



**BOARD OF ADJUSTMENT AGENDA
NORWALK CITY HALL
Tuesday, August 11, 2015
6:00 P.M.**

- I. Call meeting to order at 6:00 P.M.
- II. Approval of Agenda
- III. Approval of Minutes – July 21, 2015
- IV. Chairperson – Welcome of Guests
- V. Public Comment – 3 Minute Limit (No Action Taken)
- VI. NEW BUSINESS
 1. Public Hearing on variance request from Alan Wille and Brandon Petersen to reduce setback for 1425 Misty Lane from 80' to 50'
 2. Vote on variance request from Alan Wille and Brandon Petersen to reduce setback for 1425 Misty Lane from 80' to 50'
 3. Public Hearing on special use permit request from Duane Wittstock to allow for an accessory structure that exceeds 1,500 square feet in area and 15' feet in height
 4. Vote on special use permit request from Duane Wittstock to allow for an accessory structure that exceeds 1,500 square feet in area and 15' feet in height
 5. Public Hearing on special use permit request from Britt Baker to allow for an accessory living quarters at 7900 Adams Street
 6. Vote on special use permit request from Britt Baker to allow for an accessory living quarters at 7900 Adams Street
- VIII. Adjournment

REGULAR BOARD OF ADJUSTMENT MEETING 07-21-2015

Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Tuesday, July 21, 2015 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Vice-Chairperson Brent Hinders called the meeting to order at 6:00 pm. Members present at roll call were: Chad Stevens, Rachel Parker and Brent Hinders. Absent: Christin Grant and Dennis Cassady.

City Staff present were Luke Parris, City Planner and Wade Wagoner, Planning and Economic Development Director.

Approval of Agenda – 15-05

Motion by Hinders and seconded by Parker to approve the agenda. Approved 3-0.

Approval of Minutes – 15-06

Motion by Stevens and seconded by Parker to approve the minutes from the May 13, 2015 meeting. Approved 3-0.

Welcome of Guests

Vice Chairperson Hinders welcomed everyone and with no guests present to speak, the business portion of the meeting was opened.

Public Hearing for Variance Request from Corner/Advance Investments LLC to reduce setback for Norwalk Business Center Plat 5 Lot 2 from 50' to 10'

Vice Chairperson Hinders opened the Public Hearing at 6:02 p.m.

Mr. Parris reported to the Board that the City received a setback variance application on June 15, 2015 regarding Norwalk Business Center Plat 5 Lot 2 located on Hakes Drive. Mr. Parris provided a map showing the property. The request was submitted by the owner of the property, Herb Eckhouse, with Corner/Advance LLC Investments. Mr. Eckhouse was present at the meeting. Mr. Eckhouse and Corner/Advance LLC Investments also own the lot immediately to the east, 400 Hakes Drive, the current location of La Quercia, LLC.

Mr. Eckhouse is requesting a variance to reduce the front setbacks from 50' to 10' to allow for expansion of the La Quercia facility onto Norwalk Business Center Plat 5 Lot 2. Mr. Parris noted that the property is currently zoned M-1, General Industrial District.

The adjoin landowner of the identified property has been notified of the requests and a notice of the public hearing was published in the Des Moines Register.

Mr. Parris presented two maps that showed the building envelope with and without the requested variance. He indicated that staff felt that the curve of Hakes Drive, and the application of a 50' setback along the entire curve significantly limited the building envelope and created a hardship for Mr. Eckhouse. Mr. Parris recommended approval of the variance.

Mr. Eckhouse informed the Board he spoke with Steve Rowe, the most affected nearby property owner and he was in support of the request. Mr. Parris indicated that he also had spoken with Rowe and heard similarly. Mr. Eckhouse indicated his desire to expand and stay in Norwalk.

Vice Chairperson Hinders closed the Public Hearing at 6:09 p.m.

Mr. Stevens asked about the rear yard setback. Mr. Parris indicated that staff viewed the other setbacks as side yard setbacks as shown on the second map. Eckhouse said that he had actually taken steps to tie the parcels together (in which case there would have to be 10' between the structures).

Vote on Variance Request from Corner/Advance Investments LLC to reduce setback for Norwalk Business Center Plat 5 Lot 2 from 50' to 10' – 15-07

Motion by Stevens and seconded by Parker to approve variance request from Corner/Advance Investments LLC to reduce setback for Norwalk Business Center Plat 5 Lot 2 from 50' to 10' based on the hardship created by the curved street. Approved 3-0.

Adjournment – 15-08

Motion by Stevens and seconded by Parker to adjourn meeting at 6:13 p.m. Approved 3-0.

Brent Hinders, Vice Chairperson

Luke Parris, City Planner

CITY OF NORWALK
REPORT TO THE ZONING BOARD OF ADJUSTMENT

DATE: August 11, 2015

REQUEST: Request for variance of setback requirement.

LOCATION: 1425 Misty Lane
Norwalk, Iowa

APPLICANT: Alan Wille
Hickory Ridge Builders
28777 Hickory Ridge Drive
Van Meter, Iowa

ZONING: RE-1, Rural Estates Single Family District

ATTACHMENTS:
Attachment "A" – Staff Report
Attachment "B" -- Application for Setback Variance
Attachment "C" – Zoning Map – 1425 Misty Lane
Attachment "D" – 1425 Misty Lane Site Plan

BOARD OF ADJUSTMENT STAFF REPORT
1425 MISTY LANE VARIANCE REQUEST

ATTACHMENT "A"

INTRODUCTION

Staff received a setback variance application on July 13, 2015 regarding property located at 1425 Misty Lane. The request was submitted by the owner of the property, Brandon Petersen and the builder, Alan Wille.

The request is for a variance to reduce the front setbacks from 80' to 50' to for the construction of a single family home.

The property is currently zoned RE-1, Rural Estates Single Family Residential.

APPLICABLE CODE:

Zoning Ordinance 17.04.190 (D): Powers and Duties. The Board shall have the following powers and duties:

2. *To grant a variation from the terms of this ordinance when a property owner can show that their property by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional site conditions, the strict application of the terms of this ordinance actually prohibits the use of their property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this ordinance would result in unnecessary hardship; provided, however, that all variations granted under this section shall be in harmony with the general purpose and intent of this ordinance.*

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Zoning Ordinance 17.10.020.6: Bulk Regulations. The following minimum bulk requirements shall be observed in the RE-1 District:

Principal Use	Lot Area (sq ft)	Lot Width (Ft)	Front Setback (Ft)	Side Setback – Least width on any side	Sum of both Side Setbacks	Rear Setback
Dwellings	40,000	125'	50'	20'	40'	50'

REQUEST

The request is to vary from the required front setbacks to allow for the construction of a home on the lot. The request is specifically for:

- A variance from the platted front setback line, which was set at 80 feet, and reduce the front setback to the 50' required in the City Zoning Ordinance.

