

REGULAR BOARD OF ADJUSTMENT MEETING 12-19-2016

Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Monday, December 19, 2016 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Chairperson Christin Grant called the meeting to order at 6:30 pm. Members present at roll call were: Dennis Cassady, Chad Stevens and Christin Grant. Absent: Brent Hinders, Rachel Parker.

City Staff present were Luke Parris, City Planner and Shelley Stravers, Development Services Assistant.

Approval of Agenda – 16-11

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

Approval of Minutes – 16-12

Motion by Stevens and seconded by Cassady to approve the minutes from the November 21, 2016 meeting. Approved 3-0.

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 on a variance request from Andrew & Kristin Stimpson, 1422 Misty Lane, to reduce their front setback along Misty Lane from 70 feet to 50 feet – 16-13

Parris reported that staff received a setback variance request to reduce the front setback from 70 feet to 50 feet for the construction of a single family home. This property is currently zoned RE-1.

The neighboring property at 1425 Misty Lane was platted with an 80 foot front setback and was granted a variance to reduce the front setback to 50 feet. All other lots in Silverado Estates are shown with a 50 foot front setback. The approved preliminary plat for Silverado Estates shows 50 foot front setbacks for both 1422 and 1425. There is no documentation of the reasoning for the greater than 50 foot front setback on the plat.

The public hearing was opened at 6:35 p.m. and with no one wishing to make a comment, the hearing was closed at 6:35 p.m.

Motion by Cassady and seconded by Stevens to approve the variance request to reduce front setback along Misty Lane from 70 feet to 50 feet. Approved 3-0.

Public Hearing and consideration on a variance request from Hubbell Realty to vary the City's parking requirement and garage requirement for Cedarbrooke Apartments (2503 Cedar Street) due to non-conformity created by a recent amendment to the City's Zoning Ordinance – 16-14

Parris informed Board that staff received a variance request regarding the parking and garages at the Cedarbrooke Apartment Complex and the Legacy Landing Complex. The request is for a variance to use the City approved site plan as the requirement for the number of provided parking spaces and the amount of required garages on the site. The site was originally developed in conformance with City code at the time, but recent changes to the Code has made the site non-conforming in relation to the amount of parking and the number of garages needed. The owner is requesting the change to allow for easier refinancing of the property.

The public hearing was opened at 6:42 p.m.

Ashley Ost, Hubbell Realty Co., 6900 Westown Parkway, West Des Moines, spoke on behalf of Hubbell Realty. She noted that this all came about as they were seeking their permanent financing on Legacy Landing. Fannie Mae requested they seek out the variance in case a disaster were to destroy the buildings, they would not be able to rebuild them as is, and they do not have enough land to building them to code with the parking and garage requirements that have now been changed.

Ost noted after they get their permanent financing for Legacy Landing, they will be looking to do the same for Cedarbrooke Apartments Phase I and II, and know they will be requested to do the same for those. That's why both items are being decided on tonight.

The public hearing was closed at 6:45 p.m.

Motion by Stevens and seconded by Cassady to approve a variance request to vary the City's parking requirement and garage requirement for Cedarbrooke Apartments (2503 Cedar Street) Phase I and Phase II due to non-conformity created by a recent amendment to the City's Zoning Ordinance, according to original site plan. Approved 3-0.

Public Hearing and consideration on a variance request from Hubbell Realty to vary the City's parking requirement and garage requirement for Legacy Landing Apartments (2701 Cedar Street) due to non-conformity created by a recent amendment to the City's Zoning Ordinance – 16-15

This information was covered in the last item.

The public hearing was opened at 6:47 p.m. and with no comments, the public hearing was closed at 6:47 p.m.

Motion by Stevens and seconded by Cassady to approve a variance request to vary the City's parking requirement and garage requirement for Legacy Landing Apartments (2701 Cedar Street) due to non-conformity created by a recent amendment to the City's Zoning Ordinance, according to original site plan. Approved 3-0.

Public Hearing and consideration on a variance request from the City of Norwalk for City owned property at the SW corner of IA Hwy 28 and Richard George Drive to reduce rear setback from 50 feet to 10 feet – 16-16

The City of Norwalk is requesting a variance for City owned property at the southeast corner of Iowa Highway 28 and Richard George Drive. The site is the location of the former City water tower. The Zoning Ordinance requires a 50' rear setback for uses in the C-2 district. The current setback requirements reduce the buildable area of the lot to approximately 2,000 square feet. The reduced rear setback would allow for an additional 2,000 square feet of buildable area, for a total of 4,000 square feet.

The Norwalk Chamber of Commerce has been exploring a Veteran's Memorial that could potentially be located on the site since they thought it was unbuildable. It was decided by the City that there are other areas this memorial could be placed that would not be Highway frontage commercial property.

The lot directly to the south of this lot has a building with a rear setback of 10 feet from the eastern lot line, so this request would match that lot.

Board expressed concerns with approving this variance without a site plan or knowing what type of commercial property might go in here. It was discussed that it might be better to do this at the time that a commercial user would come in and request this, then the Board would know

what type of business would be there and would be able to get the input of the neighboring property owners at that time.

Parris commented that if the Board was uncomfortable without knowing the use, and would prefer making that decision once the commercial user is known, then staff would hold off on the request. The Board agreed they were not comfortable granting the variance at this time.

The Public Hearing was opened at 6:59 p.m. and with comments, it was closed at 6:59 p.m.

No motion made, item failed.

Adjournment – 16-17

Motion by Cassidy and seconded by Stevens to adjourn meeting at 7:00 p.m. Approved 3-0.

Christin Grant, Chairperson

Luke Parris, City Planner