

REGULAR BOARD OF ADJUSTMENT MEETING 12-01-2020

Call to order

The Special Meeting of the Norwalk Board of Adjustment was held Tuesday, December 1, 2020, at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Chairperson Brent Hinders called the meeting to order at 6:00 p.m. Members present at roll call were: Chad Stevens, Kathryn Thorson, Brandon Foldes, and Rachel Parker. Absent: Dennis Cassady

City Staff present were Luke Parris, Community Development Director, Elliot Klimowski, City Planner.

Approval of Agenda – 20-31

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

Approval of Minutes – 20-32

Motion by Parker and seconded by Thorson to approve the November 10, 2020 minutes. Approved 4-0

Welcome of Guests

Chairperson Hinders welcomed the approximately ten guests 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 Alicia Shaul to allow for the installation of an accessory solar array in the rear yard of 567 Beardsley Street—20-33

Public hearing opened at 6:05 p.m.

City staff received a special use permit application from the property owner, Alicia Shaul regarding work at the property of 567 Beardsley Street.

Klimowski delivered the staff presentation. The request is to allow for the installation of an accessory solar array in the rear yard of the home at 567 Beardsley Street. Zoning Ordinance chapter 175B.04 subsection 3 paragraph A contains a description of accessory uses allowed in the R-1 zoning districts, which are also allowed in the RE-1 districts. Zoning Ordinance 175J.03 subsection 12 states that uses not specifically addressed elsewhere in the Zoning Ordinance are considered unclassified and are allowable by issuance of a special use permit by the Board of Adjustment. Public notice was published in the Des Moines Register on November 24th, 2020. Klimowski described the dimensions of the lot and the location of the solar array in relation to the home and the sanitary sewer easement in the rear yard of the property. Klimowski described the interpretation of code that led to the need for a special use permit request and that the solar array ultimately fell into the unclassified use section of the Zoning Ordinance. Hinders, Thorson, and Parker requested clarification on nuisances, bulk regulations, and Planning & Zoning Commission roles in the RE-1 district.

Hinders requested comment from the applicant. Alicia Shaul spoke about the background of the project and the decision to build solar as a detached accessory use. Parker, Foldes, and Thorson asked about feasibility of relocating the solar array, placing the array on the home or garage, and the proposed size of the array. Shaul stated that the proposed location and size is ideal.

Hinders requested comment from the public. Will Reasoner spoke on behalf of the Lakewood Village Association. Reasoner spoke about the covenant restrictions that would impact the ability for the property owner to build the solar array and legal implications of considering a

special use permit issuance by the Board of Adjustment. Glen Blumer spoke about the role of the Lakewood Village Association and its covenants when considering proposals like this. Blumer also projected the decision of the architectural review board for the association as a denial. Lisa Niebuhr commented on the general support for solar in the community and the concerns for thoroughness of review of the application. Niebuhr commented on sections of the Zoning Ordinance related to location, screening, and compatibility with the neighborhood. Chad Schneider added to Niebuhr's comments about the normality of detached solar arrays and compatibility of uses. Nick Faust commented that solar is a good idea, but that the location of it is important to neighbors. Shaul spoke about best management practices related to solar referenced in the Iowa Code. Carol Hardy spoke about typical home array installations and scale of solar arrays. Jonathan Beaver spoke about the generating capacity of solar arrays and required scale. Parker asked the applicant about conversation between the applicant and the Lakewood Village Association related to covenants, law, and the application. The public hearing was closed at 7:41 p.m.

Parker and Thorson spoke about the on-site view of the proposed installation, expressed support for renewable energy, and concerns about how the installation would impact the neighborhood and property values. Foldes concurred with Parker and Thorson's comments and spoke about solar arrays as a cost offset. Hinders said that generally a solar array would be permissible for special use permit issuance and that private property use is important. Hinders suggested tabling the item until the Lakewood Village Association makes a decision or they and the applicant find a compromise.

Parker made a motion to table the decision on the special use permit request pending a resolution from the Lakewood Village Association and Foldes seconded. Carried unanimously, roll call

Next meeting date

February 16, 2021

Adjournment – 20-34

Motion by Foldes and seconded by Thorson to adjourn meeting at 8:11 p.m. Approved 4-0

Brent Hinders, Chairperson

Elliot Klimowski, City Planner