FACTS

Staff has reviewed the requests, the dimensions of the lot, and the proposed site plan. Staff found the following facts important.

From the zoning ordinance:

- The zoning ordinance requires a 50' front setback from all public right-of-way.

For the case:

- The property at 1425 Misty Lane was platted with a front setback of 80 feet.
- The neighboring property at 1422 Misty Lane is also platted with an 80' front setback, no building permit has been submitted for this property.
- All other lots in the Silverado Estates subdivision are shown with a 50' front setback.
- The approved Preliminary Plat for Silverado Estates shows 50' front setbacks for both 1422 and 1425 Misty Lane.
- There is no documentation of the reasoning for the greater than 50' setback on the plat.
- Aerial photography shows a drainage area in the rear northwest portion of the lot at 1425 Misty Lane.

STAFF OPINION

After reviewing the request and facts, the Staff opinion is that the 80' platted front setback line is inconsistent with City Zoning Ordinance and the surrounding setback lines.

It is staff's opinion that allowing the variance will not create negative impacts to surrounding property owners as the property owners surrounding 1425 Misty Lane all have 50' front setbacks.



Development Application

Contact Information
 City of Norwalk
 705 North Avenue
 Norwalk, Iowa 50211
 Phone: (515) 981-9530

Type of Request (fees)			
<input type="checkbox"/>	Neighborhood Sketch Plan (\$100 + OER*)	<input type="checkbox"/>	Final Plat (\$150 + \$10 per lot + OER*)
<input type="checkbox"/>	Master Plan (\$250 + OER*)	<input type="checkbox"/>	Plat of Survey (\$200 + OER*)
<input type="checkbox"/>	Preliminary Plat (\$150 + \$5/acre + \$5/lot + OER*)	<input type="checkbox"/>	Site Plan (\$150 + OER*)
<input type="checkbox"/>	Zoning Amendment (\$200 + \$5/acre + OER*)		
*OER – Outside Engineering Review costs will vary based on the scope of the request and amount of review needed.			
Applicant Information			
Name: Alan Wille			
Company: Hickory Ridge Builders			
Current address: 28777 Hickory Ridge Dr.			
City: Van Meter		State: Iowa	ZIP Code: 50261
Phone: 515-202-1330		Email: hickoryridgebuilders@yahoo.com	
Project Information			
Project Name: 1425 Misty Lane			
Project Location: Silverado Ranch Estates			
Legal Description: Lot 4 plat 1 of Silverado Ranch Estates			
*May attach separately, if lengthy			
Project Scope: variance to move house set back to match surrounding lots at 40' or 50' from the front of the street. Back of house sits in drainage area. would like to move 40 feet forward from the 85' set back			
Number of Acres:		Number of Lots:	
Property Owner Information			
Name: Brandon Petersen			
Company:			
Current address:			
City:		State:	ZIP Code:
Phone: 712-249-7285		Email: Petersenbest@gmail.com	

Consultant Information

Name: <i>Al Wille</i>		
Company:		
Current address:		
City:	State:	ZIP Code:
Phone:	Email:	

Billing Information

Name:		
Company:		
Current address:		
City:	State:	ZIP Code:
Phone:	Email:	

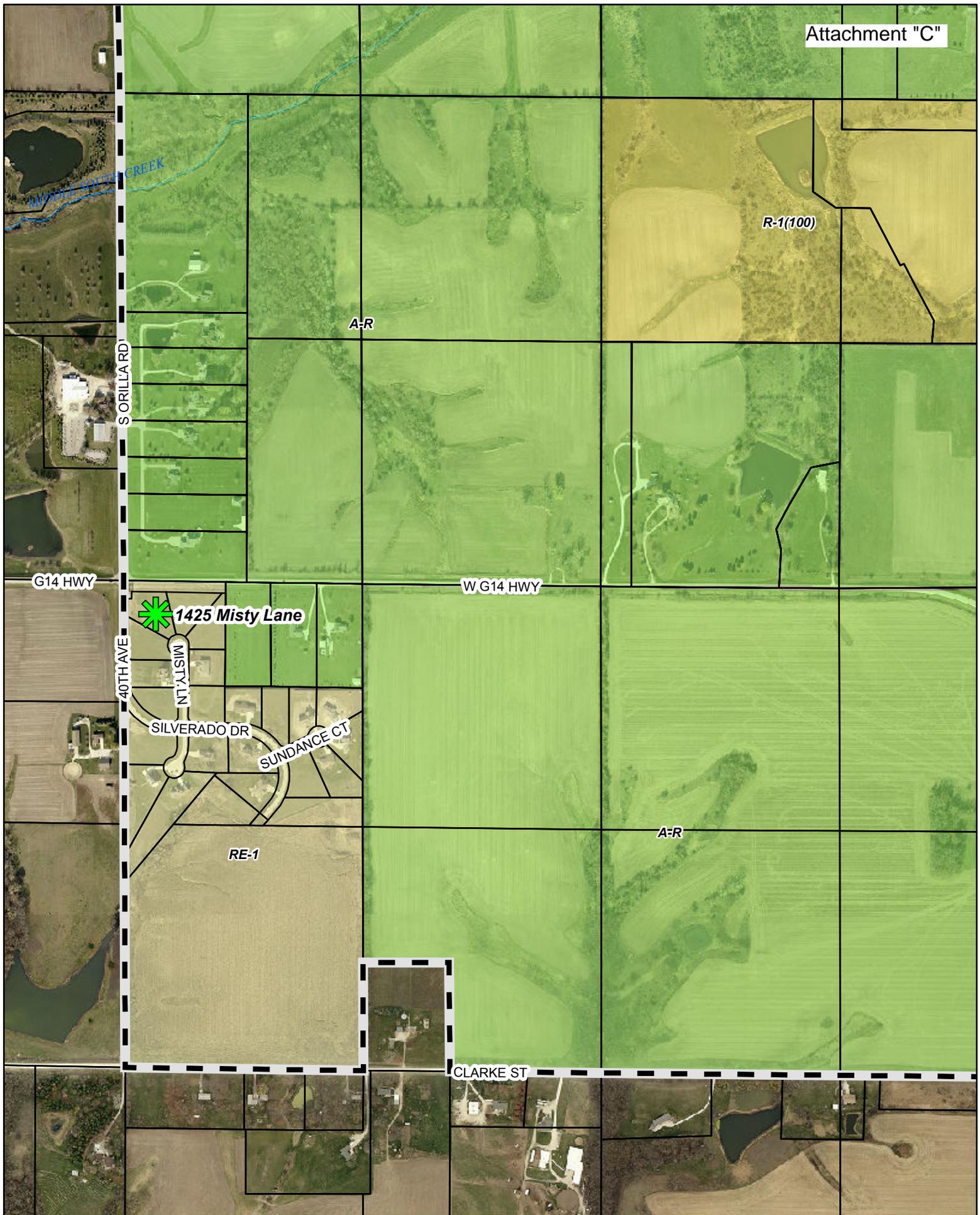
Owner and Applicant Signature and Consent

I/we hereby submit and consent to the development application in the City of Norwalk. I/we acknowledge that I/we are responsible for additional costs for plan review by a consulting engineer and/or attorney. I/we certify that I/we am/are familiar with applicable state and local codes and ordinances, the procedural requirements of the City of Norwalk, and have submitted all required information.

