

SPECIAL MEETING OF THE BOARD OF ADJUSTMENT 4-17-00

The special meeting of the Norwalk Board of Adjustment was held in the Council Chambers of Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Chairperson Joe Smith called the meeting to order at 7:00 p.m. Present at roll call: Joe Smith, Jan Sparks, Randy Frescoln, Chad Stevens and Christin Grant. Absent: None.

City Staff present: Jeff Wren, Community Development Director/Planner.

00-006 – Motion by Sparks, seconded by Stevens, to approve the agenda as presented. Approved 5-0.

00-007 – Motion by Grant, seconded by Sparks, to approve the minutes of the February 19, 2000 meeting as presented. Approved 5-0.

Chairperson Smith welcomed the guests present and opened the Public Comments portion of the meeting. With no guests wishing to speak Chairperson Smith moved on to the New Business portion of the meeting.

Chairperson Smith spoke as to what the variance request included.

Larry Hughes, 501 West North Avenue, spoke as to the reason for his request for a variance. Without this variance it would limit the size and shape of the house that could be built on the corner lot of this plat.

The frontage measurement will be 65' for two lots and 78' for the corner lot. The corner lot will be seven feet short of the frontage requirement of the 85' stated in the zoning ordinance for this zoning class.

Smith questioned the reason for the rezoning for this area. Wren explained that 65' is the bare minimum for R2 zoning. Under the grandfather clause Hughes could build on the 52' lots as they now stand. Lot 11 of Stiffler's Addition, the current plat, is a corner lot and would require the front yard set back on two sides of the lot not leaving adequate room to build a house. This lot is at the corner of School Avenue and Center Street. There would be a 30' set back on School Avenue and 35' on Center Street. Hughes is only requesting a variance on the School Avenue set back at this time.

Sparks asked which direction the house would sit on lot 3 (the corner lot) of the new plat. Hughes stated it would face Center Street.

Chairperson Smith read expressing their concerns about the variance a letter from Richard & Eileen Phipps, 902 South Avenue, into the record. A copy of the letter has been placed in the file.

Frescoln stated he could not see a problem with the 78' lot. Sparks agreed.

Grant did not see this as a hardship on the property owner. She was concerned this was a block from the school and felt this could be a safety issue. Grant questioned whether it would be possible to plat this area. Wren stated that to make the area two lots instead of three would be in conflict with the Zoning Ordinance of the City of Norwalk.

A long discussion was held with reference to the size of the lots and the set backs on School Avenue. The front yard of the residence at 901 School Avenue is 15feet and Mr. Hughes would like to use that set back for his development. The consensus of the Board was not favorable.

00-008 – Motion by Frescoln, seconded by Grant, to open the public discussion portion of the meeting. Approved 5-0.

Kathy Disney, 525 Center Street, has concerns about the set back on School Avenue with the fact that this is so close to a school.

Frescoln asked if there could be a house built on lot 3. Hughes, after doing some figuring, said yes that it would be possible. Wren answered this was possible as he reads the ordinance. Hughes stated the house being proposed for the corner lot would be brought from the airport area. This maybe on the other lots also.

Sparks felt a 30' set back is good. Other members agreed. Smith asked if anyone would entertain 20 or 25' set backs. The answer was no.

Frescoln felt if the ability to build on a particular lot is not limited with the current rules we should not change the requirements.

When questioned by the Board about the recourse a person would have if they did not agree with the decision of the Board, Wren read a statement that if anyone disagrees with a decision of the Board their only recourse is to the courts and not to the City Council.

00-009 – Motion by Frescoln, seconded by Stevens, to close the public discussion portion of the meeting. Approved 5-0.

00-010 – Motion by Frescoln, seconded by Stevens, to grant the variance with the 30-foot setback on School Avenue and the house to face Center Street. The request for a variance on the lot width from 85 feet to 78 feet is granted with the understanding that any sub-division created for the this parcel must show lots of 65 feet, 65 feet and 78 feet. Approved 5-0.

00-011 - Motion by Stevens, seconded by Grant, to adjourn the meeting at 8:05 pm. Approved 5-0.

Joe Smith, Chairperson

Jeff Wren, Community Development & Planning Director