

**AGENDA  
BOARD OF ADJUSTMENT  
REGULAR SCHEDULED MEETING  
March 12, 2018**

**HIAWATHA CITY HALL  
5:30 P.M.**

1. Call to order - Roll Call
2. Consider Approval of:
  - a. Agenda
  - b. Minutes from January 8, 2018
3. Business
  - a. PUBLIC HEARING - to consider a Variance request to the City of Hiawatha, Unified Development Code, to allow a reduction in required parking stalls by seven (7). Hall & Hall Engineering is requesting the variance for Primus Dental located at 1020 Sherman Rd., Hiawatha, IA.
  - b. Consider Resolution to approve the Conditional Expansion request submitted by Jennifer Goodlove to erect a greenhouse on the property located at 495 Miller Rd., Hiawatha, IA.

Adjourn

**HIAWATHA BOARD OF ADJUSTMENT MINUTES  
REGULAR SCHEDULED MEETING  
January 8, 2018**

The Hiawatha Board of Adjustment met in regular session on January 8, 2018. Board Member, Andy Sweeney called the meeting to order at 5:30 p.m. Members present: Tom Day, Brian Vogel and Mike Freeman. Members Absent: David Matthews. Staff present: Community Development Director, Pat Parsley, Assistant Building Official and Jim Fisher. Guests in Attendance: Pat McAllister, Nesper Signs and Katherine Green, Branch Manager.

**Board Member, Andy Sweeney moved to approve the agenda.**

**AYES:** Andy Sweeney, Tom Day, Brian Vogel and Mike Freeman.

**NAYS:** None

**APPROVED.**

**Board Member, Andy Sweeney moved to nominate himself for Chair.**

He then asked if there were any other nominations. There weren't any. Second by Brian Vogel.

**AYES:** Andy Sweeney, Tom Day, Brian Vogel and Mike Freeman.

**NAYS:** None

**NOMINATED.**

**Board Member, Tom Day moved to nominate himself for Vice Chair.**

He then asked if there were any other nominations. There weren't any. Second by Brian Vogel.

**AYES:** Andy Sweeney, Tom Day, Brian Vogel and Mike Freeman.

**NAYS:** None

**NOMINATED.**

**Board Member Andy Sweeney moved to approve the October 9, 2017 minutes.**

**AYES:** Andy Sweeney, Tom Day, Brian Vogel and Mike Freeman.

**NAYS:** None

**APPROVED.**

**Consider Resolution to approve the 2018 Board of Adjustment Calendar.**

Board Member, Brian Vogel moved to approve the 2018 Board of Adjustment Calendar. Second by Mike Freeman.

**Roll call vote:**

**AYES:** Brian Vogel, Tom Day, Andy Sweeney and Mike Freeman.

**NAYS:** None

**ABSENT:** David Matthews

**APPROVED**

**PUBLIC HEARING - to consider a Variance request to the City of Hiawatha, Unified Development Code, Chapter 166.6:B3, to allow a setback reduction from 10ft. to 0ft. Pat McAllister with Nesper Sign is requesting the variance for Blairsferry Properties, LLC located at 2203 Blairs Ferry Crossing., Hiawatha, IA.**

**Public Hearing Opened At 5:34 p.m.**

Pat McAllister addressed the Board. He explained he was there to answer questions and explain the reasoning for the Variance. He explained that currently, the signs on either side of the location are at the requested setback.

Pat Parsley asked Pat McAllister if he could clarify his request. Pat McAllister reiterated that they want the sign put in the same place it was before which will actually be a 7' setback.

Katherine Green, Branch Manager, addressed the Board. She wanted to thank the Board and state they only want the sign where it was before where it can be seen.

Mike Freeman, while referring to a photo, asked if it showed the location of the old sign. Pat Parsley stated it was.

Brian Vogel asked if there is an 80' right of way. Pat Parsley stated it was.

