

than a single lane drive through does. The allowance of a second drive through lane will provide better efficiency and customer satisfaction.

There being no further remarks, Vice Chairman Dykhouse closed the public hearing.

DeLange noted this appeal was one of two requests for variances for McDonald's drive through lanes. The second request scheduled third on the agenda is at 2727 28th St. S.W. This location on Division is a small site on less than one acre. City staff does not support a variance request for reduced parking spaces. He noted Zoning Code had been changed to require an increase in parking spaces for restaurants. The Code used to require 1 parking space for every 100 foot of gross floor area. However when these types of uses evidenced a need for more, the parking code was changed to require 1 parking space for every 50 feet of gross area. The existing site has less than half the Code requirement for numbers of spaces even without further reduction.

A motion was made by Beduhn and seconded by VandenBerg that the request for a variance in application no. V120221 be denied, accepting staff's Finding of Facts.

1. The 54 existing parking spaces are less than one half of current code requirement of 113 spaces for this size building. Several of the provided spaces are rather remote for customer use. Reducing the provided parking space number to proposed 43 (38% of required) spaces is excessive. The traffic pattern on this site already is congested at times. Adding a second drive-up lane is likely to exasperate that condition.
2. Property rights as an allowed use with a non-conforming number of parking spaces has not been jeopardized. Rights as a non-conforming site development remain.
3. Marketable value of adjacent land is likely not to be affected. The public street is a major thoroughfare capable of heavy traffic volumes. The site itself is more likely to be congested than the public street.
4. Precedence is a general concern. Parking space standards for drive through restaurants have been adjusted recognizing the need for parking access. Adding drive through lanes can negatively affect site layout. Granting a substantial reduction in parking space numbers may encourage other sites to request similar consideration.

Beduhn asked DeLange if denying the variance would mean McDonald's could not put in the second drive through. DeLange confirmed the information.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V120222 P.P. #41-17-11-227-047
Malloy, Brian
2060 Galewood Ave. S.W.
Zoned R-2

The application requesting a variance from City Zoning Code section 90-891 requesting a 35 foot minimum front yard setback for new construction in residential zone districts to allow replacement of a storm damaged front porch with a 8'x21' covered roof over an expanded

6'x17' deck plus steps with a proposed 8 foot front yard setback was read by Secretary Lomonaco. A letter of support from the applicant, as well as a letter of support from Earl and Ruthann Hudson, 2101 Galewood was also read.

Vice Chairman Dykhouse opened the public hearing.

Melissa Malloy, 2060 Galewood explained they wanted to extend the roof line out to cover the two side windows. The house faces the west, and they are hoping the roof would provide additional shade and protection from rain in the summer. It would also be nice to have an area where she could place a chair to have a seat to watch the kids ride their bikes on the street because there are no sidewalks. The proposed design would make the construction look more like a porch than a deck.

Dale Somerdyke, 2031 Galewood, spoke in support of the variance request.

There being no further remarks, Vice Chairman Dykhouse closed the public hearing.

DeLange complimented the builder on the design, which is very nice aesthetically. However when the finding of facts were considered, staff had difficulty drafting findings to support the variance request because of the following.

1. There is a mix of front yard setbacks on this street. No sidewalks currently exist due to limited R.O.W. In many instances the short setbacks relate to small porch landings/roof structures. This particular applicant also had a small porch/roof structure which was damaged and removed. Staff will authorize its replacement however the owners desire an expanded porch and roof structure as proposed. No exceptional circumstance is apparent in this case. The yard and outdoor recreational opportunity on this large parcel exceed that of any lot on the street.
2. Property rights have not been diminished or reduced. Permission to replace the previous size porch/roof covering is authorized.
3. The proposed roof design is attractive and complimentary. It would have a positive effect on market values.
4. Precedence is a concern. Other parcels may request similar consideration. Design of a roof system is not justification for granting or denying a particular application.

Therefore staff recommended the variance request be denied.

A motion was made by VandenBerg, seconded by Lomonaco to deny the variance request.

Lomonaco asked about the previous structure.

DeLange noted the roof covering had been damaged by a storm, and the concrete stoop had been removed. Staff would allow a replacement of the same size as the previous as a continuance of a nonconforming structure, however the proposed structures widens the deck and related roof by an additional 8 feet extending the width of the house.

Palmer asked if staff knew of any plans to install public sidewalk. DeLange was not aware of any plans to do so. The R.O.W. width to do is limited

Postema asked about the building materials for the proposed construction.

