

ZONING BOARD OF APPEALS

Regular Meeting

June 22, 2010

Present: Chairman Steve Haberkorn, Vice-Chairman Vern Johnson, Secretary Marty Corbin and Member Norm Nykamp. Also present was Zoning Administrator Jon Mersman and Assistant Zoning Administrator Meghann Reynolds.

Absent: Elliott Church

The meeting was called to order by Chairman Haberkorn at 5:30 p.m. Mr. Haberkorn explained to the audience the public hearing process.

1) Hearing declared open to consider a Nonuse Variance petition submitted by Westra Construction on behalf of Dave Pyle for property at 3647 100th Avenue to permit an addition to the side of an existing residence with a front yard of 20 feet. The required setback for a residence on an agricultural property is 60 feet. This would require a variance of 40 feet and or permission to expand a non conforming use. This property is zoned A-1 Agricultural (70-16-12-100-008).

Present for this request was Dave Pyle and Heath with Westra Construction.

Mr. Westra explained to the Board that the applicant would like to add a living room of 16' x 20' to the south side of the existing house. The current front yard setback is 20 feet, in an agricultural zone the setback requirement by ordinance is 60 feet.

The house was built in the 1920's. At that time there was probably just a cow path by the house. The Road Commission put in the road, which is off center.

The house is small in comparison to the agricultural operation. The nearest neighbor to the south is 500' to 600' away. The proposed addition would be no closer to the road than the existing house. The existing house would actually be closer by one foot.

The Board asked if the addition could be put on the west end of the house. It would not be feasible because the kitchen is right there. The living room is on the front of the house. The current square footage of the house on the main floor is 700 square feet. The siding and roofing would match the existing house as close as possible.

There was no one present in the audience to speak to this request.

** It was moved by Mr. Nykamp and supported by Ms. Corbin to close the hearing.

Motion carried.

The Board went over the three standards to review when considering a request to expand a non-conforming use.

1. The enlargement of the non-conforming structure would not substantially extend the probable duration of the building or its use. The house will be used as a residence whether or not the addition is allowed. They are not going to tear it down if it is not allowed. The addition will make it more livable.

2. The enlargement of the non-conforming structure or its use will not interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance. The nearest neighbor is 500' away.

3. There would be no adverse effect of the non-conforming structure or its use and such enlargement thereof on adjoining lands in the surrounding neighborhood. Not encroaching or visible.

** It was moved by Mr. Nykamp and supported by Mr. Johnson to grant the request as presented. Motion carried.

The minutes of May 25, 2010 were approved as printed.

The meeting adjourned at 5:42 p.m.

Respectfully Submitted,

Laurie Slater
Recording Secretary