Tom day then asked what the time frame is for the expansion of Edgewood Rd. Pat Parsley stated about 30-50 years.

There were no further comment from the Board.

**Public Hearing Closed At 5:41 p.m.**

Board Member, Brian Vogel moved to approve the Variance request of the City of Hiawatha, Unified Development Code, Chapter 166.6:B3, to allow a 7' setback reduction per City staff advice. Second by Mike Freeman

**Roll call vote:**

**AYES:** Andy Sweeney, Tom Day, Mike Freeman and Brian Vogel

**NAYS:** David Matthews

**ABSENT:** None

**APPROVED**

There being no other business Chair, Andy Sweeney adjourned the meeting at 5:43p.m.

\_\_\_\_\_  
Andy Sweeney, Chair

\_\_\_\_\_  
Date Signed

ATTEST:

\_\_\_\_\_  
Jennifer Goerg, Community Development Clerk

# City of Hiawatha

## Community Development Department

**Purpose:** Conditional Expansion **Date:** 02/27/2018  
**To:** Board of Adjustment  
**Name of Plan:** Farmer's Daughters  
**Address:** 495 Miller Road **Zone:** C-2  
**Number of Lots:** 1 lot: Adding an accessory building.  
**Reviewed by:** Patrick Parsley, Community Development Director

**Description:** This property is located on the east side of Miller Road. It is also on the west side of the future Edgewood Road Extension. When Edgewood is extended it will be a double frontage lot.

The plan includes the construction of a 14'X24' greenhouse.

**Report:** The Planning and Zoning concern is with the expansion of a legal non-conforming use as provided in UDC Section 165.84. Paragraph 2(A) of this section permits this expansion which is a commercial use located in a commercial zone as long as the applicable setbacks are in compliance.

The site plan indicates the building can be located within the required setbacks however the plan does not coincide with estimated measurements from the Linn County mapping program. Actual lot lines must be established to verify the complying location of the greenhouse.

The standards for approval of an expansion of a non-complying use are in paragraph 7 as noted. Each item is to be addressed in the petition.

7. *Standards for Conditional Expansion. Approval for any conditional expansion shall be granted only if evidence is presented which establishes:*

A. *That the proposed expansion or enlargement will not have a substantial adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety and welfare.*

The proposed greenhouse may generate additional seasonal traffic because it will extend the availability of produce for sale. There have been no reports of traffic or parking problems with the present business. However, not all spaces are currently used for vehicle parking. We recommend maintaining all present parking for customer and employee parking since this expansion is minor and would only require a single additional space.

B. *That the proposed expansion or enlargement will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.*

The existing use has not created an issue with the neighborhood except for temporary signage which encroaches onto the ROW. A condition to consider for this expansion is compliance with the temporary signage provisions in our Sign Code Chapter 166. Our sign code limits the temporary signage to an aggregate total of 32 square feet, must be located on the property and must be removed after 75 days.

C. *That adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage and similar facilities.*

The limited size of this expansion should not create a problem for the existing public services and utilities. The building is surrounded by pervious surface and garden area.

D. *That the proposed building, development, or use will comply with any additional standards imposed on it by provisions of this Code for the district in which the property is located.*

This zone requires that all activities and storage be located within buildings. The UDC does not allow outdoor sales and/or displays in C-2 zones. The present use includes outdoor storage, displays and sales. Conditions could be added restricting these activities or requiring screening along the developed ROW. Staff would recommend:

1. Require screening in accordance with 165.23 (9)D7 for all storage within view along Miller Road at this time and along Edgewood when developed.
2. Maintaining all displays in accordance with 165.23 (9)D8. This will require the removal of all displays from non-paved areas when the business is closed.
3. Allow the outside sales to continue as part of the existing legal non-conforming usage.

