



BOARD OF ADJUSTMENT

Regular Meeting

Thursday, June 16, 2016

Notice is hereby given that the **Board of Adjustment** will hold a **Regular Meeting at 6:30 p.m. on Thursday, June 16th, 2016**, in the Council Chambers of Johnston City Hall, 6221 Merle Hay Road, Johnston, Iowa, to discuss the following business.

AGENDA:

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Approval of Meeting Minutes:** Regular Meeting of May 19th, 2016
- 5. BOA Case No. 16-02; Special Exception for Accessory Structure at 7600 NW 104th Ct., Johnston, Iowa.** Chapter 166.23 of the City of Johnston Code of Ordinances limits accessory structures on lots of 2-3 acres to 2,400 s.f. and 15' at midpoint between roof peak and soffit. The City of Johnston Community Development Department has received a request from Gary and Diane Bridgewater for a special exception under chapter 166.23.3.A of the Code of Ordinances to construct an accessory structure having a height of 23' at the midpoint between roof peak and soffit.
- 6. Other Business.**
- 7. Adjournment.**

Next Scheduled Regular Meeting: Thursday, July 21, 2016.

Posted on or before June 15, 2016 at: Johnston City Hall, Johnston Public Library, Johnston Post Office, Johnston Public Works, Crown Point Community Center, and Johnston Website (www.cityofjohnston.com)



BOARD OF ADJUSTMENT

City of Johnston
 6221 Merle Hay Road, Johnston, IA 50131

Minutes
 Regular Meeting: Thursday, May 19, 2016

AGENDA:

1. Call to Order

Chairman Wanderscheid called the meeting to order at 6:30 p.m.

2. Roll Call

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Present	X			X	X		X
Absent		X	X			X	

City Staff Present: Aaron Wolfe, Rebekah Davis

3. Approval of Agenda

Motion by Ostrander, seconded by Cleveland to approve the agenda.

Roll Call Vote:

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Aye	X			X	X		X
Nay							
Abstain							

4. Approval of Meeting Minutes for January 21, 2016 meeting.

Motion by Cleveland, second by Peterson to approve the minutes of the Regular Meeting of January 21, 2016.

Roll Call Vote:

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Aye	X			X	X		X
Nay							
Abstain							

Roll Call Vote:

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Aye	X			X	X		X
Nay							
Abstain							

6. **BOA Case No. 16-01; Variance for Rear Yard Setback at 5340 NW Beaver Drive, Johnston, Iowa.** The applicant, Casey's Marketing Company has requested a variance to chapter 168.05.6 of the City of Johnston Code of Ordinances regarding the rear yard setback in a C-2 district. The applicant seeks a 10' variance to the requisite 35' setback to facilitate construction of an addition to the southeast side of the existing convenience store at the above-listed address.

Wolfe delivered the staff report.

Richard Ayers, Environmental Design Group, 6601 Westown Pkwy, Suite 160, West Des Moines, Iowa; stated that Casey's is the owner of the property and the company has evolved in amenities offered in their convenience stores. They are seeking to offer sandwiches which will require additional space in the kitchen. The NW Beaver side of the property is the best option to expand the building. By adding 15 feet on this side of the building, they are able to bring this convenience store up to the G store amenity standards.

Ayers elaborated that G was the standard prototype including a pizza kitchen. In addition, this expansion will house handicap accessible restrooms. He believes some of the logic behind setbacks is to provide fire safety by separation of buildings and noted that there will still be a substantial distance between the adjacent structures.

Cleveland questioned what the type of business is located immediately south of the subject property.

Ayers and Wolfe did not have that information. However, Wolfe noted that all adjacent property owners were notified of the proposed variance and no response had been received.

Wolfe inquired as to where the handicap accessible restrooms were proposed to be constructed. Ayers stated that the handicap facilities will be constructed in the front of the building.

Cleveland asked if the City was recommending denial. Wolfe emphasized that based on the information provided this variance does not meet the strict requirements. However, some items are up for interpretation and discussion by the board. The handicap accessible restrooms which are a federal requirement may be one justification for granting a variance.

Ayers presumes that they meet the intent of the ordinance in that a large space between surrounding structures will remain.

Ayers indicated on the aerial that with the addition the dumpster enclosure will be moving closer to the lot line. Ostrander questioned setback requirements for the dumpster. Wolfe stated that the setback requirements for a dumpster enclosure are the same as that for a fence; which allows the property owner to place the fence on the property line.

Peterson stated that it may not be clear that the proposed addition meets the requirements for a variance. In his opinion, a variance is the quickest, easiest and most inexpensive option to resolve this issue.

Ayers specified the other alternatives he had considered and noted the alternatives created other issues. Wolfe stated that it seemed like the variance request was more than just an inexpensive option. He believes that the applicant was attempting to work within the constraints of the lot and has investigated alternatives thoroughly. However, there are design restrictions to consider with alternatives.

Ostrander inquired if this was the only commercial property in the area.

Wolfe explained that the properties to the west of the interurban trail on Johnston Drive are the nearest commercial businesses. Adjacent properties in the area up both sides of NW Beaver to 66th Ave are zoned M1 or M2.

Ayers declared that the setback requirement created a hardship in that the store was outdated compared to other stores in its classification.

Wolfe questioned if the ordinance prohibited the use of the property similar to that of other properties in the district. The C2, commercial zoning and the property being located on a corner lot make the setback requirement is 35 feet; which a larger setback requirement than that of adjacent property owners in the district that can build to 10 feet from the property line.

Ostrander inquired if the property directly north was industrial.

Ayers affirmed.

Wanderscheid motioned to approve the 10 foot variance for the rear setback, subject to the findings from the City 1, 2, 3, & 4 will remain as written and finding 5 will be amended to state "A strict application of the terms of the Zoning Ordinance would prohibit the use of their property in a manner reasonably similar to that of other properties in the same district." Adjacent properties in the district are zoned M1 or M2 and are able to build within 10 feet of the property line. By requiring the applicant to build within 35 feet of the property line they are not able to utilize the property in a similar manner as adjacent properties in the district. Building handicap accessible facilities require additional square footage in the existing building. The board recommends that the 10 foot variance be granted to build the 150 square foot addition as depicted on the site plan.

