

## NORWALK BOARD OF ADJUSTMENT MEETING 11-22-10

The Board of Adjustment meeting was held November 22, 2010 at Norwalk Easter Public Library, 1051 North Avenue, Norwalk, Iowa. Chairperson Joe Smith called the meeting to order at 6:00 pm. Members present at roll call were: Joe Smith, Christin Grant, Steven Davidson, Chad Stevens and Lori Strum-Stravers.

City Staff present were Chris Nosbisch, Development Services Director and Shelley Heisdorffer, Development Services Clerk.

**10-17** – Motion by Grant and seconded by Stravers to approve the agenda as presented. Approved 5-0.

**10-18** – Motion by Davidson and seconded by Stravers to approve the minutes from the October 12, 2010 meeting. Approved 4-1.

The guests were welcomed and with no one wishing to speak the business portion of the meeting was opened.

The first item on the agenda was Special Use Permit Request – Unclassified Use, 1309 Meadow Drive. Allen Anderson who lives at 1309 Meadow Drive has officially submitted a request for Board decision on outdoor storage of turtles on his property. Mr. Anderson requests to provide a home for several turtles and conduct educational programs pertaining to the animals. The use of the property is outside of the scope of what would normally be allowed within an R-1 single family residential zoning district.

Mr. Anderson has prior approval from the Iowa Department of Natural Resources and has solicited letters of support from his neighbors. Mr. Anderson read a statement he prepared to the Board.

**10-19** – Motion by Grant and seconded by Stevens to approve Special Use Permit Request – Unclassified Use at 1309 Meadow Drive. Approved 5-0.

The next item on the agenda was Special Use Permit Request – Cell Tower – Billy O’Phillips Park.

**10-20** – Motion by Davidson and seconded by Stevens to untable Special Use Permit Request – Cell Tower – Billy O’Phillips Park. Approved 5-0.

Wireless Site Acquisition representing AT&T has officially requested Special Use approval to construct a communications tower on City owned property at Billy O’Phillips Park in the Legacy development. The tower would be located in the northern area of the park, immediately adjacent to the existing bathroom shelter.

The tower as proposed would be 125’ tall and include an accessory structure to house all electrical and computer equipment. The tower would also serve as a flag pole. The tower would be City owned so that the City could capture additional revenue if additional carriers move on to the tower.

The Board informed Mr. Nosbisch that they requested the City Attorney be present at the meeting and wondered why he was not. Mr. Nosbisch explained to the Board that the City Attorney represents the City Council and if this Board would like legal representation they could hire an attorney, but it cannot be the City Attorney. That would cause of a conflict of interest.

Residents at 2320 Lexington Drive and 2324 Lexington Drive spoke and were not in favor of the location of the tower.

Libby Miller, 2678 Park Place asked if Colonial Circle was City property. Mr. Nosbisch answered her that it was not.

Perry Miller, 2678 Park Place asked if Hubbell Homes is still planning on building another set of homes on north end of park. Mr. Nobsch answer that they have that in their plan.

The meeting was closed to public comment at 7:32 p.m.

Discussion was held regarding the cell tower.

**10-21** – Motion by Stravers to approve Special Use Permit Request – Cell Tower – Bill O’Phillips Park with a maximum height of 140’. Motion died due to lack of no second.

**10-22** – Motion by Grant and seconded by Stevens to reject Special Use Permit Request – Cell Tower – Bill O’Phillips Park due to height incompatible with neighborhood. Failed 2-3.

**10-23** - Motion by Davidson and seconded by Stravers to approve Special Use Permit Request – Cell Tower – Bill O’Phillips Park with a maximum height of 125’. Approved 3-2.

**10-24** – Motion by Stevens and seconded by Stravers to adjourn meeting at 7:52 p.m.

---

Joe Smith, Chairperson

---

Mike Johnson, Associate City Planner