



PLANNING COMMISSION JUNE 22, 2021

City Hall – 131 N Main St

June 22, 2021 at 7:00 PM

MINUTES

CALL TO ORDER

ROLL CALL

Members Present:

David Woodard, Bret Albers, Melanie Block, Steve Gile, Chad Harrison, Melissa Olthoff, David Rich, Ryan Scott. Staff Present- Danielle Young, City Admin/Clerk

OTHERS PRESENT

Greg Kampling, Greg Williams, and Ken Terrell

AGENDA ADDITIONS

APPROVAL OF MINUTES

Planning Commission Minutes February 22, 2021

Commission member Bret Albers moved to approve the minutes of the February 22, 2021 Planning Commission meeting. Commission member M Block seconded the motion. Motion carried 8-0.

CITIZEN COMMENTS (Limited to items not on the agenda)- None

OLD BUSINESS

NEW BUSINESS

Business Items

OATH OF OFFICE was administered to new Planning Commission member Melissa Olthoff

ELECTION OF OFFICERS

Officers of the Commission shall be elected at the first regular meeting following the first of May.

Commissioner Bret Albers moved to appoint David Woodard as Chairman.

Commissioner Steve Gile seconded the motion. Motion carried 8-0.

Commissioner Ryan Scott moved to appoint Jessa Albers as Vice Chairman.

Commissioner Bret Albers seconded the motion. Motion carried 8-0.

Commissioner David Rich moved to appoint Danielle Young as Secretary.

Commissioner Melanie Block seconded the motion. Motion carried 8-0.

Open Public Hearing

PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION AT 811 N LINCOLN TO BUILD A GARAGE WITHIN 25' PLATTED BUILDING SETBACK

Property owner, Dan Fouquet, 811 N. Lincoln submitted a variance application to build a 14' x 48' attached garage on the south side of their house/existing garage with driveway access off of 7th Ave. The garage will be 20' wide at the west end and wrap-around behind the house 6'. The garage will be 6' from the west property line. A variance is required because the garage will encroach into the platted 25' setback on the southern portion of the lot. Notices were sent to properties within 200'.

Greg Kampling spoke on behalf of the property owner, Dan Fouquet, who was not able to attend due to his job. Kampling explained that the proposed setback from the south would be the same distance as Dan and Karen Stoehr's setback to the street (Stoehr's property is located south of 811 N Lincoln). Kampling stated this distance was measured from the street to the house. Kampling stated he would like to wrap the garage around to the back of their house so the variance would be for two directions. Kampling stated the addition would match, as much as possible, the existing house and would set back 2' from the front of the existing garage.

Block asked how much room there was from the Canaan property to the west. It was stated the addition would be 6' from the west property line. Gile asked how far that would be from the neighbor's house. Kampling stated it would be 12' away. Young stated the minimum rear yard was 20'.

Bret Albers asked about the dotted line shown on the map and asked if that was the setback line. Albers asked about the setbacks on the house to the south. Young explained that on a plat they can state what the building setback lines are. The dashed line is 25' from the property line and 12.5' feet- so the house was built right where the building setback is set. Young explained that a front yard setback is 25', so the 811 Lincoln lot was platted for the house to face south on 7th Ave with the 25' setback. The Stoehr property to the south was platted with the 25' to the east for the house to face Lincoln Ave. Fouquet is requesting to build into the 25' setback line and because it's platted, the variance is required. They want to build 14' down. Young stated she and Ewy marked the property pins and measured over the 14' to the south and set a flag. It was roughly about 9.5-10' to the south property line.

Young explained that Lincoln Street is an 80' wide street (from property line to property line) and 7th Ave is a 60' street right of way. Typically, on an 80' street right of way, it's going to be about 20' from back of curb to property line and on the 60' street it will be 12' from back of curb to property line. Young stated that Fouquet is asking for the variance because he understands his house faces Lincoln and even thought the setback is 12.5' along Lincoln, if you factor in the additional 10' from the back of the curb to the property line because of the 80' street right of way, if one would look at it from the street, there is about 22.5' from back of curb and looks similar to the setback.

Kampling stated that the new addition would about line up to the existing garage built to the west of Fouquet's property on 7th Ave.

Young stated that Kampling indicated that they're asking for a double variance. Young stated this is because they're wanting to build 14' south into the setback and are also requesting to build to the west, which is technically his required 20' rear yard. Young stated that if the variance isn't allowed, Fouquet could technically build straight to the west within 6' of the west property line without a variance.

Block stated she was originally concerned about the side. Gile asked why the lines were crooked on the map with the drawing of the addition and also thought the flags were crooked. Young stated it could have been because she drew the lines on the map and did not intend them to be crooked and that the property owners were having to move the flags each time they mowed. Woodard stated the intention was to build the addition square to the existing house.

Ken Terrell was at the public hearing just to visit out of curiosity to see how the City is run and appreciated them.

Greg Williams came to see how the Planning Commission was run. Williams stated there was concern about line of site from the corner. Young stated she did do a site triangle and did not find the addition to fall within the site triangle. Williams stated he also had concerns about the Canaan property's line of site to the west, but thought they had the opportunity to come and protest if they saw an issue with it, but they were not in attendance.

Kampling stated that Fouquet was willing to back off the size of the garage addition from 14' to 12' if he needed to.

Bret Albers asked if it was the property owner's position that because the house was turned the side yard should be considered about 7th Ave and if we're asking for a variance to go that way. If the south side is considered a side yard, then the east side would be built out of compliance because it should be 25'. Young stated he was thinking the right way, but that is why the property owner is stating with Lincoln Street being 80', he gains an additional 10' from the property line to the setback line, giving him additional space from the curb to the property line.