Cleveland seconds.

Roll Call Vote:

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Aye	X			X	X		X
Nay							
Abstain							

5. Other Business.

6. Adjournment.

Meeting Adjourned at 7:01 p.m.

Chairperson

Secretary



Board of Adjustment
COMMUNITY DEVELOPMENT DEPARTMENT
June 16, 2016 Meeting

BOA 16-02: 7600 NW 104th Court Special Exception for Accessory Structure totaling having a height of 23' at midpoint between roof peak and soffit, a special exception of eight feet in height.

PROPERTY OWNER/APPLICANT:	Gary and Diane Bridgewater 8161 Heather Bow Johnston, IA 50131
SITE LOCATION:	7600 NW 104 th Court; Johnston, IA 50131
APPLICANTS REQUEST:	Chapter 166.23 of the City of Johnston Code of Ordinances limits accessory structures on lots of 2-3 acres to 2,400 s.f. and 15' at midpoint between roof peak and soffit. The City of Johnston Community Development Department has received a request from Gary and Diane Bridgewater for a special exception under chapter 166.23.3.A of the Code of Ordinances to construct an accessory structure having a height of 23' at the midpoint between roof peak and soffit.
APPLICABLE ORDINANCE PROVISION:	The property is zoned R-1(75), Single Family Residential. Chapter 166.23 allows a 2,400 square foot accessory structure on the lot in question and a max height of 15 feet (measured from midpoint of ridge and soffit). Applicant has furnished drawings that show the height of proposed accessory structure to equal 23 feet at midpoint between ridge and soffit.
<i>Setbacks</i>	The subject property is zoned R-1(75) Single Family Residential District with the following bulk requirements for accessory structures [Ch. 166.23(4)]: Front Yard Setback: 35 feet Side Yard Setback: 8 feet/17 feet total Rear Yard Setback: 8 feet
BOARD OF ADJUSTMENT AUTHORITY:	Chapter 166.23(4) of the Code of Ordinances grants authority to the BOA to grant a special exception to accessory building size after considering the following factors: (1) The need for additional floor area/height of accessory structure is demonstrated to the Board of Adjustment's satisfaction, and

- (2) The additional floor area will not adversely affect the property value of the subject property or adjoining properties, and
- (3) The siting (such as setbacks) of the proposed accessory structure minimizes any adverse effect upon adjacent properties, and
- (4) Greater architectural restrictions than contained in subsection 4 below have been employed as needed to assure compatibility with neighboring residential structures.

APPLICANTS
RATIONALE (NEED):

We require a 12'-0" overhead door for the purpose of storing our boat w/ wake board tower. Also, our future plans include the purchase of a motor home that also requires the 12'-0" overhead door. Therefore, the AS requires a 14'-0" side wall height. With a 10/12 roof slope, to match the architecture of our home, the elevation of the midpoint of the roof is approximately 23'-0", or, approximately 8'-0" above the 15'-0" maximum allowable

EFFECT UPON
ADJACENT AREA:

The effect upon the adjacent area is measured by whether the structure would adversely affect property values, whether it can be situated in a manner to minimize its effect, and whether architectural changes would improve its compatibility.

This property is adjacent to other lots of similar size. The area is generally characterized by large lots and open spaces.

The applicant asserts at 1,800 s.f., the proposed structure is well below the maximum (2,400 s.f.) and the architecture will match that of the home. For these reasons the effect on adjacent properties will be positive. The applicant also notes adjacent properties have grandfathered accessory structures (metal buildings) that do not meet the current ordinances. In addition to storage, the accessory structure will be used as partial screening of the adjacent property.

SITING:

The structure is depicted 20' from the East property line and 80'+ from the rear property line. These setbacks greatly exceed those required in the district.

The applicant states the accessory structure exhibits a finished floor elevation dug into hillside by approximately 5 feet to lower the height of the structure and reduce its visibility to adjacent properties. It should be noted that the finished floor of the structure is 14'-0" below the curb line of 104th Court. As such, the structure is completely screened by the home and not visible from the street and will not affect any property owners on 104th Court.... In addition, there are heavily wooded property lines to obscure and/or completely screen the visibility to the structure from the south, the east and the west.

ARCHITECTURE:

Chapter 166.23(3) of the Code of Ordinances states accessory buildings must be constructed of common residential exterior materials, provided the color scheme of the accessory structure is consistent with the primary residential structure. In addition, accessory buildings over 720 square feet shall be constructed with the same or comparable building materials as the primary residential dwelling....

The Board of Adjustment has the authority to impose greater architectural restrictions to assure compatibility with neighboring residential structures. The applicant has submitted building elevations depicting architecture and use of building materials consistent with those of the primary residence. Staff recommends no further restrictions on building materials.

RECOMMENDATION:

In staff's opinion, while need is subjective, it does not appear the additional height of the structure would have an adverse effect on adjacent properties. Neighboring property owners have been provided notice of this action and have been invited to submit comments or attend the hearing.

FINDINGS FOR APPROVAL:

Staff recommends approval and offers the following motion:

The Board of Adjustment hereby approves a special exception to allow an accessory structure with a height of 23' at midpoint between ridge and soffit with the following conditions and findings:

1. Gary and Diane Bridgewater are the owners of property located at 7600 NW 104th Court and have applied for a Special Exception from the Board of Adjustment to allow for the construction of a accessory structure with a height of 23' at midpoint between ridge and soffit.
2. The applicant has satisfied the need for a special exception to the Board's satisfaction;
3. The additional height, siting of the building, and proposed architecture will not adversely affect adjacent properties;
4. The Property owner must insure all setback and building separation requirements for the district are met;
5. A building permit must be obtained prior to commencement of construction.

