

BOARD OF ADJUSTMENT MINUTES

July 10, 2017

City of Waverly, Civic Center,

200 1st St. NE, Waverly, Iowa

A. Call to Order: 6:05pm

1. Members Present: Pete Lampe, Chair; Linda Brandt; Al Charlson; Vern Gidley

Members Absent: Karla Shea, Vice-Chair

Staff Members Present: Ben Kohout, Secretary; Tim Kangas, Council Liaison

2. Motion By: Gidley Seconded By: Brandt

Move that the agenda be approved as printed.

Yes: 4 No: 0 Absent: 1

B. Approval of Previous Minutes:

Motion By: Charlson Seconded By: Gidley

Move that the minutes of the May 8, 2017, Board of Adjustment meeting be approved.

Yes: 4 No: 0 Absent: 1

C. Communications:

1. June 12, 2017 Board of Adjustment meeting cancelled due to lack of quorum.

D. Regular Business:

1. Case # 20170701, Variance governing the parking paving minimum requirements for new commercial structures at 2300 East Bremer Avenue.

The applicant is seeking a waiver of this requirement and to have the property remain with the current gravel surface with the new commercial storage building.

a. *The Applicant's Requested Zoning Variance:*

Beenken Properties, LLC, property owner at 2300 East Bremer Avenue, is requesting an appeal to the Zoning administrator determination of a requirement of establishing paved parking surface with the installation of a proposed commercial storage building.

b. *The Zoning Regulations State:*

The Waverly Zoning code requires any off-street parking area, and driveways leading to them, to be surfaced with an asphaltic or Portland cement binder pavement or such other equivalent surfaces as to provide an all dust free surface for any new commercial structure. See City Code Section 100.19.04.

c. *Interested Property Owners:*

Mr. Kohout confirmed Mr. Gary Hinderaker, property owner adjacent to the East, called upon the Zoning office to discuss the variance. Mr. Hinderaker thinks the ordinance should be enforced to what is written. Mr. Hinderaker stated he has a low spot on the West end of his property which is continually wet and may benefit from improved parking surface area applied to Mr. Beenken's property.

d. Discussion:

Member Lampe opened the public hearing.

Mr. Kohout summarized the request and presented a site plan to the Board members, showing a submitted site plan for one future new storage building in addition to the existing two storage buildings. Mr. Kohout stated the code language requires any commercial structure to be accompanied by paved parking surface area, including the building expansion with a pre-existing gravel lot condition. Mr. Kohout explained the parking surface area includes drive aisles leading to and within the property when there is no parking minimum specified for a particular use.

Mr. Isaiah Reicks, property owner to the east, explained to the Board his property contains an easement, by which Mr. Beenken utilizes to access his storage unit property. This area is unpaved and has gravel. Mr. Reicks expressed an interest in the Board's actions as he is considering future commercial structures being added to his property. Mr. Reicks confirmed with Mr. Kohout new structures would require a need to pave the property, inclusive of drive aisles and required minimum parking spaces for each respective commercial use within the property. Mr. Reicks confirmed for Mr. Lampe there is minimal traffic accessing his property and the storage units owned by Mr. Beenken.

There was discussion about the surrounding properties not being paved and the timing of construction of each structure. The Board identified the GMT property to the North of the subject property having a paved parking lot for employees. Mr. Kohout stated he is unsure when the current paving standard came into effect.

Ms. Brandt reviewed a past example of a garage being permitted for an Auto Body repair shop on the North side of East Bremer Avenue and inquired on why that gravel lot was not required to install paved surface. Mr. Kohout reviewed the example and stated this is a property where an existing residence is also on the property and was reviewed with residential standards because of the owner of the business residing on the property. This property is zoned as I-1. Mr. Kohout stated efforts by staff going forward will be to consider approaches to apply parking improvements where necessary and analyze the situation with structure improvements and additions to see if code provisions will warrant improvement to commercial parking lots, as this area of East Bremer Avenue lends itself to commercial applications in the future, although the Code is not clear on how best to do this.

Mr. Dan Beenken identified other nearby storage unit properties where there are no paved drive aisles or surface areas within Waverly. Mr. Beenken also presented pictures of other businesses within Waverly that do not have paved parking lots.

Mr. Kohout confirmed with the Board that a recent storage unit was constructed and approved with a condition that a paved surface area be provided along East Bremer Avenue. Mr. Kohout stated this is an example where a verbal promise was made by a property owner of storage units to provide for paving, but due to cash constraints, wasn't able to do so immediately. Mr. Kohout acknowledged there is seemingly no recourse for the City to compel a property owner to provide for paved parking, once the structures were permitted and final occupancy has been given.

