## **BOARD OF ADJUSTMENT MINUTES UNAPPROVED** September 11, 2017 City of Waverly, City Council Chambers, 200 1<sup>st</sup> St. NE, Waverly, Iowa

## Call to Order: 6:00 pm A.

- 1. Members Present: Linda Brandt; Al Charlson; Vern Gidley, Arrived at D.1; Pete Lampe, Chair; Karla Shea. Vice-Chair Members Absent: None City Staff Present: Ben Kohout, Secretary; Tim Kangas, Council Liaison Seconded By: Charlson 2. Motion By: Shea Move that the agenda be approved as printed. Yes: 4 No: 0 1 Absent: Approval of Previous Minutes: Motion By: Charlson Seconded By: Brandt Move that the minutes of the August 14, 2017, Board of Adjustment meeting be approved. Yes: 4 No: 0 Absent: 1 C. Communications: None
- D. **Regular Business:**

B.

- 1. Case # 20170901, Variance governing the accessory building size requirements for a 288 square foot shed at 821 1<sup>st</sup> Ave. SW.
  - a. The Applicant's Requested Zoning Variance:

Gary Stafford and Mary Stafford, property owners at 821 1<sup>st</sup> Avenue SW, are requesting a variance to the Zoning Code Section governing accessory structure size requirements. The proposed 12 ft. by 24 ft. (288 sq. ft.) shed for personal storage is proposed in the rear yard of the property, which currently has a 720 square foot detached garage.

b. The Zoning Regulations State:

The Waverly Ordinance govern accessory structure size based on lot size and may permit up to 800 square feet of detached accessory structures on this size property. See Code of Ordinances Sections 100.4.06, Accessory Building and Breezeway Requirements.

c. Interested Property Owners:

Mr. Kohout presented written letters of support received for the proposed shed from four nearby residents.

There was no one present at the meeting that wished to speak on this request.

d. Discussion:

Member Lampe opened the public hearing.

Mr. Kohout reviewed the location of the property with the Board and noted the site plan and building permit are included for review by the Board for examination.

Mr. Gary Stafford addressed the Board. He stated the reason for the request is he has a personal car that has a lot of sentimental value to him and his wife as he proposed marriage in that vehicle. He said he examined paying rent for a garage but he would rather pay for a personal shed on his property instead. He thinks the shed would be attractive, be on skids, which could easily be moved off once they move and would increase the tax base for the City.

Ms. Mary Stafford addressed the Board. She stated the location of the proposed shed would be to the east of the current detached garage in the back yard, along the alley.

Member Shea reviewed the size of the current garage and confirmed with Mr. and Mrs. Stafford they have a two stall garage with a double wide door. She further confirmed some of the garage is housing personal property maintenance equipment to maintain their yard and home.

Member Lampe confirmed with Mr. Stafford the shed being sought would be on skids, with no cement, so it could be moved off the property easily, if need be.

Ms. Shea reviewed the hardship criteria with the Board and she thinks that requesting more storage space than permitted is not a hardship based on the criteria outlined by the State of Iowa Code. She stated she understands the sentimental value and monetary value of the car, but this is not a hardship.

Mr. Lampe reviewed recent Board of Adjustment Supreme Court rulings and he stated he has a hard time matching this request with that criteria.

Mr. Lampe reviewed with the Board and Mr. Kohout the history of accessory structure size ordinance language established since 1986 in Waverly. He stated he would like to see the Planning and Zoning Commission review the ordinance and determine if any adjustments would be warranted, as the last ordinance revisions occurred in the 1990's.

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

e. Motion by the Board:

E.

F.

G.

	Motion By	: Charls	on	Seco	nded By:	Gidley		
	Move that a variance to allow for a variance for the accessory building size limitations from 800 square feet allowable total detached space to 208 square feet extra for 821 1 <sup>st</sup> Ave. SW be granted.							
	Yes:	0	No:	5		Absent:	0	
Old Bus	siness:							
None								
New Business:								
None								
<u>Adjourr</u>	<u>nment:</u>							
Motion	By:	Shea		Seconded By	: Gidley			
Move that the Board of Adjustment meeting be adjourned.								
Yes	: 5		No:	0	Absent	:: 0		
Meeting adjourned at 6:22 pm.								
Respectfully Submitted, Ben Kohout, Secretary								