



BOARD OF ADJUSTMENT MEMORANDUM

TO: Board of Adjustment

FROM: Matthew R. Schmitz, MPA – City Manager

DATE OF MEETING: May 7, 2024

ITEM TITLE: Rear Setback Variance Request – 712 Spruce Drive

BACKGROUND:

An application was received from Steve Gee on behalf of Pat Weber for a Variance Request from the required rear setback of 30'. They want to build a 14' x 12' sunroom on the back of the property, and this would violate the setback requirement by a distance of 5 feet.

As has been outlined by the City Attorney, for a variance to be granted the landowner must satisfy all three parts of the "Golden Rule Test" for variances:

1. The land in question cannot yield a reasonable return if used only for the purpose allowed in that zone.
 - a. Staff believes the applicant has not met this test.
2. The plight of the landowner is due to unique circumstances and not to general conditions in the neighborhood.
 - a. Staff believes there are no unique circumstances in this situation.
3. The use to be authorized by variance will not alter the essential character of the locality.
 - a. Staff believes the applicant would not alter the essential character of the locality for the desired use of this area.

The application and supporting documents are attached for review. The application fee of \$100.00 has been paid.

RECOMMENDATION:

Because Staff feels that items 1 and 2 above have not been met, we must recommend a motion to deny this request as it does not meet the requirements to allow for a Variance Request.