

BOARD OF ADJUSTMENT

The Board of Adjustment meeting was called to order at 5:32 p.m. by Chairman Cullinan.

Roll Call: Present: Verdoorn, Cullinan, Robinson, Sissel
Absent: Muth

Motion by Sissel, second by Robinson, to approve the agenda. All ayes.

Motion by Sissel, second by Robinson, to approve the minutes of the 3/10/09 meeting. All ayes.

Cullinan read the following appeal:

Richard Benz, 1107 N 8th St. W, Clear Lake, IA, requests permission to construct an accessory building in the rear yard. PERMIT DENIED: The Clear Lake Code of Ordinances Chapter 165.32 – F. Accessory Use and Building Regulations. Maximum Rear Yard Coverage – In all RM zones, accessory buildings shall not exceed 650 square feet in area. Proposed construction will not meet this requirement.

Mr. Benz stated he wishes to build a detached 36' x 26' 3-stall garage for personal storage on the vacant lot that he owns, which is located directly behind his current residence. The structure would be a residential style garage, constructed of wood, with vinyl siding and asphalt shingles. Placing the garage at the back of the lot would give him the option of possibly constructing a house on the balance of the property, or in the event he decided to sell one of the lots, the garage could go with either parcel.

Robinson asked if he had contacted neighboring property owners to secure their approval. Mr. Benz said he had attempted to contact owners of condo units that abut the property, however since a number of them are rental units, he had not had much success.

Verdoorn explained the dilemma presented by the Code of Ordinances. As written, a detached accessory building of this size does not conform. However, if it were to be an attached garage, then the construction would be permissible. His personal opinion is that this is one area of the Code that needs to be considered for possible revision. He suggested that Mr. Benz wait until the updating procedure could be completed, however Mr. Benz indicated he would like to do the construction this spring.

Donna Armstrong and Harley Hill-Aiello, owners of condo units at 1010 Village Road, appeared representing the Hidden Valley Homeowners Association. They stated that the lot on which the proposed garage would be located is quite low and were afraid that driving across the lot to the garage would result in muddy ruts, thus spoiling the view and decreasing their property values. There was also concern that a rock driveway would create dust. The Homeowners were requesting that Mr. Benz erect a 6' fence between the properties to screen the driveway.

Mr. Benz said that he would only need access to the garage a few times a month. The driveway will be created using asphalt millings, resulting in a hard surface drive which is required by Code, and which will eliminate the possibility of dust. He also stated that is unwilling to erect a fence.

John Marino, Building Official, said that Mr. Benz is under no obligation to build a fence, and that no property owner is guaranteed a view by virtue of owning abutting property.

Since they could not justify a hardship would be created by denying the variance request, Robinson and Verdoorn offered a compromise on the size of the proposed garage. They suggested a non-steel 24' x 30' (720 sq. ft.) building, the equivalent of 2½ -stalls, to be constructed to resemble a residential garage. Stating a structure of that size would not give him the storage space he required, Mr. Benz was unwilling to accept the compromise.

Motion by Robinson, second by Verdoorn, to deny the request as presented. Ayes: Verdoorn, Cullinan, Robinson. Nays: Sissel

Motion by Verdoorn, second by Sissel, that the meeting be adjourned at 6:10 p.m. All ayes.

Tina Cullinan, Chairman

ATTEST:

Sharon Springer, Secretary