced instead of setback of 25 feet for the R-1, Single Family Residential zoning district. Mr. Kohout stated that following review of the site plan and advertising of the request from a 40 foot setback to 27 feet setback, it was discovered the resulting addition would be at 34 feet. So, the request should be amended to result in a 34 foot front yard setback request instead of the 27 foot setback initially requested. Mr. Kohout stated that because the resulting request is not an increase in the setback variance, it is up to the Board whether or not it needs to be published again. The Board decided it was appropriate to hear the adjusted request tonight.

Mr. Kohout stated there are two residences located within this subdivision which appears closer than the 40 feet setback, and there is no documentation on hand on these properties as to evidence of relief granted by the City on the setbacks.

Eric Haaland and Andrea Haaland, property owners, were present to address questions from the Board. Mr. Haaland reviewed the proposed garage addition plans with the Board and reviewed the alternative locations with the Board. Mr. Haaland stated there is a septic system located on the Southeast corner of the home and due to topography and a slope downward, from front of the lot to the back of the lot, prevents additions onto the east and south sides of the home.

Member Shea questioned the applicants on if an addition was considered on the South side of the residence. Mr. Haaland stated due to the slope of the hill and the location of the septic system on the Southeast corner of the residence, there was no room for such an addition.

The applicants' contractor, Frank Haaland, was present to address the Board. Mr. Haaland reviewed the condition of the subdivision with the Board. Mr. Haaland stated the proposed addition, with a 34 foot resulting front yard setback, would not look out of place, when comparing to the other residences in the neighborhood.

Robert and Kathryn Salge, neighbors at 201 South Ridge Drive, were present to review the request. They stated no objections to the request and were there to observe the plans being requested. They confirmed they could potentially see the addition, and confirmed with the Board they would not be substantially harmed by granting of a variance in this case.

There being no further comments, Mr. Lampe closed the public hearing.

Mr. Lampe discussed the existing structure layout and existing window conditions where a potential addition would occur with the contractor, Mr. Haaland. Following review of the plans, Mr. Lampe stated his support of the request due to the existing septic system location and finding no other alternative to such a garage addition requested by the applicants.

*e. Motion by the Board:*

Motion By: Charlson

Seconded By: Gidley

Move to allow for the new garage addition to be allowed at a setback line of 34 feet from the South Ridge right of way line.

Yes: 5

No: 0

Absent: 0

E. Old Business:

None

F. New Business:

Mr. Kohout stated the City is reviewing Bremer Avenue conversion proposal from four lanes to three lanes in the central part of town.

G. Adjournment:

Motion By: Brandt

Seconded By: Gidley

That the Board of Adjustment meeting be adjourned.

Yes: 5

No: 0

Absent: 0

Meeting adjourned at 6:30 p.m.

Respectfully Submitted,

Ben Kohout, Secretary