

BOARD OF ADJUSTMENT MINUTES
October 14, 2019
7:00 p.m.

A. Roll Call:

Members Present: Charlson; Lampe, Chair; Nelson

Members Absent: Juhl; Brandt

Staff Members Present: Isaac Pezley, Zoning Administrator

B. Approval of Agenda:

Motion By: Charlson

Seconded By: Nelson

Move that the agenda be approved as printed.

Yes: 3

No: 0

Absent: 2

C. Approval of Minutes:

Motion By: Nelson

Seconded By: Charlson

Move that the minutes of the August 27, 2019, Board of Adjustment meeting be approved, as presented.

Yes: 3

No: 0

Absent: 2

D. Public Hearing:

1) Variance request for 714 1st Avenue SW.

Pezley states that the applicants, Terrance and Lois Lindell, are requesting a side-yard and rear-yard setback variance to construct a new accessory structure in the northwest corner of their property located at 714 1st Avenue SW. The proposed garage would be placed in approximately the same place as the existing accessory structure; however, the proposed garage would be wider and deeper than the existing accessory structure. The current structure serves as an oversized one-stall garage, the proposed accessory structure would be a two-stall garage with room to store miscellaneous yard equipment. Pezley states that staff does not believe the proposed accessory structure would be alter the character of the neighborhood. Staff does not have an objection to the variance request.

Lampe asks staff about what type of structure is being built. Lampe states that he is uncomfortable granting a variance when he does not know what type of structure will be constructed.

The applicant, Terrance Lindell addresses the Board and describes the type of structure that is being proposed. Lindell tells the Board if they are required to meet the current setback

requirements of 5 feet then they would have difficulty maneuvering their vehicles into their accessory structure.

Frank Holland, Mr. Lindell's contractor, addresses the Board and states that the driveway is currently very tight and fitting a vehicle into an accessory structure that meets the current setbacks would be very difficult.

Charlson asks if they considered moving the accessory structure and the driveway to the east side of the property. Lindell states that such a project would be very costly. Lindell states that the driveway has always been on the western side of the property and he has no desire to move it.

Lampe asks the applicant if they would consider being setback 2 feet from the rear and side property lines. Lindell says that he believes that would be alright. Holland believes that it would be tight but it should work.

Motion By: Charlson

Seconded By: Nelson

Move that the Board of Adjustment approve the applicant's variance request for a 2-foot rear yard setback and a 2-foot side yard setback for an accessory structure with the following dimensions: 22 feet deep by 26 feet wide with 9 foot side walls, and a gable roof with a 4/12 pitch at the property located at 714 1st Avenue SW, Waverly, IA.

Yes: 3

No: 0

Absent: 2

Decision: The Board voted 3-0 to approve the requested variance for 714 1st Avenue SW to construct a garage with a rear-yard setback of 2 feet, a side-yard setback of 2 feet, dimensions of 22 feet deep by 26 feet wide with 9-foot side walls, and a gable roof with a 4/12 pitch. The Board stated that the variance request would not adversely affect the neighbors and the 2-foot setback requirements would keep with the character of the neighborhood.

2) Variance request for 1210-1212 1st Street SE

Pezley states the applicant, Eric Johnson, on behalf of Omni Dev, LLC, is requesting a lot width variance for the properties located at 1210-1212 1st Street SE. Omni Dev, LLC would like a lot width variance in order to make the two properties into a twin home. The property is currently operating as a condominium. Omni Dev, LLC requested a lot width variance in 2017 but the request was denied. Lot 25, the northern half of the property, would be approximately 41.62 feet while Lot 24, the southern half of the property, would be approximately 50.92 feet. Pezley informed the Board that he had received a call from the owner of 1212 1st Street SE who said she is not in favor of the variance request.

Eric Johnson asked staff if Kris Witcher was actually the owner of 1212 1st Street SE. Pezley told Johnson that Mrs. Witcher indicated she owned the property and Beacon also shows the Witchers as the owners of the property.

Johnson requested that the Board table the variance request.

Motion By: Nelson

Seconded By: Charlson

Move that the Board of Adjustment table the variance request for 1210-1212 1st Street SE.

Yes: 3

No: 0

Absent: 2

E. New Business:

F. Old Business:

G. Adjournment:

Motion By: Charlson

Seconded By: Nelson

Move that the Board of Adjustment adjourn

Yes: 3

No: 0

Absent: 2

The Board of Adjustment meeting adjourned at 7:37 pm.

Attest



Pete Lampe, Chairperson



Isaac J. Pezley, Zoning Administrator