



**BOARD OF ADJUSTMENT AGENDA
NORWALK CITY HALL
Wednesday, August 9, 2017
6:00 P.M.**

- I. Call meeting to order at 6:00 P.M.
- II. Approval of Agenda
- III. Approval of Minutes – May 3, 2017
- IV. Chairperson – Welcome of Guests
- V. Public Comment – 3 Minute Limit (No Action Taken)
- VI. NEW BUSINESS
 1. Public Hearing on variance request from Clark Development, owner of old water tower site at the southeast corner of Iowa Highway 28 and Richard George Drive, to reduce the rear setback from 50 feet to 10 feet along the eastern lot line to match the rear setback of the building to the south.
 2. Vote on variance request from Clark Development, owner of old water tower site at the southeast corner of Iowa Highway 28 and Richard George Drive, to reduce the rear setback from 50 feet to 10 feet along the eastern lot line to match the rear setback of the building to the south.
- VIII. Adjournment

REGULAR BOARD OF ADJUSTMENT MEETING 05-03-2017

Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Wednesday, May 3, 2017 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Chairperson Christin Grant called the meeting to order at 6:02 pm. Members present at roll call were: Dennis Cassady, Chad Stevens, Rachel Parker and Christin Grant. Absent: Brent Hinders.

City Staff present were Luke Parris, Director of Community Development and Hillarie Ramthun, Community Development Coordinator.

Approval of Agenda – 17-01

Motion by Stevens and seconded by Parker to approve the agenda. Approved 4-0.

Approval of Minutes – 17-02

Motion by Cassady and seconded by Stevens to approve the minutes from the December 19, 2016 meeting. Approved 4-0.

Welcome of Guests

Chairperson Grant welcomed the 2 guests present, with no guests wishing to speak; the business portion of the meeting was opened.

Public Hearing and consideration on a variance request from Dan Kruse, Timberview Plat 1 (Lots 1-12), to allow for an eight foot privacy fence – 17-03

Parris reported that staff received a variance request to allow an eight foot privacy fence on the eastern lot line of Lots 1-12 rather than the standard 6 foot privacy fence. The request for a taller fence is to help provide a buffer/screen between the Timberview development and the agriculture land that runs adjacent to Lots 1-12.

The neighboring property owner at 2519 G-14 Hwy is in agreement to the 8 foot fence and would like to see the variance request approved.

Steve Swackhammer, 2519 G-14 Hwy, came forward and spoke to the agreement of the fence.

The public hearing was opened at 6:12 p.m.

Steve Swackhammer, 2519 G-14 Hwy, spoke to the concern of the green space just beyond Lot 12. He originally had concern that the green space would be threatened but Parris had instructed that it would become dedicated parkland and that the City would be responsible for that space at some point in the future.

Public hearing closed at 6:14 p.m.

Grant opened the discussion among the Board. She expressed concern with the variance approval creating future fence variance requests in the area.

Parris explained that only special circumstances will allow for a fence variance due to unnecessary hardships. It is unforeseen at the time that the areas surrounding Lots 1-12 will have hardships that would allow for a variance.

Stevens inquired about fence maintenance and who would be responsible?

Parris explained that each property would be required to take out a fence permit and that the responsibility would be that of the homeowner.

Grant compared the situation to Hwy 28 and the houses that line the Hwy. Parris agreed that it would be similar.

Motion by Parker and seconded by Stevens to approve the variance request to allow for an eight foot fence in Timberview Plat 1, lots 1-12. Approved 4-0.

Public Hearing and consideration on a variance request from Scott Newman, owner of 715 School Avenue, to allow two driveways for a temporary period of time – 17-04

Staff received a variance application to allow two driveways for a temporary period of time while a new garage is built in the rear of the house. The property at 715 School Avenue is on the north side of School Avenue across from Oviatt Elementary School. The owners have indicated the desire to remove the existing driveway access that is in front of their existing attached garage, but would like to maintain access until the detached garage in the rear and new driveway are complete.

The public hearing was opened at 6:25 p.m.

No guests had anything to add.

The public hearing closed at 6:26 p.m.

Motion by Stevens, with staff recommendations, to remove the existing driveway from the approach or access point at the street up to the property line within one year of the start date of construction; seconded by Cassady for the approval of the variance request from Scott Newman, 715 School Avenue. Approved 4-0

Adjournment – 17-05

Motion by Cassady and seconded by Parker to adjourn meeting at 6:30 p.m. Approved 4-0.

