

## BOARD OF ADJUSTMENT MINUTES

April 14, 2014

7:00 p.m.

A. Call to Order: 7:05p.m.

1. Members Present: Pete Lampe, Chair; Al Charlson; Vern Gidley

Members Absent: Linda Brandt; Karla Shea, Vice-Chair

City Officials: Ben Kohout, Zoning Specialist/Secretary

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 December 9, 2013 Board of Adjustment meeting be approved.

Yes: 3

No: 0

Absent: 2

C. Communications:

*Planning and Zoning Commission – April 3, 2014 Agenda*

D. Regular Business:

1. Case # 20140401, Construction of New Accessory building to exceed 2,000 square feet for combined structures on residential property.

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

Kendall Fox and Kim Fox, property owners at 1005 12<sup>th</sup> Street SE, Waverly, are requesting a variance to the Code requirements governing size and height of accessory buildings to residences. The applicants are proposing a new accessory use building connected to their existing accessory use structure by means of a covered breezeway so that the existing 4,410 square feet structure will be further increased in size by a proposed 7,880 square feet structure at a constructed height of 26 feet to the peak for a proposed total combined accessory building square footage size of 12,290 square feet.

b) *The Zoning Regulations State:*

Per City Code, the requirements call for all accessory building or structures on a property with a single family dwelling over one acre in size, regardless of zoning district, to have the total area occupied by accessory buildings to not exceed 2,000 square feet and to not exceed a height of 18 feet. The property is zoned A-1, Agricultural. See Code of Ordinances Section 100.4.06, Accessory building and breezeway requirements.

c) *Interested Property Owners:*

Mr. Kohout confirmed for the Board after publicly advertising the variance request and sending out letters to those within 250 feet, there were no comments received by the City on the request.

Chairperson Lampe confirmed by asking those in attendance there was no one wishing to speak with comments or concern on this request.

d) *Discussion:*

Mr. Kohout confirmed for the Board the existing structure was constructed in 2001. Mr. Kohout noted that with the structure proposed in combination with the existing structure already allowed on the property, the size requirements are to further exceed the 2,000 square foot limitation for accessory structures on residential properties, regardless of zoning district, as specified in the City Code requirements. Furthermore, the height requirements are being exceeded to a height of 26 feet. Mr. Kohout advised the Board it would be best to consider the existing structure on the property in combination with the newly proposed addition as there is no evidence of a variance being granted for the existing structure on the property which already exceeded the 2,000 square foot accessory building size requirement.

Mr. Kohout presented a site plan layout of the property supplied by the applicant, with the existing and proposed structures shown on the property, with relation given to the proposed Cedar River Parkway.

Mr. Fox confirmed for the Board the proposed location of the new accessory building addition would be to the north of the existing accessory use structure.

Mr. Lampe confirmed with Mr. Fox the proposed building would be used to store agricultural equipment, personal property and would function as a riding arena for horses and possibly utilized as sleeping area for a few cattle.

Mr. Lampe referenced a variance request that may be similar to this request, for property owner Mr. Dan Streicher in 2010 that was granted by the Board of Adjustments for an accessory building exceeding size requirements for the purposed of storage of agricultural, commercial business equipment and personal equipment used in the maintenance of the property.

Mr. Gidley confirmed with Mr. Kohout the request is being requested to be varied on the grounds of literal enforcement of the Code results in a hardship in storage of equipment and animals desired on the existing surrounding pasture grounds totaling approximately 90 acres.

Mr. Charlson confirmed with Mr. Fox there are no intentions for further residential development and lot splits out of his property where future residences would be in proximity to the requested accessory use structure.

Mr. Lampe confirmed with Mr. Fox that with two members being absent, Mr. Fox desired the Board to rule during this meeting.

e) *Motion by the Board:*

Motion By: Charlson

Seconded By: Gidley

Move to allow for the combined square footage of the resulting accessory buildings on the property be varied from 2,000 square feet to 12,290 square feet and to allow the height of the accessory building being requested to be varied from the required 18 feet to 26 feet.

Yes: 3

No: 0

Absent: 2

E. Old Business:

1. Mr. Kohout updated the Board on recent discussion items at the Planning and Zoning Commission meeting and covered the recent agenda from April 2014.

F. New Business:

None

G. Adjournment:

Motion By: Gidley

Seconded By: Charlson

That the Board of Adjustment meeting be adjourned.

Yes: 3

No: 0

Absent: 2

Meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Ben Kohout, Secretary