

CITY OF PIERZ
Official Minutes of a Public Hearing
The Board of Adjustments and Appeals
July 25, 2007

Members Present: Toby Egan, Stephanie Fyten, Arvin Litke, Leon Flicker, Dan Girtz

The Public Variance Hearing was called to order by Mayor Toby Egan at 6:00 p.m. at Pierz City Hall. Mayor Egan began by summarizing the purpose of this variance hearing, and stated that the variance, if granted, would allow Richard and Bernadine Sauer at 303 1st Avenue SE to build a garage 5 feet away from their side property line, while the zoning ordinance calls for a minimum gap of 10 feet between your side boundary and any structure.

Mayor Egan then recognized the three letters submitted by neighbors to the office of the City Administrator in support of a variance being granted to Richard and Bernadine Sauer.

The board then asked the Sauers to state why a variance is needed and what their hardship is. Richard claims that before he bought his property, he spoke briefly with the former City Administrator, who referred him to the Building Official. Richard is claiming the Pierz Building Official then told him that building a garage 5 feet off of a side boundary would be permitted. Richard stated that he then purchased the property based upon the Building Official's claim. The Sauers also stated they do not wish to remove trees in order to build their garage, and if they were forced to stay 10 feet from the side boundary they would have no choice.

Mayor Egan then explained that a hardship must be on the property, and not the owners of the property. The Mayor's example of a hardship warranting a variance was building a house on a triangular-shaped lot. The Sauers explained that they do have several vehicles and items that need storage, and that with the winter parking ordinance they cannot keep vehicles on the street. Mayor Egan stated that they have a spacious lot and are allowed to build a garage, but they must meet zoning requirements.

Board members then each addressed their own concerns with this case:

- Board Member Litke directed the Sauers to always "get things in writing".
- Board Member Flicker is worried about establishing precedence if this variance were granted.
- Board Member Egan, and Member Fyten were also concerned about precedence issues.
- Board Member Girtz stated that he was the building official then, and he directed the Sauers to check with a proper zoning officer for compliance. His vote will be yes due to the fact that the neighbors are in support of this variance.

Upon no other discussion, the Board voted:

Litke: No
Flicker: Yes
Egan: No
Fyten: No
Girtz: Yes

Upon a 3-2 vote, the variance request is denied. The hearing is adjourned at 6:38 pm.