

MEETING OF THE BOARD OF ADJUSTMENT 09-22-03

The September 22, 2003 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 6:30 p.m. Present at roll call: Joe Smith, Jan Sparks, Christin Grant, Steven Davidson and Chad Stevens. Absent: None.

City Staff present: Jeff Wren, Community Development Director/Planner and Alice Powers, Administrative Assistant.

03-25– Motion by Grant, seconded by Davidson, to approve the agenda as presented. Approved 5-0.

03-26 – Motion by Grant, seconded by Stevens, to approve the minutes of the August 25, 2003 meeting as presented. Approved 5-0.

As there were no guests present wishing to speak during the public comment portion of the meeting Chairperson Smith moved on to the business portion of the meeting.

BOA Docket #03-2b; Bezdicek variance request for the sideyard set back from 20 feet to 3 feet.

Smith explained to the Board the reason for the hearing. Smith explained the compromise between the Mr. Bezdicek and the City of Norwalk in order to move the garage back on the property.

Wren spoke to the Board as to the sideyard setback the Lakewood Village Association architectural committee says that the covenants require the minimum of 8 feet. This will be more restrictive than our requirements and so will have to determine what the sideyard setback.

There is a tree that may have to come down. The shrubs will have to be moved also.

Smith asked if with the breezeway in between and the Lakewood Village Association requirements could the breezeway be made shorter to get the other 1-½ ft. Mr. Bezdicek stated no. The roof on the garage and the house would be touching.

Joe asked if there were any written or oral comments. Wren stated there had been received a letter from the Lakewood Village Association (LVA).

Davidson asked if the shed presently located on the property would be moved and Bezdicek stated there had been no decision made at this point.

Smith stated he did not understand why an association inside the City can override the Board of Adjustment.

Wren stated that according to the LVA there had never been a case of appeal of the LVA covenants.

Smith and Sparks felt that having an association within the City that can override the Board of Adjustment ruling or a City decision was not right. But he did not want to test the waters of that right now because it would mean more problems for Mr. Bezdicek.

Smith closed the meeting to residents and opening it to the Board only.

Grant asked if the LVA item was being looked at by city Staff. Wren answered I believe so.

Smith wanted to thank the city for making a decision to take responsibility for the entire matter and working to make things come out for the resident.

03-027 - Motion by Grant, seconded by Davidson, to approve BOA Docket #03-2b reducing the sideyard setback from 20 feet to 3 foot along the west property line with the stipulation that the property owner meets all other zoning regulations. Approved 5-0.

BOZ Docket #03-4; Stogdill variance request to reduce sideyard setback from 7 feet to 3 feet.

Smith stated there is a house with an attached garage with a lot of land between it and the sideyard. The property owners want to build an 18' X 34' garage addition.

Michelle Stogdill, 421 Snyder Avenue, wants a three- (3) car garage that will be accomplished with taking the wall out between the old garage and the new garage.

Wren because of the way the house was built this will only be a 1' addition to what would be allowed in this zoning area.

There was quite a discussion looking at the pictures that went out in the packet. This discussion explained the location of the requested addition.

Stevens asked if there was any three- (3) car garages in the area. Stogdill stated that the house right across the street has a detached four- (4) car garage all others are two (2) car garages. The house with the four- (4) car garage has a special use permit to allow the larger garage.

Smith stated his problem is the sideyard and that when and if there was a fire how would the emergency equipment get between the houses. Wren stated that the City Code states there must be 10' between building. The Fire Code has since reduced that to 6 feet, the City, however, has not adopted this change.

Smith stated that the fire code is not what we have to look at. Smith debated the overhang between houses.

Sparks asked if this would make it a two- (2) car garage. Stogdill stated that it would be a three- (3) car garage.

Sparks asked how large of a setback this is? Wren stated that without finding the actual lot line he felt it was around 4'.

Stogdill stated they were trying to get a 16' door in there and he needs something on each side of the door for stability.

Wren looked up the 2' roof overhang provision in the City Code and showed it to Smith and the Board.

Smith called for any more comments. Michelle asked how long the building permit was good for. Smith stated usually that it was a year.

Sparks stated it was really close to the lot line. Grant felt that the Board should look at the 4' and with the emergency equipment.

In R1-60 district there is a 15' sideyard. Sparks asked if the fence that has been there more than 10 years it is the lot line? Wren stated he did not know.

03-028 – Motion by Stevens, seconded by Grant, to approve BOA Docket #03-4 reducing a sideyard from 7 foot to three (3) feet on the south lot line; with the stipulation that the entire project be completed one year from today or September 22, 2004. Approved 5-0.

Wren stated that the power station would be coming back to the Board in the near future.

03-029 – Motion by Sparks, seconded by Grant, to adjourn the meeting at 7:23 pm. Approved 5-0.

Jim Smith, Chairperson

Jeff Wren, Community Dev./Planning Director

