

PLANNING AND ZONING COMMISSION MONTHLY MEETING

Council Chambers

3/22/16 6:00 P.M.

Present: Ron Welder, Larry Wright, Ed Delaney, Lyle Brown
Absent: Joel Amandus, Neal Boeding, Council Liaison Kevin Rink
Staff: Doug Krogmeier, Emily Britton
Visitors: Mike Rowland, Eric Hallam

Ron Welder called the meeting to order at 6:00 P.M. with four members present.

ACTION ON MINUTES

The minutes from February 23, 2016 were approved with changes on a motion by Wright, seconded by Delaney.

NON AGENDA ITEMS

None

Case #16-03: Variance to exceed the maximum allowable height of a residential accessory structure at 1520 Ave L.

Staff reviewed report.

Welder opened the public hearing at 6:05P.M.

Mike Rowland, of 1520 Ave L, explained that he was confused on the height requirement when he built the structure. He continued to say he did not plan on it being that tall but it ended up that way once the roof was put on. Brown asked him what he'll do if the variance is not approved and he replied that it would be very hard to cut it down to comply with the height requirement because he used heavy materials and the structure is made of metal so it would not be as simple as a wood structure to cut and shorten. He continued to say he needs the height to allow room to lift a car and work under it while still having room above for storage. When asked why he didn't make the layout of the structure larger to allow storage space he replied that he wanted to leave room to park in front of the garage.

Welder closed the public hearing at 6:08 P.M.

Welder asked Krogmeier if the height requirement was discussed during the building permit process. Krogmeier said he typically discusses it but cannot recall if it was explained in this particular instance. Wright asked Rowland if he built it or had a contractor, and he said he built it himself. Welder asked if he was aware of the height requirement and he said he did not recall Krogmeier discussing that with him and he didn't even think about it. Welder pointed out this variance request is similar to Case #16-01 that was recently denied and asked Krogmeier what the differences are. Krogmeier explained that this is not a standard size lot so there are less options for this property unlike the other. Wright then asked how this relates to previous cases denied with the understanding that the property owner knew their lot was small and had other options. Brown asked why the requirement is 15' instead of 16', and Krogmeier said the code was already written that way and he has not had reason to change it. He explained that some neighborhoods, such as Richards Dr., have one-story houses so this requirement would help keep accessory structures from exceeding the average height of the neighborhood causing them to stand out. He went on to explain that this neighborhood, and this property, contain two story houses so it would not really be an issue here but that is where the requirement came from. Wright asked if the lots around this one are standard or also small, and Krogmeier said not all the lots in this neighborhood are standard size. Wright expressed his concern about approving this despite it being similar to previous cases denied and how to answer for that later. Delaney pointed out what Krogmeier had said about the neighborhood and how the structure does not stand out here like it would in other places. Krogmeier also said the definition of a variance is to allow something based on the intent of the code and they are all to be looked at

individually to see if the request complies with the intention of the code even if it does not comply with what is specifically written.

Welder conducted the finding of fact.

Brown moved, seconded by Delaney, to recommend approval the variance to exceed the maximum allowable height of a residential accessory structure at 1520 Ave L.

Motion did not pass. 2-yes 2-no

OLD BUSINESS

None

OTHER/NEW BUSINESS

None

Wright moved, seconded by Brown, to adjourn.

Motion was passed unanimously. The meeting adjourned at 6:22 P.M.

Ron Welder, Chairman of Planning and Zoning Commission