



*c. Interested Property Owners:*

Mr. Kohout confirmed for the Board no correspondence was received on this request.

*d. Discussion:*

Edward Abben and Heidi Abben, property owners and applicants, were present to address the Board.

Following discussion amongst the three members present, one of the members may have a conflict of interest with the property owner in the form of a pending business deal on a private matter with the applicant's company which may create a conflict of interest. Therefore, member Brandt stated her intention is to abstain from participating the request at the meeting. Due to two eligible members present, there is no quorum to hear the request.

Following discussion of possible meeting times amongst the Board and applicants with the applicants, the item was moved to the next regular scheduled Board of Adjustment meeting time, which will be August 8, 2016 at 7pm.

*e. Motion by the Board:*

No Motion was presented as the item does not have a quorum due to one of the three members abstaining from voting due to a potential conflict of interest with one of the property owners.

2. Case # 20160702, Variance governing the setback requirements for a new detached accessory use storage building at 219 Elm Street, Waverly.

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

Nick Heims, contract purchaser of 219 Elm St. NE, Waverly, Iowa, is requesting a variance to the zoning regulations governing the front yard setback for a proposed accessory building on the subject property. The variance requested is from the required 25 feet from the Right of Way of Maple Street to 12 feet away.

*b. The Zoning Regulations State:*

Per City Code, the requirements call for all accessory use structures to observe corner lot setbacks. See Code of Ordinances Section 100.6, R-1, Single Family Residential District guidelines.

*c. Interested Property Owners:*

Mr. Kohout confirmed for the Board no correspondence was received on this request.

*d. Discussion:*

Ms. Shea opened the public hearing.

Ms. Shea stated for the record that due to three persons present for the meeting, an affirmative vote from all three is required to pass. Ms. Shea inquired with the applicant, Nick Heims, who was present, if he wished to proceed. Mr. Heims stated in the affirmative that he would like to proceed.

Mr. Nick Heims, property owner, addressed the Board. Mr. Heims stated he desires to construct a new detached structure that would meet size requirements, and desires relief from the required north setback from Maple Street. Mr. Heims stated he finds this may be a unique lot, as his residence faces to the east and the back property faces to the west, which creates a situation where both properties have a common side yard line to the north, fronting onto Maple Street. Mr. Heims stated he desires to have a new driveway curb cut reviewed by the City accessing onto Maple Street, and he would seek to abandon and replace the driveway to the east, should the variance be approved.

Ms. Shea reviewed and stated the standards afforded by State law and City ordinances by which a variance may be granted with Mr. Heims.

Mr. Kohout confirmed for the Board the size and anticipated height of the proposed garage is in line with the lot size.

Ms. Shea stated she finds it difficult to establish hardship for accessory buildings which are proposed new as opposed to pre-dating current ordinance standards and rebuilding. Ms. Shea stated she finds the structure may be located in the rear yard, thus not requiring the requested variance. Mr. Kohout confirmed for Ms. Shea should the structure be located at least 10 feet away from the residence, the accessory structure may be located at a five foot setback from the west and south property lines and observing the 25 foot setback from the north right-of-way line of Maple Street.

Mr. Charlson stated he finds the proposed north setback from Maple Street not customary in this subdivision and not in fitting with the character of the neighborhood. Mr. Charlson confirmed with Mr. Kohout the garage could be situated in another configuration in the rear yard so as to meet applicable setbacks.

Ms. Brandt confirmed with Mr. Kohout there are no existing sidewalks in this subdivision. Mr. Kohout confirmed for the Board a 25 foot setback is customary to accommodate off-street parking that would be beyond a four foot wide sidewalk, which is typically located one foot inside the right of way line.

Ms. Shea confirmed with Mr. Kohout the proposed garage at a setback less than 10 foot from the residence, the same setbacks for the garage would be those as imposed for the residence. These setbacks would be 25 feet from the north and east, and 10 feet from the south and 30 feet from the west.

There being no one else wishing to speak, Ms. Shea closed the public hearing.

