

ZONING BOARD OF APPEALS MINUTES 12-21-2017



MEETING HELD IN THE CITY COMMISSION CHAMBERS THIRD FLOOR, 225 E PORTAGE AVENUE AT 5:30 PM ON THURSDAY, DECEMBER 21, 2017

Pending approval by the Zoning Board of Appeals

1. **Call to Order:**

The Zoning Board of Appeals meeting was called to order by Vice-Chair, Bob Casey at 5:30 p.m.

2. **Roll Call of Board Members:**

Roll call was taken to reflect the following quorum:

Present: Bob Casey
Steve Twardy
Ken Dunton
Dan Campbell

Absent: Beverly McCready
David Lockhart

Staff Present: Kelly Freeman (Community Development Director) and Melanie McBride (Community Development Office Coordinator)

Public Present: Todd Slotegraaf
Thomas Slotegraaf

3. **Excuse absent board members:**

It was moved by Steve Twardy and supported by Ken Dunton to excuse absent board members. The motion passed unanimously.

4. **Selection of new Board Chair (Jeremy Gagnon has termed out):**

It was moved by Ken Dunton and supported by Dan Campbell to table this agenda item and revisit it at the next meeting. Motion carried.

5. **Acceptance of the Minutes of the Zoning Board of Appeals meeting held on November 16, 2017:**

Additions or deletions: There were none.

It was moved by Ken Dunton and supported by Dan Campbell to accept the Zoning Board of Appeals Meeting Minutes of November 16, 2017. The motion passed unanimously.

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Next, Bob Casey outlined the procedure for the variance. He explained that first City Staff will present the background information and then the applicant will have an opportunity to provide additional information and explain why he or she feels that the variance is warranted. Next, he said that comment is opened up to the public. If anyone from the public wishes to address the Board, he asked that they state their name and address for the record, and direct their comments to the Chair. After all the members of the public have spoken, the matter comes before the Zoning Board for discussion. He added that members of the Board may ask City staff or the applicant any questions at that time.

6. Slotegraaf (setback variance request):

Todd Slotegraaf, of 1201 John Street, requests rear and side yard setback variances, to permit the construction of an approximately 6' x 14' woodshed. Sections 10-1.1703(6) and (7) of the City's Zoning Ordinance provide a minimum rear yard setback of five feet and a minimum side yard setback of three feet.

Mr. Freeman began his presentation. The property is located on the east side of John Street between E. 4th Avenue and E. 6th Avenue. The parcel is 50' x 125' and located in the R-1 zoning district. There are currently two detached structures on the property, a detached garage and a sauna. The applicant wants to construct a 6' x 14' woodshed in the northeast corner of the property. It would be within one foot of the north property line, where three feet is required. It would be on the east property line, where five feet is required. Mr. Freeman noted that the sauna was constructed in 2009 with a similar variance request that was approved by the Zoning Board of Appeals.

Two variances are being requested. The first variance is from section 10-1.1703(6), for a zero foot setback where five feet is required along a rear property line that is adjacent to an alley. The second variance is from section 10-1.1703(7), for a one foot setback where three feet is required along a side property line.

Mr. Freeman's analysis found that the property's width is similar to those around it with the minimum 50' width required in the R-1 district. The depth of 125' is uniform within the block. The shape is standard for residential lots. The area is 1,250 square feet larger than the minimum 5,000 square foot minimum. The subject property is relatively flat. No hardship was found in any of those areas.

Mr. Freeman noted some extraordinary or exceptional circumstances in regard to the subject property. The subject dwelling is setback at roughly 40'. The typical front setback within the block is 10-20'. The large setback reduces the rear yard space. Typical rear yard depth is 70-80' and the subject property's rear yard depth is approximately 53'. The lack of depth has a negative impact on usability, making a hardship present.

Mr. Freeman showed a few photos to provide a comparison to other homes on the block. The north property line is adjacent to the neighbor's utility shed. The east property line is along an alley that is not maintained during the winter and dead ends into private property. There are no plowing or public access issues. The applicant has stated that a mature tree would have to

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be removed to provide for a setback-compliant location. That is not considered a hardship, but accommodations could be made to save a large tree.

Mr. Freeman received two public comments. The northern neighbor has no objection provided that the woodshed is kept at least one foot off of the fence line. There was one phone call expressing no objection.

Mr. Freeman's recommendation is to approve the requested variances subject to the following conditions:

1. The woodshed shall be located not closer than one foot to the existing fence along the north property line.
2. The woodshed shall not be located further east than the east wall of the existing sauna.

Public comment was opened.

Bob Casey asked who owned the fence.

Todd Slotegraaf explained that he owns the fence. The neighbor wants the woodshed one foot off of the fence due to the roof overhang of the woodshed. Todd added that he is going to remove a section of the fence and put the woodshed up next to the sauna.

Steve Twardy asked about the view of the woodshed from the alley.

Todd explained that the doorway opening would face his home. It will be vinyl sided and that is all you would see from the alley.

Public comment was closed and there was no board discussion.

It was moved by Dan Campbell and supported by Ken Dunton to approve the variance subject to Mr. Freeman's conditions. The motion passed unanimously.

Roll Call vote:

Bob Casey	Yes
Ken Dunton	Yes
Dan Campbell	Yes
Steve Twardy	Yes

7. **Public Comment:** There was no public comment.

8. **Other Matters Presented to the Board or Staff:**

Mr. Freeman recognized Jeremy Gagnon's many years of service on the Zoning Board of Appeals. He termed out and is now serving on the Existing Structures Board of Appeals.

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9. **Adjournment:**

It was moved by Steve Twardy and supported by Dan Campbell for the meeting to be adjourned at 5:45 p.m. The motion carried.

Respectfully submitted,

Bob Casey, Vice-Chair
Zoning Board of Appeals