

**MINUTES OF THE MEETING OF THE
ALLAMAKEE COUNTY BOARD OF ADJUSTMENTS**

November 10, 2011

Board of Supervisors' Room, Courthouse, Waukon, Iowa

Meeting was called to order at 4:30 P. M. by Chairman Dr. Bernard Pratte.

Roll call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2011
Vice-Chair	Nancy Wallerer	Present	12/31/2012
	Carlton Larson	Absent	12/31/2013
	Steve Weymiller	Present	12/31/2014
	Gwen Brainard	Present	12/31/2015

Planning and Zoning Staff present: Tom Blake, Zoning Administrator. All Board members voting "AYE" unless noted. MCU means Motion Carried Unanimously.

Weymiller made a motion to approve the agenda as presented. Wallerer seconded. MCU.

The minutes of October 13, 2011 were not available for approval.

Public Hearings

Cahoon, Blair and Lori; 606 Cedar Lane, Waukon, IA; Parcel ID#0901300014; Lot 1, SW ¼ SW ¼, Section 1, T98N, R6W, Allamakee County, IA – Variance request to allow a reduction in the Street Side Yard setback from 30 feet to 20 feet.

Blake presented a Staff Report detailing the history of the creation and development of the property. A building permit for an addition onto an existing structure was requested and issued. After a complaint was received, Blake investigated and notified the owners that they had to demonstrate property line locations. The property line was 40' from the side of the structure, but the structure was only 20' from a recorded ingress/egress easement (private drive.) Blake informed Cahoon's that the permit was not valid without a variance from the ordinance requirements since the addition was less than 30' to the access easement/private road. Blake recommended the variance request be conditionally granted. There have been several complaints filed by neighbor on neighbor but the root of the conflict appeared to be the narrow private drive (10' wide) serving the subdivision and the location of the traveled area within the right of way. Blake recommended that the Cahoon's be required to widen the drive farther from the side of their home, improving traffic flow and reducing any perceived impact by the structure location. Blair and Lori Cahoon testified that they relied on the original permit for the existing structure, believing it was the correct distance from the right of way. Cahoon's also relied on a survey that did not show the location of the easement. Furthermore, the addition was no closer to the right of way than the original structure. The structure needed to be there to avoid a portion of the property that was saturated with springs during certain times of the year. They thought they were in compliance when they built and changing it now would involve substantial cost (\$50,000 +). Cahoons felt they were unique in that their was confusion regarding the location of the right of way and that they qualified for a variance based on the

hardship involved in changing it now. Willert's testified that the home is not in compliance, the new addition should have been set back farther and the in-home business operated by Lori Cahoon creates traffic problems. They felt the Cahoon's should pay some consequences and that they should have sought a variance prior to constructing the addition. Their being no further testimony, the Board discussed the situation. Pratte felt the situation was unique, in that the Cahoon's relied on previous permits and a plat of survey that did not show the right of way on the Cahoon side of the lot line. Also, the addition was no closer than the original permitted structure. Changing the structure now would place a substantial burden on the Cahoon's. Walleser felt the it was Cahoon's responsibility to know the location of the right of way and to comply with the ordinance. Their situation was self-created. Weymiller made a motion to approve the variance request due to the setback not being reduced from the original structure, there being no negative impact on the neighborhood or neighboring properties, and the hardship that would be placed on the Cahoon's if a variance was not approved. Brainard seconded. Pratte, Weymiller, Brainard – Aye; Walleser – Nay. Motion carried.

OLD BUSINESS:

Fitzpatrick, Tom and Verna: continued from last meeting. Walleser made a motion to table any action on the application, no one representing the applicant was present. Weymiller seconded. MCU.

Walleser made a motion to adjourn. Brainard seconded. MCU.

Thomas Blake, Zoning Administrator