

**AGENDA**  
**BOARD OF ADJUSTMENT**  
**REGULAR SCHEDULED MEETING**  
**August 8, 2016**

**HIAWATHA CITY HALL**  
**6:00 P.M.**

1. Call to order - Roll Call
2. Consider Approval of:
  - a. Agenda
  - b. Minutes from July 11, 2016
3. Business
  - a. Consider approval of the special permit request for a group child home daycare located at 175 North 18<sup>th</sup> Avenue.

Adjourn

**HIAWATHA BOARD OF ADJUSTMENT MINUTES  
REGULAR SCHEDULED MEETING  
July 11, 2016**

The Hiawatha Board of Adjustment met in regular session on July 11, 2016. Chairman Brian Fanton called the meeting to order at 6:00 p.m. Members present: Don Earll, Dick Whitmore. Members Absent: Christina Goodman and David Matthews. Staff present: Pat Parsley, Building Official and Jim Fisher, Assistant Building Official. Guests: Randy Goodson and Mitchell Sutton.

Board Member Brian Fanton moved to approve the October 12, 2015 minutes, second by Dick Whitmore. Motion carried.

**PUBLIC HEARING - to consider a Variance request to the City of Hiawatha, City of Unified Development Code, Chapter 165.16:3B, a variance to allow a 16.5ft. rear setback in a R-3 District. Mitch Sutton is requesting the variance for Randy and Sheryl Goodson located at 117 Chaffee Dr., Hiawatha, IA.**

Brian Fanton asked if there were any written comments for or against the variance. Jennifer Goerg stated there were none.

**Public Hearing Opened At 6:03 p.m.**

Brian Fanton read through Pats memo.

Randy Goodson and Mitchell Sutton, addressed the board. They explained that the surrounding neighbors have structures that are closer then what he is proposing and he didn't feel it would be a nuisance.

Brain Fanton asked if the lot was fenced. Randy Goodson stated it is with the back fence being owned by the back neighbor.

Brian Fanton asked if the Community Development Department wanted to weigh in. Pat Parsley explained that he approves of this variance request due to the limited lot depth and the precedence established for this neighborhood.

Chairman, Brian Fanton motioned to approve the variance request and allow a 16.5ft. rear setback in a R-3 District due to the limited lot depth and the precedence established for this neighborhood. Second by Dick Whitmore.

**Roll call vote:**

**AYES:** Don Earll, Brian Fanton, Dick Whitmore.

**NAYS:** None

**ABSENT:** Christina Goodman and David Matthews

**Approved**

Brian Fanton moved to adjourn the meeting at 6:13 p.m., second by Dick Whitmere. Motion carried.

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Brian Fanton, Board Member

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Date Signed

ATTEST:

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Jennifer Goerg, Community Development Clerk

**City of Hiawatha**  
**Community Development Department**  
**Building, Zoning, Code Enforcement & Development**  
101 Emmons St., Hiawatha Iowa, 52233-1697  
PHONE (319) 294-2929 FAX (319) 393-1516

**Purpose:** Special Permit for Home Day Care **Date:** 8/1/2016

**To:** Board of Adjustments

**Name of Plan:** Rebecca and Thomas Schmidt

**Address:** 175 North 18<sup>th</sup> Avenue **Zone:** R-1

**Number of Lots:** 1

**Reviewed by:** Patrick Parsley, Community Development Director  
Jim Fisher, Building Official  
Jen Goerg, Community Development Clerk

**Description:** UDC Section 165.25 requires a special permit for home day cares in residential districts with more than six children but no more than 12 children. This section delineates the criteria for issuing the special permit. (Attached)

The applicant has submitted the necessary information complying with the criteria except for screening the back yard. The back yard is currently completely fenced. The applicant is in the process of screening the backyard.

**Recommendation:** Community Development recommends approval of the special permit for this group child day care home contingent upon completion of the screening. If the screening is not completed the day care use must be suspended.

## **165.25 RESIDENTIAL CHILD DAY CARE FACILITIES.**

1. General Statement of Intent. The City Council finds that, there is a need for affordable, good-quality and licensed child day care within the City of Hiawatha which cannot be entirely fulfilled by commercial day care centers. Furthermore, the City Council recognizes that this type of care is critical to the well-being of parents and children in the community. Therefore, it is the purpose of this chapter to provide for the needed smaller residential care facilities while at the same time imposing standards to preserve the residential character of neighborhoods. The chapter will provide a means to establish and operate State registered child day care facilities in residential neighborhoods through a simplified review and approval process. This proposed review process does provide for public notice and discussion before the Board of Adjustment for residential facilities with over six (6) children. Standards are also provided in order to preserve the residential character of the neighborhoods and provide protection to adjacent residences from noise or other intrusion.
2. Group Child Day Care Home. A group child day care home (less than 12 children), may be allowed in all districts permitting a residential use or any district where a residential use is legally established, if a special permit is approved by the Board of Adjustment. Criteria which must be met to obtain a special use permit are as follows:
  - A. State registration requirements shall have been met and the applicant agrees to meet any requirements of the Building Code, fire safety regulations, health codes and any other applicable local codes and ordinances.
  - B. Applicant shall agree to register annually with the City for as long as the use is continued. A reasonable administrative fee shall be charged as may be established, from time to time, by resolution of the City Council.
  - C. No structural or decorative alteration that will alter the residential character of an existing structure or be otherwise incompatible with surrounding residences shall be permitted.
  - D. The resident occupant shall be the principal care provider, shall be registered by the State, shall be present during operating hours. When there are six or fewer children being cared for, the resident occupant need not be present. However, an employee of the resident occupant must be present when there are six or fewer children being cared for and the resident occupant is not present. Both the resident occupant and the employee, must be present when there are more than six children being cared for. Only one employee, over the age of 14, shall be permitted. Family members are not considered employees.
  - E. Any required outside play area shall be effectively screened from adjacent residential uses.
  - F. If located on a major street, as herein, an off-street drop-off/pickup area must be provided.
  - G. One off-street parking space must be provided for a non-resident/non-family member employee when located in a single family residence district. A residential driveway is acceptable for this purpose.
  - H. One unlighted sign, under two square feet in area, and stating only the resident-occupants name and the wording "Group Day Care Home" shall be allowed.
  - I. Any child group day care home which has been established and has obtained a State of Iowa Certificate of Registration prior to the effective date of this chapter and in addition, meets all of the foregoing criteria, shall be considered as being a lawful use under the terms of these regulations and may so continue without approval of the Board of Adjustment.

7/16/16

To Whom it may concern,

I am writing regarding your ordinance w/ your childcare guidelines.

1) I do use my mom & my husband once or twice in a great while for a substitute for my daycare kids. They are/were fingerprinted & had background checks & were both cleared according to DHS rules.

2) I am registered for 8 kids & 4 school ages. (I usually only have 8 altogether.)

I do agree we do need a new fence to keep kids in our yard. They are never not attended to though. We are planning on getting a fence. Talked to neighbors & going in on it w/ them. (The current fence that is up is not ours, can't repair it.) They do have a swimming pool, therefore we need to do it ~~when~~ when we take old one down. Getting estimates currently

Thxt →

Becky