Christin Grant, Chairperson

Luke Parris, City Planner

CITY OF NORWALK
REPORT TO THE ZONING BOARD OF ADJUSTMENT

DATE: August 9, 2017

REQUEST: Variance request to reduce the rear setback from 50 feet to 10 feet to match the rear setback of the building to the south.

LOCATION: Southeast corner of Iowa Highway 28 and Richard George Drive

APPLICANT: Clark Development
649 Laurel Place
Norwalk, Iowa 50211

ZONING: C-2, Community Commercial District

ATTACHMENTS: Attachment "A" – Staff Report
Attachment "B" – Zoning Map
Attachment "C" – Buildable Area Map
Attachment "D" – Application
Attachment "C" – Site Plan

BOARD OF ADJUSTMENT STAFF REPORT
OLD WATER TOWER SITE VARIANCE REQUEST

ATTACHMENT "A"

INTRODUCTION

Clark Development is requesting a variance for the property at the southeast corner of Iowa Highway 28 and Richard George Drive. The site is the location of a former City water tower and was recently purchased from the City of Norwalk by Clark Development.

The request is for a variance to reduce the rear setback from 50' to 10' to match the rear setback of the building to the south and to create a larger buildable area. The reduced setback would be on the along the eastern lot line. The City's ordinances only allow a 50' rear setback.

The property is currently zoned C-2, Community Commercial District and Clark Development is proposing the construction of an approximately 3,000 square foot office building on the site.

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 17.10.100.6: Bulk Regulations. The following minimum bulk requirements shall be observed in the C-2 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
All uses	80,000 sf	200'	50'	10' complex 20' if multi-use	35'	50'

REQUEST

The request is to vary from the required rear setbacks to allow for an increase to the buildable area of the lot. The request is specifically for:

- A variance from the 50' rear setback line to a 10' setback along the eastern lot line.

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' rear setback for uses in the C-2 district.

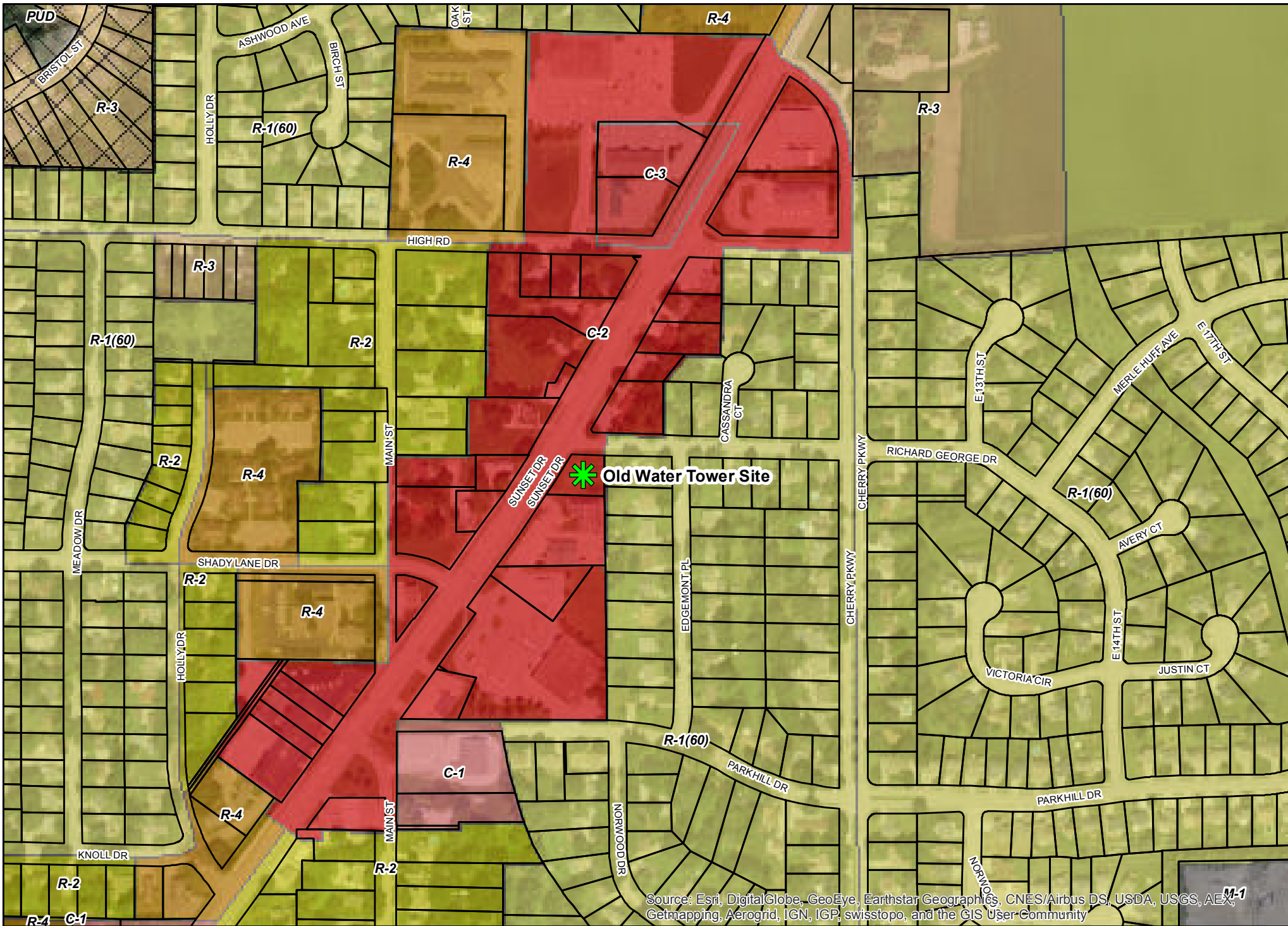
For the case:

