

**MINUTES**  
**MANHATTAN BOARD OF ZONING APPEALS**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**Wednesday, May 11, 2005**  
**7:00 PM**

MEMBERS PRESENT: Chairperson Chuck Jackson, Connie Hamilton, Daniel Morin, Calvin Emig, and Harry Hardy.

MEMBERS ABSENT: None.

STAFF PRESENT: Steve Zilkie, Senior Planner

**CONSIDER THE MINUTES OF THE APRIL 13, 2005, BOARD OF ZONING APPEALS MEETING.**

Emig moved that the Board approve the minutes with one change. The motion was seconded by Hardy, which passed 5-0.

**A PUBLIC HEARING TO CONSIDER A REQUEST FOR AN EXCEPTION TO ALLOW A REDUCTION OF THE MINIMUM THREE (3) FOOT SIDE YARD SETBACK TO ZERO (0) FEET FOR A PROPOSED DETACHED GARAGE. THE PROPOSED DETACHED GARAGE WILL BE LOCATED OVER THE BOUNDARY LINE BETWEEN TWO ADJOINING PROPERTIES, BOTH OF WHICH ARE IN THE R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT, WITH TNO, TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT. THE EXCEPTION IS FOR PROPERTY LOCATED AT 210 S. 17<sup>TH</sup> STREET AND 216 S. 17<sup>TH</sup> STREET. (APPLICANTS/OWNERS: JEFF AND ANN CHAFFEE AND ERIC AND EMILY WOOD)**

Zilkie presented the staff report and recommended approval with conditions.

Jackson opened the public hearing.

Jeff Chaffee, applicant, spoke in favor of the request. He mentioned that he had been informed by his neighbor who indicated that at one time there had been a garage in the same location as the proposed garage.

Emig asked if the owners would have a common wall agreement. Chaffee said the owners had discussed preparing an agreement, but had not done so; however, it was their intent to address repair and other similar issues in the agreement.

Jackson closed the public hearing.

Hamilton said she was pleased to see a project that would take up less lot coverage than usual and supported the need for the owners to have an agreement. She mentioned it was likely the applicant's insurer would require an agreement.

The Board made the following findings of fact:

A. The properties are in compliance with all applicable regulations, except for the proposed Exception to allow a reduction of the minimum three (3) foot side yard setback to zero (0) feet for a proposed detached garage. The proposed detached garage will be located over the boundary line between two adjoining properties, which are in the R-1, Single-Family Residential District, with TNO.

The proposed garage is a craftsman style design, which reflects the architectural character of the existing dwelling units and is consistent with the TNO District requirement that states, "Any ... improvement to an existing property (other than a new residential building), .., shall maintain a similar architectural character as the existing residential building.

B. No substantial adverse effect is expected on adjacent properties. Based on the site plan, the proposed garage will be set back greater distances from the adjoining rear and side yard lot lines of adjacent properties than required for a detached garage.

C. The common wall of the garage must be constructed to building code requirements. The applicant's are aware of the building code requirement. There are no effects on public utility easements or vision triangle due to the proposed placement of the detached garage.

D. The share a common driveway off S. 17<sup>th</sup> Street, which is located across the south side lot line of S. 210 S. 17<sup>th</sup> Street and the north side lot line of 216 S. 17<sup>th</sup> Street. The common driveway leads to a common paved parking area along the common boundary line of the two properties. This is an unusual condition, which affects the adjoining properties. The condition was not created by the owners. The existing concrete paved parking area will be utilized for the proposed garage, which is located over the common boundary line of the properties. The proposed detached garage maintains the remainder of the rear yard, which would otherwise be covered by two, rather than one detached garage. The detached garage will be constructed to building code requirements, which will reflect modern building code requirements and be a benefit to the public and future owners.

Emig moved that the Board approve an Exception to allow a reduction of the minimum three (3) foot side yard setback to zero (0) feet for a proposed detached garage. The proposed detached garage will be located over the boundary line between two adjoining properties, which are in the R-1, Single-Family Residential District, with TNO, Traditional Neighborhood Overlay District, for the properties located at 210 S. 17<sup>th</sup> Street, and 261 S. 17<sup>th</sup> Street, with the following condition:

1. The detached garage shall be constructed as proposed, consistent with the proposed site plan, and a building permit shall be obtained, prior to construction.

Hardy seconded the motion, which passed 5-0.

**A PUBLIC HEARING TO CONSIDER A REQUEST FOR A VARIANCE TO ALLOW AN EXISTING PAVED DRIVEWAY TO EXCEED TWENTY-FOUR (24) FEET IN WIDTH AND 960 SQUARE FEET IN AREA, AND A REDUCTION OF THE SEVENTY-FIVE (75) PERCENT LANDSCAPED AREA BETWEEN THE FRONT LOT LINE AND A LINE PARALLEL TO THE FRONT LOT LINE DRAWN THROUGH A POINT WHICH IS ON THE SIDE OF THE PRINCIPAL STRUCTURE FURTHEST FROM THE FRONT LOT LINE, YET STILL FACING THE FRONT LOT LINE, ALL FOR A RESIDENTIAL STRUCTURE IN THE R, SINGLE-FAMILY RESIDENTIAL DISTRICT. THE VARIANCE IS FOR PROPERTY LOCATED AT 2309 ANDERSON AVENUE. (APPLICANT/OWNER: RON FRANK)**

Hardy moved that the Board table the public hearing, based on the request by the applicant, to the June 8, 2005, Board of Zoning Appeals meeting.

Hamilton asked that the minutes reflect that a significant number of people from the neighborhood came out ready to address the issue and were understandably disappointed that the public hearing would not be discussed when they had made time in their schedule to be at the meeting.

Emig seconded the motion, which passed 5-0.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Steve Zilkie, Senior Planner

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