

Board of Adjustment MINUTES April 16th, 2020

Remotely Present: Marvin Neubert, Matt Marx, Dan Gottalt, Jane DeAustin(later in the meeting)

Staff: Roxanne Achman, Karen E Loehrer

- 1) Roxanne called the meeting to order due to the Chair not being present and the Vice-Chair having difficulty remotely connecting to the meeting.
- 2) Marvin volunteered to be the temporary Chair. There were no objections from the board members.
- 3) Dan moved to approve the agenda. Matt seconded and the motion carried.
- 4) Matt moved to approve the minutes from the March 19th, 2020 meeting. Marvin seconded and the motion carried.
- 5) File #20-099, Ryan and Sara Wolf requesting a variance to attach an existing garage to an existing dwelling making the dwelling 35ft from the property line (50ft required) in the Agricultural District. Pursuant to Sections 7.1.30a and 11.5.1. The affected property is described as follows: part of the NE1/4, Section 23, Minden Township.

Roxanne showed an aerial photo of the property pointing out the proposed addition connecting the existing house and existing garage. She stated that the required setback for a detached garage is 15ft. Once the garage is attached to the house it becomes part of the dwelling which requires a setback of 50ft. The garage is at 39ft which requires the variance.

Marvin moved to open the public hearing. Dan seconded and the motion carried.

Ryan Wolf stated that they would like to construct an addition to the house connecting the house to the garage. This would make the house within the 50ft required setback.

Marvin stated during his site visit he asked the applicant what the addition was for. The applicant told him it was for more living space. Marvin asked about the neighbor to north, looked like there was an old abandoned road by that property line. Dan stated that he visited the site and felt the request was feasible. Matt said that after driving by the site and looking at the map the request makes sense.

No one spoke in favor, opposition or with general comments.

Dan moved to close the public hearing. Matt seconded and the motion carried.

In reviewing Section 11.5.1 the vote was as follows:

1. Marvin stated that attached garages are permitted in the Agricultural District according to Section 7.1 of the Development Code. The vote was unanimous that the proposed use is not prohibited in the zoning district in which the subject property is located.
2. Matt cited Sections 2.1.3 and 2.1.9. Marvin added Section 2.1.1. Matt moved to approve #2. Marvin seconded. The vote was unanimous that the variance is in harmony with the general purposes and intent of the official controls.
3. Dan cited Quality of Life Goal #2, Policy #2. Life Cycle Housing. Marvin moved to approve #3. Matt seconded. The vote was unanimous that the variance is consistent with the Comprehensive Plan.
4. a) Marvin stated that an addition to attach a garage to an existing house is permitted in the Agricultural District. Dan moved to approve #4a. Marvin seconded. The vote was unanimous that the Property Owner proposes to use the property in a reasonable manner not permitted by an official control.
b) Jane stated that the existing structures meet the setbacks, the ordinance prohibits the connection of these two structures, even though the addition is the practical and reasonable way to expand the dwelling with the smallest amount of impact. Marvin moved to approve 4b. Dan seconded. The vote was unanimous that the plight of the landowner is due to circumstances unique to the property not created by the landowner.
c) Dan stated that neither structure will move closer to any of the surrounding structures or property lines. The addition is going between the two buildings. Matt felt the addition will improve the area. The request makes sense. Jane moved to approve 4c. Matt seconded. The vote was unanimous that the variance, if granted, will not alter the essential character of the locality.
d) Matt stated that the connection of the home and garage is the most practical option on this lot. Dan moved to approve 4d. Jane seconded. The vote was unanimous that the need for the variance involves more than economic considerations.

Marvin moved to include the development conditions to File #20-099. Dan seconded and the motion carried.

Marvin moved to approve variance request #20-099. Jane seconded and the motion carried.

- 6) File #20-100, Tom and Michelle Udermann requesting a variance to construct an accessory structure 90ft from the centerline of a county road (125ft required) in the Agricultural District. Pursuant to Sections 7.1.30a and 11.5.1. The affected property is described as follows: S283ft of E250ft of E1/2 SE1/4 SW1/4, Section 18, Glendorado Township.

Roxanne showed an aerial of the property. The applicant is proposing to locate a shed closer to the road than permitted. She pointed out the requested setback and required setback. There is space on the property to locate the structure and meet the setbacks to the side property line and road right-of-way. She showed an aerial of the area. The property is remote and located on a gravel road. She showed a picture taken by staff showing where the north corner of the building would be meeting the required setback and the north corner of the building at the requested setback. She had an aerial photo showing how a 36x44sf structure would appear on the property.

Matt moved to open the public hearing. Jane seconded and the motion carried.

Tom Udermann stated they would like to build a 36x48ft shop in their yard closer to the road to be able to drive in the yard and back things into the shed. To place the structure at the required setbacks he would have to back in from the road and felt that was a hazard. Dan asked if the door could go on the south side of the building. Tom stated that turning the building and having the door to the south would move if back to close to the septic and the area to the south is lower. Matt felt that there was not a lot of traffic on this road. Marvin felt that in the winter it will be a little more treacherous. He asked that if the structure is moved back to meet the setback how would that affect vehicles parked in front of the existing garage on the house and access to the shed door. Tom said that there would little room.

No one spoke in favor, opposition or with general comments.

Dan moved to close the public hearing. Matt seconded and the motion carried.

In reviewing Section 11.5.1 the vote was as follows:

- 1) Marvin stated that accessory structures are a permitted use in the Agricultural District according to Section 7.1 of the Development Code. Jane moved to approve #1. Matt seconded. The vote was unanimous

that the proposed use is not prohibited in the zoning district in which the subject property is located.

- 2) Dan cited Section 2.1.3, Matt cited Section 2.1.1 and Marvin cited Section 2.1.7. Marvin moved to approved #2. Jane seconded. The vote was unanimous that the variance is in harmony with the general purposes and intent of the official controls.
- 3) Jane cited Land Use Goal #2, Planning for Growth. Policy #2, Plan Implementation. Jane moved to approve #3. Matt seconded. The vote was the 3 in favor and 1 in opposition that the variance is consistent with the Comprehensive Plan.
- 4)
 - a. Matt stated that accessory structures are a permitted use within the Agricultural District. Dan moved to approve 4a. Marvin seconded. The vote was unanimous that the Property Owner proposes to use the property in a reasonable manner not permitted by an official control.
 - b. Dan felt there was plenty of room to meet the required setback even if the landowner has to move his driveway. Matt stated that there is not much traffic on this road and felt traffic wouldn't create an issue. Dan moved to deny 4b. Matt seconded. The vote was on "that there is no plight", 2-in favor and 2-inopposition to deny this request. The plight of the landowner is due to circumstances created by the landowner.
 - c. Jane stated the accessory structure will not alter the character of the area and location. Jane moved to approve 4c. Marvin seconded. The vote was unanimous that the variance, if granted, will not alter the essential character of the locality.
 - d. Matt stated that the request requires some practical thinking. Dan stated that the need for the variance is for practically purposes. Jane moved to approve 4d. Marvin seconded. The vote was 3 in favor and 1 in opposition that the need for the variance involves more than economic considerations.

Dan moved to deny file #20-100 because it failed on 4b. Matt seconded. The vote was 2-in favor and 2-inopposition. The motion passed.

- 7) Marvin moved to adjourn at 8:05 p.m. Jane seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Secretary