E. *Whether, and to what extent, all reasonable steps possible have been or will be taken to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening.*

The proposed building is located and designed to meet the zoning setbacks and all structural and life safety requirements. The building is engineered for the necessary wind loads and the building and fire departments will inspect the building prior to allowing the public to use the building. A building permit will be required before commencing with construction.

There will be no plumbing or electrical installed at this time. Any future installations will be submitted for review and for permitting in accordance with the applicable codes.

See the previous items for additional conditions.

- Recommendation:** Community Development and the Planning and Zoning Commission recommend approval of this conditional expansion contingent upon the following conditions:
1. Property lines are verified for setbacks of 25 feet from the greenhouse to ROW.
  2. Existing parking spaces are maintained for parking purposes only.
  3. All temporary signage complies with the Sign Code chapter 166:
    - a. Signs must be located on the property
    - b. Signage is limited to an aggregate area of 32 square feet
    - c. Signs must not be displayed more than 75 days in a calendar year
  4. All outside storage is removed or properly screened from view along all developed right of ways. The required ROW currently includes Miller Road and in the future Edgewood Road.
  5. All outdoor displays comply with the UDC 165.23.
    - a. Displays shall not be on the ROW
    - b. Displays not on a hard surface are permitted only during business hours
    - c. Lawn ornament displays are exempt when properly displayed for their intended use within the property green space.
  6. The greenhouse is engineered, permitted and inspected in accordance with the fire code and building code.

**RESOLUTION NO. 18-004**  
**Planning & Zoning Commission**

**RESOLUTION APPROVING THE CONDITIONAL EXPANSION  
REQUEST TO THE BOARD OF ADJUSTMENT FOR  
495 MILLER RD., HIAWATHA, IOWA.**

BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF HIAWATHA, IOWA, TO APPROVE THE RECOMMENDATION TO THE BOARD OF ADJUSTMENT FOR THE APPROVAL OF THE CONDITIONAL EXPANSION REQUEST SUBMITTED BY JENNIFER GOODLOVE FOR 495 MILLER RD., HIAWATHA, IA. WITH THE FOLLOWING CONDITIONS:

PROPERTY LINES ARE VERIFIED FOR SETBACKS OF 25 FEET FROM THE GREENHOUSE TO ROW.

1. EXISTING PARKING SPACES ARE MAINTAINED FOR PARKING PURPOSES ONLY.
2. ALL TEMPORARY SIGNAGE COMPLIES WITH THE SIGN CODE CHAPTER 166:
  - a. SIGNS MUST BE LOCATED ON THE PROPERTY
  - b. SIGNAGE IS LIMITED TO AN AGGREGATE AREA OF 32 SQUARE FEET
  - c. SIGNS MUST NOT BE DISPLAYED MORE THAN 75 DAYS IN A CALENDAR YEAR
3. ALL OUTSIDE STORAGE IS REMOVED OR PROPERLY SCREENED FROM VIEW ALONG ALL DEVELOPED RIGHT OF WAYS. THE REQUIRED ROW CURRENTLY INCLUDES MILLER ROAD AND IN THE FUTURE EDGEWOOD ROAD.
4. ALL OUTDOOR DISPLAYS COMPLY WITH THE UDC 165.23.
  - a. DISPLAYS SHALL NOT BE ON THE ROW
  - b. DISPLAYS NOT ON A HARD SURFACE ARE PERMITTED ONLY DURING BUSINESS HOURS
  - c. LAWN ORNAMENT DISPLAYS ARE EXEMPT WHEN PROPERLY DISPLAYED FOR THEIR INTENDED USE WITHIN THE PROPERTY GREEN SPACE.
5. THE GREENHOUSE IS ENGINEERED, PERMITTED AND INSPECTED IN ACCORDANCE WITH THE FIRE CODE AND BUILDING CODE.

Roll call vote:

**AYES:** DARRYL CHENEY, KENNY JONES, MARK POWERS AND MARK ROSS.

**NAYS:** NONE

**ABSENT:** RETA SAYLOR, TERRY TRIMPE, ERIC HOOVER

**Motion Carried**

APPROVED THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2018.