Signature of Property Owner:	Date:
Name of Property Owner:	
Signature of Applicant: 	Date: <i>7-13-15</i>
Name of Applicant: <i>Al Wille</i>	

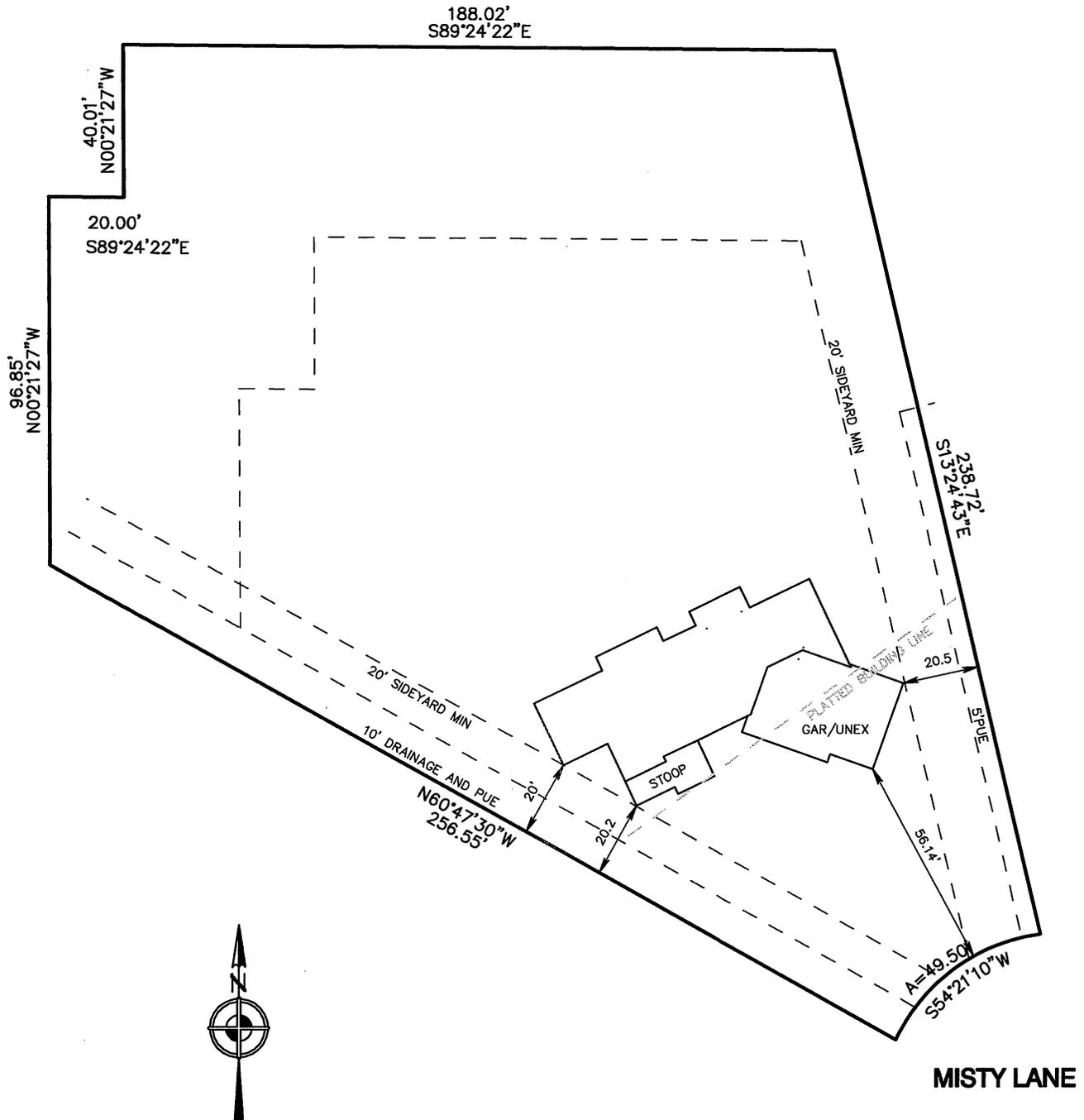
For City staff use – Do not fill out

Invoice ID:	Invoice Amount:	Date Sent:
	Paid Amount:	Date Received:



SITE PLAN

FOR: HICKORY RIDGE BUILDERS
ADDRESS: 1425 MISTY LANE, NORWALK, IOWA
LOT 4 SILVERADO RANCH ESTATES



REVISED 7/14/15
DATE: 7/6/15
SCALE: 1"=40'

JOB # 4932C

CITY OF NORWALK
REPORT TO THE ZONING BOARD OF ADJUSTMENT

DATE: August 11, 2015

REQUEST: Request for a special use permit to allow for an accessory structure that exceeds 1,500 square feet at 555 Beardsley Street

LOCATION: 555 Beardsley Street
Norwalk, Iowa

APPLICANT: Mr. Duane Wittstock
555 Beardsley Street
Norwalk, Iowa

ZONING: RE-1, Rural Estates Single Family District

ATTACHMENTS:

Attachment "A" – Staff Report

Attachment "B" -- Application for Action by the Norwalk Board of Adjustment

Attachment "C" – Special Use Permit Zoning Map – 555 Beardsley Street

Attachment "D" – 555 Beardsley Street Site Plan

Attachment "E" – Map of Nearby Properties with Similar Structures

BOARD OF ADJUSTMENT STAFF REPORT
555 BEARDSLEY STREET SPECIAL USE PERMIT REQUEST

ATTACHMENT "A"

INTRODUCTION:

Staff received a special use permit on July 31, 2015 regarding the property at 555 Beardsley Street. The permit was submitted by Duane Wittstock, property owner of 555 Beardsley Street. Mr. Wittstock is requesting a special use permit to allow for the construction of an accessory storage structure greater than 1,500 square feet and taller than 15'. Mr. Wittstock is proposing to build a structure that would not exceed 40' wide by 60' long by 18' high.

