

AGENDA
BOARD OF ADJUSTMENT
REGULAR SCHEDULED MEETING
July 11, 2016

HIAWATHA CITY HALL
6:00 P.M.

1. Call to order - Roll Call
2. Consider Approval of:
 - a. Agenda
 - b. Minutes from October 12, 2015
3. Business
 - a. 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.

Adjourn

**HIAWATHA BOARD OF ADJUSTMENT MINUTES
REGULAR SCHEDULED MEETING
October 12, 2015**

The Hiawatha Board of Adjustment met in regular session on September 14, 2015. Board Member Christina Goodman called the meeting to order at 6:00 p.m. Members present: Brian Fanton, Don Earll Dick Whitmore and Dave Matthews. Members Absent: None. Staff present: Pat Parsley, Building Official and Jim Fisher, Assistant Building Official. Guests: Bill Bennett, Mark Ressler, Aaron Vosmek, Robert Handly, Jody Randall and John Randall.

Board Member Dick Whitmore moved to approve the September 14, 2015 minutes, second by Don Earll. Motion carried.

PUBLIC HEARING - to consider a Variance request to the City of Hiawatha Sign Code, Chapter 166.27:2D, a variance to allow an increase in the amount of signage allowed by code from 16sq.ft to 80sq.ft. CR Signs is requesting a variance for the property located at 1350 Lyndhurst Dr., Hiawatha, IA.

Christina Goodman asked if there were and written comments for or against the variance. Jennifer Goerg stated there were none.

Public Hearing Opened At 6:04 p.m.

Mark Ressler, that pastor of the church, addressed the board. He explained the reasons for the sign and indicated that people have a hard time finding the church and the larger sign would make it easier to locate. He also added that he believes it to be a work of art and the sign would only add to the surrounding neighborhood.

Dick Whitmore asked where the sign would be located. Mark Ressler explained the sign would be located on Lyndhurst by the entrance.

Christina Goodman asked why they decided on such a big sign (80sq.ft) knowing it would be in a residential neighborhood and why they didn't ask for something smaller (20sq.ft.).

Aaron Vosmer addressed the Board to answer the question. He explained that they, CR Signs, try to incorporate the architectural design of the building into the sign. He explained that a lot of the 80sq.ft. is architectural elements. He went on to say that they church as a very long name and if you stick on a 4ft x 4ft sign, it would be too small for some of the congregation to see.

Christina Goodman asked if any of the current attendees have a hard time seeing the driveway. He stated that they don't but some of the new congregation has missed the driveway.

Don Earll asked if they were expecting people to see this sign from 380. Mark Ressler stated that they didn't but when they get off 380, they are looking for a sign and an address and they are not seeing one.

Christina Goodman asked if they had any DOT brown directional signs. Mark Ressler stated that there were but they are very small.

Dick Whitmore asked if a sign on Litchfield was ever considered. He also commented that the nursing home across the street has a sign bigger than 16sq.ft. Christina Goodman agreed but added it may be because the nursing home property could be zoned differently. She confirmed the zoning of the church as R-1, Pat Parsley agreed.

Christina Goodman stated that her greatest concern is the huge difference between 16sq.ft. and the requested 80sq.ft. She added that she believed that 80sq.ft. would not be appropriate.

Aaron Vosmore argued that the actual signage is a little bit over the 16sq.ft. and the rest of the sign is architectural.

The Board then went over the actual dimensions. There was also discussion about how it would be lit. Dick Whitmore stated that he had an issue with the lighting of the sign in a residential area. Mark Ressler stated that the sign could be put on a timer and not be lit all night. He also added that the church has been in the area longer than most houses. He stated that the neighborhood has grown around it and the people that built there knew they were building around the church.

Don Earll argued that the problem is that if allowed, it would set a precedent in an R-1 zone. He went on to say that there would be nothing stopping a person from asking to put a large sign in their front yard. Mark Ressler stated that he believes there is a difference between a church and a house. Don Earll disagreed adding that in the Board's eyes, it's all R-1. Mark Ressler argued that the area where the church sits is more of a transitional area and surrounded by different zonings.

