

ZONING BOARD OF APPEALS

Aug. 14, 2007

Chairperson Hannes called the meeting to order.

A. Roll call

Present at roll call were Paul Hannes, Nate Klassy, Marshall Zwuygart, David Haroldson, Bud Pilz, Building Inspector/Zoning Administrator Powers, Mayor Marsh, Eng. Suprv. Gerber, Asst. City Attorney Dan Bartholf, and several citizens. Jon Pfarr and Dennis Dalton were absent.

B. Correction of Minutes

None

C. Business:

1. Overview of Open Meeting and Open Records Law

Asst. City Attorney Dan Bartholf gave an overview.

2. Review Laws Regarding Variances

Asst. City Attorney Dan Bartholf reviewed the laws with the board members.

3. Listen to and act on appeal by Don Olson for property at 216/218 N. 13th Ave. to reduce rear and side setbacks

The Board listened to the appeal. Don Olson is planning to build a duplex on this lot and is asking to reduce the rear setback by 2 feet, and there is also an issue with a 20' wide storm sewer easement running down the property line thus making it a problem to obtain the required side setback. Questions and discussion took place.

Motion made by Nate Klassy and seconded by Bud Pilz to postpone action on this variance request, and have the City and the Board of Public Works look at reducing the storm sewer easement to 16 feet, which would then take care of the side setback problem. The motion carried unanimously.

4. Listen to and act on appeal by Ed Grabow for property at 120 22nd Ave. to reduce side setback to accommodate an addition to existing garage

Dave Haroldson announced that he will be abstaining from voting on this variance request and left the meeting at this time. The Board listened to the appeal. Ed Grabow is asking to reduce the side setback by two feet to accommodate an addition to an existing garage. City Clerk

Stamm read a letter from Dave and Ann Haroldson who are adjoining property owners in protest of the variance being granted. Questions and discussion took place.

Asst. City Attorney Dan Bartholf told the Board they must make very specific findings as this can be taken to court if someone doesn't agree with the decision the board makes. Marshall Zwygart said that it is hard to prove findings for this appeal. More questions and discussion took place. Ed Grabow said that he could look into some other avenues for the garage addition, such as possibly taking the wall out of the existing garage.

Motion made by Marshall Zwygart to postpone action on this until Ed Grabow can do some further research. Asst. City Attorney Dan Bartholf said that a deadline should be set for this. More questions and discussion took place. Marshall Zwygart then amended his motion to postpone action on this variance request until at the latest October 15th to give Ed Grabow time to do some further research, and if Ed Grabow doesn't come back to the board before Oct. 15th, then the variance request will be considered to be denied. Nate Klassy seconded the motion. The motion carried unanimously.

D. Adjournment

Motion to adjourn made by Marshall Zwygart and seconded by Nate Klassy. Motion carried.

Carol J. Stamm, CMC, WCMC
City Clerk