

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
THURSDAY, JANUARY 19, 2023**

The Board of Adjustment Meeting was called to order by Chairperson Kamp at the City Hall Council Chambers, 325 Wisconsin Street at 7:00 p.m. on Thursday, January 19, 2023. Present: Cordts, Fye, Kamp, Smith, Taylor, City Administrator Bockenstedt and City Clerk Tracy Northcutt. Absent: None.

Changing of Chairperson: Chairperson Kamp indicated that the new Chairperson would be Steven Fye.

Minutes: A motion was made by Smith, Seconded by Taylor to approve the minutes of December 15, 2022, as presented. Motion carried unanimously on voice vote.

Opening Statement: Chairperson Fye gave an opening statement regarding the LeClaire Board of Adjustment and Public Hearing.

- 1. CASE #23-01: THE REVIEW AND CONSIDERATION OF A RURAL RESIDENTIAL DISTRICT (RR) REAR AND SET-BACK MODIFICATION VARIANCE REQUEST** – A rear set-back width variance request has been submitted by the owner/applicant, Robert & Kathy Kaminski of 2933 W. Canal Shore Drive, LeClaire, Iowa, for a reduction of the rear set-back from 40’ to 3’ at 2933 W. Canal Shore Drive, LeClaire, Iowa. Robert & Kathy Kaminski gave an overview of the variance request and answered various questions about the project. Rich Roller, 2925 West Canal Shore Drive, indicated that he was in support of the request as it does not interfere with the easement, he doesn’t believe that current zoning is applicable to this property due to its dimensions, believes the property owners should have maximum use of the property due to high value and other properties have had variances. No one presented in opposition to the variance request. Motion was made by Smith, seconded by Fye to close the public hearing at 8:03 p.m. Motion carried unanimously on roll call vote.

Fact Finding:

- 1. Hardship:** Smith, Cordts, Fye, Kamp and Taylor indicated that the test was ***not*** met.
- 2. Surrounding Properties:** Smith, Cordts, Fye, and Kamp indicated affirmatively that the test was met. Taylor differed.
- 3. Purposes other than Financial Gain:** Smith, Cordts, Fye, Kamp and Taylor indicated affirmatively that the test was met.
- 4. Cause of Alleged Difficulty/Hardship:** Smith, Cordts, Fye, Kamp and Taylor indicated that the test was ***not*** met.
- 5. No Detriment to Public Welfare or Surrounding Properties:** Smith, Cordts, Fye, Kamp and Taylor indicated affirmatively that the test was met.
- 6. Impact to Light & Air to Adjacent Properties, Traffic Flow, Fire, Public Safety & Property Values:** Smith, Cordts, Fye, Kamp and Taylor indicated affirmatively that the test was met.
- 7. Property Use/Future Special Exception:** Smith, Cordts, Fye, Kamp and Taylor indicated affirmatively that the test was met.

Questions for Board Only

- 8. Variance Not Contrary to Public Interest:** Smith, Fye, Kamp and Taylor indicated that the test was ***not*** met. Cordts indicated that the test was met.
- 9. Conditions to Variance:** No conditions were presented.

Evidence Found:

Application, attachments of photos, maps, pre and testimony supported Findings of Fact.

Denial of Variance:

Motion was made by Kamp, seconded by Taylor to deny based on the test of Hardship not met. Motion carried unanimously on roll call vote.

2. CASE #22-02: THE REVIEW AND CONSIDERATION OF AN CENTRAL BUSINESS DISTRICT (C-2) REAR AND SIDE YARD SET-BACK MODIFICATION VARIANCE REQUEST.

Motion was made by Taylor, seconded by Kamp to determine that the case has been abandoned by the requestor. Motion carried unanimously on roll call vote.

3. Linda Kamp retirement recognition. Linda Kamp expressed appreciation to the Board for the cooperative efforts through over twelve years of service on the Board. Additionally, she thanked her husband, Tom, for his support.

4. Plan for accepting/reviewing applications. Dennis Bockenstedt, City Administrator, stated that the vacancy is to be filled by a male if possible. Interested candidates will be invited to attend a Board meeting in February.

Adjournment:

Moved by Taylor, seconded by Cordt, to adjourn at 8:36 pm. Motion carried unanimously on roll call vote.

Steven M. Fye, Board of Adjustment Chairperson

Attest:

Dennis Bockenstedt, City Administrator

Respectfully Submitted,

Tracy A. Northcutt
City Clerk