The property is currently zoned RE-1, Single Family Rural Estates District and is surrounded by similar RE-1 uses to the east and west, and A-R uses to the south.

Staff has included site plan showing the location of the accessory structure on the property, a zoning map showing the adjoining zoning, and a map showing nearby properties with similar structures.

Through the special use permit process, the Planning and Zoning Commission makes recommendations to the Board of Adjustment. A Board of Adjustment meeting and public hearing have been scheduled for Tuesday, August 11, 2015 at 6:00 p.m. Landowners within 200 feet of 555 Beardsley Street will be notified of the Special Use Permit request.

APPLICABLE CODE:

Zoning Ordinance 17.10.020.5: Maximum Height Regulations. No building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

The request by Mr. Wittstock is for an accessory structure that would not exceed 18' in height.

Zoning Ordinance 17.10.020.7: Bulk Regulations for Accessory Structures. The cumulative total gross floor area of all permitted detached accessory structures shall not exceed ten (10) percent of the lot area, and occupy more than thirty (30) percent of the rear yard. Accessory structures greater than 1,500 square feet shall be subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing. In no instance shall the accessory structure exceed the principal structure in gross building floor area.

The request by Mr. Wittstock is for an accessory structure that would not exceed 2,400 square feet. The gross square feet of Mr. Wittstock's principal structure is

2,950 per the Warren County Assessor records. Mr. Wittstock's lot is 167,270 square feet and the requested accessory structure is less than 10% of the lot size. Mr. Wittstock's rear yard is approximately 111,000 square feet and the requested accessory structure is less than 30% of the rear yard.

Zoning Ordinance Chapter 17.90 Special Use Permits

17.90.000 Special Use Permits. *The regulations set forth in this chapter or elsewhere in this ordinance which are applicable shall apply to the unclassified and special uses listed in this ordinance.*

17.90.010 Statement of Intent. *It shall be recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any class of use as permitted in the various zoning districts established by this ordinance; therefore, these uses shall be subject to certain conditions and standards set forth in this chapter, and the authority for the location thereof shall be subject to review by the Norwalk Planning and Zoning Commission and the issuance of a special use permit by the Norwalk Board of Adjustment.*

17.90.030 Required Conditions.

A. General Conditions.

- 1. A special use permit shall not authorize a use which does not comply with the minimum requirements of the district in which it is located or by its construction, architecture, or site improvements is not considered compatible with the neighborhood and surrounding use of land and construction.*

Mr. Wittstock is requesting the construction of an accessory storage structure that would not exceed 18' in height and 2,400 square feet in area. The included site plan shows that the structure would meet the required building setbacks of 3' from a side lot line, 5' from a rear lot line, and 10' from any other structure. Additionally, Mr. Wittstock provided information that similar structures are currently located on 559 Beardsley Street and 575 Beardsley Street. Staff reviewed aerial photography and confirmed the existence of similar structures. Additionally, staff reviewed building permit data and found approved building permits for the structure at 575 Beardsley Street. It is staff's opinion that the requested structure is compatible with the surrounding uses.

- 2. A special use permit shall not authorize a use which is in conflict with any ordinance of the City of Norwalk or law of the State of Iowa regulating nuisances, pollution or hazardous occupation.*

The request is not in conflict with any City or State laws.

- 3. The authority for the location of an unclassified or special use through the issuance of a special use permit shall be subject to review and*

recommendation by the Planning and Zoning Commission to the Board of Adjustment.

The Planning and Zoning Commission makes recommendations to the Board of Adjustment. The Board of Adjustment makes the final decision on the request.

4. *Before issuance of any special use permit for any use, the Board of Adjustment and the Planning and Zoning Commission shall review the conformity of the proposal with the standards of the Comprehensive Plan, and any other applicable City ordinances or regulations. The Board, after review of the Commission recommendations, may approve or disapprove the special use permit as submitted or, before disapproval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of this ordinance to promote the public health, safety, morals, and general welfare.*

Staff reviewed the request with special consideration to other City ordinances and regulations and is of the opinion that there are no conflicts. The building of the structure will require submission and review of all applicable building permits.

B. Required Site Plan and Statistical Information. The request for authorization of a Special Use permit shall be accompanied by a site plan in compliance with Chapter 17.80 of this ordinance, as well as, the following information:

1. *As the uses herein are classified by possessing characteristics of unique and special form making automatic inclusion in the various zoning districts impractical, a brief technical report, prepared by a qualified professional person, which shall outline and illustrate the provisions and methods for the abatement of undesirable effects on the public, which maybe peculiar to the use, such as but not limited to the following:*
 - a. *Traffic intensity and control.*
 - b. *Excessive lighting.*
 - c. *Noise level.*
 - d. *Hazardous conditions to spectators, participants, trespassers, or neighboring use.*
 - e. *Pollution of air, water, or earth.*

It is staff's opinion that the typical use of a larger accessory storage structure would not have any undesirable effects on the public or nearby landowners.

C. In the event a special permit is granted under the terms of this Chapter, any such change thereafter in the approved use or site plan shall be cause for submittal of the site plan to be considered in the same manner as the original proposal.

17.90.040 Restrictions.

A. Authorization for a special use permit shall not be granted if the following conditions are not met.

1. Large outside assemblages of more than one hundred (100) people shall not be located less than three hundred (300) feet from any existing dwelling site, not including temporary assemblages on public property for public events.

Not applicable.

2. Uses shall emit light and noise levels consistent with those found commonly in the district where located.

Not applicable.

3. Uses involving the large assemblages of more than one hundred (100) people shall not be located in the vicinity where the street system is inadequate to provide for the increased traffic.

Not applicable.

4. Exterior lighting shall not be located in a vicinity where such lighting would create a glare and be hazardous to air or ground trafficway and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any "R" District boundary.

Allowing a larger accessory storage structure would not have any adverse impacts on air or ground trafficways.

REQUEST

In order to construct a larger accessory structure, the applicant is requesting the following City approval:

Special Use Permit: Approval of a special use permit allowing for the construction of an accessory storage structure not to exceed 18' in height and 2,400 square feet in area.

PLANNING AND ZONING COMMISSION DISCUSSION AND RECOMMENDATION

The Planning and Zoning Commission will meet on August 10, 2015 to discuss the requested special use permit and to provide a recommendation to the Board of Adjustment. Staff will provide the Commission's recommendation to the Board at the August 11, 2015 Board of Adjustment meeting.



