

REGULAR BOARD OF ADJUSTMENT MEETING 06-16-2020

Call to order

The regular meeting of the Norwalk Board of Adjustment was held electronically due to COVID-19 (Coronavirus) State of Emergency WHEREAS, Iowa Code Section 372.14(2) and the Norwalk City Code Chapter 15.02(2) grant the Mayor powers in emergency circumstances when public danger exists to take extraordinary steps to protect the public health and safety; therefore, all in attendance met via google hangout, Tuesday, June 16, 2020. Chairperson Brent Hinders called the meeting to order at 6:01 pm. Members present at roll call were: Chad Stevens, Rachel Parker and Brandon Foldes. Absent: Dennis Cassady

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

Approval of Agenda – 20-13

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

Approval of Minutes – 20-14

Motion by Parker and seconded by Foldes to approve the April 21, 2020 minutes. Approved 4-0

Welcome of Guests

Chairperson Hinders welcomed the 6 guest present. With no one wishing to speak, the business portion of the meeting was opened.

Public hearing and vote on a special use permit request from Bolten and Menk to allow for work in flood overlay zones on 50th Avenue—20-15

Public Hearing opened at 6:07 p.m.

An application for a special use permit was received by City Staff regarding work to be completed on and around the bridge north of Beardsley Street on 50th Avenue. The bridge that crosses over Middle Creek on 50th Avenue is located in a flood overlay zone and per City Ordinance requires a special use permit in order for work to be completed. Adjoining landowners as well as the Des Moines Register were notified of this public hearing on June 5th. The request is to allow for construction to add a 120ft pedestrian bridge and to work on grading and add stone surrounding the bridge foundations. When completed, this will connect the City of Norwalk to the Great Western Trail, the application is a joint application between Bolten and Menk and the City of Norwalk.

Public hearing closed at 6:11 p.m.

Stevens asked if there was a set time limit or if this special use permit would only apply to this applicant. Parris answered the special use would apply to this applicant and that it would be for the length of the project. Parker inquired about the role of the Board members when reviewing a special use permit. Parris explained the different ways that the Board can review a special use permit and what criteria to examine for approval or denial of a request. Hinders asked if the work to be done would correct any flooding issues that could occur, Parris explained that it won't correct issues or stop flooding but it will stop erosion from occurring over time. After discussion amongst the Board, Parker made a motion to approve the special use permit for the construction work to be completed in flood overlay zones, and Foldes seconded. Approved 4-0

Parris placed the meeting on hold after receiving a text message from Justin Ernst of Bolten and Menk who explained that he and other callers for the variance request were stuck in a waiting

room unable to join the meeting due to a glitch. Callers joined the meeting, Hinders invited comment, no additional comments were added, the meeting continued to next item.

Public hearing and vote on a variance request from Eric Thompson to reduce the side yard setback for property located at 8688 Albany Trail—20-16

Public hearing opened at 6:18 p.m.

City Staff received a zoning variance request on June 1, 2020 for the property at 8688 Albany Trail to allow a side yard setback reduction for the construction of a garage addition to the west side of the home. Due to the odd shape of the lot and how the house is situated on the lot, the construction of a garage addition on the west side would encroach on the side yard setbacks for the RE-1 zoned district. The homes in the area, all zoned RE-1, Rural-Estates Single Family Residential, were annexed into the City after the development was established. Notifications were sent out to surrounding neighbors as well as to the Des Moines Register on June 3, 2020. This topic was discussed at Planning and Zoning on June 8, 2020, the Commission recommended denial. Staff recommendation is for denial based on insufficient exhibition of unnecessary hardship related to setback requirements in the zoning ordinance for RE-1. The applicant's options for a garage addition to the property are limited due to the location of a septic system on the east side of the house/property. A suggested option for the applicant would be to purchase 10 or more feet of the neighboring yards and merge the pieces into the main parcel. Eric Thompson, 8688 Albany Trail, spoke to explain the location of the proposed structure and the reason that it cannot be built on any other location of the lot due to its irregular size. Jordyn Hill, 8988 42nd Lane, spoke in favor of the project and explained that it would be her land that is encroached upon and there was no intention to build near that area. Carlye Satterwhite, 9089 42nd Lane, asked about the aesthetics, how the roof will tie in, materials to be used and if the addition would match the existing structure. Thompson explained the plan to tie in the roof line and the materials would match the existing structure. Adam Wiseman, 8884 42nd Lane spoke in favor of the project.

Public hearing closed at 6:46 p.m.

The Board discussed the item and did not see a negative impact for any future home owners, they found hardship due to the situation of the home on the property and added cost if the applicant had to purchase land from neighboring properties or move the septic to locate the addition on the east side of the property. Hinders was inclined to grant the variance because there are no abutting structures and could not find a negative impact for the area. Foldes motioned to approve the variance request from Eric Thompson to reduce the west side yard setback for the property located at 8688 Albany Trail, Stevens seconded. Approved 4-0

Next meeting date

August 18, 2020

Adjournment – 20-17

Motion by Stevens and seconded by Parker to adjourn meeting at 6:54 p.m. Approved 4-0

Brent Hinders, Chairperson

Elliot Klimowski, City Planner