

REGULAR BOARD OF ADJUSTMENT MEETING 01-29-2019

Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Tuesday, January 29, 2019 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: Dennis Cassady, Rachel Parker and Chad Stevens. Absent: None

City Staff present were Luke Parris, Community Development Director, Elliot Klimowski, City Planner and Hillarie Ramthun, Community Development Coordinator.

Approval of Agenda – 19-01

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

Approval of Minutes – 19-02

Motion by Parker and seconded by Stevens to amend the Minutes from the December 17, 2018 meeting. Modification of the Minutes will be made to reflect correct vote for the December 17th meeting. Approved 4-0.

Welcome of Guests

Chairperson Grant welcomed the 5 guests present, one guest, Steve Albrecht, of City State Bank spoke regarding the variance request of Gary Purdy. Following that, the business portion of the meeting was opened.

Nomination and vote of Board of Adjustment Chair and Vice-Chair—19-03

Stevens and Cassady nominated Hinders for Chair and Hinders nominated Parker for Vice-Chair. Vote for Hinders as Chair and Parker as Vice-Chair all Aye, approved 4-0

Public Hearing on a variance request from Gary Purdy for the allowance of the use of a spray foam exterior material on a building at 812 North Avenue—19-04

City Staff received a zoning variance request for the application of a spray foam material to the outside of a building at 812 North Avenue. This building having been constructed in the 1900s has over time become dilapidated and repair is necessary. The applicant would like to apply a spray foam material to the outside façade rather than incur the expense of tuck-pointing, the standard repair for brick buildings. According to the product details provided by the applicant, the spray foam material is described as a roofing material and nothing written indicates that it would be acceptable to cover an existing brick exterior. In addition, the material is not an acceptable exterior per Zoning Ordinance codes 17.60.010 and 17.60.020.

17.60.010 Architectural Standards Statement of Intent

In the interest of promoting the general welfare of the community and to protect the value of buildings and property, the image and character of a community is considered important. It is recognized that the community should be visually attractive as well as economically prosperous and the manner in which a use is accomplished is as important as the use itself.

It is the intent of these architectural standards to establish basic parameters for building design that when followed have the effect of producing structures that preserve and enhance building and property values, are long-lasting, resistant to deterioration, and maintain their visual appeal over time. It is further the intent of these standards to establish and promote a community image of permanence, quality, authenticity, and consistency through building design. It is not the intent of these standards to unduly restrict design freedom or apply a particular architectural style to all structures.

17.60.020 Architectural Performance Standards by Zoning District and Use

B. General Requirements

3. Buildings shall be subject to the following requirements for the application of exterior finish materials and other design elements:

For the purpose of this chapter, materials shall be divided into class 1, class 2, class 3 and class 4 categories as follows:

Class 1 materials

Fired clay brick laid up in a masonry wall system

Natural stone laid up in a masonry wall system

Glass

Copper panels

Other comparable or superior materials

Class 2 materials

Integrally-colored, specialty concrete block such as textured, burnished block or split-face block, or concrete brick

Thin veneer brick (adhered)

Manufactured or cast stone (adhered)

Textured architectural concrete panels

Masonry stucco

Other comparable or superior materials

Class 3 materials

Water-managed Exterior Insulation and Finish System (EIFS)

Fiber-cement board or panels, irrespective of form

Decorative opaque panels designed as exterior building finish

Ornamental metal

Other comparable or superior materials

Class 4 materials

Vinyl siding or panels, irrespective of form or thickness

Standard Exterior Insulation and Finish System (EIFS)

Smooth or scored concrete block

Smooth concrete tip-up panels

Ceramic

Glass block

Wood

Other comparable or superior materials

b. Buildings shall incorporate classes 1, 2, 3, and 4 exterior finish materials in the following manner:

I. Primary materials shall be those covering at least 5% of a building's facade area.

II. Facade area shall be the total exterior wall area of all vertical or near-vertical faces of a building four (4) feet in width or greater when viewed in elevation. Facade area shall be calculated to exclude the wall area resulting from minor projections and recessions from the predominant wall plane less than four (4) feet in depth. Facade area shall be calculated to include the area of parapets, cornices, and similar wall extensions and trims.

f. All buildings shall be proportioned and designed so as to have a visual top, middle, and base.

C. Requirements by Building Type and Zoning District:

7. All uses within the C-4 District. Any building constructed in the C-4 District must incorporate at least three (3) primary class 1 or class 2 materials, together composing at least 85% of the facade area. class 3 materials in aggregate shall not exceed 15% of the facade area. class 4 materials shall not exceed 10% of the facade area.