Gile asked what the code stated about the distance between the houses. Young stated 6' is the side yard setback.

David Rich asked if there would be any walk-thru doors from the west side. Kampling stated it would be off the patio.

The public hearing was closed at 7:27 pm.

CONSIDERATION OF VARIANCE FOR 811 N LINCOLN

Woodard stated there were 5 conditions to review in considering the variance.

Zoning Code 5.33 states a Variance can be granted if the following conditions are met:

1. That the variance requested arises from such condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of this ordinance would constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
5. That granting the variance will not be opposed to the general spirit and intent of this ordinances.

Melanie Block asked for clarification on distances for the side yard as the GIS map did not look accurate. It was explained that the GIS can be skewed when looking at it visually.

Block asked to look at the other properties along 7th Ave and how close they were built to the street. Young stated that there are several sheds built along 7th Ave with several different plats, and varying setbacks, making 7th Ave an interesting street.

Bret Albers stated we want to make it conducive to live in our community, but he thinks about consistency. If someone builds on a corner lot, could they build in this same fashion and then say later they want to build here too. Albers said the house was built within the plat, even though it was turned, so in looking at the variance conditions he questions if this is something unique to the property? Or is this a situation where it is unique and if we allow building into a setback, does that negate doing a plat. If we're going to allow building outside plats and setback- then what's the reason for it? But we can't have such a strangle hold on things that it's hard to live in the city and we as a board need to be ready for the next guy who builds on a corner lot and wants to do something out to the side. Block stated the plat isn't straight all the way across 7th Ave.

Ryan Scott mentioned that the addition lined up to the other garage along 7th Ave and there were three neighbors present that didn't have an issue with it. Chad Harrison stated that if the front door faced South then we would never allow an addition to the front, but this house is kind of unique because there's still a 25' setback to the front of the house and Albers agreed that it is unique since it's an 80' street.

Ryan Scott asked if a house could be built like this again on a corner lot. Ryan Scott asked if we would run into this again with new construction. Young explained that there are a few homes recently built on corner lots at the Back Nine where this could happen again.

Young mentioned that the Planning Commission heard a variance for Hillman last year with a corner lot and he wanted to build out to the side, but it was technically in his rear yard.

Albers mentioned Ryan's comment, that if a home was built today the front door would have to face the 25' setback. Young stated she wasn't sure that the Zoning Code specified that and there is some confusion whether a driveway or a doorway is the front of a house and it's been conveyed both ways. Melissa Olthoff mentioned her house was built similar, facing Santa Fe with the driveway towards Marshall and her property address being Marshall Street.

Young said she had tried to go through and look at corner lots throughout the city and each one seems to be different as homes face different ways and some have platted setbacks and others don't. Young mentioned the house a block south of 811 Lincoln and if that person asked to build out to the east, past the front of the houses along Lincoln? Since that house technically faces 6th Ave, but has a driveway to the east on Lincoln, she didn't know if a request to build to the east would be similar to this variance request. She thought each property would be a little different.

M. Block thought they needed to take into consideration traffic and that there were only 4-6 homes in the cul de sac.

Woodard asked if there were any other communications with other property owners. Williams stated he talked to Molyneux and he didn't have a problem with it.

Young mentioned the size of the lot is 75.9' and the depth is 115' and the R4 Zoning code says the lot depth should be 120'. Young stated they could technically call it a non-conforming lot and if it had been an additional 5' deep, the house could have been situated differently.

Kampling mentioned Lot 4 being small to the west of Fouquet's and it was discussed whether a lot split had been done prior to that house being built west of 811 N Lincoln.

David Rich mentioned that they could grant the variance with certain considerations and make it match the existing building structure, to do so in such a way to maintain the community. It was mentioned that the request is for an attached structure to be tied into the existing house.

Woodard mentioned that currently there are two lots with the same setback and if the variance is allowed, there will still be 2 lots with the same setback. It will just change, which ones are in common. Melanie Block stated the site triangle had been a concern. Young stated she could show the site triangle.

Young stated that north/south roads in the original part of town are 80' wide street right of ways.

Terrell asked what designated an address and why it was Lincoln Street and if it was platted to face 7th Street, why isn't it 7th Ave. Young stated that the City office sets the address when a building permit is pulled and since the driveway and front door face Lincoln Street, it was given a Lincoln Street address.

Young stated the Zoning Code states that if there are not platted setback lines, then the building is to be 25' from the front street and 15' from the side right of way. Young stated this is from the property line and not from the curb. Young mentioned that if the plat had been reversed with the 12.5' setback along 7th Ave, the variance would technically be allowing a 3' variance since the addition would be approximately 9.5' from the property line instead of 12.5'.

Woodard stated they could deny the variance, approve the variance request or approve with some type of modifications that are desired

Ryan Scott was in favor of approving the variance with guidelines.

David Rich moved to approve the variance with the restriction that it must match existing structure and stay within quality and design of current structure.

Bret Albers seconded the motion.

Motion carried 8-0.

Young asked for clarification that if the existing house is brick, then the addition is to match the exterior and Rich replied that if a home had ½ brick that it would be to carry the design and quality of the structure to the new addition. Motion carried 8-0.

ADJOURN

David Rich moved to adjourn at 8:01 pm.
Block seconded the motion. Motion carried 8-0.



David Woodard, Planning Commission Chair

Attest:

Danielle Young

Danielle Young, City Clerk

DRAFT