

ZONING BOARD OF APPEALS

Regular Meeting November 23, 2010

Present: Chairman Steve Haberkorn, Vice-Chairman Vern Johnson, Secretary Marty Corbin, Member Norm Nykamp and Alternate Bob Swartz. Also present was Zoning Administrator Jon Mersman, and Recording Secretary Laurie Slater.

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 petition for a Use Variance submitted by Start Space L.L.C. for property located at 11377 Lakewood Boulevard to use the south 200 feet of the property (portion fronting Lakewood) for a vehicle repair service or other uses permitted in the C-2 zone. The property is zoned I-2 General Industrial (70-16-22-200-059).

Present for this request was Joel Bouwens, Attorney and Member of Start Space, LLC.

Mr. Bouwens explained to the Board that the south 200 feet of the property has been listed for lease for over a year, but due to the size and age of the building, and proximity to commercial property it has been difficult to get a tenant. The building is too small for heavy manufacturing. That is why they would like to get a variance to use that section of the property for a vehicle repair service and other uses permitted in the C-2 zone.

The back part of the property is still being used as Industrial.

Properties to the east, west and south are zoned highway commercial.

Mr. Bowens had three letters from surrounding property owners in support of granting the variance. He also had zoning maps showing this is a mixed use area.

The Board inquired about what the building has been used for in the past. Mr. Bowens responded that it was used by a contractor at one time, he moved to an office building, it was vacant for some time and then a marble tile cutter moved in for a about three months and it has been vacant since. In Tune Imports runs the property in a neat and attractive fashion.

The building has one big overhead door. On the inside there are three stalls to work on vehicles.

It was noted that further down Lakewood Blvd there is a similar business.

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

** It was moved by Mr. Johnson and supported by Mr. Nykamp to close the hearing. Motion carried.

The Board went over the four standards to consider when granting a use variance.

1. It is not reasonable to expect the property to be used as permitted. The building is too small for heavy manufacturing.

2. The property is unique in that the building is too small and does not lend itself to heavy manufacturing. There is a similar business in the area.

3. The proposed use would not alter the essential character of the area.

4. The problem was not self-created. The applicant did not put the building there.

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

2) Hearing declared open to consider a petition for an oversized accessory building submitted by Bob Mobley for property located at 14270 Sunview Drive. The request is to allow a 10 foot by 24 foot lean-to porch on an existing oversize accessory building of 384 square feet. The zoning ordinance allows for accessory buildings to be a maximum of 240 square feet with 12 foot sidewalls. The property is zoned R-1 Single Family Residential (70-16-07-325-015).

Present for this request was Bob Mobley.

Mr. Mobley explained to the Board that he put up an oversized accessory building in 2004, which he was granted a variance for. The building has a barn type of roof. When it rains the water off the roof falls almost straight down and splashes off the concrete and onto the side entry door. The door warps and water leaks into the garage under the door, although the concrete around the building slopes away from the building. Mr. Mobley has replaced the door with one of the best on the market. He has also gotten estimates as to how much it would cost to replace the roof with a different style. It would cost approximately \$8,000 to replace the roof; the accessory building plus the lean-to cost approximately \$4,200 to erect.

Mr. Mobley has investigated other solutions to his water issues. Gutters would work only if the rain was light. In heavy rains the gutters would overflow onto the cement.

The lean-to has taken care of Mr. Mobley's leaking garage problem. He was unaware that he needed a building permit.

The percentage of coverage with the garage alone was 3%. With the lean-to it is 4.9%.

Bob Rotman of 3409 142nd Avenue, property to the south, was present in the audience to speak to this request.

Mr. Rotman was in favor of granting the request for the lean-to. He is the neighbor that has the best visual of the building and lean-to. He feels that it looks nicer with the lean-to.

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

The Board went over the eight standards to review when considering a request for an oversized accessory building.

1. The size of the lot is approximately 150' x 84'.
2. The accessory building is being used for personal storage.
3. The lean-to and the accessory building match the existing house.
4. There are no other accessory buildings on the lot. There is an existing house.

5. There are other accessory buildings in the surrounding neighborhood, but none of this size.

6. There is no adverse effect on the light and air circulation of any adjoining properties. The accessory building and lean-to are visible to the neighbor to the south, but he has no objections to it.

7. There is no adverse effect of the building on the surrounding neighborhood. It only compliments the surrounding area. It is neat and very well done.

8. There is no adverse environmental effect of the building or its proposed use.

**□ It was moved by Mr. Nykamp and supported by Ms. Corbin to grant the lean-to with the stipulations that it is not to be enclosed or used for storage such as firewood or a boat and the applicant is to seek a building permit. Motion Carried.

The minutes of September 28, 2010 were approved as printed.

The meeting adjourned at 6:19 p.m.

Respectfully submitted,
Laurie Slater, Recording Secretary

