

BOARD OF ADJUSTMENT

The Board of Adjustment meeting was called to order at 5:33 p.m. by Chairman Cullinan.

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

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

Motion by Eilders, second by Sissel, to approve the minutes of the 10/26/10 meeting. All ayes.

Cullinan read the following appeal:

**Alex Yohn, 1401 N 20<sup>th</sup> Street**, requests permission to construct a new dwelling. PERMISSION DENIED: The Clear Lake Code of Ordinances 165.39 Requirements And Exceptions For Established Set Backs. 1. If all the buildings have a set back greater than 5' more than the required front yard, the front yard shall be equivalent to the set back closest to the street. Proposed construction will not meet this requirement.

Alex Yohn stated he had revised the plans for his proposed new dwelling, which will require him to move the front of the structure 10' closer to the east property line; however, he would still maintain a 35' setback. The twin-home on the abutting property to the north is set back 45', which was done to move it closer to the creek drop-off to create a walkout basement. Therefore, the front yard setback for Mr. Yohn's residence would be out of line with the neighboring property, necessitating a variance.

John Marino, Building Official, noted that the front setback on the existing home at the far north end of this subdivision sits approximately 100' from the property line. Due to the angle of the creek, Marino said it is his opinion that the fronts of homes constructed on the remaining lots in this subdivision would likely continue to be set back somewhere between the 45'-100' line already established by the existing dwellings. Marino also stated a 40' sanitary sewer easement exists at the front of Mr. Yohn's property, and that Mr. Yohn has agreed to provide a copy of the final subdivision plat or pay for a survey to determine the exact location of the easement to prevent encroachment.

Muth asked if sidewalks would be installed in this subdivision in the future, and was told by Bill Yohn, subdivision developer, that the subdivision agreement provides for sidewalks to be installed as soon as a residence is constructed.

Motion by Muth, second by Sissel, to grant the front yard setback variance as requested, with the stipulation that Mr. Yohn provides proof of the location of the sanitary sewer easement prior to beginning construction. All ayes.

Motion by Muth, second by Sissel, that the meeting be adjourned at 5:45 p.m. All ayes.

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Tina Cullinan, Chairman

ATTEST:

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Sharon Springer, Secretary