

REGULAR BOARD OF ADJUSTMENT MEETING 08-11-2015

Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Tuesday, August 11, 2015 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Chairperson Christin Grant called the meeting to order at 6:03 pm. Members present at roll call were: Chad Stevens, Brent Hinders, and Christin Grant. Absent: Rachel Parker and Dennis Cassady.

City Staff present were Wade Wagoner, Planning and Economic Development Director and Shelley Stravers, Development Services Assistant.

Approval of Agenda – 15-09

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

Approval of Minutes – 15-10

Motion by Hinders and seconded by Stevens to approve the minutes from the July 21, 2015 meeting. Approved 2-0; abstain - Grant.

Welcome of Guests

Chairperson Grant welcomed everyone and with no guests wishing to speak, the business portion of the meeting was opened.

Public Hearing and consideration for Variance Request from Alan Wille and Brandon Petersen to reduce setback for 1425 Misty Lane from 80' to 50' – 15-11

Mr. Wagoner presented to the Board the staff report. Staff received a variance application 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' for the construction of a single family home. The property is currently zoned RE-1, Rural Estates Single Family Residential. The request is for a variance from the platted front setback line, which was set at 80', and reduce the front setback to the 50' required in the City Zoning Ordinance. Staff has researched and is not sure why this and one other home were platted with 80' when all the other houses in the subdivision have a 50' setback. Staff feels this request is consistent with the area and recommends approval.

Chairperson Grant opened the public hearing at 6:10 p.m.

Dave Hoadley, 1412 Misty Lane spoke to the Board. His house is two lots away from this lot. Hoadley does not think it would be good for them to build this house with the 80' setback because it would put it into a drainage area. His only concern is the drainage in the area and that they don't cause any problems with that when building on this lot.

Alan Wille, 28777 Hickory Ridge Drive, Van Meter, informed the Board that he is the general contractor for the home. Mr. Wille said he will work out the water and drainage issues, but will not be able to do anything on the lot between this one and Mr. Hoadley's lot, since he does not own that lot. The main reason for moving the setback is there is a big drainage area in the back and the house would be 15' into that swamp. This extra setback will make this more of a livable situation and will be structurally better for the owner.

The public hearing was closed at 6:15 p.m.

Mr. Wagoner will check on the grading plan for this area and make sure everything is the way it should be.

Motion by Hinders and seconded by Stevens to approve a variance request from Allan Wille and Brandon Petersen to reduce setbacks for 1425 Misty Lane from 80' to 50'. Approved 3-0.

Public hearing and consideration for 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 – 15-12

Mr. Wagoner presented the staff report to the Board. Staff received a special use permit regarding the property at 555 Beardsley Street. The permit was submitted by Duane Wittstock who is the property owner. Mr. Wittstock is requesting a special use permit to allow for the construction of an accessory structure great than 1,500 square feet and taller than 15'. Mr. Wittstock is proposing to build a structure that would not exceed 2,400 square feet and the gross square feet of the principal structure is 2,950. The accessory structure would be subordinate to the principal structure. The lot is 167,270 square feet and the requested accessory structure is less than 10% of the lot size. The rear yard is approximately 111,000 square feet and the proposed structure is less than 30% of the rear year.

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.

Through the special use permit process, the Planning & Zoning Commission has made a recommendation to the Board of Adjustment at their August 10, 2015 meeting. Landowners within 200 feet of the location were notified.

The neighboring properties have structures similar in size, so staff feels it would not have any undesirable effects on the public or nearby landowners and feels the lot is capable of handling a structure that size. Staff recommends approval.

Public hearing opened at 6:18 p.m.

Duane Wittstock, 555 Beardsley Street, thanked the Board for hearing his request. His neighbor to the west is sitting with him and does not have any adverse comments.

Neill Heitmann, 551 Beardsley Street, addressed the Board. He is the neighbor directly to the west of Duane. He and Duane have discussed Duane's intentions and he has two concerns. He does not want it to block his view to the lake and he does not want this to cause any drainage issues for him on his property. The property to the south of their lots has quite a bit of flowage across his lot onto Duane's lot. He is concerned with how this will be dispersed. He is confident that he and Duane can work out both of these issues and has no objections to the request.

The Board asked Mr. Wittstock what materials he would be using for this structure. He said he would be using a stucco material and it would be earth tones in color.

Public hearing closed at 6:25 p.m.

Motion by Hinders and seconded by Stevens to approve special use permit for Duane Wittstock to allow for an accessory structure that exceeds 1,500 square feet in area and 15 feet in height. Approved 3-0.

Public hearing and consideration for special use permit request from Britt Baker to allow for an accessory living quarters at 7900 Adams Street – 15-13

Mr. Wagoner presented the staff report to the Board. Staff received a special use permit 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 Britt 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. An accessory living quarter is allowed in the A-R district through a special use permit.

Staff explained that 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. Staff does not feel this request would have any undesirable effects on the public or nearby landowners and recommends approval.

Public hearing opened at 6:30 p.m.

Joel Templeman, Lillis O'Malley Olson Manning Pose Templeman LLP, spoke to the Board representing Britt Baker. Mr. Templeman agrees with the staff recommendation and noted the Planning & Zoning recommendation made at their meeting the night before.

Public hearing closed at 6:32 p.m.

Motion by Hinders and seconded by Stevens to approve special use permit for Britt Baker to allow for an accessory living quarters at 7900 Adams Street. Approved 3-0.

Adjournment – 15-14

Motion by Stevens and seconded by Hinders to adjourn meeting at 6:33 p.m. Approved 3-0.

Christin Grant, Chairperson

Wade Wagoner, Planning & Economic
Development Director