\_\_\_\_\_  
Mark Powers, Chairperson

ATTEST:

\_\_\_\_\_  
Jennifer Goerg, Community Development Clerk

February 4, 2018

Pat Parsley, CBO  
Community Development Director  
City of Hiawatha

Re: Conditional Expansion Application

This letter is to suffice the petition addressing the Items in 165.84 Section 7 Standards for Conditional Expansion. Attached you will find the plans for the Gothic Premium Greenhouse System for 18'x12'x32' product #106216C designed and made from Growers Supply a division of Farmtek out of Dyersville, Iowa.

**Petition:**

- A. The proposed expansion will not have any substantial adverse effect upon the adjacent property, located at 495 Miller Road in Hiawatha. This greenhouse will be located (see map where I have marked). The location of this is already a usage of garden, so this only will enhance the growing process already in place. The substantial profitability due to the loss of Peck's Greenhouse will only add to the market demand.
- B. The design of this greenhouse is complementary to the barn design and complementary to the previous greenhouses that Peck's had on their property. The outdoor produce, flowers and yardart has been a substantial importance of the business at the Farmer's Daughter's Market - to date, sales of just under \$1 Million in sales of those departments alone. Not to mention we utilize the farm to table produce by cooking with this for sales in the restaurant. FarmTek has been in the design business of reputable greenhouses all across the country since 1979. Currently, Matthew 25 in Cedar Rapids is constructing a FarmTek designed greenhouse. Attached you will see the proposed greenhouse design.
- C. The location of the greenhouse will be sitting on an already ground that we till and have utilized as a garden for over 9 years now. There is no electrical or utilities that will be an interference with the greenhouse.
- D. Please see attached design for standards of the greenhouse.
- E. Ground floor of the greenhouse will be mulched and have a pathway of mulch that we already use for our outdoor dining area on the North side of the barn building. Landscaping of our gardens of flowers, raised garden beds around the greenhouse will only beautify the building. Yard art will be also utilized as we have already around the

building.

**Site Plan:**

1. Existing and proposed lot lines and property dimensions:  
See drawing and aerial photo.
2. Location and dimensions of all existing and proposed Greenhouse. The greenhouse will be located 55' north of the existing barn building, just perpendicular to the parking lot. The west side of the proposed greenhouse setbacks more than 62' away from Miller Road and 42' feet away from Edgewood Road property line on the east side of the greenhouse. North side of greenhouse is over 100' from existing property line. See drawing.
3. Identification of building types: Barn - gift, restaurant. Outdoor area seating for dining. Greenhouse - no cement floor, mulch floor to house and grow hanging baskets, flowers and vegetables and yard art. Usage primarily early spring through November. Consumer shopping enhanced by utilizing covered gardens.
4. Floor area will be mulched in the greenhouse for the 18'x32'. Barn already has cement floors. Existing barn building is approximately 82' x 40', (includes front porch area).

**Posting of Signs:**

Please provide Jennifer Goodlove - Farmer's Daughter's Market with signs to be posted 7 days prior to the Planning and Zoning meeting

**Next Follow-ups:**

1. Structural engineering for the plan is provide to you from FarmTek.
2. No plumbing to greenhouse as we will use hose from faucet of barn building which we use already on the garden. No electrical will be applicable.
3. Architectural details are provide to you in attached plans.

I look forward to working with the city on a speedy decision of this greenhouse. Please contact me if you have further questions. Thank you.

