

d. Discussion:

Member Lampe opened the public hearing.

Mr. Kohout presented a site plan and a letter requesting the variance from Mr. Eric Johnson, Attorney from Cedar Falls, acting on behalf of the applicant, Dahlstrom Development. Mr. Kohout reviewed the Code requirements for setbacks for attached single family homes, and stated the lot width minimum requirement is 45 feet wide. Mr. Kohout stated there is a 10 foot wide recorded easement along the south property line of lot 24 in Omni Development, Second Addition, for Storm Sewer and Drainage Easement purposes. Mr. Kohout stated the applicant submitted the construction plans with the common party wall of the attached single family homes not lining up with the common lot lines between lots 24 and 25. Mr. Kohout stated the site plan showing the lot width adjusted to accommodate the 10 foot wide easement shows the lot for 1210 1st Street SE to be at 41.62 feet wide, which is less than the minimum requirement of 45 feet wide.

Mr. Brent Dahlstrom, 604 Clay Street, Cedar Falls, Iowa, owner of the property in question, addressed the Board. Mr. Dahlstrom confirmed with the Board he understood the easement on the plat of record was in place and the home plans were submitted as they desired the lot configuration to be. Mr. Dahlstrom stated they have considered eliminating the common lot line between lots 24 and 25 as a solution, but Mr. Dahlstrom stated someone is interested in purchasing the proposed unit on 1210 1st Street SE and the new owners do not desire to own a condominium. Mr. Dahlstrom stated they are seeking relief of the 45 foot wide lot width requirement in this case as the proposed twin home is unique for this development and it was approved to be located here upon plat approval by the Council. Mr. Dahlstrom confirmed for the Board the foundation is in place on the twin home structure.

Mr. Charlson confirmed with Mr. Dahlstrom the north setback would not be compromised with the proposed variance and would remain the minimum 5 feet required. Mr. Charlson stated he finds allowing for a variance after foundation is in place does not set a negative precedence.

Mr. Lampe confirmed with Mr. Kohout there was a change in the ordinance to the R-2 zoning district, which allows for attached single family homes on lots at the current 45 foot minimum lot width. Mr. Lampe stated concerns over granting the variance as reducing the lot width for this style housing further than currently allowed for may not be in the best interest of enforcing the minimum lot width standards in place.

There was discussion about the difference between a condominium requirement and a twin home with common party wall requirements.

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

e. Motion by the Board:

Motion By: Charlson

Seconded By: Shea

Move that a variance to allow the proposed lot width for 1210 1st Street SE, lot 25 in Omni Development Second Addition, is proposed at 41.62 feet. be approved.

Yes: 1

No: 3

Absent: 1

Member Charlson cast the “yes” vote.

2. Case # 20170302, Variance governing the setback line requirements in recorded subdivision at 1410 Round Horn Street.

a. The Applicant’s Requested Zoning Variance:

Rick and Gayle Stensland are requesting a variance to the zoning district regulations governing minimum front yard setback and side yard setback requirements for a proposed home addition at 1410 Round Horn Street. The proposed addition would end up at 44 feet from the right of way of Round Horn Street and at seven (7) feet from the south (side) property line.

b. The Zoning Regulations State:

The recorded subdivision front yard setback is set at 50 feet from the right of way and the required side yard setback is 10 feet. See Code of Ordinances Sections 100.4.11, Building Lines on Approved Plats and 100.6.03, Dimensional Requirements.

c. Interested Property Owners:

Mr. Kohout confirmed for the Commission there were no letters received on this request.

d. Discussion:

Member Lampe opened the public hearing.

Mr. Kohout presented the site plan, building permit application and letter of hardship from the applicant. Mr. Kohout confirmed for the Board notice was given to the applicants and to those in the required mailing area.

The Board reviewed the construction plans.

Ms. Shea confirmed with Mr. Kohout the applicant owns the lot to the South. Mr. Kohout stated setbacks are still required to be observed, regardless of who owns the adjacent lots.

Ms. Shea stated she finds there is no hardship because someone desires more garage space as there may be other options for achieving an addition which can be done without seeking a

variance. Ms. Shea stated she also finds granting a variance for current owners and their unique situation is not a good justification for granting a hardship variance.

Mr. Lampe stated he finds there is no hardship because removing concrete and adjacent slopes mentioned in the hardship could be addressed with different methods during a remodel project for this particular property.

Mr. Charlson stated he finds the requested side yard variance request is not a hardship as there are other legal remedies to explore before seeking a variance from the setback requirements.

Mr. Charlson stated because no one is present to address the Board's questions, the Board may deny the request and should someone desire to appeal the decision, they may appeal the decision.

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

e. Motion by the Board:

Motion By: Shea

Seconded By: Charlson

Move that a variance to allow the proposed addition to end up at 44 feet from the right of way of Round Horn Street and at seven (7) feet from the south (side) property line be approved.

Yes: 0

No: 4

Absent: 1

E. Old Business:

None

F. New Business:

None

G. Adjournment:

Motion By: Brandt

Seconded By: Shea

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

Meeting adjourned at 7:34pm.

Respectfully Submitted,

Ben Kohout, Secretary