Application for Action by the Norwalk Board of Adjustment

Type of Request (fees)			
<input type="checkbox"/>	Variance (\$100)	<input type="checkbox"/>	Exception/Interpretation
<input checked="" type="checkbox"/>	Special Use Permit	<input type="checkbox"/>	Other Action: Click here to enter text.
<input type="checkbox"/>	Appeal Ruling of Zoning Administrator		
Date of Request: July 30, 2015			
Applicant Information			
Name: Duane Wittstock			
Company: Click here to enter text.			
Current address: 555 Beardsley Street			
City: Norwalk		State: Iowa	ZIP Code: 50211
Phone: 515-201-4719		Email: dwittstock@msn.com	
Recorded Title Holder			
Title Holder Name: Duane and Jennifer Wittstock			
Current address: 555 Beardsley Street			
City: Norwalk		State: Iowa	ZIP Code: 50211
Authorization to File			
Authorization to file an application for Board action is given to: Duane Wittstock			
for Board action on my/our property at: 555 Beardsley Street			
Title Holder Name: Duane and Jennifer Wittstock		Signature of Title Holder:	
Location of Property			
Address: 555 Beardsley Street			
City: Norwalk		State: Iowa	ZIP Code: 50211
Legal Description: LAKEWOOD KNOLL LOT 2 & W 9' S 240' LOT 3 & E 204.96' W 401.73' LOT A			

Description and Need

Describe the Request and the Need for Board Action: Construct an accessory structure for storage with nominal dimensions no greater than 40' wide x 60' long x 18' high. Accessory structures such as this are permitted in the Single Family Rural Estate zoning district but require a special use permit when the footprint exceeds 1,500 SF and the height exceeds 15 feet (17.10.2007). No other exceptions appear to be necessary.

Additional Comments

Provide any additional comments: Similar buildings with similar uses are constructed at 559 Beardsley St., 575 Beardsley Street,

Applicant Signature

I hereby submit and consent to the application for Board of Adjustment Action in the City of Norwalk. I certify that I am familiar with applicable state and local codes and ordinances, the procedural requirements of the City of Norwalk, and have submitted all required information.

Signature of Applicant:

Date: July 30, 2015

Name of Applicant: Duane Wittstock

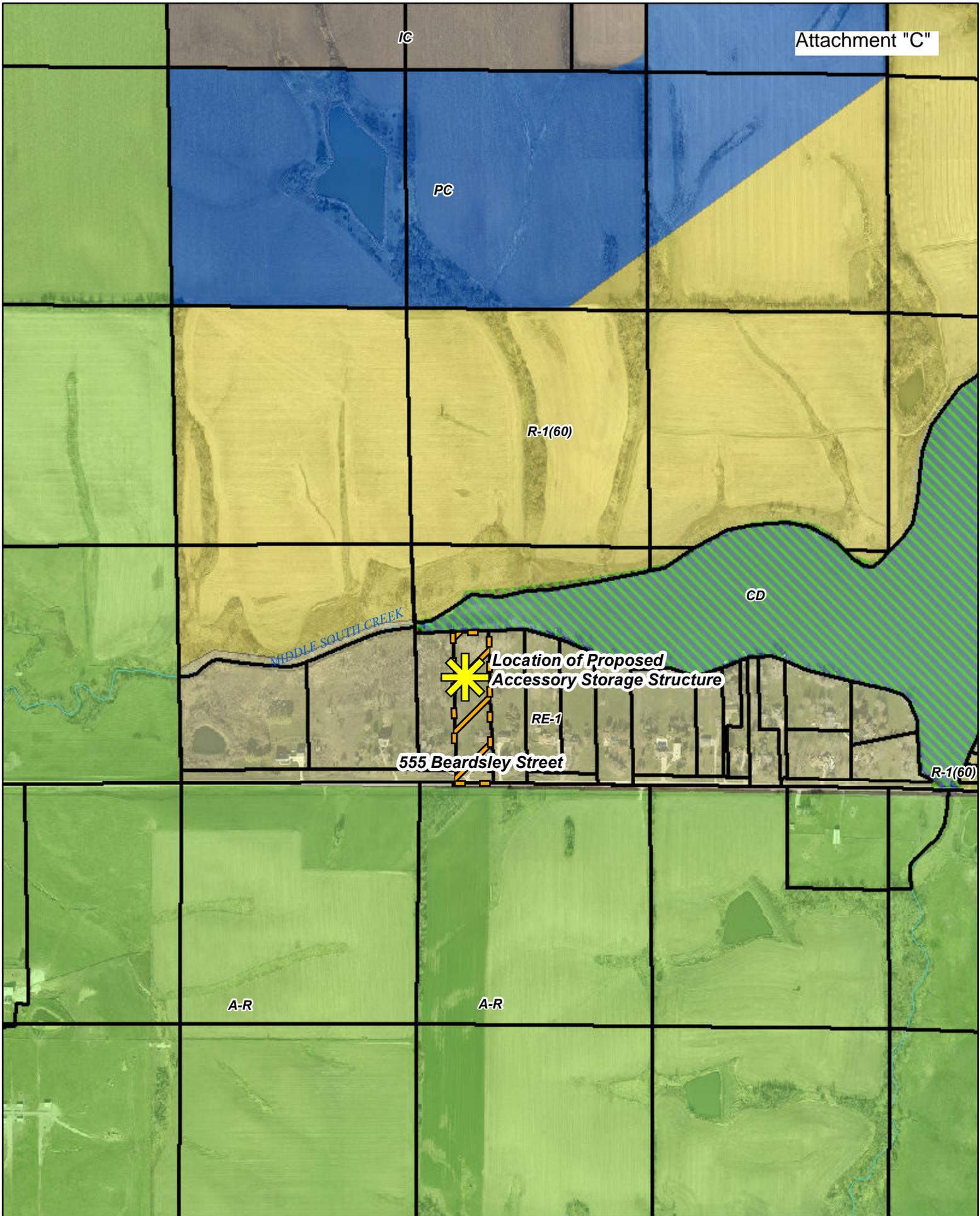
Attachments to the Application (if required)

- Site Plan
- Specifications
- Photograph(s)



Lot 2
LAKWOOD KNOLL
3.84 AC.

WITTSTOCK SPECIAL USE PERMIT
555 BEARDSLEY ST
NONWALK, FL
JULY 30, 2015





Lot 2
LAKWOOD KNOLL
3.84 AC.