Notifications were sent to all neighboring properties within 200 feet of 812 North Avenue and the Des Moines Register received the notification for publication January 23, 2019.

Staff recommendation is for denial of the request on the basis of exhibition of insufficient indication of unnecessary hardship, and the probable decrease in building and neighborhood aesthetic were the façade material to be installed.

Staff also notes that the applicant spray foamed the exterior of the building at 730 Main Street without any sort of permitting and if proper procedure would have been followed at that time the request would have been denied.

This request went before the Planning and Zoning Commission for review on January 14, 2019 and the Commissioners expressed that during the 15 year ownership of the building by the applicant, proper maintenance could have been implemented prior to this request to cover the building with a spray foam material. Commissioners were also concerned about the preservation of the 119 year old structure.

The applicant could not make it to the meeting due to a concern regarding the extreme weather conditions and has made a formal request to have the item tabled until a future time. Cassidy commented on the fair points of having Architectural Standards in place.

Public Hearing opened at 6:28 p.m.

AJ Samuelson, 1717 Wethersfield Drive, also a Commissioner of Planning and Zoning spoke regarding personal opinion and also what was discussed at P&Z. A Structural Engineer by trade spoke to the topic of no such product as structural foam. In addition, the variance request should not be approved for the use of an unapproved material. P&Z would like to see more revitalization of downtown, i.e., 729 Main Street, Pizzeria Pyra.

Public Hearing closed 6:31 p.m.

No vote took place for the allowance of the variance, but Parker motioned to Table the item to be revisited at a future date and Stevens seconded. 4 approved to Table.

**Public Hearing and vote on a Special Use Permit request from Just Davis to allow for the operation of a Tattoo Parlor at 1043 Sunset Drive, Suite 2
—19-05**

Public Hearing opened at 6:32 p.m.

City Staff received an application for a Special Use Permit in January 2019 to allow for the opening and operation of a tattoo parlor in Suite 2 of 1043 Sunset Drive. The property is zoned C-2 Community Commercial and the Zoning Ordinance Codes that would apply are:

17.04.040 Definitions

17.10.100.1 Statement of Intent.

17.10.100.2 Principal Permitted Uses.

17.10.100.4 Special Uses.

17.90.000 Special Use Permits.

17.90.010 Statement of Intent.

17.90.020 Unclassified Uses.

(Please note that all codes referenced can be found in the official packet of this meeting.)
Notifications were published in the Des Moines Register and sent to all property owners within 200 feet of 1043 Sunset Drive on January 23rd, 2019.

The Site description is a strip retail center containing several different types of businesses within the C-2 Community Commercial District. Per staff review, the C-2 District requirements do not list a Tattoo Studio among principal permitted uses, but also does not list a Tattoo Studio as permissible in any zoning district. Since it is not expressly permitted in any district, it is considered unclassified and is eligible for allowance in any zoning district by issuance of a Special Use Permit. Staff felt that C-2 is appropriate for the use as long as the applicant is following all City requirements and also what is required from the Iowa Department of Public Health.

This topic went before the Planning and Zoning Commission for review on January 14, 2019. The commission recommended issuance of the special use permit recognizing the location is appropriate for the use and conditions be placed to ensure that the applicant follow all required procedures from the Department of Public Health.

Luke Parris explained to the Board Commissioners that the vagueness of code 17.90.000 is in place so the Board of Adjustment can be discriminative with the issuance of a special use permit. This is done by not listing a definitive location (zoning district) with any specific definition (17.04.040).

Nicole and Justin Davis, 313 9th Street West Des Moines, spoke and gave a power point presentation.

Bridget Lottman, owner of Barber's Unlimited spoke on behalf of the tattoo studio.

Stevens expressed concern about the tattoo studio being so visual from the main drag and couldn't picture it near the ice cream shop. Hinders spoke about all the changes that have occurred throughout the years of living in Norwalk, and it's just the way cities evolve.

Hinders inquired about the duties of the BOA in this matter. Parris explained that the BOA would decide appropriate use for appropriate district and that a special use permit differs from unnecessary hardship of a variance. Parker asked if conditions could be applied by the BOA.

Cassady inquired about hours of operation and signage.

Public Hearing closed at 6:52 p.m.

Board members discussed and then Parker made a motion to approve the Special Use Permit request from Justin Davis to allow for the operation of a tattoo parlor at 1043 Sunset Drive, Suite 2 with a recommendation that the hours of operation be held between 8 a.m. – 10 p.m. Cassady seconded. Approved 3-1

Adjournment – 19-06

Motion by Parker and seconded by Stevens to adjourn meeting at 7:13 p.m. Approved 4-0.

Brent Hinders, Chairperson

Elliot Klimowski, City Planner