

MINUTES
ZONING BOARD OF ADJUSTMENT
JULY 7, 2015
5:30 P.M.
CITY HALL COUNCIL CHAMBERS

Present: Allen Harvey, Jodi Hansen, Rochelle Conway, and Larry Wolf.

Staff Present: Andrew Fangman, City Planner
Dave Gobin, Community Development Director
Adam Thompson, Community Development Coordinator
Stephanie Oien, Office Coordinator, Community Development

Chairperson Harvey called the meeting to order at 5:30 p.m.

Minutes:

Staff reported that minutes from the June 2, 2015 were not completed. These will be presented at the next meeting.

Appeal Case No. 940, filed by Mona Manatt, Sue Cox, and William Cox, to maintain an 8-foot fence around a pool at 1203 Vista Court. The fence exceeds the maximum height of 6 feet established by City Code Section 10-19-3 (C). Matthew Hubbs was present on behalf of Ms. Manatt. Mr. Hubbs explained that the pool was installed in June 2014 and they added lattice to the top of the existing fence for privacy. Mr. Hubbs stated they believed that it detours traffic hazards from onlookers. He added that the fence is set back 33 feet from Bidwell Road. Wolf asked if their insurance company has commented about the fence around the pool. Hubbs replied they had not. Hansen asked if the fence was constructed and then the lattice was attached. Hubbs responded that the fence was up approximately two weeks and then the lattice was added. Mary Pettit, 1251 Vista Court, stated that the fence is location 5 feet from their property line. Ms. Pettit acknowledged the value of privacy but was concerned about the fence and pool affecting resale value of their house because it was out of the ordinary. Hansen asked if the 6 foot fence bother Ms. Pettit. Ms. Pettit stated they have small yards and she didn't wish to comment further. Charles Ahlf, 1250 Vista Court, stated that he has a pool and fence. Mr. Ahlf was opposed to the 8 foot fence but noted that if the Board approved this motion he would want to do the same at his property. Ahlf continued that the code is clear and everyone should have to follow it. He said they could obtain some privacy with bushes and trees as well. He also suggested lowering the deck around the pool for additional privacy. Harvey asked if Mr. Ahlf lived next door. Ahlf responded that he lived across the street and two houses down. He added that he was not concerned with property value, just the fence height. It was noted at the meeting that a letter of support was submitted to staff from Roger and Cindy Strong, 2120 Bidwell Road. Fangman noted that the fence is located outside the setback requirements. He explained that if Ms. Manatt chose to build a structure there they could do so, provided setback requirements are met, and it could be taller than the current fence height. Harvey asked if the top 2 feet were removed would the fence comply with City Code. Fangman responded it would. Harvey motioned to approve the request as submitted; second by Conway. All nays, motion denied.

Appeal Case No. 941, filed by Thomas Meeker, to place the Clam Shell Diner at 407 W. Mississippi Drive. The request also includes constructing a deck and ramp to service the diner in conjunction with Contrary Brewery at 411 W. Mississippi Drive. The proposed structures will not meet the setback requirements defined in City Code Section 10-14-3 (A).

Tom Meeker was present to discuss the request. Mr. Meeker explained that the diner was located on the corner of Chestnut Street and Mississippi Drive. The structure was set back 8 feet from the property line at this location. The diner was moved to 407 W. Mississippi Drive to accommodate the upcoming construction of a hotel. Meeker stated that the diner was initially set at 407 W. Mississippi Drive for storage and then people liked it. It is set back 24 feet from the property at the current location. Fangman explained that previous location was in the C-2 zoning district and it was moved to the M-1 zoning district. Setback requirements are different in these districts. Meeker noted that Contrary Brewery is located 4 feet from the property line. Harvey asked what the setbacks of the structures on the sides are. Meeker indicated that the deck is even with the brewery and the ramp is set back further. Harvey asked if the brewery was grandfathered regarding the setback requirements. Fangman noted it was. William Rankin, 414 W. 2nd Street, stated that he believed the diner would be a fine addition to the area and had no problem with the setbacks. Scott Lesnet, 309 W. 2nd Street, called staff to voice his opinion as he would be unable to attend the meeting. Mr. Lesnet stated that he thought the location was tacky but he was not opposed if it does not obstruct the view of the West Hill neighbors. Lesnet also expressed concerns about possible parking encroachment into Mississippi Drive. Fangman noted that parking requirements are met. Meeker advised that the diner sits lower than the existing wall. Wolf motioned to approve the request as submitted; second by Hansen. All ayes, motion carried.

Appeal Case No. 942, filed by Sheila Erickson, to extend the roof to cover a 12' x 16' portion of the existing patio at 3397 Spinning Wheel Court. A variance is required as the proposed roof encroaches into the required 25-foot rear yard setback required by City Code Section 10-6-3 (A).