WITTSTOCK SPECIAL USE PERMIT
555 BEARDSLEY ST
NONWALK, PA
JULY 30, 2015



555 Beardsley Street

559 Beardsley Street

575 Beardsley Street

CITY OF NORWALK
REPORT TO THE ZONING BOARD OF ADJUSTMENT

DATE: August 11, 2015

REQUEST: Request for a special use permit to allow for an accessory dwelling unit at 7900 Adams Street

LOCATION: 7900 Adams Street
Norwalk, Iowa

APPLICANT: Mr. Britt Baker
7900 Adams Street
Norwalk, Iowa

ZONING: A-R, Agricultural Reserve

ATTACHMENTS:

Attachment "A" – Staff Report

Attachment "B" -- Application for Action by the Norwalk Board of Adjustment

Attachment "C" – Special Use Permit Zoning Map – 7900 Adams Street

Attachment "D" – Special Use Permit Aerial Location Map – 7900 Adams Street

Attachment "E" – Aerial Location Map

Attachment "F" – Horse Arena Building Plan

BOARD OF ADJUSTMENT STAFF REPORT
7900 ADAMS STREET SPECIAL USE PERMIT REQUEST

ATTACHMENT "A"

INTRODUCTION:

Staff received a special use permit on July 31, 2015 regarding the property at 7900 Adams Street. The permit was submitted by Joel Templeman, Lillis O'Malley Olson Manning Pose Templeman LLP, on behalf of Brit Baker, property owner at 7900 Adams Street. Mr. Baker has constructed a horse arena on his property which includes the arena area, stable area, and a small finished second story. Mr. Baker is requesting a special use permit to allow for the 1,620 square foot finished second story to be used as an accessory living quarter.

The property is currently zoned A-R, Agricultural Reserve and is surrounded by similar A-R uses. Horse riding, training, husbandry and associated stables, facilities and grounds are all permitted in the A-R district. Additionally, Mr. Baker's annexation agreement specifically states the construction of a horse arena is allowed. An accessory living quarter is allowed in the A-R district through a special use permit.

Staff has included the building plans that show the various spaces within the horse arena, aerial maps showing the location of the arena and requested accessory living quarters on the property, and a map that showing adjacent zoning.

Through the special use permit process, the Planning and Zoning Commission makes recommendations to the Board of Adjustment. A Board of Adjustment meeting and public hearing have been scheduled for Tuesday, August 11, 2015 at 6:00 p.m. Landowners within 200 feet of 7900 Adams Street will be notified of the Special Use Permit request.

APPLICABLE CODE:

Zoning Ordinance 17.10.010.4: Special Uses. The following uses may be permitted in the A-R District subject to approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing.

A. One accessory living quarter.

The request by Mr. Baker for an accessory living quarter at the horse arena does require the issuance of a Special Use Permit by the Board of Adjustment.

Zoning Ordinance Chapter 17.90 Special Use Permits

17.90.000 Special Use Permits. The regulations set forth in this chapter or elsewhere in this ordinance which are applicable shall apply to the unclassified and special uses listed in this ordinance.

17.90.010 Statement of Intent. It shall be recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any class of use as permitted in the various zoning districts established by this ordinance; therefore, these uses shall be subject to certain conditions and standards set forth in this chapter, and the authority for the location thereof shall be subject to review by the Norwalk Planning and Zoning Commission and the issuance of a special use permit by the Norwalk Board of Adjustment.

17.90.030 Required Conditions.

A. General Conditions.

1. A special use permit shall not authorize a use which does not comply with the minimum requirements of the district in which it is located or by its construction, architecture, or site improvements is not considered compatible with the neighborhood and surrounding use of land and construction.

Mr. Baker is requesting that space within a current structure, the horse arena, be allowed to be used as an accessory living quarter. The horse arena was constructed in accordance with all City Codes and Regulations and therefore an accessory living quarter in the structure would also meet the minimum requirements. Additionally, it is staff's opinion that the use of an accessory living quarter within an A-R district is compatible with the surrounding uses of land that are also within an A-R district.

2. A special use permit shall not authorize a use which is in conflict with any ordinance of the City of Norwalk or law of the State of Iowa regulating nuisances, pollution or hazardous occupation.

The request is not in conflict with any City or State laws.

3. The authority for the location of an unclassified or special use through the issuance of a special use permit shall be subject to review and recommendation by the Planning and Zoning Commission to the Board of Adjustment.

The Planning and Zoning Commission makes recommendations to the Board of Adjustment. The Board of Adjustment makes the final decision on the request.

4. Before issuance of any special use permit for any use, the Board of Adjustment and the Planning and Zoning Commission shall review the

conformity of the proposal with the standards of the Comprehensive Plan, and any other applicable City ordinances or regulations. The Board, after review of the Commission recommendations, may approve or disapprove the special use permit as submitted or, before disapproval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of this ordinance to promote the public health, safety, morals, and general welfare.

Staff reviewed the request with special consideration to other City ordinances and regulations and is of the opinion that there are no conflicts.

B. Required Site Plan and Statistical Information. The request for authorization of a Special Use permit shall be accompanied by a site plan in compliance with Chapter 17.80 of this ordinance, as well as, the following information:

- 1. As the uses herein are classified by possessing characteristics of unique and special form making automatic inclusion in the various zoning districts impractical, a brief technical report, prepared by a qualified professional person, which shall outline and illustrate the provisions and methods for the abatement of undesirable effects on the public, which maybe peculiar to the use, such as but not limited to the following:
 - a. Traffic intensity and control.*
 - b. Excessive lighting.*
 - c. Noise level.*
 - d. Hazardous conditions to spectators, participants, trespassers, or neighboring use.*
 - e. Pollution of air, water, or earth.**

The typical uses of a structure as an accessory living quarter would not have any undesirable effects on the public or nearby landowners.

C. In the event a special permit is granted under the terms of this Chapter, any such change thereafter in the approved use or site plan shall be cause for submittal of the site plan to be considered in the same manner as the original proposal.

17.90.040 Restrictions.

A. Authorization for a special use permit shall not be granted if the following conditions are not met.

- 1. Large outside assemblages of more than one hundred (100) people shall not be located less than three hundred (300) feet from any*

existing dwelling site, not including temporary assemblages on public property for public events.

The request is for an accessory living quarter and is not requesting a large outside assemblage of people.

- 2. Uses shall emit light and noise levels consistent with those found commonly in the district where located.*

The accessory living quarter is within the A-R district. Staff is of the opinion that the request would not emit more light or noise than typically found within the A-R district.

- 3. Uses involving the large assemblages of more than one hundred (100) people shall not be located in the vicinity where the street system is inadequate to provide for the increased traffic.*

The request is for an accessory living quarter and is not requesting a large outside assemblage of people.

- 4. Exterior lighting shall not be located in a vicinity where such lighting would create a glare and be hazardous to air or ground trafficway and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any "R" District boundary.*

The use of an accessory living quarter would not have any adverse impacts on air or ground trafficways.