Jennifer Goodlove  
Farmer's Daughter's Market  
495 Miller Road  
Hiawatha, Iowa 52233



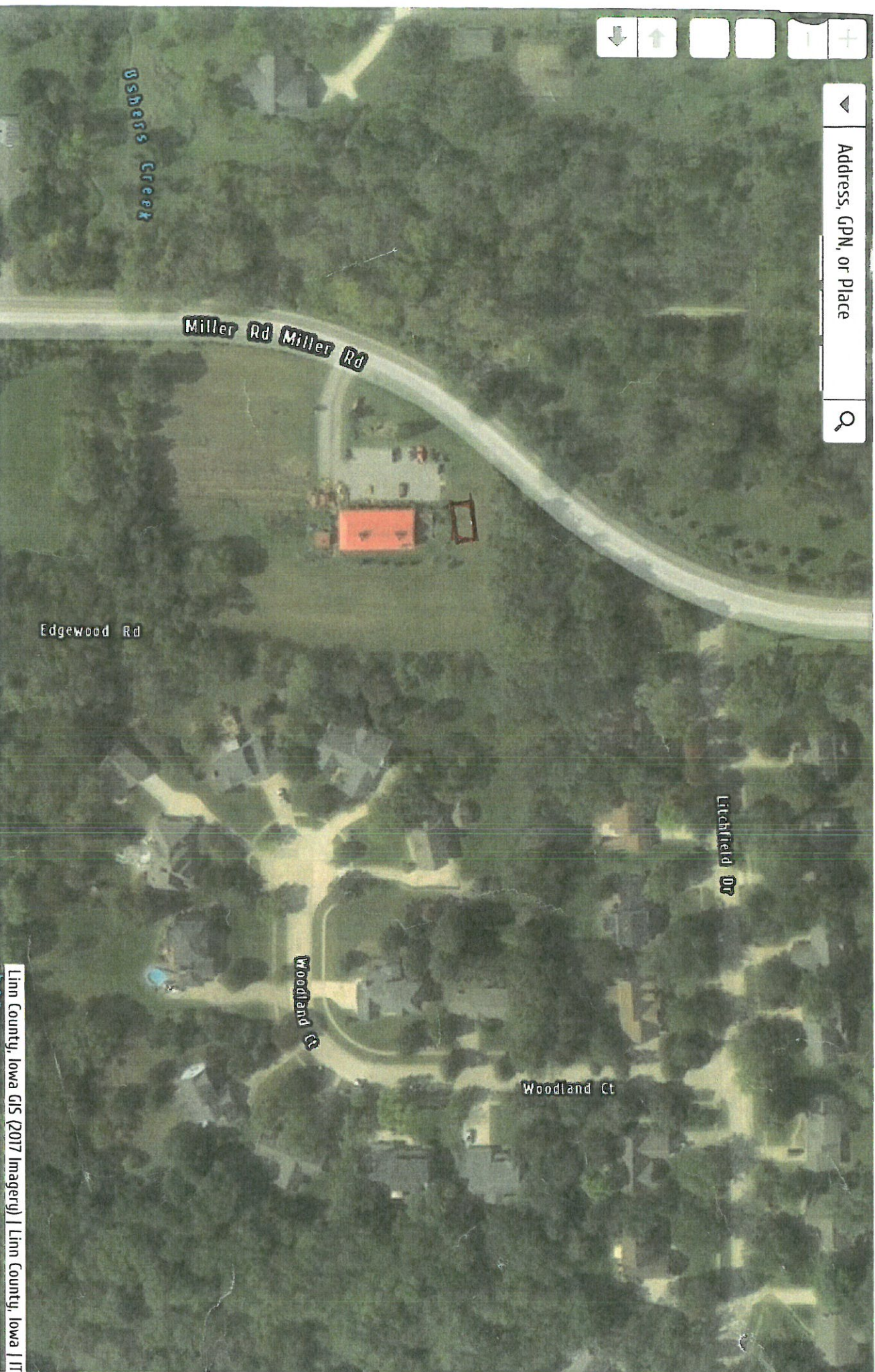


Approximate Maximum building size is 40' from east to west when set at 75' from the existing barn.

Approximate Buildable area



Address, GPN, or Place



200ft