The builder noted it would be wood post with lattice to enclose any open area under the decking.

Beduhn considered it a deck more than a porch.

Postema asked what the roof had been previously, and how far the proposed structure would extend.

The builder said there had been a shed roof. The proposed structure will have steps off the side with the bottom riser extending no further than the corner of the house.

VandenBerg asked if there was a concern whether the structure was either a deck or a porch.

DeLange thought the previous discussion was to explain the structure would be more like a porch because of the roof. He added the longevity of wolmanized wood is approximately fifteen years. Concrete construction covered by a roof would last as long as the house would.

Lomonaco agreed the proposed structure was beautiful and well designed but thought it would be difficult to formulate finding of facts to support granting the variance.

Postema agreed with Lomonaco regarding precedence; however he felt the proposed structure might be an improvement over the old structure. If denied, the resulting structure will result in a mini version of what was proposed, and they did have a previous structure in the same yard setback. He personally would prefer a porch construction made of concrete.

VanHouten made mention of the age of the house, and felt the porch expansion would be an improvement.

Dykhouse asked how wide the original porch was, and was answered it was 9'x6' not including the stairs.

Beduhn wondered if there was concern about using the front porch for storage.

DeLange said typically storage is a concern with open decks in front yards.

Palmer would not have any problem with a variance that just allowed the deck to be wider.

Dykhouse noted the house is real close to the street. In fact it is closer to the street than many if not all the other houses on the street.

The motion to deny failed: 7 Yeas 0 Nays

A motion was made by Palmer and seconded by Lomonaco that the request for a variance in application no. V120222 be granted, with Finding of Facts as formulated by the Board.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because the structure replaces an existing structure that had been damaged.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because it would be an improvement to the property, and will not be used for storage.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the new construction would be an improvement and street congestion is not affected.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because the house is so close to the street now, the deck would extend no further than the previous porch, and it is a result of a weather event beyond the owner's control.

Motion carried: 7 Yeas 0 Nays (Resolution #5334)

PUBLIC HEARING:

Appeal #V120223 P.P. #41-17-09-451-038
Williams & Works
2727 28th St. S.W.
Zoned B-2

The application requesting variances from City Zoning Code section Chapter 90 to construct a second vehicle drive thru lane

- Variance from section 90-647(f) requiring a minimum 72 parking spaces for this facility to allow a reduction from existing 73 spaces to proposed 63 parking spaces
- Variance from section 90-799-2 Secondary Signs, which permit on menu/option board to allow two menu/option boards, one for each drive thru lane was read by Secretary Lomonaco.

Vice Chairman Dykhouse opened the public hearing.

Jeff Brinks, Williams and Works, said 60-70% of McDonald's business is through the drive through lane. The computerized system allows them to compile orders internally. Where there is room on their sites and no negative impact, McDonald's is adding second lanes for drive through. This site is larger than the Division variance request that the Board had denied. There will be not negative influence.

There being no further remarks, Vice Chairman Dykhouse closed the public hearing.

Delange noted that this is a considerably larger site. Reduction in parking spaces is less, and installing a second drive lane would necessitate a second menu board sign. There will be no pre-menu boards installed.

A motion was made by VanHouten and seconded by Lomonaco that the request for a variance in application no. V120223 be granted, accepting staff's Finding of Facts.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because the reduction in parking space number is reasonable, the site appears adequately designed for the proposed second drive through lane. The second lane will benefit by the additional menu board. There are no pre-menu boards proposed.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the site is of adequate design such that a second drive through lane appears to be functionally correct.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because of the increased business and better traffic flow, neither marketable values of adjacent land nor public street congestion should be an issue.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because other drive through restaurants either have double drive through lanes or lack necessary land area to request reasonable consideration for variance.

Motion carried: 7 Yeas 0 Nays (Resolution #5335)

During public comments, Jeff Brinks, Williams and Works expressed a concern that the second drive through menu board sign for the McDonald's on Division had not been granted. He worried that if the site could accumulate extra parking or space to install the second drive through, this denial would prohibit them for ever asking again for a second menu board.

While the Board or staff normally does not address public comments, DeLange assured Mr. Brinks that staff and the Board would hear a request for a second menu board if a change on the site would provide an desire for one. This would be considered as new information, and a new application process. However, it would be not be a guarantee of approval.

The new business items were discussed by DeLange and the Board members.

Canda Lomonaco
Secretary

CL:cb