Dave Matthews asked if they are allowed to have more than one sign at the location. Pat Parsley stated that they are allowed to have a 16sq.ft. sign on each street frontage. He stated that they could put a sign on Litchfield and Lyndhurst. He added that they could also put directional signs at each entrance.

Christine Goodman asked if there were anyone that wanted to speak for the variance.

The maintenance supervisor of the church addressed the board. He explained that with all the different functions that go in at the church, he believes that a larger sign would benefit the community to get the people there.

Jody and John Randall live on Lyndhurst and she explained that after receiving the notice for the meeting, she visited the church to see what they were planning. She believes that the proposed sign would be a beautiful representation of the church.

Christine Goodman asked if there were anyone that wanted to speak against the variance. There were none.

Meeting Closed: 6:26pm

There was some discussion about the size of the sign and whether or not it would be appropriate to allow that size of sign. They also discussed the lighting of the sign and if it would affect the neighborhood.

There was extensive discussion on how to proceed with the vote and if there would be any allowed variance. Pat Parsley suggested that if they allowed the variance, they could put a condition that stated that they could only have one ground sign on the property.

Board Member, Dave Matthews motioned to approve the Variance request to the City of Hiawatha Sign Code, Chapter 166.27:2D, a variance to allow an increase in the amount of signage allowed by code from 16sq.ft to 80sq.ft. located at 1350 Lyndhurst Dr., Hiawatha, IA. with the following conditions:

1. The signage on Lyndhurst would not exceed 40sq.ft. and would be the only freestanding sign on the property.

Second by Dick Whitmore.

Roll call vote:

AYES: Don Earll, David Matthews, Brian Fanton, Christina Goodman and Dick Whitmore.

NAYS: None

ABSENT: None

Approved

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

Christina Goodman, Board Member

Date Signed

ATTEST:

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: Variance Request: Rear yard setback **Date:** 06/21/2016
16.5 feet instead of 25 feet (8.5 foot variance)

To: Planning and Zoning Commission

Name of Plan: Randy and Sheryl Goodson

Address: 117 Chaffee **Zone:** R-3

Number of Lots: 1

Reviewed by: Patrick Parsley, Community Development Director

Description: The lot size is approximately 80' wide and 100' deep. It is one of three lots designated as R-3 located next to an R-1 zone with an R-7 zone adjacent to the rear yard. The rear yard setback for R-3 is 25'.

The setbacks for the adjacent zones are 30' for R-1 and 25' for R-7. However the adjacent R-1 property and R-7 property each have a structure within 15' of their respective rear yard line.

Report: The shape and location of this lot creates a unique situation as described in UDC section 165.82 (5A). This lot and the adjacent lots are quite shallow in comparison to today's standards for lots.

Given the adjacent properties are already built to a setback of 15' from the rear property line it is not considered a special privilege. A precedent has been established in this neighborhood. It is reasonable to permit the same setback as noted in UDC 165.82 (5E)

Recommendation: UDC Section 165.82 (6) allows the Board of Adjustments to make modifications to the setbacks as part of a variance process. Community Development recommends approval of this variance request due to the limited lot depth and the precedence established for this neighborhood.

ZONING ORDINANCE VARIANCE REQUEST APPLICATION

CITY OF HIAWATHA, IOWA

The Board of Adjustment may grant a Variance, provided Board members can make a finding the Variance will not be contrary to public interest, you will observe the spirit and purpose of the Sign Ordinance, Zoning Ordinance, and Land Use Plan. No variance can be permitted that would cause to be established a use not otherwise permitted by the Zoning Ordinance or to extend a non-conforming use of land or to change district boundaries except as outlined in the Zoning Ordinance.

