

BOARD OF ADJUSTMENT

The Board of Adjustment meeting was called to order at 5:30 p.m. by Chairman Cullinan.

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

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

Motion by Robinson, second by Sissel, to approve the minutes of the 4/14/09 meeting. All ayes.

Cullinan read the following appeal:

Michael Johnson, 204 S 4th St., Clear Lake, IA, requests permission to add an accessory building.
PERMIT DENIED: The Clear Lake Code of Ordinances Chapter 165.32 – Accessory Use and Building Regulations. Maximum Rear Yard Coverage. In all RS Zones, accessory buildings shall not exceed the aggregate of 750 square feet in area and shall not occupy more than thirty-five percent (35%) of the rear yard area. Proposed construction will not meet this requirement.

Mr. Johnson stated he wishes to construct a detached 3-stall, 28' x 40' (1,120 sq. ft.) garage in the back yard of his residence. Two stalls will provide inside parking for his vehicles, with the remaining stall to be used for storage. He provided signed consent for the project from neighboring property owners.

Verdoorn said that the size requested is actually larger than a normal 3-stall garage. Mr. Johnson responded that he wishes to have room for a small workbench area to allow him to do his own auto maintenance and repairs. He said he could build a smaller garage at this time, and if future Code changes are made to allow for a larger structure, he could then add on another stall. However, it would be more costly to do additional construction later.

Robinson asked Mr. Johnson if he was also requesting a side-yard variance, noting that the plans showed only a 5' setback from the property line to the north, and Code would require a 7' setback. Mr. Johnson said that he would have more than enough room on his lot to move the garage 2' to the south to meet the requirement. Robinson noted the location of City water and sewer service lines for houses facing S 4th St., which run through the back yards of properties in that area and connect to mains on S 8th St., stating that this garage could not be built over those lines should repairs become necessary. Mr. Johnson stated he recently had to dig up and replace his service lines, and at that time had been told by the City that when individual lines needed replacing, property owners would have to connect to mains on S 4th St. and abandon the lines in the back yards. John Marino, Building Official, confirmed this, saying there is now a City Ordinance that states that a property owner's service line cannot run across someone else's property.

Robinson also questioned Mr. Johnson on plans for his driveway in light of possible runoff issues created by impervious surfaces. The natural watershed to the west is now down the driveway, and to the east, across abutting properties to S 8th St. Her concern is that runoff from the building to the east could cause water problems in basements of adjoining property owners. Mr. Johnson had formerly owned abutting property to the east and said that the only problem he had encountered on his S 8th St. property was from foundation seepage at the front side of the house. Muth felt that runoff from a 1,120 sq. ft. garage would not be significantly larger than that from a 750 sq. ft. building. Robinson asked if there could be an easement attached to Mr. Johnson's property to keep the natural watershed out to S 8th St. should Mr. Johnson ever sell his property. She indicated that before making a decision, she would like an answer to the easement question and clarification on the location of the water and sewer service lines to Dr.

Scribbins' office. Marino said he would have to get an opinion from the City Attorney regarding the easement, and will check records to determine the location of Dr. Scribbins' service lines.

Verdoorn asked Marino what size restrictions would apply to an attached garage and was told there were none. Verdoorn suggested that Mr. Johnson might want to consider building an attached garage and withdraw his request for a variance.

Motion by Verdoorn, second by Sissel, to table this request pending clarification of the location of water and sewer service lines on neighboring properties, and the legality of the City attaching an easement to Mr. Johnson's property to provide for maintaining the natural pre-construction watershed. All ayes.

Marino told Board members he would gather information on these issues and schedule a meeting for Tuesday, May 12, 2009, 5:30 p.m., in the Council Chambers, to further discuss this variance request.

Motion by Verdoorn, second by Sissel, that the meeting be adjourned at 6:00 p.m. All ayes.

Tina Cullinan, Chairman

ATTEST:

Sharon Springer, Secretary