

REGULAR BOARD OF ADJUSTMENT MEETING 06-25-2019

Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Tuesday, June 25, 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: Chad Stevens, Brandon Foldes, Dennis Cassady, and Rachel Parker. Absent: None

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

Approval of Agenda – 19-13

Motion by Cassady and seconded by Parker to approve the agenda. Approved 5-0.

Approval of Minutes – 19-14

Motion by Parker and seconded by Foldes to approve the April 2, 2019 minutes. Approved 5-0.

Welcome of Guests

Chairperson Hinders welcomed the 7 guests present. With no one wishing to speak the business portion of the meeting was opened.

Public Hearing and vote on a setback variance request from Mark Gremler for the construction of a garage structure for residents at 1001 and 1011 Sunset Drive—19-15

Public Hearing opened at 6:03 p.m.

Staff received a variance request in May 2019 to allow for the construction of a garage structure behind two rental properties at 1001 and 1011 Sunset Drive. The property zoned R-4; High-Density Multi-Family Residential has a rear yard setback of 35' and side yard setback of 25' per the Zoning Ordinance Code 17.10.060.6. All adjoining property owners were notified as well as notice of the public hearing was published in the Des Moines Register June 14, 2019. Due to the non-conforming nature of the buildings on the lot, a variance request is necessary.

In addition, the applicant has requested the 35' rear setback be minimized to 10' rear setback.

Public Hearing closed at 6:16 p.m.

The Board discussed the request. Hinders entertained a motion, Parker motioned to approve the reduction of the side yard setback from 35' to 4' and the rear yard setback from 35' to 10' to allow for the construction of a multi-unit garage structure for tenants of properties at 1001 and 1011 Sunset Drive. Stevens seconded the motion. Approved 5-0

Public Hearing and vote on a zoning variance request from Jeff Hartshorn for the construction of a detached garage in the front yard of 583 Beardsley Street—19-16

Public Hearing opened at 6:23 p.m.

A zoning variance request was received by the City from the property owner of 583 Beardsley Street for the construction of a detached garage in the front yard of the flag lot rather than the rear. The property is currently zoned RE-1 Single-Family Rural Estates and all neighboring landowners as well as the Des Moines Register were notified of the Public hearing June 14, 2019. The applicable Zoning Ordinance codes are 17.04.270 and 17.04.040 – Accessory Buildings and Garages, and also Definitions. Zoning Ordinance 17.04.270 states that no accessory building shall be erected in any area other than the rear yard.

The City is working to acquire a sanitary sewer easement which would run through the rear yard of 583 Beardsley Street. Staff recommendation is approval contingent upon the submission of an adequate stormwater management plan for the site upon submission of the garage building

permit. Staff did receive a phone call from neighbor; Michael Hunter voicing concern about the stormwater that flows through several properties from south to north, he was not concerned about the structure itself, only the concern that stormwater may not flow properly to the north. Jeff Hartshorn, applicant and property owner spoke regarding the variance request.

Public Hearing closed at 6:39 p.m.

Foldes made a motion to approve the zoning variance request contingent upon a stormwater management plan be in place at the time of building permit submission for the garage structure at 583 Beardsley Street. Stevens seconded. Approved 5-0

Public Hearing and vote on a setback variance request from Bryson Spangler for the expansion of the church structure and parking area at 607 Mafred Drive—19-17

Public Hearing opened at 6:43 p.m.

In April, the City received an application for a zoning variance at 607 Mafred Drive, First Baptist Church, to expand the building by 150% and also expand the parking area. The Zoning Ordinance codes cited for this request are: 17.04.150 Non-Conforming Structures and Site Improvements, 17.10.100.6 Bulk Regulations, and 17.40.030 Off-Street Parking Requirements. The property zoned C-2, Community Commercial, shows the bulk regulations required for setbacks are: 50' front and rear yard setbacks and 35' side yard setback. The request is in pre-planning phases and only a very rough sketch plan has been provided to the City to get an idea of what requirements will be necessary for an addition. Along with parking requirements that will need to be met, a storm water detention area would need to be created. Klimowski mentioned during his staff report that due to the age of the structure, the 1990 variance requirements could be followed and an addition could be added to the structure, but the building envelope could not be the 150% that the applicant has requested.

Bryson Spangler, 1821 Swan Circle, applicant, spoke.

Tammy Stotts, spoke on behalf of residents Duane and Sandra Stotts, 919 Main Street.

Public Hearing closed at 7:04 p.m.

Foldes requested the applicant provide engineered schematics with supporting facts to ensure that a variance is necessary. Hinders questioned the hardship without having more specific plans from the applicant. Klimowski reminded the Board that under the previous Zoning the applicant can only expand to no more than 100%. Hinders entertained the idea of tabling the item. Cassidy requested when the item is brought back that the building envelope and setbacks are provided from the 90's before the widening of Iowa Hwy 28.

Parker motioned to table the variance request pending more information be provided by the applicant. Stevens seconded.

5-0 vote to Table item.

Adjournment – 19-18

Motion by Stevens and seconded by Foldes to adjourn meeting at 7:19 p.m. Approved 5-0.

Brent Hinders, Chairperson

Elliot Klimowski, City Planner