In the State of Iowa, case law has established criteria and a process to decide variance requests. All applicants for a variance must establish that the zoning ordinance, as it is applied to their property, amounts to an "unnecessary hardship". To receive consideration for a variance, please complete the following sections:

- 1. Economic Hardship - To prove this element you must explain that loss of beneficial use of your property has been caused by the city's zoning ordinance and was not self-created. It is not sufficient to explain that the value of your property has been depreciated by the zoning regulation, or that a variance would permit a more profitable use or financial gain.

Please explain below why your property cannot be used in the manner permitted by the zoning ordinance unless your variance request is granted. Explain how the ordinance deprives you of substantial rights commonly enjoyed by other property owners subject to the same ordinance.

Please note: Your variance request cannot result in you enjoying some special privilege or additional right not available to other property owners subject to the same ordinance.

N/A

Handwritten lines for providing an explanation of economic hardship.

- 2. Unique Circumstances - Explain why special characteristics of your property, unlike comparable properties in the same vicinity and zone, entirely unavoidable by you, make your property unusable when regulated by the city's zoning ordinance. Please explain below the unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions that are peculiar to your property.

WE WOULD LIKE TO ADD A 4-SEASON ROOM TO THE
BACK OF THE HOUSE. OUR YARD IS NOT VERY DEEP
AND WOULD RESTRICT THE SIZE OF THE ROOM TO UNUSUAL
SPACE WITHOUT THE VARIANCE.

3. **Not Detrimental To The Character Of The Area** – Explain below why granting the variance will not negatively alter the character of neighborhood or area. Please understand your variance request cannot adversely affect the health or safety of persons, be materially detrimental to the public welfare, nor injurious to nearby property or property improvements.

THE VARIANCE APPLIES TO OUR BACK YARD AND DOES NOT
IMPACT ANYONE DIRECTLY.

4 SEASONS ROOM WOULD BE EVEN OR GREATER SETBACK,
THEN THE PROPERTY NEXT DOOR (115 CHAFFEE).

**PLEASE NOTE: FAILING TO PROVE ALL OF THE ABOVE THREE
ELEMENTS REQUIRES BOARD OF ADJUSTMENT TO DENY VARIANCE
APPLICATION.**

4. **Site Plan** – You are required to submit a site plan, drawn to scale, clearly showing the variance requested. The site plan must be a reproducible black line drawing on paper no larger than 11" x 17" in size. Checklist:
- Dimensioned property lines;
 - Abutting Streets;
 - Location and size of all existing and proposed buildings and structures; (Includes distances to all property lines and distances between buildings and structures.)
 - Required setbacks;
 - Driveways and parking areas, fully-dimensioned; and,
 - Other pertinent information necessary to fully understand the need for a Variance. (Show significant change to topography, location and size of mature trees, etc.)

Fee: \$200.00 This fee shall be paid at the time of variance request to the City Clerk's office. This fee is not refundable unless the appeal is withdrawn before the staff has started its review.

Surrounding Property Owners Applicant needs to provide two lists of all property owners, one within 0-200 Feet and one within 200-500 Feet of the variance request for notification letters.

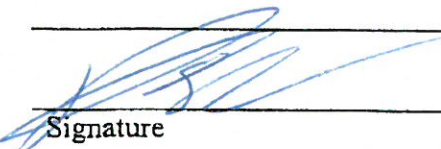
Applicant: RANDY + SHERYL GOODSON

Street Address: 117 CANTREE DRIVE

Home Telephone: (319) 241-3996

Work Telephone: (319) 241-3996

Property Address for Variance Application (if different from above):


Signature

6/18/16
Date

For Office Use Only

1. Variance request is addressed by The Hiawatha Unified Development Code under:

2. Date Notification Signs Posted On Property: _____

3. Date Notification Letters Sent to Adjacent Owners: _____

4. Building/Zoning Recommendations: _____

Recommended By: _____ Date: _____

5. Staff Recommendations For Other Reasonable Remedies Available Aside From A Variance: _____

Recommended By: _____ Date: _____

6. Variance Request: __ Approved: __ Denied: __ Date: _____

7. Comments: _____

