



North Liberty Board of Adjustment Information Packet

April 20, 2011

6:30 PM

If you would like additional information, larger-scale maps, or other information before the meeting, please contact Dean Wheatley at 626-5747 or at dwheatley@ci.north-liberty.ia.us



**NORTH LIBERTY BOARD OF ADJUSTMENT
MEETING NOTICE AND AGENDA
April 20, 2011, 6:30 PM**

1. Roll Call.
 2. Public Comment.
 3. Variance Request: Request of Rob and Julie Hajek to approve a 1.5 foot front yard setback variance and a 3.5 foot side yard setback for their property at 110 N George Street, generally located at the northeast corner of N George Street and West Chestnut Street.
(Legal: Lots 1 and 2, Block 2, Zellers First Addition)
 - a. Staff Review
 - b. Public Hearing
 - c. Applicants Presentation
 - d. Public Comment
 - e. Questions and Comments
 - f. Board Action
 4. Minutes of Previous Meeting (February 2011)
 5. Old Business
 6. New Business
- Adjournment

W WALNUT ST

Hajek Variance Request

N MAIN ST

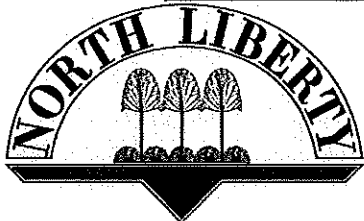
200' from Request:
Blue Line

N GEORGE ST



W CHESTNUT ST





APPLICATION FOR NORTH LIBERTY ZONING ORDINANCE VARIANCE

Please print or type the following information. Use additional sheets, if necessary. Owner/agent must submit an accurate scaled plot plan indicating the request.

Property owner's name: Rob + Julie Hajek

Property owner's address & phone: 110 N. George St. 319-626-6872

Owner's agent name & phone (if applicable): _____

Property legal description (lot, block, subdivision): Auditors parcel 2004095 Lot 1 + 2 Zeller 1st addition

Property current zoning and current use: Residential

Variance request: To build/Add on at Current House Set Back

Please thoroughly read and complete the second page of this form, and be sure to include it in your submission. It outlines the criteria the City of North Liberty uses in reviewing and acting on variance requests.

Signature of owner: Rob Hajek

This section for staff use only.

Application received by: ADW

Date: 4/1/2011

Date and time of Board of Adjustment meeting: 4/20/11

Board of Adjustment action: _____

Request granted. Conditions of approval: _____

Request denied. Reasons for denial: _____

Chairperson, Board of Adjustment

Attest: _____

203.7.4 Decisions. The Zoning Ordinance is a document that lays out very specific requirements deemed to be in the best interest of the city by the Planning and Zoning Commission and the City Council. In most cases, those requirements must be met by property owners and developers; however, in some rare cases the enforcement of those requirements may be found to cause extreme hardship for an individual, and a variance may be granted. Variances shall not be granted by the Board of Adjustment simply because no one objects, or because it seems harmless in an isolated circumstance. Any variance granted shall reflect the spirit and intent of the code and shall not constitute the granting of a special privilege. The following variance criteria is utilized by the Board of Adjustment in hearing variance requests. No variance shall be granted by the Board unless affirmative findings can be made for each of the applicable following criteria:

1. Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of irregularity, narrowness, shallowness, substandard or marginal size; exceptional topographical features; or other extraordinary conditions peculiar to and inherent in the subject property and that relate to or arise out of the property rather than the personal situation of the current owner of the property; and that amount to more than a mere inconvenience to the owner.

Your comments: *The Existing house built in 1906 was set at 18.5' from South property line. Would like addition to be at same distance*

2. Not Exclusively for Financial Gain. The purpose of the variance is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations applicable to it, or that it could be used more profitably if not subject to such regulations, should not in itself justify granting a variance.

Your comments: *The house has been in family since 1970 and will be our personal residence.*

3. Hardship Not Self-Created. The unique or special condition referenced in subsection 1 above a. existed at the time of the enactment of the provisions of this Ordinance that affect it, or b. was the result of government action, other than adoption of this Ordinance, for which no compensation was paid, and has not been created by any persons presently having an interest in the property.

Your comments: *House was built in 1906 + garage in 1980's
~~garage was for the new house~~*

4. Substantial Rights Denied. Carrying out the strict letter of the provisions of the Zoning Ordinance would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.

Your comments: *+ garage on south side of street was allowed*

5. Not Special Privilege. The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.

Your comments: *- would like the appearance of structure to remain
trying to match existing roof lines.*

6. Not Detrimental. Granting the variance will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; would not materially impair an adequate supply of light and air to adjacent properties; would not substantially increase congestion in the public streets, nor increase the danger of flood or fire, or endanger the public safety, nor substantially diminish or impair property values in the vicinity.

