

## NORWALK BOARD OF ADJUSTMENT MEETING 06-03-09

The Board of Adjustment meeting was held June 3, 2009 at Norwalk Norwalk Easter Public Library, 1051 North Avenue, Norwalk, Iowa. Chairperson Joe Smith called the meeting to order at 6:00 pm. Members present at roll call were: Joe Smith, Jan Sparks, Christin Grant and Chad Stevens. Absent: Steven Davidson.

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

Council Liaison Frank Curtis was also present.

**09-05** – Motion by Sparks and seconded by Grant to approve the agenda as presented. Approved 4-0.

**09-06** – Motion by Grant and seconded by Stevens to approve the minutes from the April 13, 2008 meeting. Approved 4-0.

No guests were present so the business portion of the meeting was opened.

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.

This is the second meeting regarding this matter. At the last meeting the Board asked staff to contact the two adjacent neighbors of the property and to contact the Fire Chief for review. Letters were sent to these neighbors and staff reported that no response was received by the City from the neighbors. Mr. Johnson noted that he informed the Fire Chief of this request for variance and his concerns were with the site preparation regarding what appears to be an old swimming pool and the other material around the home as this presents a potential fire load concern.

Mr. Smith asked for staff comments on the matter.

Mr. Johnson stated that the job of the Board of Adjustment is to only grant variances in cases of unnecessary hardship and even though this is a unique lot, the applicants could build vertically or put a smaller addition on one side, he does not feel that constitutes a hardship.

Mr. Nosbisch commented that it is hard to prove hardship based on state code. A hardship is defined as not being able to construct a house on the property.

Mr. Curtis asked if there is enough room to put an addition on the side of the house. Mr. Nosbisch explained that an addition would fit on the side of the house, but probably not the same size addition. The plan would have to be scaled back to legally fit.

The meeting was closed at 6:25 PM for discussion.

**09-07** – Motion by Stevens and seconded by Sparks to deny 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 due to lack of hardship. Approved 4-0.

**09-08** – Motion by Sparks and seconded by Grant to adjourn the meeting at 6:57 P.M. Approved 4-0.

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Joe Smith, Chairperson

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Mike Johnson, Associate City Planner