

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD AT THE
GREENFIELD CITY HALL ON THURSDAY, JULY 25, 2024**

1. The meeting was called to order by Chairperson Mike Braswell at 5:31 p.m.

ROLL CALL:	Mike Braswell (chair)	Present
	Donald Reid	Present
	Kevin Thomas	Present
	Stephanie Kosmeder	Excused
	Paul Haggas	Present
	Amanda Henderson (alt)	Present
	Christopher Porterfield (alt)	Excused

ALSO PRESENT:

Gina Vlach – City Planner
Luke Bertram - Planner
Jack Yunker – 4121 S. 104th St.
Kevin Hurst – 4111 S. 104th St.
Mark Hurst – 4135 S. 104th St.

2. Approval of the minutes from the June 27, 2024 meeting.

Motion by Ms. Henderson, seconded by Mr. Haggas, to approve the minutes from the June 27, 2024 meeting. Motion carried unanimously.

3. Zoning Special Exception petition for construction of a 1,200 square foot garage, to be located at 4121 S. 104th St., submitted by Jack Yunker, owner. (Tax Key No. 567-0088-000)

The property owners, Jack and Lynn Yunker, are requesting a variance for the construction of a 1,200 square foot garage located in the northwest corner of the property. The property currently has a 400 square foot pool house for keeping pool equipment and they are looking to construct a larger garage. The single-family home has an attached garage.

The property is zoned R-2 Single-Family Residential Conservation District. Per Section 21.04.0801.B.3 of the Municipal Code, in R-2 single-family lots only one (1) of the accessory buildings may be a garage up to one thousand (1,000) square feet.

Mr. Yunker has submitted the following narrative explanation for the variance request:

I am asking for a variance for two reasons:

- *Current “shed” is being called a garage by the city but is not a garage*
- *Would like to extend the limit of size of new building by 5 feet (200 sq ft total)*

- *Have lived at this address since 1976*
- *Property had a shed already built in backyard for pool shed*
 - *Cannot store anything of value due to pool chemicals & mechanicals used*

- i.e. pool filter, heater equipment, etc.
- Want to organize and store my valuables in one place
 - Currently possessions are all over the place, unorganized in yard & basement
 - Yard furniture for winter, so that it doesn't have to be under tarps
- Option to expand existing garage is not feasible due to size and limits of front yard
 - Too costly to remodel and add on to existing garage as remodeling always costs more than building from new

Note: I have made 4 visits to the Planning and Zoning Office in regards to obtaining a building permit. The first visit I was told I could not build a post and frame building, it had to be built from conventional construction up to 1,000 square feet. I then returned after having new building plans drawn, and was verbally told that it would be ok. I contacted a few construction companies to get estimates and then returned to the city the 3rd time where I asked if I could build on an extra 5 feet and was told I couldn't build anything because of the pool shed being over 250 square feet which the city says is a garage. I was told to apply for a variance.

My yard is the 2nd largest in the subdivision and I have spoken to my direct neighbors on each side and neither has an objection to me building the new space. The new garage would not be visible from the street due to the low elevation in our yard. The other side is the Root River Parkway where there is a protective tree line, the garage would not be visible from that side either. The new garage is well within the 40% requirement and the setbacks are all within limits.

Reason for Variance Request:

#1: To build a garage in the backyard where I could store equipment and property inside instead of storing it outside. Property has a shed over 250 square feet that houses equipment and chemicals for the in-ground swimming pool on the property. Cannot store anything of value in the shed, the chlorine & fumes are very corrosive to metal.

#2: To request to build the new garage at 1,200 square feet instead of the current city limit of 1,000 square feet (only 200 more square feet)

Requesting this due to the amount of belongings that are needed to go into this

My Hardship:

House was built in 1962 with a standard 20 x 20 garage. Houses today contain garages that are built much larger to store all the necessary equipment to maintain the house and land. Houses today are built with roughly the size garage that I am asking to build in my backyard. Currently my property is being stored all over the house and yard and other locations that I want to bring to one central location. This is causing my yard to be unorganized and unkempt.

