

## REGULAR BOARD OF ADJUSTMENT MEETING 11-21-2016

### Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Monday, November 21, 2016 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Chairperson Christin Grant called the meeting to order at 6:00 pm. Members present at roll call were: Dennis Cassady, Brent Hinders, Rachel Parker, and Christin Grant. Absent: Chad Stevens.

City Staff present were Luke Parris, City Planner and Shelley Stravers, Development Services Assistant.

### Approval of Agenda – 16-06

Motion by Hinders and seconded by Parker to approve the agenda. Approved 4-0.

### Approval of Minutes – 16-07

Motion by Cassady and seconded by Hinders to approve the minutes from the August 17, 2016 meeting. Approved 4-0.

### Welcome of Guests

Chairperson Grant welcomed everyone and with no guests wishing to speak, the business portion of the meeting was opened.

### Public Hearing and consideration on a variance request from Rick & Carol Hardy, 5313 Clearwater Drive to reduce their front setback along Beardsley Street from 30' to 18' to allow for an addition onto their garage – 16-08

Parris reported to the Board that the City received a variance application regarding the front yard setback on property at 5313 Clearwater Drive. The request was submitted by Rick and Carol Hardy, property owners. This property is on the corner of Clearwater Drive and Beardsley Street. This corner has two front setback requirements, one along Clearwater Drive and one along Beardsley Street.

The request is for a variance to reduce the front yard setback along Beardsley Street from 30 feet to 18 feet. This would allow for the construction of an addition to the existing garage.

Parris spoke with the Public Works Director regarding the possibility of Beardsley expanding into a wider road, and whether or not this variance would have a negative impact on that widening project. The Public Works Director did not feel this would affect the project in any way.

Board discussed the limited amount of street parking, since this is a corner lot and there is no parking allowed on Beardsley Street. There also is no parking from the corner to a certain distance on Clearwater Drive. The Board also agreed that even though a deck is allowed to encroach into the setback, the garage would encroach the same distance as the deck and wouldn't seem to look out of place for the neighborhood.

Parris did not receive any comments from the notices that were sent to the residents that were within 200' of the property.

Public hearing was opened at 6:11 p.m. No comments from the public.

Public hearing was closed at 6:11 p.m.

Parris reminded the Board that their decision will impact future decisions on corner lots. If there is a hardship of some sort, that needs to be included in the motion so we have that on record for future corner lots asking for a variance.

Motion by Hinders and seconded by Cassady to approve the variance request to reduce front setback along Beardsley Street from 30' to 18' to allow for an addition onto garage. Approved 3-1; Parker voting nay.

**Public Hearing and consideration on a variance request from Emil & Linda Spad, 1170 Columbine Circle to allow for a 6' privacy fence in their front yard along their southern property line – 16-09**

Parris reported that a variance application was received regarding a 6 foot privacy fence in the front yard at 1170 Columbine Circle. The request was submitted by Emil and Linda Spad, the property owners.

The request is for a variance to allow a 6 foot privacy fence in the front yard along the southern property line to the front property line. The property owner is requesting the variance to screen their front yard from the property to the south, which has had a history of nuisances dating back to 2011. Even though the nuisances have been abated, there is still a nuisance issue with the property on an annual basis. Along with the nuisances, there is a military-style truck that is frequently parked in the driveway at 1168 Columbine Circle. The truck is legally parked in the driveway, but may not be aesthetically pleasing for the neighbors to look at with its size.

Parris also noted that the elevations in this area also produce another challenge. Since the Spad residence is downhill from 1168 Columbine Circle, it is unlikely that a 4' fence would provide screening from the property and truck.

The major concern that staff had with this request is to make sure there is a proper site triangle with the 6 foot fence to the property line, and there is.

Public hearing was opened at 6:32 p.m.

Linda Spad, 1170 Columbine Circle, she and her husband are the owners of the property and have requested a variance. Spad said the City has been dealing with nuisances at the property to the south for year. Even though the nuisances are eventually abated, they are continuous and they would like to provide some type of screening from the property and create some orderliness for her and her husband. They have worked their whole life to pay off their house and now they feel their property values are affected by the neighboring property.

Vernon Ewell, 8851 Woodmayr Drive, spoke in favor of the variance. Ewell lives across Hwy 28 from the property and applicant.

Public hearing was closed at 6:30 p.m.

Parris reported there is not a sidewalk on that particular street, so the fence would end at the property line, which is about 15-16' from the curb. Parris reiterated there is not an issue with the site triangle being obstructed.

Parris also noted he received an email from a neighbor in the 200 foot area, but that resident did not have an issue with the fence.

Motion by Cassady and seconded by Parker to approve a variance request allow for a 6' privacy fence in front yard along southern property line of 1170 Columbine Circle with the following condition:

*That the variance is only applicable for the initial construction of the privacy fence and that should the fence be removed or rebuilt that it conforms to the City's Zoning Ordinance or seek a new variance from the Board of Adjustment.*

Approved 5-0.

**Adjournment – 16-10**

Motion by Hinders and seconded by Parker to adjourn meeting at 6:51 p.m. Approved 5-0.

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Christin Grant, Chairperson

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Luke Parris, City Planner