REQUEST

In order to use the property for the accessory living quarter, the applicant is requesting the following City approval:

Special Use Permit: Approval of a special use permit allowing for an accessory living quarter located in a newly constructed equestrian arena.

PLANNING AND ZONING COMMISSION DISCUSSION AND RECOMMENDATION

The Planning and Zoning Commission will meet on August 10, 2015 to discuss the requested special use permit and to provide a recommendation to the Board of Adjustment. Staff will provide the Commission's recommendation to the Board at the August 11, 2015 Board of Adjustment meeting.

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

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JOHN CONNOLLY, JR. (1891-1975)
GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C. I. MCNUTT (1901-1958)
STREETAR CAMERON (1957-2008)

Writer's Direct Email Address: jtempleman@lolaw.com

August 3, 2015

Via Hand Delivery

Wade Wagoner
Director
Planning and Economic Development
City of Norwalk
705 North Avenue
Norwalk, IA 50211

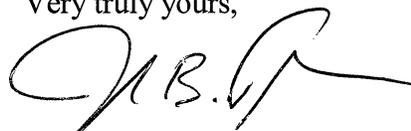
Re: Britt Baker – Application for Special Use Permit

Dear Wade:

Enclosed with this letter please find an original Application for Special Use Permit and a check in the amount of \$100.00 payable to the City of Norwalk as it relates to the Special Use Permit. Please note that the Application for Special Use Permit is slightly different from the one that I emailed to you on Friday, July 31, 2015, in that I have revised the local address for the location of the property.

Thank you for your attention to this matter and please do not hesitate to contact the undersigned should you have any questions.

Very truly yours,



Joel B. Templeman
For the Firm

JBT/sam
Enclosures



Application for Action by the Norwalk Board of Adjustment

Type of Request (fees)			
<input type="checkbox"/>	Variance (\$100)	<input type="checkbox"/>	Exception/Interpretation
<input checked="" type="checkbox"/>	Special Use Permit	<input type="checkbox"/>	Other Action: Click here to enter text.
<input type="checkbox"/>	Appeal Ruling of Zoning Administrator		
Date of Request: Click here to enter text.			
Applicant Information			
Name: Britt Baker			
Company: c/o Baker Electric Inc.			
Current address: 111 SW Jackson			
City: Des Moines		State: IA	ZIP Code: 50315
Phone: 515-242-9240		Email: bbaker@bakerelectric.com	
Recorded Title Holder			
Title Holder Name: Britt Baker			
Current address: c/o Baker Electric Inc., 111 SW Jackson			
City: Des Moines		State: IA	ZIP Code: 50315
Authorization to File			
Authorization to file an application for Board action is given to: Joel B. Templeman			
for Board action on my/our property at: 7988 Adams Street, Cumming, IA 50061			
Title Holder Name: Britt Baker		Signature of Title Holder: <i>Britt Baker by J.B. Templeman</i>	
Location of Property			
Address: 4504 Adams Street			
City: Cumming		State: IA	ZIP Code: 50061
Legal Description: Click here to enter text.			

Description and Need

Describe the Request and the Need for Board Action: Special use permit to allow accessory living quarters located in a newly constructed equestrian arena. The accessory living quarters will be utilized only by personnel fully employed and necessary for the maintenance of the equestrian arena. The applicant will not receive rent from the personnel utilizing the accessory living quarters. The requested special use permit is necessary because the requested accessory living quarters is a special use pursuant to the Norwalk Zoning Ordinance for an Agricultural Reserve (A-R) zoning district and is critical for the use and maintenance of the equestrian arena.

Additional Comments

Provide any additional comments: [Click here to enter text.](#)

