

BOARD OF ADJUSTMENT

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

Roll Call: Present: Eilders, Sissel, Muth  
Absent: Cullinan, 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 11/2/10 meeting. All ayes.

Muth read the following appeal:

**Dan & Kristen Ollenburg, 209 Mars Hill Drive, Clear Lake, IA**, request permission to erect a garage on a double frontage lot. PERMISSION DENIED: The Clear Lake Code of Ordinances 165.39 Requirements And Exceptions For Established Set Backs. A.(1) The front yard of a lot shall be established as an average of the setbacks of the principal buildings on the abutting lots to each side. Proposed construction will not meet this requirement.

Dan Ollenburg outlined his plans to construct a 24' x 42' wood frame garage near the back of his property. The building, to be used for restoration and storage of his wood boats, would be finished with a stucco exterior and tile roof to match his residence. His property is unique in that it fronts Mars Hill Drive on both the front and back of the lot. The proposed construction does not meet the setback requirements for the abutting properties fronting Mars Hill Drive on the west side of his property. Mr. Ollenburg cited the length of the driveway to be constructed and the desire to salvage as much of his back yard as possible for his children's playground equipment as reasons for selecting the proposed location.

Kim Kramer, who owns a residence on abutting property, appeared at the meeting to express her opposition to the location of the structure. She stated she intends to make the residence her permanent home in the future, and the garage would block her views, especially those of the lake, from all windows in the home. Mr. Ollenburg indicated his willingness to work with Ms. Kramer, and asked for input on establishing a location for the garage that would allow him to get permission for its construction.

John Marino, Building Official, stated that in order to meet Code, the structure would have to be set back 46½ ' from the property line, thus alleviating the need for a variance. He also noted that when purchasing property, there are no guarantees that you are buying a view over someone else's property.

Mr. Ollenburg and Ms. Kramer then agreed to meet privately and work out a compromise location for the garage.

Motion by Sissel, second by Eilders, to table discussion, and to reconvene on December 14, 2010, to consider the request. All ayes.

Motion by Eilders, second by Sissel, that the meeting be adjourned at 5:40 p.m. All ayes.

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Fred Muth, Chairman Pro-Tem

ATTEST:

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Sharon Springer, Secretary