

Minutes  
BOARD OF ADJUSTMENT  
April 19, 2022 – 5:15 p.m.

**Call to Order:**

Chairman Alan Spencer called the meeting to order at 5:25 p.m. with a quorum present.

**Attendance:**

Committee Members Present: Alan Spencer, Charles Roberts, Don Wells, Steve Iwanowicz and Duane Snyder.

Committee Members Absent: None

**Unfinished Business:**

None.

**New Business:**

PUBLIC HEARING OPENED

David Ausmus requested a rear yard variance of 21' (which would reduce the setback to 4 feet) and a side yard variance of 10' (which would reduce the west side setback to zero feet) to allow for construction of a 30'x50' garage/storage building. Property being legally described as: All of Lots Two Hundred Eighty-two (282), Two Hundred Eighty-three (283), and Two Hundred Eighty-four (284), all in Block Twenty-six (26) in that part of the City of Macon known as "Old Macon", Macon County, Missouri. Commonly known as 403 Spruce Street.

**Public Comments:**

Snyder questioned the alleyway being deemed an alley since it does not go through and the setback requirement for an alleyway. Code Enforcement Officer, Kevin Myers, said the rule states the setback is 15' from the middle of the alleyway. Ausmus stated the alleyway is considered an alley and will be used by his daughter and her husband, Joe Evans, for an entrance to the garage and storage as they renovate the home on the property.

Wells approached Councilman Tony Petre about a prior conversation and Councilman Petre stated that the council voted to revise some of the old lots in "Old Macon" and move forward with additional training on what the board should grant. Making revisions would allow for modern-day construction and provide more space for lots. Per conversation with an attorney and council, the request must have an undue hardship for a variance to be granted. This has not been the case in previous variance requests that have been granted, therefore, confirming there is a hardship when granting a variance is required. Snyder agreed with Councilman Petre that an undue hardship should be the only reason for a variance to be granted.

Ausmus explained that the garage/storage building would allow parking for vehicles and provide storage for the homeowners as they renovate the home. David discussed with the surrounding neighbors about his plan, and no one had any issues with placing a garage on the rear end of the lot.

There was further discussion about the placement of the garage doors. Snyder proposed placing the garage doors on the west side (30' side of the building) facing the alleyway. David wanted to place the two garage doors on the south side (50' side of the building). Wells proposed turning the building, but David explained how the garage would now be in the middle of the rear yard. There was further discussion about placing the garage closer to Madison Street, but David explained that the intentions were to keep both buildings in-line along the west property line.

Snyder asked what the hardship was for this variance request and provided an alternative to David. Snyder proposed to move the building east in line with the existing 12'x18' storage building so the entrance to the garage was unobstructed from the alleyway and move the building south to allow more space between Brian Wilson's property and Ausmus. Evans explained that moving the garage further south and to the east would consume most of the yard. Evans also explained that the design of the garage would match the exterior of the house which would add curb appeal and spruce up the neighborhood. The Evans family have previously remodeled homes within Macon city limits and helped beautify homes that needed renovations.

Ausmus refocused the discussion on the variance request and questioned the current request specifically on the north boundary line. Snyder approved of the side yard variance but questioned the rear yard variance regarding Brian Wilson's property. Snyder believed Ausmus should move the building further south to allow more space between the properties.

Snyder asked if the plans were to pave the driveway area in front of the garage and Evans stated the intentions were to pave the driveway area. Snyder then stated that the yard would be taken up with a paved area, therefore, moving the garage to the south would give more yard space north of the garage.

**Board Comments:**

Snyder and Wells proposed a compromise to allow for a 10' variance with the alternatives proposed. Snyder reiterated that an undue hardship must be stated for a variance to be fully granted. Snyder approached City Administrator, Avis Marshall, and Marshall stated that the City Code states that an undue hardship must be present for a variance to be granted.

PUBLIC HEARING WAS CLOSED.

**Vote:**

Snyder moved to approve the 10' side yard variance making it a 0' setback and a 10' rear yard variance making it a 15' setback. The motion was seconded by Wells and approved by all present voting in favor: Yes: Wells, Spencer, Roberts, Iwanowicz, and Snyder; No: None; Absent: None

**Other New Business:**

No new business.

**Adjournment:**

Adjourned at 6:03 p.m.

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Mary Lou Craig, City Clerk