

## REGULAR BOARD OF ADJUSTMENT MEETING 04-02-2019

### Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Tuesday, April 2, 2019 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Chairperson Brent Hinders called the meeting to order at 6:00 pm. Members present at roll call were: Brandon Foldes, Dennis Cassady, and Rachel Parker. Absent: Chad Stevens

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

### Approval of Agenda – 19-07

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

### Approval of Minutes – 19-08

Motion by Parker and seconded by Cassady to amend the Minutes from the January 29, 2019 meeting. Modification of the Minutes will be made to reflect the correction of Chairperson in the "Welcome Guests" section, correction of applicants' first name and also to tie the approval of the Special use permit to the applicant/business and not to the location. Approved 4-0.

### Welcome of Guests

Chairperson Hinders welcomed the 8 guests present. With no one wishing to speak the business portion of the meeting was opened.

### Vote to remove the previously Tabled item of the allowance of the use of spray foam exterior material on a building at 812 North Avenue —19-09

Motion by Cassady and seconded by Parker to remove previously tabled item and open back up for hearing, discussion and vote. Approved 4-0

### Public Hearing and consideration 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—19-10

Klimowski provided a staff report recap of the 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.

Klimowski included the comments from the guests who attended the initial meeting. Steve Albrecht, City State Bank, encouraged that the variance be granted; while AJ Samuelson expressed that the request should not be granted due to the nature of the product not falling within any of the materials listed in the architectural standards requirement list.

#### 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:

1. 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.

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.

Comments from the applicant, Gary Purdy, 3032 Cumming Rd Van Meter were provided as well as the lessees, Brian and Mary Ferden, 2532 Green Hills Drive. Pictures, papers and information were given to the Board by Purdy and the Ferden's. Purdy expressed financial hardship recently with tuck pointing bids and all work that has been completed over the years to buildings along North Avenue while owning these properties. The Ferden's spoke of work they have completed to the buildings as well. They commented that the denial of the use of the spray foam material to 812 North Avenue could lead to a raise in rent which could impact rates at the daycare and hurt business, therefore it would create a hardship.

Foldes, Parker and Cassidy all spoke of the spray foam material and discussed that not enough information has been made available when researching. Parker inquired if the product is so successful, why there isn't information or examples more readily available?

Parris spoke to clarify that the Staff denial was very black and white and due to the need to follow code and what is listed in the materials list of architectural standards per zoning district. If Staff were to allow other materials, then code is not being followed.

*Public Hearing opened at 6:50 p.m.*

*Public Hearing closed 6:51 p.m.*

Hinders opened the discussion among the Board. Foldes again expressed that without material or information, an allowance for use was difficult. All agreed that the material did not meet anything in the 4 classes of exterior finishes listed in the architectural material lists.

Parker motioned to deny the request for the allowance of the use of a spray foam material to the building of 812 North Avenue. Foldes seconded. 4 - voted to deny, 0 - approved

**Public Hearing and consideration on a Special Use Permit request from Stacey Petersen for the operation of a canine daycare facility with overnight boarding services on Lot 3 of the recorded Sunset Square Plat 3**

**—19-11**

*Public Hearing opened at 7:10 p.m.*

An application was received by the City for a Special Use Permit for the operation of a canine daycare facility with overnight boarding on February 4, 2019. Lot 3 of recorded Sunset Square Plat 3, located on W High Road south of Fareway and west of Four Seasons Auto Wash is currently zoned C-2, Community Commercial District. All adjoining landowners have been notified of the request and it was also sent to the Des Moines Register for publication on March 27, 2019. The C-2 zoning district is appropriate for retail commercial and service establishments such as the operation of a dog daycare with the approval of a Special Use Permit for the overnight boarding. Klimowski spoke of The Family Pet Veterinary Clinic as an example of a previously granted Special Use Permit that allowed overnight boarding.

The applicants Stacey & Brandon Petersen expressed to the City the desire to open a dog daycare and Norwalk can use this type of service in town. The application information submitted shows the proposed building to have inside/outside dog runs but the applicant states that no dogs will be outside after business hours. The applicant provided two proposed site plan options which show different options for building placement and parking. Each rendering shows an 8ft privacy fence for daytime play for dogs in their care.

Klimowski presented two emails received by the City, one from Phyllis Montour, who spoke for the canine daycare and the need for one in this community. Another email was from Kathy Voss, who spoke against the proposed use for the commercial lot due to increase in traffic and noise of dogs barking throughout the day.

Staff recommendation is for approval of the special use permit request, considering all procedures have been followed by the applicant and the site is appropriate for the use.

Hinders inquired if the City has any sort of noise ordinance. Parris interjected that there is no such ordinance in place that would measure decibel levels, if there was to be a problem, discussion could take place with business owner to rectify the problem.

Brandon and Stacey Petersen, 1425 Misty Lane of Cumming spoke regarding the canine dog care, the details of the facility with sound proofing inside the structure. Also mentioned by Petersen, dogs would not be allowed outside after hours of operation. Parker asked if Petersen had other locations. Petersen spoke of growing up in a family business of a similar nature. Cassidy asked what the dog occupancy limit would be. Brandon Petersen explained 50 dogs would be the max capacity, but doesn't expect facility to reach that number. Klimowski added that the capacity numbers are typical amongst dog daycares throughout the metro. Petersen explained that the fenced area would be located at the rear of the building closest to the Fareway store which would help to buffer barking sounds from residential areas. Petersen explained that constant barking was not typical and action would be taken to help eliminate constant barking. There would always be at least one person present outside with dogs while outside. Foldes inquired about STC & ITC, acoustic preservation values, and if the City requires any type of sound proofing with certain commercial establishments. Parris explained that only near the airport would such sound proofing be required and that the Board of Adjustment has the ability to place requirements on or give recommendations to the applicant during approval of a Special Use Permit.

Jessica Laurie, 917 High Road spoke against the request due to noise, smell and traffic concerns. Casey Bright, owner of Amore Pet, spoke against the request, on grounds that, Amore Pet was denied a similar request for overnight boarding on more than one occasion.

*Public Hearing closed at 7:40 p.m.*

Board discussion reflected use for the lot, which was intended for commercial use. The Special Use Permit for a dog daycare with boarding is appropriate and would fit the use, if the dog daycare did not go on the lot, another commercial project would and problems would arise with another proposed project. Hinders discussed nuisance issues that could take place with dogs barking, but it would appear that would be dealt with promptly. Cassady asked both Petersen's if measures would be in place to control of barking dogs. Petersen explained that most care would be indoors, with limited outdoor play. In addition, sound proofing similar to what one would find in a movie theater would be within the structure to buffer sound. Cassady inquired about the collection of dog waste and concern of odor issues for neighboring residential homes. Petersen would work with City waste management for collection of waste at appropriate times to ensure elimination of bad smells.

Parker made a motion to approve the Special Use Permit for the operation of a canine daycare facility and overnight boarding services on Lot 3 of the recorded Sunset Square Plat 3, Foldes seconded. Approved 4-0

**Adjournment – 19-12**

Motion by Parker and seconded by Cassady to adjourn meeting at 7:52 p.m. Approved 4-0.

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Brent Hinders, Chairperson

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Elliot Klimowski, City Planner