I have recently retired which has caused me to bring 45 years of tools and equipment back to my house to be stored in my main garage which leaves no room for me to work on things that need to be done to keep my house and yard in order. I worked in the automotive industry for my entire career with the hope of being able to continue this work on my own interests and hobbies when I retired. I am not able to do this in my current situation. I have lived at this address since 1976 and plan to stay here as long as possible. I would like to be able to enjoy my retirement that I worked so long and hard for.

The new garage is planned to be used for tinkering and maintaining and storing all the things I have accumulated over the years. It will not be used to drive in and out on a regular basis as the backyard will be landscaped to be aesthetically pleasing, an asset to the property and neighborhood.

Building Location, Size and Materials:

Location: Northwest corner rear of lot (see survey)

Building size: 30 x 40, (1,200 square feet)

Materials: 2 x 6 conventional construction

12 foot walls

16 ft 8 inches to the peak

1 overhead garage door (10 x 10 facing front)

1 Service door 40 inches

2 windows 3 ft x 2 ft

Double 4 inch vinyl siding w/ aluminum fascia and soffit

Asphalt shingles (all matching the house)

200 amp electrical service (separate from house)

No water or sewers to be installed

Foundation to be concrete (to code and inspections)

Percentage of yard occupied will be 20% (lower than the 40% requirement) even accounting for the pool shed on the property)

Supporting Documents:

Variance Form

Pictures (images of house, yard, etc.)

Property Survey

Proposed Garage building plans

I have spoken to my direct neighbors to the north and south and they have no objections and said they look forward to seeing a nice building in our backyard. There are no neighbors to the west as that is the Root River Parkway Oak Leaf Trail. The attached images of the trail show that the new garage would not appear visible as you cannot even see our house from the parkway. The garage would not be visible from the east due to the elevation of the sloping yard.

In closing:

As you can see I have been a Greenfield resident for over 48 years, I raised my family here, my children attended the Whitnall School District and I plan to remain as a resident for my remaining years. I worked to be able to enjoy my retirement by doing the things I love which include working on restoring vehicles, house projects and just tinkering in the garage. I currently have no place to do these things and that's why I'm request to build a new garage on my property that I own and pay taxes for.

The supportive photos noted within the letter were displayed via the projector as part of the PowerPoint presentation.

The petition before the Zoning Board of Appeals has two components for the Board to consider. One of the considerations is regarding the classification of the existing accessory structure as a garage and whether the applicant should be permitted two detached garages on their property. The other consideration is whether the applicant should be allowed a detached garage that exceeds the allowable square footage for the R-2 zoning district.

The applicant stated in his letter that the current accessory structure on the building has been classified as a garage by the City, due to its size, but that it is not a garage. The City's code, in describing the area of accessory buildings, states that they may not exceed 250 ft. in area (Sec. 21.04.0801.B.2). The question then becomes, does exceeding the maximum square footage of allowable area for an accessory structure make the current structure a garage? Looking to the building permit application that was submitted for the structure on October 15, 1970, the stated use of the structure is "Garage".

Due to its size and the original building permit, staff recommends that the Board consider the existing accessory structure to be a garage. Staff recommends denial of the variance request for a second detached garage at the property located at 4121 S. 104th Street.

In no area of the City may two (2) detached garages be located on the same single-family parcel. Staff found evidence of a similar request in the minutes from a Common Council meeting held on July 19, 1988. During the public hearing portion of the meeting, there was a request to build a second detached garage at 4024 S. 84th Street. The minutes indicate that "Mel Teska stated this request has been before the Board of Appeals on two occasions and has been denied both times" and the motion to approve the request for a second detached garage lost on a roll call vote. In May 2024, the Zoning Board of Appeals heard a request for a second detached garage to be located at 4000 S. 92nd Street. The Board voted to temporarily allow the applicant to retain their existing garage. Approval of the current variance request would set a new precedent.

