

BOARD OF ADJUSTMENTS MINUTES

July 6, 2020 – 5:15 p.m.

City Hall Commission Room

Board Members Present: Kevin Tveidt, Andy Johnson, Kristen Gabriel, Slade Weller, Dave Kelley (phone-in)

Guests in attendance: Jeff Hill, Nick Osterkamp, Kami Marts (phone-in), Bill McEntaffer

City Staff Present: Matt Elberson, Andrew Mentele, John Childs

Chairperson Tveidt called the meeting to order at 5:15 pm, Elberson took roll.

Tveidt asked the board to move to the agenda items; explained that a hardship or need is required for a variance; explained that a supermajority of the Board needs to vote in favor for the variance to be approved.

Item 1: Jeffrey and Mildred Hill, 1114 E Capitol Ave

Seeking three variances: One for lot coverage and two for encroachments into required side yards.

The request is to build an addition to the house and to an attached garage as this garage has been reconfigured for a wheelchair ramp, preventing vehicle parking. Behind the expanded garage, a covered patio is proposed. The home addition will add a second bathroom and closet to the home.

The 176 s.f. garage addition and 160 s.f. covered patio addition will encroach 5.4' into the 9' east side yard setback and the 106 s.f. house addition will match the existing wall at the alley side and encroach 3' into the 6' west side yard setback. The total added square footage is 444 s.f. Allowable lot coverage for this 8,428 s.f. lot is 2,528.4 s.f. The existing structures currently total 2,240.8 s.f., and the new proposed total would be 2,684.8 s.f., which is 155.6 s.f. over allowed for 31.8% lot coverage.

Tveidt asked applicant to present case.

Hill stated that they have remodeled the residence for an elderly parent, removing closet storage and adding a ramp in garage for accessibility.

Kelley asked if the side yard would be 3 feet. Tveidt noted that 3' would be on the alley and 3.6' would be the east side. Tveidt asked if the neighbors had any objections and Hill said they spoke to the neighbor and they did not object. Weller asked if 3.6' would be adequate for fire department access, Johnson said that it is as wide as a door so it should work. Tveidt noted he was having trouble supporting this request and that they are trying to do a lot with this property, may need to look at a different property. Hill mentioned that they could live without the garage but they would really like to have the added living space and the added garage space would be nice. Osterkamp noted that the addition would be no more non-conforming than the existing house on the west side. Osterkamp said that the patio already exists, that they would like to extend the roof to cover it. Gabriel asked if the variance for coverage would be required without the garage addition. Elberson confirmed it would not be over. Tveidt asked if the applicant wanted to modify the request, or vote on request as presented. Hill then noted that they would like to be able to put a car in the garage. Osterkamp said the applicant is asking for 3 variances, would it be more palatable to drop one? Tveidt asked if they wanted to act on the request or if there were any other questions. Gabriel asked if there was another garage in the back of the property. Hill said yes a 3-car garage.

No other questions were heard, Tviedt asked for a motion to vote. Weller moved to vote on the request as written, seconded by Johnson.

Elberson called roll, the variance was approved as requested with a vote of 4-1.

Item 2: Kami Marts, 114 Hemlock Ave

Seeking a variance for a 10' privacy wall within the required rear setback of a residence.

The request is to build a 10' tall privacy wall around a previously permitted deck to decrease the ability of the neighboring apartment building residents to see into the back yard. Applicant has built a fence, but the neighboring apartment property has a retaining wall which makes the top of the 6' existing fence approximately 3' from their side. Top of proposed wall would be 4' higher than existing fence.

Tviedt asked the applicant to explain the case.

Marts said that the pictures show the issue, they are concerned about the neighbor kids and safety. They built their fence 6' tall, and 3' inside their property line. The photos show that the fence appears knee-high from the neighbor's side.

Johnson asked if the existing fence would stay and that the proposed fence will be new. Marts confirmed and noted the fence would be 10' tall. Johnson then asked if there would be additional anchoring. Marts said they would add new posts. Johnson & Weller noted that there are concerns about tall fences. Marts noted the fence would be protected by and be lower than neighboring buildings and trees. Johnson understands the need for privacy, asked if the City has heard from the neighbors. Elberson confirmed that he had not. Tviedt asked if there were any further questions. Johnson noted that the applicants should talk with the city about requirements for tall fences. Weller noted they should consult an engineer on the fence design. Board noted approval would be based on requiring an engineered design.

Tviedt asked for a motion. Johnson moved to vote on the request, Weller seconded.

Elberson called roll, the variance was approved as requested with a vote of 5-0.

Item 3: Bill McEntaffer, 407 N Grand Ave

Seeking two variances: One for lot coverage and one for over-height garage.

The request is to construct a 24' x 24' accessory structure. Allowable lot coverage for this 6,580 s.f. lot is 1,974 s.f. The existing structure is 1,696 s.f., the proposed accessory structure is 576 s.f. for a proposed total of 2,272 s.f., which is 298 s.f. over allowed for 34.53% lot coverage. The accessory structure will be 23'-6" to the peak of the roof to conform to the design requirements of the historic district; this is 7'-6" higher than allowed.

Tviedt asked the applicant to explain the case.

McEntaffer said that their house is in the historic district and the garage would be off the alley. Most homes in the area are 2 or 2-1/2 stories and that he has met with the historic board about the proposed garage. They want to have the garage for parking and storage. The lots in the area are narrow and long. 18 years ago, a previous owner built an addition which is why the garage would be over coverage. They may not go over-height because of cost. The garage would be 24'x26', not 24'x24'.

Weller asked which side was changing. McEntaffer said the South side, they wanted to keep the tree in the yard. Tviadt asked what the new coverage will be, Weller calculated 35.25% is the new proposed coverage. Kelley asked if they were dropping the request for over-height. McEntaffer said they want to keep it for now, but may not end up doing it. Tviadt noted that the request was still for 2 variances. Asked if there was any action on the item.

Gabriel moved to approve the request, Johnson seconded.

Elberson called roll, the variance was approved as requested with a vote of 5-0.

Additional items:

Tviadt asked if there was anything else for the board to consider, no other items were mentioned.

With no further business Tviadt asked if anyone wanted to move to adjourn. Johnson moved, Weller seconded. Meeting adjourned at 5:52 pm.

Minutes submitted by Matt Elberson