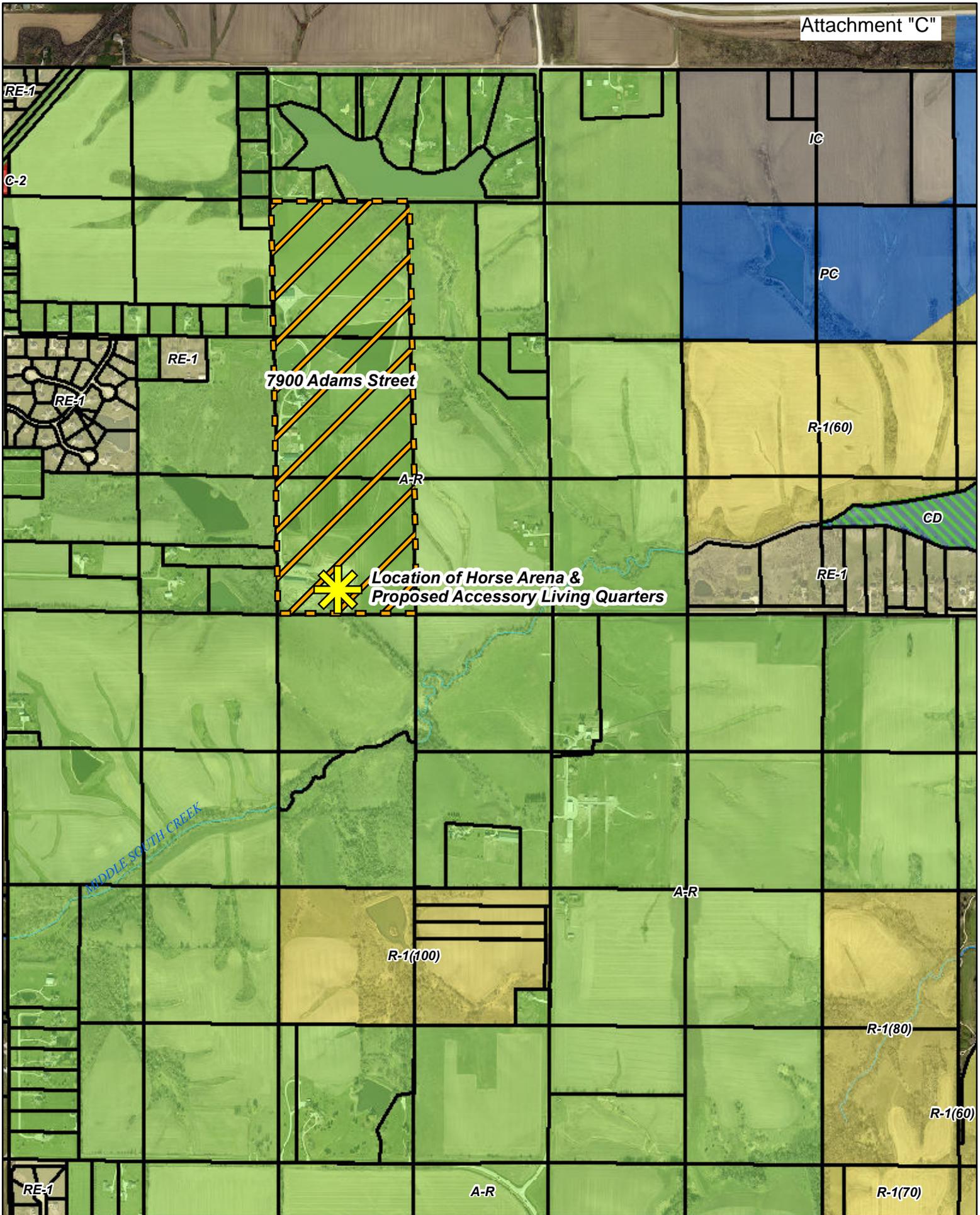
Applicant Signature

I hereby submit and consent to the application for Board of Adjustment Action in the City of Norwalk. I certify that I am familiar with applicable state and local codes and ordinances, the procedural requirements of the City of Norwalk, and have submitted all required information.

Signature of Applicant: <i>Britt Baker by Joel B. Templeman</i>	Date: August 3, 2015
Name of Applicant: Britt Baker by Joel B. Templeman, Attorney	

Attachments to the Application (if required)

<input type="checkbox"/>	Site Plan
<input type="checkbox"/>	Specifications
<input type="checkbox"/>	Photograph(s)





Location of Horse Arena & Proposed Accessory Living Quarters

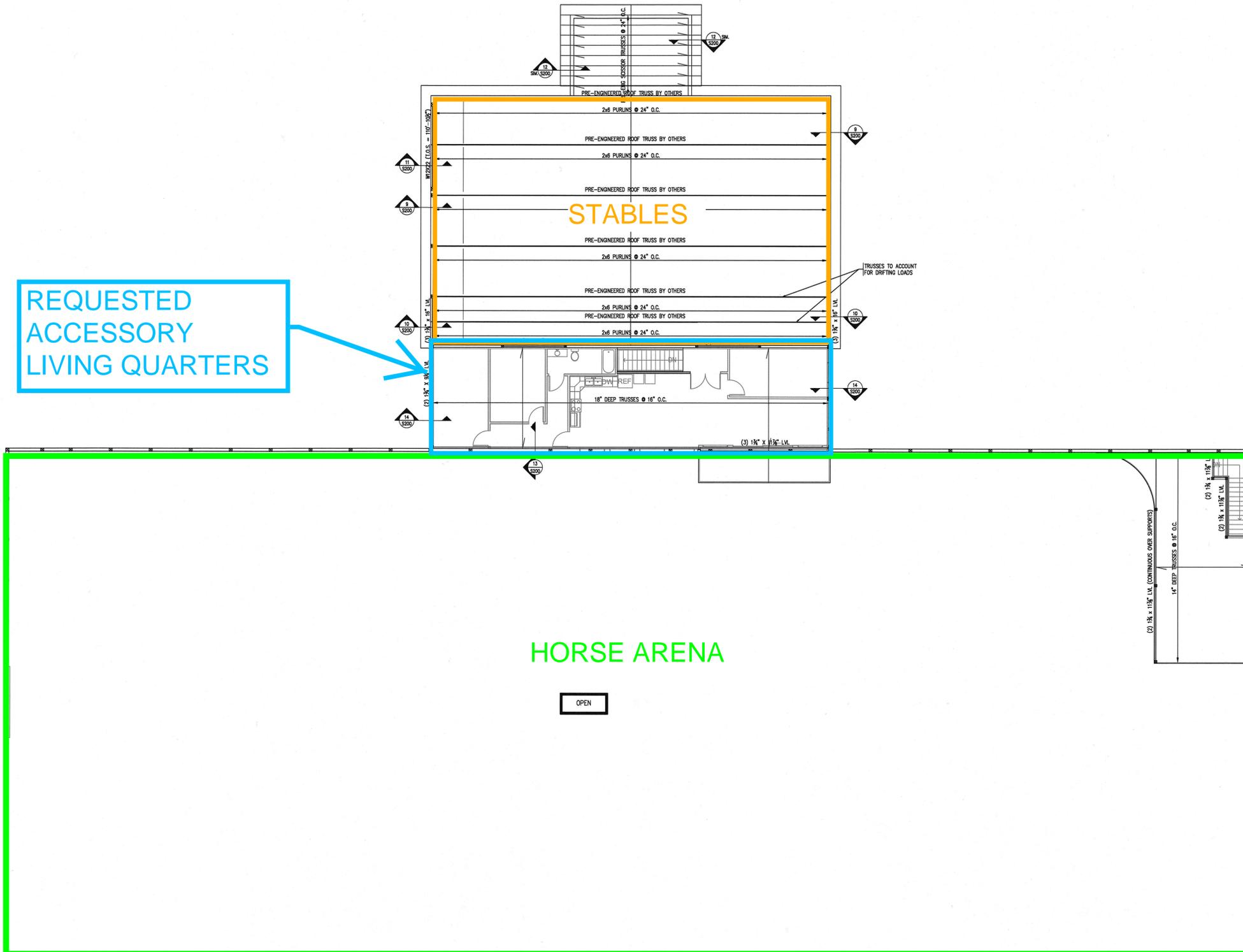
Aerial Location Map

Attachment "E"





Sebern Structural Services, PLLC
 Kari L. Sebern, P.E.
 525 West Lane Court
 Panama, IA 50216
 641.757.9653
 seberns.com



REQUESTED
 ACCESSORY
 LIVING QUARTERS

HORSE ARENA

OPEN



PLAN NORTH

LOW ROOF FRAMING PLAN

NOTES:
 1. WOOD BEAMS, HEADERS AND STUDS TO BE DOUG FIR - LARCH #2 OR BETTER UNLESS NOTED OTHERWISE ON PLANS. REFER TO STRUCTURAL GENERAL NOTES FOR ADDITIONAL INFORMATION.
 2. REFER TO TRUSS MANUFACTURER FOR BRACING REQUIREMENTS.
 3. PROVIDE (2) 2X8 HEADER ABOVE ALL OPENINGS, U.N.O. ON PLANS.

Baker Riding Arena - 7900 Adams St - Norwalk, IA
 Mr. Britt Baker
 For: Leading Edge Builders

Issue	Date	#
Progress Set (70%)	09.05.14	
Coord. Set (95%)	09.15.14	
100% CD's	09.23.14	

Sheet Title:
 SECOND LEVEL/LOW ROOF FRAMING

Sheet Number:
 S102