Attachments: Application for Special Exception dated 5/13/16;
Vicinity map;
Neighborhood Mailing Notice and Neighbor list;
Section 166.23 of the Code of Ordinance;
Sketch of property showing locations of existing and proposed accessory structure
Site plans and elevation drawings of proposed accessory structure

**CITY OF JOHNSTON, IOWA;
BOARD OF ADJUSTMENT RESOLUTION**

IN THE MATTER OF

(
)
(

City of Johnston

**BOA Case # 16-02; 7600 NW 104th Ct.
Special Exception**

6221 Merle Hay Road

DATE OF ACTION:

June 16, 2016

BOARD MEMBERS PRESENT:

APPELLANTS REPRESENTATIVES:

CITY REPRESENTED BY:

Now on the date cited, the Board of Adjustment convened in open public session at 6:30 P.M. The appellant, board and city were represented as noted. Under the provisions of Chapter 166.23 of the Johnston Municipal Code and of Chapter 414 of the Code of Iowa, the Board reaches the following conclusions:

MOTION BY:

SECONDED:

MOTION: The Board of Adjustment hereby approves a special exception to allow an accessory structure with a height of 23' at midpoint between ridge and soffit with the following conditions and findings:

BOARD MEMBERS IN FAVOR:

BOARD MEMBERS OPPOSED:

1. Gary and Diane Bridgewater are the owners of property located at 7600 NW 104th Court and have applied for a Special Exception from the Board of Adjustment to allow for the construction of a accessory structure with a height of 23' at midpoint between ridge and soffit.
2. The applicant has satisfied the need for a special exception to the Board's satisfaction;
3. The additional height, siting of the building, and proposed architecture will not adversely affect adjacent properties;
4. The Property owner must insure all setback and building separation requirements for the district are met;
5. A building permit must be obtained prior to commencement of construction.

DATE OF FILING (ON OR BEFORE):

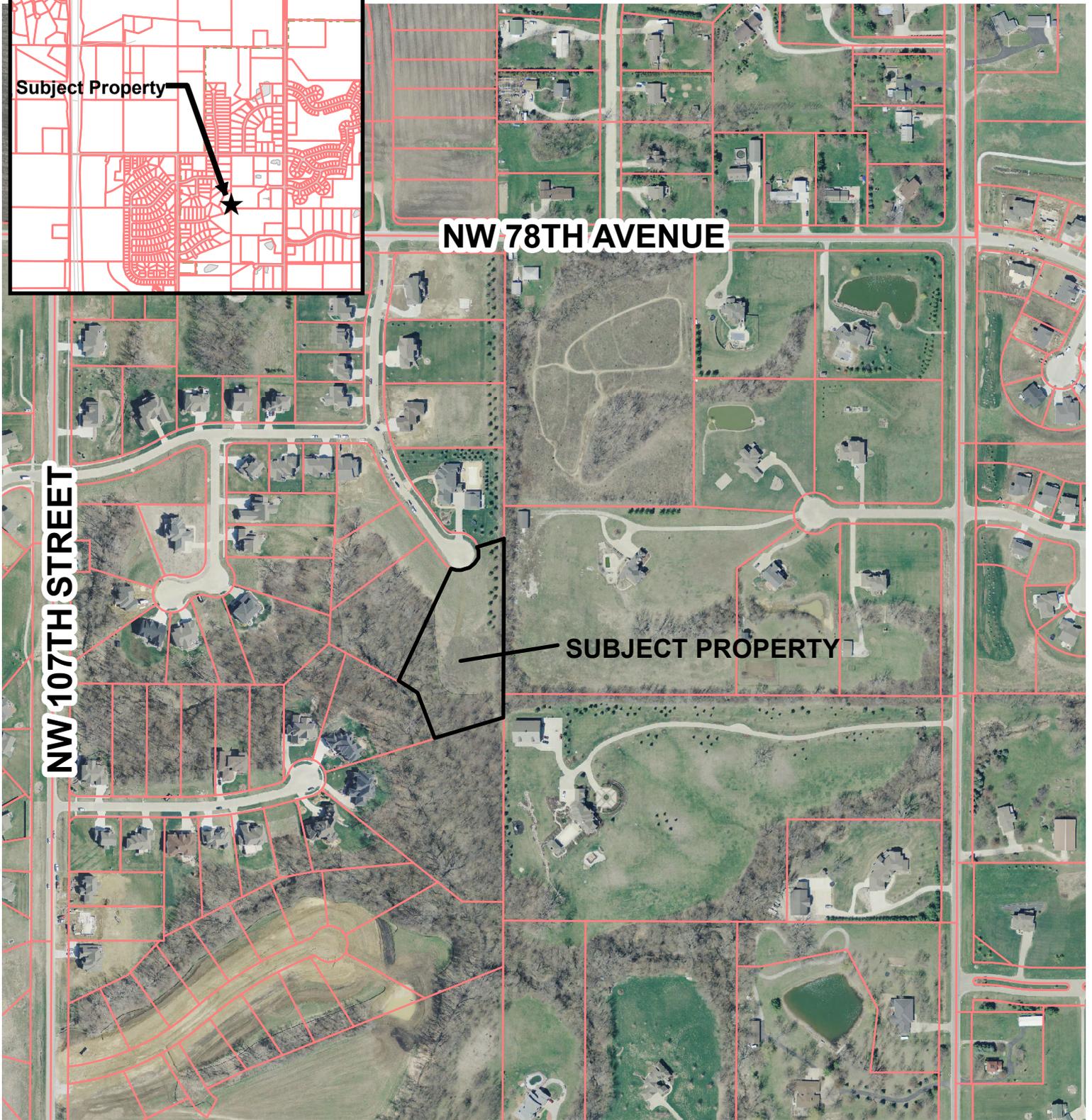
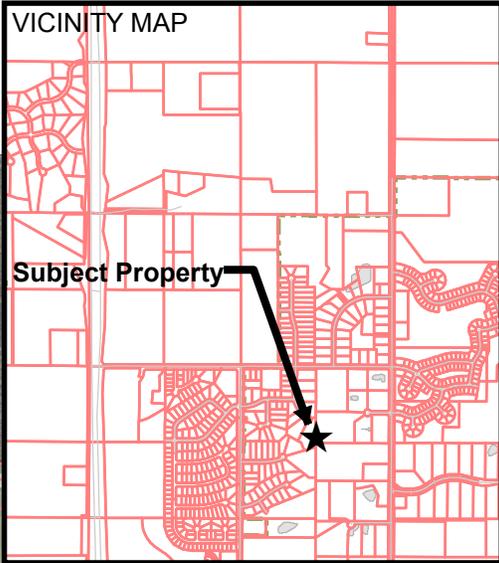
BOARD OF ADJUSTMENT:

ATTEST:

Justin Hupfer
Chairman

David Wilwerding
Zoning Administrator

BOA 16-02 SPECIAL EXCEPTION FOR ACCESSORY STRUCTURE SQUARE FOOTAGE AND HEIGHT



Created by City of Johnston Department of Community Development
6221 Merle Hay Road, P.O. Box 410, Johnston, IA, 50131-0410 (515)278-2344 Fax:(515)278-2033



For Office Use Only:

Date Received: 05/13/16

REC # 509321 \$5000
509322 \$1000

APPLICATION FOR SPECIAL EXCEPTION

Date: 5-11-16

**CITY OF JOHNSTON
COMMUNITY DEV. DEPT.**

DATE REC'D: 05/13/16
CASE NO.: BOA 110-02

IS HEREBY REQUESTED BY:

GARY AND DIANE BRIDGEWATER
NAME/FIRM/CORPORATION

8161 HEATHER BOW JOHNSTON IA 50131
STREET CITY STATE ZIP

515-270-8560 Bridgewater@thebakergroup.com
PHONE ~~FAX~~ E-mail

FOR PROPERTY LOCATED AT: 7600 NW 104th COURT
JOHNSTON, IA 50131

LEGALLY DESCRIBED AS: LOT 17, SILVERSTONE PLAT 2

SPECIAL EXCEPTION SOUGHT (check one):

Accessory structures exceeding 1200 square feet (17.10.030.8)

Creation of flag lot (17.04.230)

Creation of lot with private access easement (17.04.230)

State why you feel the special exception should be granted: SEE ATTACHED.

We respectfully request a special exception to build an accessory structure that exceeds the building code's roof mid-point maximum height of 15 feet.

The accessory building we wish to construct requires a 12 foot garage door to accommodate our existing boat with a wakeboard tower. Our future plans include the purchase of a motorhome that will require the same garage door height. Code and covenants require that the accessory building use the same materials as the house. Our intent was to not only match the code/covenants, but to match the architecture and finish of the house. We believe keeping the architecture consistent with the house adds value to the property and the neighborhood.

To accommodate the above (namely a 12 foot garage door), the accessory building height will exceed the code's allowed height.

Other information for your consideration includes:

- The finish floor of the accessory building is approximately 14 feet below the back of curb elevation. The building will not be visible from the street.
- The building is also benched approximately 5 feet lower than the adjacent property to the east and is located in the south east corner of the lot in the least visible location of the lot without encroaching on the conservation easement.

A key consideration in purchasing this lot was to remain in Johnston, the community we've enjoyed for over 23 years, and to allow for this accessory building to house the boat and motor home.

1,860

PRIMARY CONTACT, IF DIFFERENT FROM APPLICANT:

NAME

ADDRESS

PHONE

FAX

Signature of Appellant:

A handwritten signature in blue ink, written over a horizontal line. The signature is cursive and appears to be "D. J. [unclear]".

A filing fee of \$50.00 (payable to the City of Johnston) and any supporting information needed to illustrate the request must accompany the application.

Aaron Wolfe

From: Gary Bridgewater [BridgewaterG@TheBakerGroup.com]
Sent: Thursday, June 02, 2016 9:57 PM
To: Aaron Wolfe
Cc: Gary Bridgewater
Subject: RE: Accessory Structure Special Exception - 7600 NW 104th Court
Attachments: BRIDGEWATER SITE PLAN 4-25-16.pdf; Bridgewater ACCESSORY BUILDING 9-21-15.pdf

Aaron,

We have embedded responses, below, in **RED**. If you think we need to expand upon these answer in more detail, please let us know.

Thank you for your consideration.

Gary and Diane Bridgewater
8161 Heather Bow
Johnston, Iowa

From: Aaron Wolfe [mailto:awolfe@cityofjohnston.com]
Sent: Thursday, June 02, 2016 1:25 PM
To: Gary Bridgewater <BridgewaterG@TheBakerGroup.com>
Subject: Accessory Structure Special Exception

Below are the ordinance criteria the Board of Adjustment is charged with considering when granting a special exception with regard to square footage and height. If you can provide a narrative that addresses these four issues it would behoove your case.

166.23.6.B. Maximum Accessory Building Area and Height [166.23(2) and (4)].

(1) The need for additional floor area and/or height of accessory structure is demonstrated to the Board of Adjustment's satisfaction, and..... **We request the special exception for the height of the accessory structure (AS). We require a 12'-0" overhead door for the purpose of storing our boat w/ wake board tower. Also, our future plans include the purchase of a motor home that also requires the 12'-0" overhead door. Therefore, the AS requires a 14'-0" side wall height. With a 10/12 roof slope, to match the architecture of our home, the elevation of the midpoint of the roof is approximately 23'-0", or, approximately 8'-0" above the 15'-0" maximum allowable.**

(2) The additional floor area will not significantly affect the property value of the subject property or adjoining properties. The Board of Adjustment may request the applicant or opponents of the application submit an appraisal completed by a certified appraiser to demonstrate this condition has or has not been met, and **Based on the size of our lot (2.65 acres), the maximum allowable area for the AS is 2,400 s.f. Our plan is to build a 1,800 s.f. structure, well below the maximum. Because we are matching the architecture of our home for all construction materials for the AS, we believe we are enhancing our property and all adjoining properties. The two adjacent properties, to the east and south east, both have grandfathered accessory structures on their property. In both cases, these structures are metal buildings that do not meet the current ordinances. If anything, these adjacent structures reduce the value of our property. We are using our AS to partially screen the approximately 5,000 s.f. structure on the Mr. Rose's property to the SE.**

(3) The siting (such as setbacks) of the proposed accessory structure minimizes any adverse effect upon adjacent properties, and **Attached is the current site plan for our home and accessory structure. It shows the AS located to the**

rear of the lot. We have benched the finished floor elevation into the side hill by approximately 5 feet to lower the height of the structure and reduce its visibility to adjacent properties. It should be noted that the finished floor of the AS is 14'-0" below the curb line of 104th Court. As such, the AS is completely screened by our home and not visible from the street and will not affect any property owners on 104th Court. As mentioned in the previous question, the property to the SE has a large accessory structure that will completely screen our AS from their home. In addition, there are heavily wooded property lines to obscure and/or completely screen the visibility to the AS from the south, the east and the west. We believe we have sited our AS to minimize the visibility to all adjacent properties.