Ray Wendt and Sheila Erickson were present to discuss the request. They advised that they spoke with the neighbors and had not received any opposition. They noted the yard is enclosed already. Harvey asked if the roof would cover the concrete or concrete and tile that is shown on the site plan. Ms. Erickson stated that it would cover the concrete. Harvey asked how this affects the rear yard setback. Fangman explained that the roof extension is part of the main structure so the 25 foot rear yard setback applies. Harvey asked if the distance from the edge of the roof was 4 feet. Ms. Erickson noted that it would be 8'6" to the property line. Conway motioned to approve the request; second by Wolf. All ayes, motion carried.

Appeal Case No. 943, filed by Ardyth Orr and Gary Slight of 11 Geneva Drive, to install an in-ground swimming pool with the water's edge less than 10 feet from the house and with a back lot line set back of 10 feet. The proposed location encroaches into the required rear yard setback as defined in City Code Section 10-6-3 (A).

Gary Slight was present to discuss the request. Mr. Slight explained that Muscatine Power & Water has an overhead power line above his property line. MPW is requiring a 10 foot setback from plane of that line. As a result the pool needs to be closer to the house which would require a rear yard setback of 25 feet. Fangman stated that City Code is worded such that it applies to

the accessory structure or use. Mr. Slight stated that his backyard abuts hole 15 of Geneva Golf & Country Club. Staff received a letter of support from Geneva. Conway motioned to approve the request; second by Hansen. All ayes, motion carried.

Appeal Case No. 944, filed by John Timm, to enclose an existing front porch at 509 West 3rd Street. The proposed building line extension will not meet the required front yard setback set by City Code Section 10-7-3 (A). Attorney Bill Hargrafen, 1102 Park Avenue, was present to discuss the request. Mr. Hargrafen explained that his client enclosed the existing two-level porch on a rental property. He added that this was a safety feature and that the building looks better. He indicated that neighbors on the left and right have porch structures with the same plane. John Timm, 2901 Mulberry Avenue, stated that Rich Jones (former building inspector) measured the setback and said it would be OK. Mr. Timm stated that the setback from the porch to the sidewalk is 16 feet. He said he had problems with the tenants storing items and junk on the porch. He believed enclosing the porches would provide less exposure to the neighbors. Fangman stated that unenclosed porches can encroach 10 feet into the front yard setback requirement. He also advised that there is no legal record on file in the Community Development Department permitting this project. Wolf asked if when enclosed the porches are considered part of the main structure. Fangman replied they were and thus the required 25 foot front yard setback applies. Hansen asked to clarify that a building permit expired and then the structure was enclosed. Fangman explained that the permit displayed on the property did expire however that permit did not cover the enclosure. He added a permit had not been issued for the enclosure as staff could not issue one because setback requirements couldn't be met. Chris Post, 206 Cherry Street, expressed the desire to maintain the historic integrity of the area and wanted the enclosures removed. Harvey stated that the structure sits closer to the street than any other structure. Staff noted that Ann Moody, 519 W. 3rd Street, called and advised she was not thrilled with the project. Ms. Moody stated that she had lived nearby for 11 years and that the property was vacant for most of that time. She noted that she was glad Timm was fixing it up but did not want to see the porches enclosed. Staff received a call from Scott Lesnet, 309 W. 2nd Street, in opposition of the enclosure. Mr. Lesnet was concerned that codes were being met and the historical aspect and context of the properties being changed. Staff received an email from Craig Reischauer, 609 W. 2nd Street, in opposition of the project. Mr. Reischauer cited significant violations of setback requirements; enclosed porches do not fit the character of the West Hill Historic District; and the owner's claim that the enclosed porch is needed to give renters a place to store items is not a realistic concern. Harvey motioned to approve the request; second by Wolf. All nays, motion denied.

Appeal Case No. 945, filed by Brian Costas of 1212 Iowa Avenue, to build a 14'x24' garage that will set back 2 feet from the property line. The proposed structure encroaches into the 6-foot side yard setback requirement per City Code Section 10-6-3 (A). Brian Costas was present to discuss the request. Mr. Costas advised that there is currently no garage. He believed that this location is the best placement is attached the house toward the rear on the side. He added that he did not want to take up too much of the backyard. Costas provided a letter of consent from Clay Buster an adjacent property owner. Fangman noted that a 6 foot side yard setback is required. Costas advised that the side yard setback

would be 2 feet from the property but there would be 10-12 feet between the garage and the structure at 1214 Iowa Avenue. Fangman stated that the Board may want to give consideration to future activity such as fencing. Wolf asked if it was possible to attach the garage to the front of the house. Costas responded that was not a desirable option. He stated that it would cover the front picture and a bedroom window. Harvey motioned to approve the request; second by Conway. Harvey and Hansen cast positive votes, with Wolf and Conway dissenting; motion denied.

Adjourned.

Respectfully Submitted,

ATTEST:

Andrew Fangman, Secretary
City Planner

Allen Harvey
Chairperson