

BOARD OF ADJUSTMENT MINUTES
May 8, 2017
City of Waverly, City Hall, Council Chambers,
200 1st St. NE, Waverly, Iowa

A. Call to Order: 7:00 pm

1. Members Present: Pete Lampe, Chair; Linda Brandt (Arrived at D.1.); Al Charlson; Vern Gidley.

Members Absent: Karla Shea, Vice-Chair.

Staff Members Present: Ben Kohout, Secretary; Tim Kangas, Council Liaison.

2. Motion By: Charlson Seconded By: Gidley

Move that the agenda be approved as printed.

Yes: 3 No: 0 Absent: 2

B. Approval of Previous Minutes:

Motion By: Gidley Seconded By: Charlson

Move that the minutes of the March 13, 2017, Board of Adjustment meeting be approved.

Yes: 3 No: 0 Absent: 2

C. Communications:

1. PZ Commission Agenda, May 4, 2017
2. PZ Commission Minutes, April 6, 2017

D. Regular Business:

1. Case # 20170501, 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 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.

b. The Zoning Regulations State:

See Code of Ordinances Sections 100.4.11, Building Lines on Approved Plats. The recorded subdivision front yard setback is set at 50 feet from the right of way. This case was denied by the Board on March 13, 2017 and upon being granted an appeal from the

City Council on April 17, 2017, is being remanded back to consider new information on the request.

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 summarized the appeal process the applicant has undertaken to bring forth the original denial of the Board to the Council. The Council has remanded back this application for further review. The new information includes a survey completed in December 2016, showing the side yard setback being sufficient and therefore no longer being requested by the applicant. Mr. Kohout explained the Board may decide what else it may consider in the request in order to review the appeal for the front yard setback.

Mr. Kohout reviewed the City Code provisions with the Board as it pertains to addressing recorded subdivision front yard setback requirements.

Mr. Rob Stensland, of Modern Builders, spoke on behalf of Mr. Rick Stensland, property owner. Rob stated the property in question is on the east side of Round Horn Street, which has a 50 foot front yard setback. The west side of Round Horn Street is recorded as 40 feet. In addition, Emery Circle, to the west, is recorded with a 25 foot front yard setback. He explained this is a result of multiple phases of the subdivision being developed over the years. Rob provided the Board with printed copies of the subdivision plat, showing said setbacks and lot layouts.

Rob Stensland stated grade, utility locations and aesthetics are all hardship reasons to grant a variance. Rob stated there is a cantilevered architectural standard that was permitted by the building inspector on the residence directly to the South of Rick's property. Rob stated the proposed addition would not be setting a bad precedence and would not look out of place with the rest of the neighborhood.

The Board reviewed the plans and clarified utility locations with the property owner.

Mr. Charlson clarified with Mr. Kohout permitting a 44 foot variance may set precedence, and there are individual circumstances to be considered as with this request.

The Board reviewed the subdivision platting history with Mr. Kohout and reviewed the general timeline for incorporating this subdivision into the City limits.

The Board confirmed with Mr. Kohout recording standards for establishing a new front yard setback for the subdivision and the east side of Round Horn Street.

Mr. Charlson supported the request as he believes the 50 foot recorded setback was because it was a rural subdivision and under the County standards. The current standards are now less, as observed in other parts of the subdivision constructed after being incorporated with lessor setbacks.

Mr. Gidley supported the request.

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

e. Motion by the Board:

Motion By: Charlson

Seconded By: Gidley

Move that a variance to allow the proposed front yard setback variance request from 50 feet to 44 feet be approved.

Yes: 3

No: 1

Absent: 1

Member Lampe cast the “no” vote.

E. Old Business:

None

F. New Business:

1. Mr. Kohout updated the Commission on the recent Planning and Zoning Commission proposed ordinance amendments affecting the Planned Development District by comparing the Waverly ordinance to other Iowa community ordinances.

G. Adjournment:

Motion By: Brandt

Seconded By: Gidley

Move that the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

Meeting adjourned at 8:17 p.m.

Respectfully Submitted,

Ben Kohout, Secretary