(4) Greater architectural restrictions than contained in subsection 3 may be employed as needed to assure compatibility with neighboring residential structures. Also attached is the current floor plan and elevations for our AS. We believe we have imposed greater architectural restrictions because of our desire to create an AS that is consistent with architectural design of our home. We hope the Board of Adjustment will agree.

Aaron, thank you for your help with this special exception request. Please contact me if you have any questions or require additional information.

I will have to write a staff report by 6/10/16 so if I can get your narrative prior to that date it would be appreciated.

Aaron Wolfe, AICP
Senior Planner
City of Johnston
6221 Merle Hay Road
Johnston, Iowa 50131-0410
PO Box 410
515.727-7766
515.278.2033 Fax
awolfe@cityofjohnston.com
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@cityofjohnston on Twitter

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Notice of Public Meeting

June 2, 2016

CITY OF JOHNSTON, IOWA NOTICE OF PUBLIC MEETING/PUBLIC HEARING

Chapter 166.23 of the City of Johnston Code of Ordinances limits accessory structures on lots under one acre to 1,600 s.f. and 15' at midpoint between roof peak and soffit. The City of Johnston Community Development Department has received a request from Gary and Diane Bridgewater for a special exception under chapter 166.23.3.A of the Code of Ordinances to construct an accessory structure of 1,860 s.f. on a lot of less than one acre in size and having a height of 23' at the midpoint between roof peak and soffit.

The Board of Adjustment will hold a Public Hearing to discuss **BOA DOCKET NO. 16-02; 7600 NW 104th Ct. Special Exception application** at 6:30 PM on Thursday, June 16th, 2016. The meeting will be held in the Council Chambers of Johnston City Hall, 6221 Merle Hay Road.

Persons seeking more information or wishing to comment on this appeal may review the application at City Hall during workdays from 8:00 a.m. to 5:00 p.m., or contact Aaron Wolfe, Senior Planner at 727-7766 or by email at awolfe@cityofjohnston.com.

NAME	ADDRESS	CITY, STATE, ZIP CODE
WILLIAM T ROSE	NW 100TH ST	GRIMES, IA, 50111
BEAVER CREEK VENTURES LLC	PO BOX 3597	DES MOINES, IA, 50323
TODD M NEUMANN	NW 104TH CT	GRIMES, IA, 50111
JOEL D WORSFOLD	NW 75TH PL	GRIMES, IA, 50111
SCOTT J SHARP	BEAVERBROOKE BLVD	GRIMES, IA, 50111
ROBERT C KITTERMAN	SILVERSTONE CT	GRIMES, IA, 50111
DAVID L AUSTIN	NW 75TH PL	GRIMES, IA, 50111
KIMBERLEY DEVELOPMENT CORP	PO BOX 369	ANKENY, IA, 50021
DANIEL C MC CABE	NW 75TH PL	GRIMES, IA, 50111
KYLE J ALLIMAN	NW 104TH CT	GRIMES, IA, 50111
GARY BRIDGEWATER	HEATHER BOW	JOHNSTON, IA, 50131
US BANK NA (TRUSTEE)	CYPRESS WATERS	COPPELL, TX, 75019

166.23 ACCESSORY BUILDINGS AND GARAGES. Accessory structures, whether attached or detached to the principal structure, shall be erected as provided for in the following paragraphs and according to the maximum structure size and minimum bulk requirements tables.

1. No accessory structure shall be constructed upon a lot until the construction of the main structure has been commenced, and no accessory structure shall be used if the main structure has been unused for a period of six (6) months or longer.
2. The cumulative area of all accessory buildings shall not exceed the more restrictive of those shown in Table 166.23(2) or paragraphs B and C below, unless a special exception is granted as provided for in subsection 3.
 - A. For the purpose of calculating the cumulative area of accessory buildings, an integrally attached garage is exempt from this area requirement. Connection by a breezeway, similar structure or short section of common wall is not considered integrally attached.
 - B. The cumulative area of all accessory buildings shall not exceed thirty percent (30%) of the rear yard.
 - C. The cumulative area of all accessory buildings shall not exceed ten percent (10%) of the lot area.

Table 166.23(2) - Maximum Accessory Building Area (square feet)		
Lot Size	Zoning District Classification	
	A-R	R Districts
Less than 1 acre	No Limit	1600
1 acre to less than 2 acres		2000
2 acres to less than 3 acres		2400
3 acres to less than 5 acres		3000
5 acres to less than 10 acres		3600
10 acres to less than 15 acres		4200
Greater than 15 acres		4500
Greater than 30 acres		4500

3. Accessory Structure Building Materials. Accessory buildings must be constructed of common residential exterior materials, provided the color scheme of the accessory structure is consistent with the primary residential structure. In addition, accessory buildings over 720 square feet shall be constructed with the same or comparable building materials as the primary residential dwelling. The provision applicable to buildings over 720 square feet shall not apply to the repair, remodel or replacement of structures permitted prior to the adoption of Ordinance 915 which are not in conformance with this requirement, provided however no such structure can be expanded or enlarged without complying with this provision.

(Ord. 915 – June 15 Supp.)

4. Detached Accessory Building Bulk and Height Regulations. Except as provided for in this subsection, the requirements of Table 166.23(4) shall be observed for accessory buildings.