The other consideration is whether the applicant should be allowed to construct a detached garage, that exceeds the allowable square footage for the R-2 zoning district, regardless of other accessory structures on the property.

Section 21.04.0801 – General Standards for Accessory Uses of the Municipal Code is the section of the Code that regulates sizes and setbacks of accessory uses. The allowable area of a detached garage varies, depending on the zoning district. The largest detached garage allowed in the City is 1,000 sq. ft. The applicant is requesting a final renovated product of a detached garage that is 1,200 sq. ft. in area.

A previous decision made by the Zoning Board of Appeals in April 2024 to approve an addition to an existing garage, resulting in a garage greater than what is permitted by code, used Section 21.04.0801(D) as justification for approving the garage. The section discusses the percentage of available rear yard occupied by accessory structures and states "no accessory building(s) or structures(s) may occupy more than forty (40) percent of the area of an available rear yard.". When considering yards that are larger than what is typically found in an area, the Board has found this calculation to be a useful measure. The rear yard at 4121 S. 104th Street is approximately 16,500 sq. ft., the existing accessory structure is 400 sq. ft., and the total square

footage of the proposed garage is 1,200 sq. ft. The resulting calculation is that 9.7% ($400 + 1,200 / 16,500$) of the rear would be occupied by accessory structures.

While the applicant does not seek to use the garage for storing automobiles, the designs include a garage door that automobiles would be able to enter and exit to be parked inside. The applicant does not intend to build a driveway to connect the garage to the street as there is not enough space on either side of the house to accommodate a twelve (12) foot wide driveway with the minimum required five (5) foot setback from the side property lines. While the current owner does not intend to use the garage for automotive storage, a future owner may choose to park automobiles in the garage and would not be permitted to install a driveway for adequate access to a public street.

Staff recommends denial of the variance request for a garage that exceeds the maximum garage area outlined within the Municipal Code

The applicant and property owner, Jack Yunker, was present to answer any questions.

Mr. Haggas asked for clarification for how the applicant intends to get motorcycles to the garage given that a driveway was not presented. The applicant explained that his intention would be to have a vehicle or motorcycles within the garage for a year or more at a time while he is working on them.

Chairperson Braswell asked if the current accessory structure has a garage door. The applicant confirmed that it does have a garage door. Mr. Thomas asked the applicant to explain what equipment is found within the current accessory structure. The applicant stated that the pool filter and heater are housed within the structure; the piping is located below ground between the pool and the structure.

Chairperson Braswell asked if the applicant had considered expanding the current accessory structure to accommodate additional material. The applicant explained that the pool chemicals would harm the items he is seeking to store within the proposed garage. Additionally, the topography of the property would not permit an addition to the existing accessory structure.

Discussion was had regarding previous cases, their similarities and differences to the current case, and whether they represented precedent.

Mr. Kevin Hurst, 4111 S. 104th St., spoke in favor of allowing the proposed second garage. Mr. Kevin Hurst noted the less desirable approach taken by others of leaving items outside or under tarps and would prefer to have a garage instead.

Mr. Mark Hurst, 4135 S. 104th St., spoke in favor of allowing the proposed second garage.

Discussion occurred regarding the questions before the Board that needed to be answered.

Motion by Chairperson Braswell, seconded by Mr. Reid, to deny the Zoning Special Exception petition for construction of a second detached garage, upon the existing structure being reduced to 250 sq. ft. or less, the motion to approve the Zoning Special Exception a variance for 200 sq. ft. for the construction of a new, detached garage, to be located at 4121 S. 104th

St., submitted by Jack Yunker, owner. (Tax Key No. 567-0088-000). Motion carried unanimously.

4. Adjournment

Motion by Chairperson Braswell, seconded by Ms. Henderson, to adjourn the meeting at 6:21 p.m. Motion carried unanimously.

Respectfully Submitted,

Gina Vlach
City Planner

Distributed July 29, 2024