

Devils Lake Board of Adjustment
5-16-19

Members present: Guy Desautel, Doug Mohr, Rick Jorgenson, Al Friedig, Dave Steffan.

Others present: Les Windjue, Barbara Becker, Dean Stienkeoway, Mark Lange, Helen Carlson.

Guy called the meeting to order. Al made a motion to approve the minutes from the 4-4-19 meeting. Motion 2nd by Doug. Carried.

Mark explained a request for a 1,750 SF lot area variance submitted by Barbara Becker to build a 16' X 24' garage at her home at 218 12th St NW. The lot is 5,250 SF and the minimum allowed lot size is 7,000 SF. The size of the garage is not unreasonable and it would fit on the property. The proposed garage would meet the minimum setback of 3' side yard and 10' rear yard.

Dave made a motion to approve a 1,750 SF lot area variance to build a garage at 218 12th St NW. Motion 2nd by Rick. On roll call vote Doug, Rick, Dave, Al and Guy all voted in favor. Motion carried.

Mark reviewed a request submitted by Les Windjue to build a 32' X 40' garage with 14' sidewalls at 7814 47th St NE. Several variances would be required in order to accomplish that: a 344 SF accessory building area variance, a 4' sidewall variance and a 5' side yard setback variance. It was noted that the public hearing notice did not include the 5' side yard setback variance.

1,200 SF is the allowed accessory building area for this parcel. The proposed 32' X 40' garage would be 1,280 SF accessory building area and the amount over the exempt amount of the attached garage would be 264 SF, totaling a 344 SF building area variance.

The proposed garage also includes 14' sidewalls. 10' sidewalls are allowed, making it necessary for a 4' sidewall height variance for this garage.

Due to the angle of the property line adjacent to the proposed garage, the applicant is asking to place the garage 10' from the property line at the front of the garage, which would put the rear of the garage 3' from the property line. There is a requirement for an 8' side yard setback. With the rear of the garage 3' from the property line, a 5' side yard variance would be needed.

One neighbor would be affected by the side yard variance, and the owners have submitted a letter stating they have no objections to having the rear of the garage within 2' of their property line.

Les Windjue stated he wants a 2' overhang on the garage to match the existing house.

Mark said with a 2' overhang, we would want to see a minimum 4' side yard setback.

Guy asked if there would be plumbing in the new garage and if there would be a concrete driveway.

Les Windjue informed him there would not be plumbing and a concrete driveway would be installed someday.

Al made a motion to approve a 344 SF accessory building area variance, a 4' sidewall height variance, and a minimum of a 4' side yard setback variance to build a 32' X 40' garage with 14' sidewalls at 7814 47th St NE. Motion 2nd by Rick. On roll call vote Doug, Rick, Dave, Al and Guy all voted in favor. Motion carried.

Mark explained a request for a 5' side yard setback variance submitted by Dean Stienkeoway to build a detached 24' X 30' garage at a home he is purchasing at 403 10th St NW. The home is new construction and the site for the proposed garage would be 6' away from the house. When a garage is within 10' of the house, the side yard setback for the garage has to be the same 8' side yard setback as the house. In order to not cover any more of the back yard than necessary with the footprint of the garage, the applicant is asking to place the garage 3' from the side property line. In order to do that, a 5' side yard setback variance would be required.

Dean Stienkeoway stated he could have a 2' overhang on the garage to match the overhang on the house, and have a 4' side yard setback variance.

Mark noted that the total lot coverage area is actually 1% over the allowed amount: 1,652 SF for the house, 676 SF for the attached garage and 720 SF for the proposed garage.

Rick asked if the trees on the next lot will interfere with the garage placement.

Dean Stienkeoway said the trees appear to be right on the lot line and won't interfere.

Rick told the applicant he would strongly consider at least a 4' setback from the property line to have room for working on the garage. He didn't have any problems with the rest of the layout.

Rick made a motion to approve a 4' side yard setback variance, a 10' rear yard setback, and a 1% lot coverage variance to build a 24' X 30' garage at 403 10th St NW. Motion 2nd by Doug. On roll call vote Doug, Rick, Dave, Al and Guy all voted in favor. Motion carried.

Mark reviewed some of the regulations from other cities regarding sidewall heights for garages.

Al suggested changing the maximum sidewall height for garages from 10' to 12'.

Mark said he would discuss the changes with Gary Martinson.

Rick stated that most garages being built are going with 12' sidewalls.

Al made a motion to change the maximum garage sidewall height from 10' to 12', with a minimum of a 4' side yard setback for 12' sidewalls. Motion 2nd by Rick. Carried.

The zoning ordinance will need to be amended to reflect this change.

For clarification, it was noted the minimum side yard setback would be 4' for a garage with a 12' sidewall height, and the minimum side yard setback would be 3' for a standard garage with 10' sidewall height.

Meeting adjourned.

Respectfully submitted,

Helen Carlson
Recording Secretary