Table 166.23(4) – Minimum Setback and Height Regulations in Feet for Detached Accessory Buildings										
Minimum Setback (if used to house animals or fowl)										
	A-R	A Overlay District					R-1A			
From residence	200	50					50			
Front yard setback	200	150					150			
Side yard setback	200	50					50			
Rear yard setback	200	50					50			
Minimum Setback										
	A-R	R-E	R-1					R-1A	R-2	
			(60)	(75)	(90)	(100)	(150)			
Front yard setback	75	50	30	35	35	40	40	40	30	
Side yard setback	50	15	7	8	9	10	12	12	7	
Sum of side yards		30	15	17	19	25	30	30	15	
Rear yard setback	75	15	7	8	8	10	12	12	7	
<p>A. In districts R-1, R-1A, R-E and R-2, no detached accessory structures shall be located between the front lot line and the principal structure’s front building line. In cases of a corner lot, the above provision shall apply to both lot lines abutting a public street.</p> <p>B. A detached structure of less than 120 square feet in floor area shall have a minimum setback of 3 feet of the property line if located in the side or rear yard.</p> <p>C. Any accessory building that exceeds 720 square feet in area shall comply with all setback requirements for a principal structure. This provision shall not apply to the repair, remodel or replacement of structures permitted prior to the adoption of Ordinance 915 which are not in conformance with this requirement, provided however no such structure can be expanded or enlarged without complying with this provision.</p>										
Maximum Height										
Height (feet) measured at midpoint of ridge and soffit	A-R	R-E	R-1					R-1A	R-2	
			(60)	(75)	(90)	(100)	(150)			
	None	16	15	15	15	15	16	16	15	

(Ord. 915 – June 15 Supp.)

5. Accessory buildings, except buildings housing animals or fowl, may be erected as part of the principal structure provided they adhere to the setback requirements of the principal structure. This provision would apply to an accessory building connected by a breezeway or similar structure.

6. Special Exceptions. The Board of Adjustment may grant a Special Exception to the provisions of Section 166.23 as detailed below after considering all evidence and factors it deems important in its deliberation.

- A. Accessory Structures Without a Main Structure [166.23(1)].
- (1) In no circumstance may the Board of Adjustment grant a special exception to construct an accessory structure on a lot prior to commencing construction of the main structure.
 - (2) The Board of Adjustment may grant a special exception to allow an existing accessory structure to remain on a lot without a main structure in circumstances where the main structure has been destroyed by fire or means of natural disaster (such as a wind storm or tornado).
 - (3) The Board of Adjustment may grant a special exception to allow an existing accessory structure to remain on a lot without a main structure in circumstances where the owner wishes to demolish a dilapidated main structure. In such an instance, a special exception to allow the accessory structure without a main structure must be granted prior to demolition of the main structure.
 - (4) Any special exception granted by the Board of Adjustment to allow an accessory structure on a lot without a main structure must include the following conditions for approval:
 - a. The accessory structure may only house equipment used to maintain the property on which it resides.
 - b. All materials stored on premises must be kept within the accessory structure. No outdoor storage of equipment or materials is allowed. The accessory structure may not be used as rental storage or otherwise for any commercial activity.
 - c. The structural and aesthetic integrity of the accessory structure must be maintained at all times. Dilapidated structures must be rehabilitated as a condition for approval.
 - d. In choosing to grant a special exception as outlined above, the Board of Adjustment may choose to impose additional restrictions as deemed appropriate by the Board.
- B. Maximum Accessory Building Area and Height [166.23(2) and (4)].
- (1) The need for additional floor area and/or height of accessory structure is demonstrated to the Board of Adjustment's satisfaction, and
 - (2) The additional floor area will not significantly affect the property value of the subject property or adjoining properties. The Board of Adjustment may request the applicant or opponents of the application submit an appraisal completed by a certified appraiser to demonstrate this condition has or has not been met, and
 - (3) The siting (such as setbacks) of the proposed accessory structure minimizes any adverse effect upon adjacent properties, and
 - (4) Greater architectural restrictions than contained in subsection 3 may be employed as needed to assure compatibility with neighboring residential structures.

C. Minimum Setback for Structures Larger than 720 Square Feet [166.23(4)(C)].

(1) The Board of Adjustment may grant a special exception to allow an accessory structure larger than 720 Square Feet to utilize the minimum side and rear yard setbacks for an accessory structure, rather than the setbacks for a primary structure, provided:

- a. The need for the reduced setbacks for the accessory structure is demonstrated to the Board of Adjustment's satisfaction, and
- b. The reduced setbacks will not significantly affect the property value of the subject property or adjoining properties. The Board of Adjustment may request the applicant or opponents of the application submit an appraisal completed by a certified appraiser to demonstrate this condition has or has not been met, and
- c. The siting (such as drainage, access, etc.) of the proposed accessory structure minimizes any adverse effect upon adjacent properties, and
- d. Greater architectural restrictions than contained in subsection 3 may be employed as needed to assure compatibility with neighboring residential structures.

