

BOARD OF ADJUSTMENT

The Board of Adjustment meeting was called to order at 5:30 p.m. by Chairman Pro-Tem Muth.

Roll Call: Present: Eilders, Sissel, Muth, Grandon  
Absent: Robinson

Motion by Sissel, second by Eilders, to approve the agenda. All ayes.

Motion by Eilders, second by Sissel, to approve the minutes of the 12/7/10 meeting. All ayes.

Motion by Sissel, second by Eilders to elect Fred Muth as Chairman of the Board of Adjustment. All ayes.

Muth read the following appeals:

**A. Jeremy J. Bartling, 210 Mars Hill Drive, Clear Lake, IA**, requests permission to add a stall to an existing attached garage. PERMISSION DENIED: The Clear Lake Code of Ordinances 165.39 Requirements And Exceptions For Established Set Backs. Residence is on a double frontage corner lot, and requires a front yard setback on two sides. Proposed construction will not meet this requirement.

Chad Heggen appeared representing Mr. Bartling, who wishes to add a 10' stall to his existing attached garage, to be used for storage. The driveway would also be widened to allow for off-street parking of his vehicles. Mr. Heggen said that the slope of Mr. Bartling's lot is not conducive to the construction of a storage shed in the back yard, and if a separate shed were to be built, it would not match the existing house. By constructing the storage area as an addition to the garage, on the level side yard, it would allow Mr. Bartling to extend and match the existing roofline, making the addition cohesive with the house and garage. Written approval for the project had been secured from the adjacent property owner.

John Marino, Building Administrator, stated that the required setback is now equal to the building line on the adjacent property, which is 16.6' at the narrowest and 24' at the widest. The proposed construction would make Mr. Bartling's setback 13' at the narrowest and 24' at the widest, and would maintain the 20' right-of-way to Wesley Drive. Instead of the required 5' side yard setback, Mr. Bartling is requesting a 2' variance, resulting in a 3' setback.

Muth was concerned about the width of the overhang on the end of the proposed addition, and felt that it should be kept to no more than 10". Any water runoff would be to the front or back of the proposed addition, which would have no bearing on neighboring property.

Motion by Eilders, second by Sissel, to grant Mr. Bartling's request for a variance, with the stipulation that the overhang on the end of the addition extend no more than 10" beyond the roofline. All ayes.

**B. Nick Ahmedoski, 2309 3rd Avenue S. Clear Lake, IA**, requests permission to erect an addition to an existing building. PERMISSION DENIED: Section 165.39, Clear Lake Code of Ordinances, Requirements And Exceptions For Established Set Backs. Building is on a corner lot with an established building set back. Proposed addition exceeds this requirement.

Mr. Ahmedoski, who is remodeling an existing commercial building to house a restaurant, said he has discovered he needs more space to accommodate walk-in coolers, refrigerators, a dishwasher, and dry storage if he is to maintain adequate seating capacity. He is proposing to construct a 14' x 50' addition to the north side of the building. There is a pipeline easement on the west edge of the property which precludes construction on that side of the building. When the lot was originally platted and zoned, a building setback line was established 15' back of the north the property line. The property line itself is 15' from the curb line. Mr. Ahmedoski's variance request essentially does away with the 15' building setback line requirement, while still leaving 15' from the new addition to the street.

Mr. Marino also stated that the lot was originally laid out with the 15' building setback line on the north so that as it was developed, either a north or south facing building could be constructed. The current structure was built facing south, and since no future construction on adjacent lots will ever need to be lined up with the north side of this building, there is little to be gained by enforcing the old building line setback on that side. He felt adjacent buildings to the west will suffer no consequences as a result of granting this variance request.

Eilders questioned the placement and visibility of the dumpsters and grease dump. Mr. Ahmedoski said he plans to move them to the west side of the building and construct a surround to conceal them.

Motion by Sissel, second by Eilders, to grant the setback variance requested by Mr. Ahmedoski. All ayes.

Muth declared the meeting adjourned at 5:47 p.m.

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Fred Muth, Chairman

ATTEST:

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Sharon Springer, Secretary