

## REGULAR BOARD OF ADJUSTMENT MEETING 08-20-2019

### Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Tuesday, August 20, 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, Dennis Cassady, Brandon Foldes and Rachel Parker. Absent: None

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

### Approval of Agenda – 19-25

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

### Approval of Minutes – 19-26

Motion by Parker and seconded by Stevens to approve the July 16, 2019 minutes. Approved 5-0

### Welcome of Guests

Chairperson Hinders welcomed the 4 guests present. With no one wishing to speak, the business portion of the meeting was opened.

### Public hearing and vote on a variance request from Cannon Clark and Larry Hughes for the setbacks on the property located at 400 North Avenue —19-27

*Public Hearing opened at 6:03 p.m.*

In July 2019 the City received a zoning variance application regarding the property at 400 North Avenue. Cannon Clark, Clark Development spoke to explain the variance request is to reduce the building setbacks in order for a proposed 3200 sq. ft. commercial office building to be placed on the small, unusual-shaped parcel. The request is specifically for a 10 foot reduction of all setbacks: front, sides, and rear. There is a storm sewer that runs diagonally across the property moving towards a discharge area at the southeast corner of the parcel. This could restrict building situation on the lot. The applicant will be required to provide documentation showing maintenance of stormwater management capacity with submittal of Site Plan. There will only be one ingress/egress shared with the Casey's to the east of the commercial lot, no additional drive would be necessary. Residential single family and townhomes are west of the commercial lot and the idea of an access drive onto a residential street was not well received.

The current zoning of the parcel is C-2 Community Commercial.

Surrounding property owners were notified as well as publication in the Des Moines Register in August 2019. Larry Hughes, 208 E. 1<sup>st</sup> Street, Ackworth, spoke to explain the ownership of the property and the reason for the easement/shared ingress/egress drive and the desire for entrances and streets to align when they are adjacent. Ed Kuhl, City Council Liaison, spoke to explain Council's review of the lot and concern of the bike path proximity to North Avenue. Parker inquired about future development of a bike bath along North Avenue and the concern by Council. Councilman Kuhl explained that future planning shows North Avenue to expand to four lanes and that closeness to the bike path caused concern. Parker inquired about site triangles narrowing with the widening of North Avenue. Klimowski explained that the site triangle will be maintained with an expansion of North Avenue. Foldes explained that he would abstain from the vote due to a possible conflict of interest, but the appropriate commercial office building would act as a good buffer between the residential to the west and the Casey's to the east.

Staff recommendation is for approval due to sufficient evidence of hardship caused by storm water detention at the south part of the lot and the limited buildable space if the setbacks aren't varied.

*Public hearing closed at 6:35 p.m.*

Hinders entertained a motion to approve the variance request, Parker motioned to approve the request for the reduction of setbacks to 10', Stevens seconded. Approved 4-0 Foldes abstained.

#### **Discussion on setting a regular meeting for the Board of Adjustment**

Discussion with Board to have a set meeting time as the 3<sup>rd</sup> Tuesday, every other month; this was well received by the Board members and it was decided that the next set meeting date would be October 15, 2019. If a special meeting needs to be called, it will be arranged.

#### **Adjournment – 19-28**

Motion by Foldes and seconded by Stevens to adjourn meeting at 6:39 p.m. Approved 5-0

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Brent Hinders, Chairperson

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Elliot Klimowski, City Planner