There was discussion about City Staff reviewing the ordinance pertaining to paving policy for existing properties being expanded and for enforcing non-compliance following construction of commercial properties.

Mr. Charlson stated the situation of the location of the property and surrounding property conditions do not warrant a pavement requirement for the subject property.

There was discussion amongst the Board that this section of East Bremer Avenue does not have high traffic demand uses such as restaurants. There was discussion about the future Cedar River Parkway and possible implications for the nearby properties and that paved parking may be more important to require in the future.

Ms. Brandt stated support of requiring a minimum amount of paving for the approaches into each proposed storage unit. Following discussion, eight (8) feet was agreed upon as a minimum.

There being no one else wishing to speak, Mr. Lampe closed the public hearing.

e. Motion by the Board:

Motion By: Brandt

Seconded By: Gidley

Move that a variance to allow for the waiving of the requirement of paved parking surface area except for customary approaches into each unit at least eight (8) feet in length for the new commercial structure.

Yes: 4

No: 0

Absent: 1

2. Case # 20170702, Variance governing the side yard setback requirements for driveway surface distance from side property lines at 205 23rd Street NW.

a. The Applicant's Requested Zoning Variance:

Mr. Brad Young, property owner at 205 23rd Street NW, is requesting a variance to the Waverly Municipal Design Standards regulations governing side yard setback requirements for driveways. The proposed driveway is sought to be 3.5 feet from the North property line.

b. The Zoning Regulations State:

The regulations call for a five (5) foot side yard setback minimum. See Waverly Municipal Design Standards Section 3.05.E.

c. Interested Property Owners:

Mr. Kohout stated he received one phone call inquiry that was seeking clarification of the request from the West property owner. There was no expressed support or opposition stated.

d. Discussion:

Member Lampe opened the public hearing.

Mr. Kohout introduced a site plan and construction permit application for review.

Mr. Gidley confirmed with Mr. Kohout there is no minimum for a driveway for residential standards and an 8.5 feet wide drive could suffice to meet the five foot setback standards.

The Board confirmed with Mr. Kohout City Staff contacted the applicant following the June 2017 notification to inform them of the new July 10 meeting time and place.

Mr. Charlson expressed concern of the slope and proximity of a driveway to the North property line, as proposed. There was discussion about the off-site drainage considerations and a possible retaining wall construction to accommodate the north property line slope to accommodate a driveway.

There was discussion about layout options beyond the house and the future proposed garage and landscaping considerations. There was concern amongst the Board about water run-off onto neighboring properties, should a variance be granted.

Mr. Lampe expressed concern of the request and potential drainage concerns with the North property line and implications to the neighbor.

There was discussion about tabling the item due to the applicant not being present and potential measurement and engineering considerations desiring to be addressed by the Board prior to ruling on the request.

Mr. Charlson spoke in support of tabling the request.

Mr. Kohout confirmed for the Board a garage may be permitted without information on paving or gravel considerations on residential applications as there is no improvement standard for off-street parking for residential applications.

Mr. Gidley stated opposition to the request as there is 8.5 feet of access to the proposed back garage and there are options for the applicant to work with.

Mr. Kohout confirmed for the Board no information was given on grading of the property.

There being no one else wishing to speak, Mr. Lampe closed the public hearing.

e. *Motion by the Board:*

Motion By: Charlson

Seconded By: Brandt

Move that a variance to allow for the residential driveway surface to be at 3.5 feet from the North (side) property line be tabled until the August 2017 Board of Adjustment meeting so the owner can be present to provide for more information.

Yes: 2

No: 2

Absent: 1

Motioned failed.

Motion By: Brandt

Seconded By: Gidley

Move that a variance to allow for the residential driveway surface to be at 3.5 feet from the North (side) property line.

Yes: 0

No: 4

Absent: 1

E. Old Business:

None

F. New Business:

1. Mr. Kohout stated the PZ Commission is reviewing ordinance amendments to the PD Zoning District.
2. Mr. Kohout provided the Board with a Bremer Avenue rebuilding update on progress made.

G. Adjournment:

Motion By: Brandt

Seconded By: Gidley

Move that the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

Meeting adjourned at 7:15pm.

Respectfully Submitted,

Ben Kohout, Secretary