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HIAWATHA BOARD OF ADJUSTMENT MINUTES
REGULAR SCHEDULED MEETING
June 12, 2017

The Hiawatha Board of Adjustment met in regular session on June 12, 2017. Chair, Dick Whitmore called the meeting to order at 6:00 p.m. Members present: Don Earl, Steve Dodson and David Mathews. Members Absent: Christina Goodman. Staff present: Community Development Director, Pat Parsley, Assistant Building Official, Jim Fisher, City Engineer, John Bender and Mayor Bill Bennett and City Administrator, Kim Downs.

Board Member Dave Matthews moved to approve the agenda, second by Steve Dodson. Motion carried.

Board Member Dave Matthews moved to approve the August 8, 2016 minutes, second by Dick Whitmore. Motion carried.

PUBLIC HEARING – Consider a Conditional Use request for Lucky Penny Outdoor Service and Beer Garden submitted by Graig Cone for Lucky Penny located at 1705 Boyson Rd., Hiawatha, Iowa.

Public Hearing Opened At 6:02 p.m.

Dick Whitmore asked if there were anyone that wanted to speak for the variance.

Stephanie from Lucky Penny addressed the Board. She explained the request and gave background information about the restaurant. She added that the requested patio would not get any bigger and they want to offer limited outdoor seating.

Dick Whitmore confirmed that she was looking for an approval without restrictions. She replied that the noise ordinance would dictate the noise. She also stated that they want to pipe out music to the patio and would like to have it open until midnight.

Susan Forinash from Hall and Hall Engineering address the Board. She explained that the City Comprehensive Plan encourages this use and Council approved the rezoning to C-3.

Dick Whitmore asked if there were anyone that wanted to speak against the variance.

Board of Adjustment Clerk, Jennifer Goerg read aloud a petition and emails against the Conditional use.

Resident, Tom Zenisek address the Board. He explained that he was there to answer questions and to ask that the Board consider all seven requested conditions. He was especially concerned about noise from music and closing the patio by 10pm.

A resident addressed the Board. He stated that he is concerned about the beer garden being so close and all the noise that goes with it. He asked that they add the condition that they close it down by 10pm.

A resident addressed the Board. She explained that when she bought the home back in 2010, she visited City Hall and asked about the zoning. She stated she was told there would be no issues. She added that now that it's been rezoned, there could be even more noise, which is her biggest concern. She asked the Board to consider the amount of noise when making the decision. She added that there are families to consider and the hours are important.

Susan Forinash added that they would have music through speakers and would follow the ordinance. She added that it's not a beer garden, its outside seating with alcohol.

Steve Dodson added that there would not be an outside band, the patio is not big enough to support one.

Joe Ahmann addressed the Board. He reminded the Board that this meeting was about alcohol, not music.

Tom Zenisek asked the Board to consider the noise. That is their biggest concern.

Public Hearing Closed At 6:39 p.m.

Steve Dodson asked if anyone knew how much noise the trees prevent. Susan Forinash responded no.

Dick Whitmore asked if the C-3 Zoning changed the whole property Pat Parsley stated that it changed the whole property and showed an aerial picture on the overhead.

Board Member, Steve Dodson moved to approve the Conditional Use request for Lucky Penny Outdoor Service and Beer Garden submitted by Graig Cone for Lucky Penny located at 1705 Boyson Rd., Hiawatha, Iowa. Second by Dave Matthews.

Roll call vote:
AYES: Steve Dodson and Dave Matthews
NAYS: Dick Whitmore and Don Earll
ABSENT: Christina Goodman

Since it was a split vote, another vote will be needed.

Pat Parsley explained each of the 7 recommendations of the Planning and Zoning Board. He also went through the Ordinances and how they apply.

Board Member, Dick Whitmore moved to approve the Conditional Use request for Lucky Penny Outdoor Service and Beer Garden submitted by Graig Cone for Lucky Penny located at 1705 Boyson Rd., Hiawatha, Iowa with the following condition:

1. The patio closes by 10pm.

Second by Don Earll.

Roll call vote:
AYES: Dick Whitmore, Don Earll, Steve Dodson and Dave Matthews
ABSENT: Christina Goodman
Approved

Appoint a new chair to the Board of Adjustment

Dave Matthews moved to appoint Dick Whitmore. Second by Don Earll.

AYES: Steve Dodson, Dave Matthews, Dick Whitmore and Don Earll.
NAYS: None
ABSENT: Christina Goodman
Approved

Dave Matthews moved to adjourn the meeting at 7:07 p.m., second by Don Earll. Motion carried.

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Dick Whitmore, Chair

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Date Signed

ATTEST:

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Jennifer Goerg, Community Development Clerk