Your comments: *- No safety, sight, obstructions would be created.*

7. No Other Remedy. There are no means other than the requested variance by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

Your comments:

110 N. George St.

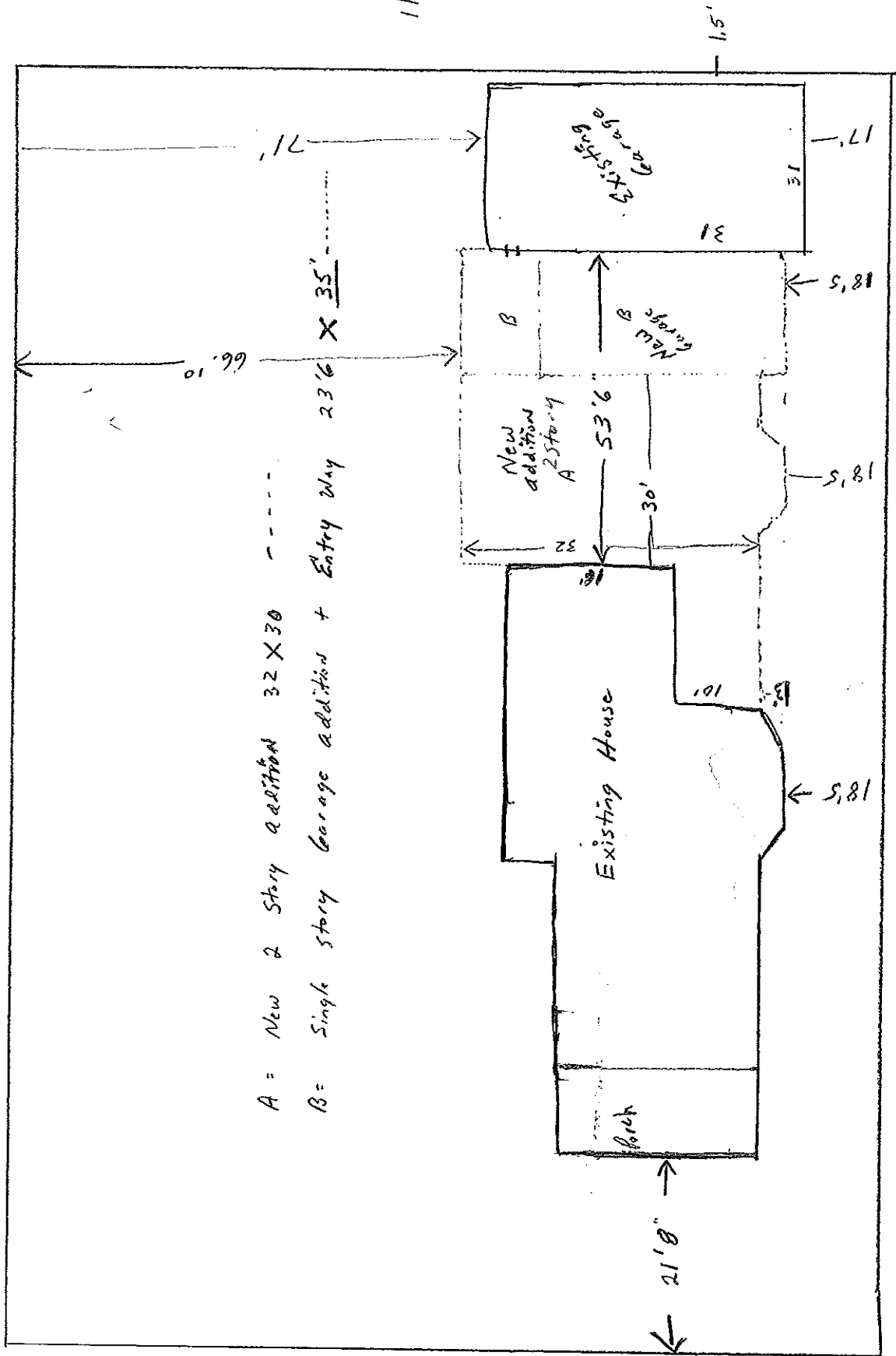
150.57

119.9 George Street

A = New 2 Story addition 32 X 30

B = Single story Garage addition + Entry Way 23'6" X 35'

119.60



Chestnut

150.53

MINUTES OF THE NORTH LIBERTY BOARD OF ADJUSTMENT

February 16, 2011.

Attending: Brian White, Alison Smith, Wayne Grell and Art Chipman.

Absent: Jay Sayre

Also Attending: Dean Wheatley, NLTV

The board convened at 6:30 pm. Roll call. Public comment period closed due to lack of public. The board considered the request of Matt Neumiller to approve a conditional use for outside storage at Neumiller Electric, located at northeast corner of intersection of 240th and North Jones Blvd. Staff review by Wheatley notes that city requires screening of all outdoor storage regardless of adjoining uses. The storage is to be screened by upright evergreen along the 238th Street side and a six foot wooden fence along 240th Street. City Planning Commission recommended approval of the conditional use with the addition of several more trees in the northwest corner of the parking lot.

Neither the public nor the applicant was present so the board proceeded to questions and comments. Chipman moved to approve the conditional use with the additional trees. Motion seconded by White. After brief discussion the motion was amended to impose a 120-day timeframe for installation of the approved screening. Seconded by White. Roll call was held. Grell, Chipman and White voted to approve. Smith abstained noting her law firm represents the applicant in real estate matters. Motion carried and approved. The board approved the meeting minutes from August 2010 (Chipman, White). No old or new business existed and the meeting adjourned at approx. 6:55 p.m.

Respectfully Submitted, Alison Smith, Chair.