

ZONING BOARD OF APPEALS

Oct. 08, 2007

Chairperson Hannes called the meeting to order.

A. Roll call

Present at roll call were: Paul Hannes, Nate Klassy, Jon Pfarr, Marshall Zwygart, Dave Haroldson, City Attorney Ewald, Building Inspector/Zoning Administrator Dave Powers, and several citizens. Alternates Bud Pilz and Dennis Dalton were absent.

B. Correction of Minutes

None

C. Business:

1. **Listen to and act on appeal by Jeremy Sager for property at 1744 6th Avenue to have a zero (0) foot setback from the property line on the south side of the lot to accommodate a storage shed addition**

Dave Powers explained his decision. A representative for Jeremy Sager also spoke. Questions and discussion took place.

The Board discussed some other possible options with the Sagers. Mr. Sager said that if that is the law, that is the way it is and they will have to come up with something else.

Dennis Dalton arrived at this time.

Motion made by Jon Pfarr that the proposed variance will not be contrary to the public interest because the area to the south is railroad and there is no reason that couldn't be encroached upon. Questions and discussion took place. Marshall Zwygart seconded the motion. On roll call vote, the motion did not carry. Those voting aye were Marshall Zwygart and Jon Pfarr. Those voting no were Paul Hannes, Nate Klassy, and David Haroldson. The issue is now dead because the required findings can not be made.

2. **Listen to and act on appeal by Mary L. Hamilton for property at 723 18th Avenue to reduce the rear yard setback to accommodate an addition to the current**

structure and a deck.

Dave Haroldson stated that he had a conflict of interest with this, and would not be voting.

Dave Powers explained his decision.

Attorney Todd Schluesche spoke on behalf of Mary Hamilton. He explained that Skip Brennan owns the house with Mary Hamilton. Skip was in an accident and most likely will be in a wheelchair for the rest of his life. They would like to put an addition on the house to make it more handicapped accessible. Mr. Schluesche believes all 3 findings are present. The addition must be built to the rear to save the historic character of the building.

City Clerk Stamm read a letter from Mike and Traci Pickett objecting to the variance.

Questions and discussion took place.

Paul Hannes said that the proposed variance will not be contrary to the public interest because of the fact that Skip will be in a wheelchair for the rest of his life. More questions and discussion took place. Nate Klassy asked for a noise barrier on the side of the deck. Motion made by Dennis Dalton to grant the variance. City Attorney Ewald reminded the Board that they need to make the findings first.

Motion made by Dennis Dalton and seconded by Marshall Zwygart that the proposed variance will not be contrary to public interest because it promotes historic preservation, is aesthetically appealing, and will not affect the ability of the people to the rear to do what they would like with their property. On roll call vote, the motion was unanimous.

Motion made by Nate Klassy that the property does have a unique condition because it is on the historic register. Jon Pfarr seconded the motion. More discussion took place. On roll call vote, the motion was unanimous.

Jon Pfarr said that it would be financially burdensome if the property could not be used as a residence for Skip. Discussion took place. Nate Klassy motioned that if the variance is not granted, the special or unique condition

creates unnecessary hardship due to the unnecessary remodeling of a historic home. Dennis Dalton seconded the motion. On roll call vote, the motion was unanimous.

Motion made by Dennis Dalton and seconded by Nate Klasssy to grant the variance. On roll call vote, the motion was unanimous.

D. Adjournment

Motion to adjourn made by Marshall Zwygart and seconded by Jon Pfarr. Motion carried.

Carol J. Stamm, CMC, WCMC
City Clerk