- The property is a small site which was the former location of a City water tower.
- The current setbacks 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 property directly south of the site, 1220 Sunset Drive, has a building with a rear setback of 10 feet from the eastern lot line.

STAFF OPINION

The Staff opinion is that the current setbacks create an unbuildable lot.

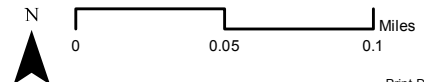
It is staff's opinion that allowing the variance would create a usable lot. The variance would allow for a building to be similarly situated as the building to the south.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

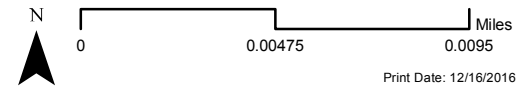


Zoning Map - Old Water Tower Site





Old Water Tower Site Buildable Area





Application for Action by the Norwalk Board of Adjustment

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

Type of Request (fees)		
<input checked="" type="checkbox"/>	Variance (\$75)	
<input type="checkbox"/>	Special Use Permit (\$100)	
<input type="checkbox"/>	Appeal Ruling of Zoning Administrator (\$75)	
Date of Request:		
Applicant Information		
Name: Cannon Clark		
Company: Clark Development		
Current address: 649 Laurel Place		
City: Norwalk	State: IA	ZIP Code: 50211
Phone: 515 505 4634	Email: Cannon@Clarkfamilyinvest.com	
Recorded Title Holder		
Title Holder Name:		
Current address:		
City:	State:	ZIP Code:
Authorization to File		
Authorization to file an application for Board action is given to:		
for Board action on my/our property at:		
Title Holder Name:	Signature of Title Holder:	
Location of Property		
Address: Corner of Richard George & Sunset Dr.		
City: Norwalk	State: IA	ZIP Code: 50211
Legal Description:		

Aug 1 or 2nd

Description and Need

Describe the Request and the Need for Board Action:

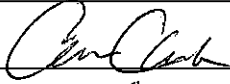
Reduced side & rear building setbacks to 10 (ten) feet.

Additional Comments

Provide any additional comments:

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: <i>Aug 18 2017</i>
Name of Applicant: <i>Cannon Clark</i>	

Attachments to the Application (if required)

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



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ISSUED / REVISION	DATE
SCHEMATIC SITE PLAN FOR REVIEW	07-14-2017

Norwalk Chiropractic Clinic
 Shell Building & Improvements
 9HWY 28 & Richard George Drive - Norwalk, IA 50211

JOB NO. 17046

TITLE SHEET TITLE

SHEET SP1.1