D. Building Materials for Structures Larger than 720 Square Feet [166.23(3)].

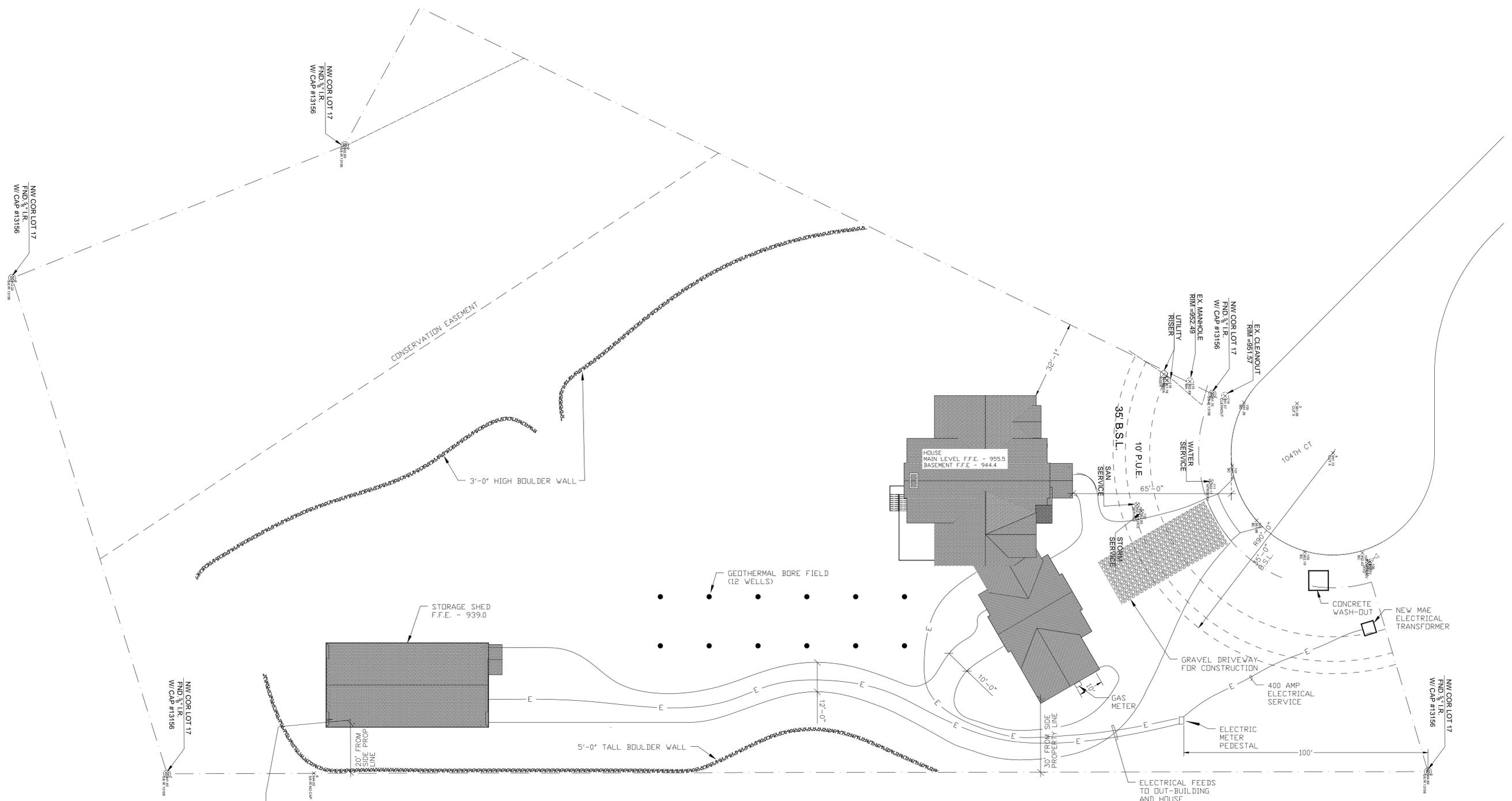
(1) The Board of Adjustment may grant a special exception to allow an accessory structure to be constructed of materials, other than material that is the same or similar to the primary structure, provided:

- a. The use of building materials in compliance with Section 166.23(3) is impractical and such is demonstrated to the Board of Adjustment's satisfaction, and
- b. The proposed building materials will not significantly affect the property value of the subject property or adjoining properties. The Board of Adjustment may request the applicant or opponents of the application submit an appraisal completed by a certified appraiser to demonstrate this condition has or has not been met, and
- c. The building materials of the proposed accessory structure minimizes any adverse effect upon adjacent properties, and

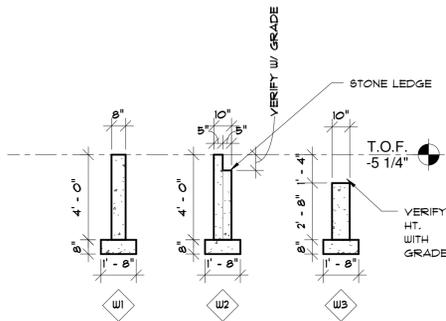
E. Prior to the Board's consideration of any application for a Special Exception as allowed in this section, they shall cause all property owners within 250 feet of the boundaries thereof to be notified by ordinary mail.

F. The Board may not grant a special exception to the limitations set forth in paragraphs 2(B) and (C) of this section. Any variance to those limitations must be in conformance with Section 166.16(5).

(Ord. 915 – June 15 Supp.)

