

NORWALK BOARD OF ADJUSTMENT MEETING 04-13-09

The Board of Adjustment meeting was held April 13, 2009 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Chairperson Joe Smith called the meeting to order at 6:00 pm. Members present at roll call were: Joe Smith, Christin Grant, Chad Stevens and Steven Davidson. Absent: Jan Sparks.

City Staff present were Mike Johnson, Associate City Planner and Shelley Heisdorffer, Community Development Clerk.

Council Liaison Frank Curtis was also present.

09-01 – Motion by Davidson and seconded by Grant to approve the agenda as presented. Approved 4-0.

09-02 – Motion by Stevens and seconded by Davidson to approve the minutes from the October 13, 2008 meeting. Approved 4-0.

At 6:02 Jan Sparks arrived at the meeting.

The first item on the agenda was a request for variances of residential setback requirements from Scott Soper, 1312 Casady Drive. The applicant proposes a 14 foot addition along the entire north elevation of the residence. The Norwalk Zoning Ordinance requires a rear yard setback of 35 feet on properties located in the R-1(60) Zoning District. The lot has three street frontages and therefore has three front yards, a rear yard and no side yard(s). The variance would allow for a reduction in setback from the lot lines between lots 23 Windflower Plat 12 and lot 22 of Windflower Plat 11 as well as lots 23 and 24 of the Windflower Plat 12 subdivision.

The applicant is requesting the board's approval of a rear yard setback variance from the prescribed 35 foot requirement to approximately 22 feet at the nearest point along the lot line bordering 1342 East 20th Street and 16 feet at the nearest point along the lot line bordering 2017 Avery Avenue.

Mr. Soper was asked to speak regarding his request. Mr. Soper stated he would like to add on a one story non plumbing addition to his house. The addition would be 14 feet and would run along the backside of the house. Mr. Soper's mother-in-law is moving in with them and he is out of space in the current house with three teenagers and two adults currently residing there. Soper noted that he feels the proposed addition is the least visual from the road. The addition would encroach closer to the neighbor on Avery Street more than the one on East 20th Street. Mr. Soper would prefer to put the addition on the back of the house due to the fact that if he put it on one of the sides of the house he would have to move gas or electric services.

Board asked if letter had been sent out to the neighbors regarding this matter. Mr. Johnson replied they had not. Board asked why letter had not been sent out and Mr. Johnson stated that the City is not required to send letters out to the neighbors. Requirements include a public notice regarding the meeting and the notice was also posted at City Hall.

Board asked Mr. Curtis what his thoughts were from a fire perspective. Mr. Curtis stated he would like the Fire Chief's comments on this variance to see if there would be enough room between the two houses in case one were to catch on fire and also to make sure they can maneuver fire equipment in the area.

Mr. Soper has not contacted his neighbors either.

Board asked if Mr. Soper would be moving the pool. He stated that the winter was very hard on the pool and it is already gone. Mr. Soper is in the process of tearing the deck down too in hopes this variance will be approved so he can move forward with the addition.

Board asked Soper if he has any blueprints for the project. A similar project was brought before the Board by Mr. Soper several years ago and it was tabled for various reasons, but one being that Soper

only had tentative plans and wasn't prepared to move forward. Mr. Soper responded that he does not have blueprints yet because he was waiting for the Board's approval before he went that far.

Board pointed out that the wording in the request needs to be changed. The variance regarding the lot line bordering 1342 East 20th Street should be 22 feet at the nearest point, not 16 feet. The variance regarding the lot line bordering 2017 Avery Avenue should be 16 feet at the nearest point, not 22 feet.

09-03 – Motion by Sparks and seconded by Davidson to table BOA Docket 09-01 – Request for variance(s) for proposed residential addition at 1312 Casady Drive regarding R-1, Single Family Residential rear yard setback requirements with the stipulation that staff will send out letters to notify the two adjacent neighbors of the addition and will inform the Fire Chief of the addition. Another meeting will be scheduled after these tasks have been performed. Approved 5-0.

09-04 – Motion by Grant and seconded by Stevens to adjourn the meeting at 6:20 P.M. Approved 5-0.

Joe Smith, Chairperson

Mike Johnson, Associate City Planner