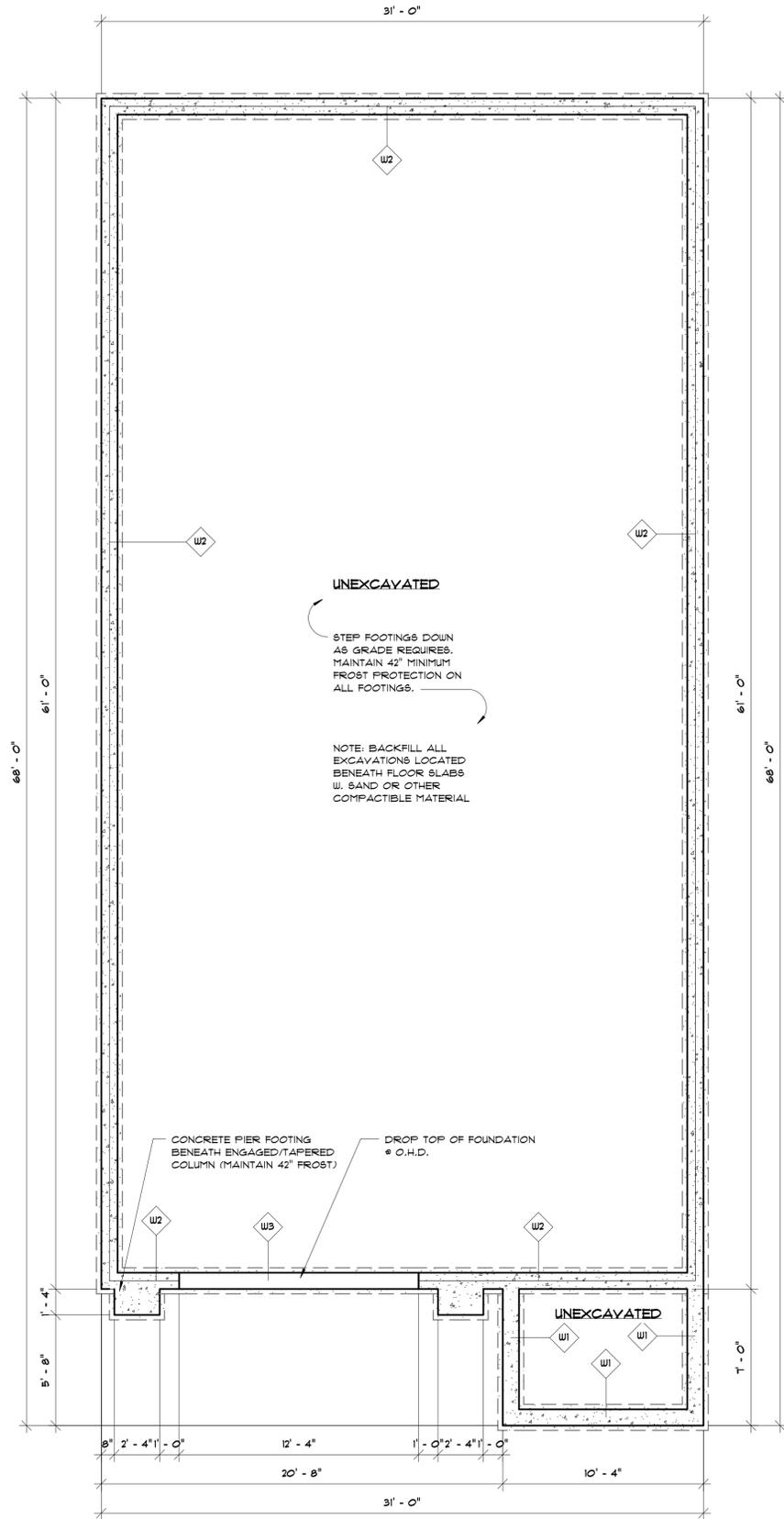


BRIDGEWATER RESIDENCE SITE PLAN
7600 NW 104TH CT.
LOT 17 SILVERSTONE PLAT 2

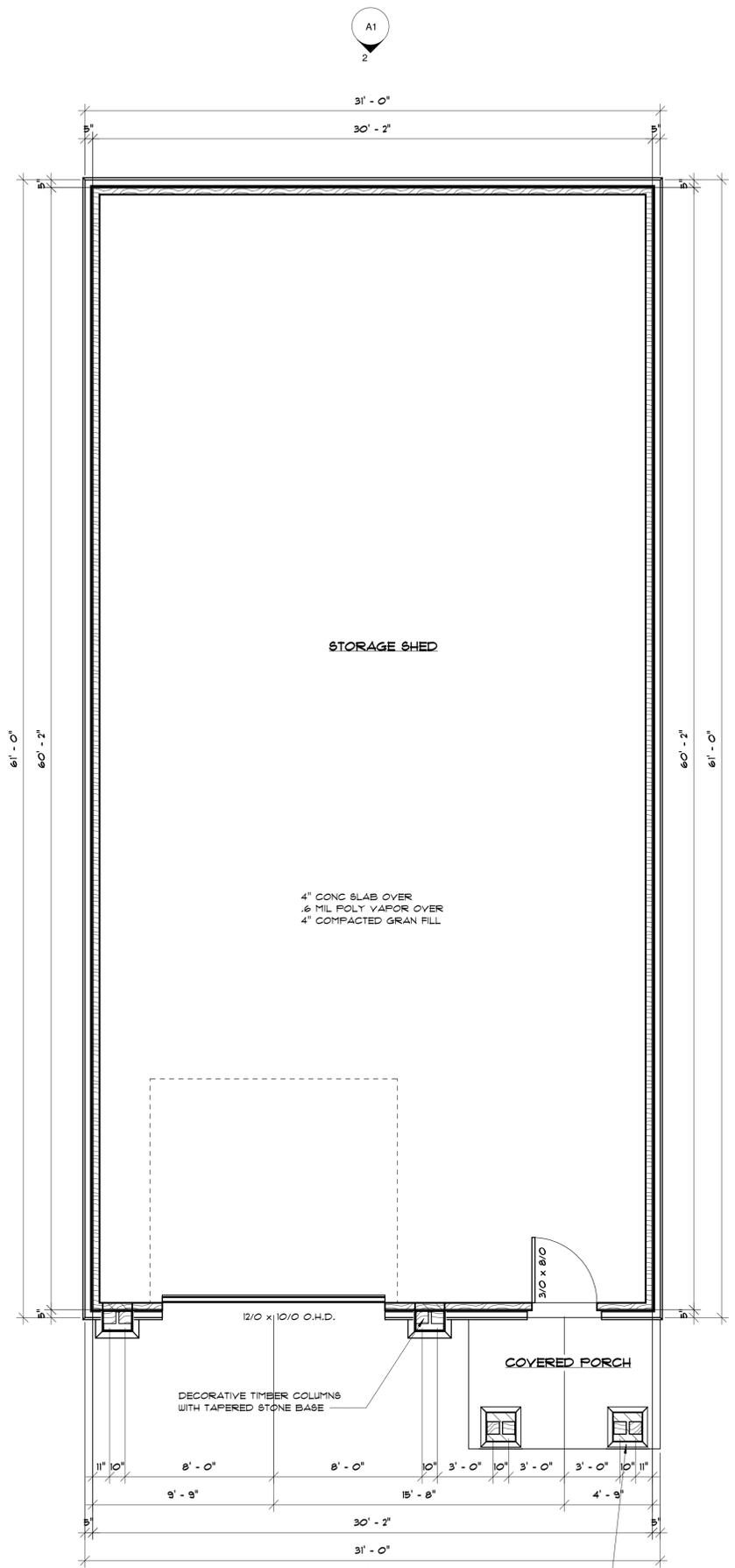


VERIFY ALL CHANGES IN WALL ELEVATION ON SITE. MAINTAIN 42" MINIMUM FROST PROTECTION AT ALL TIMES.

2 FOOTING LEGEND
 SCALE: 1/4" = 1'-0"



6 LOWER FLOOR FINISH PLAN
 SCALE: 1/4" = 1'-0"



1 MAIN FLOOR
 SCALE: 1/4" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

DATE:	DESIGN BY:	CHK'D BY:
9/18/16	ML	KC
REVISED:		





