

**MINUTES**  
**July 7, 2020 – 5:30 p.m.**  
**Zoning Board of Adjustment**  
**Online GoToMeeting**

**Present:** Jeff Armstrong, Larry Murray, Julie Wolf, Robert McFadden and Jodi Hansen

**Excused:**

**Staff:** Andrew Fangman, Assistant Community Development Director, Community Development  
Christa Bailey, Office Coordinator, Community Development

Acting Chairperson Julie Wolf opened the meeting at 5:30 p.m. and read the mission statement.

**Minutes:** Robert McFadden motioned to approve the minutes submitted for the June 2, 2020 meeting; seconded by Jeff Armstrong. All ayes, motion carried.

**Appeal Case #ZBAV-25, has been filed by Carmen Santana to allow for the conversion of an existing single family located at 2211 Lucas Street into a duplex. This location is in the C-1 zoning district which as per City Code Section 10-11-1 does not permit duplexes.**

Carmen Santana, 409 Liberty St, was present to discuss this appeal stating that she and her husband are wanting to convert the property into a duplex to provide additional housing opportunities and there are already a number of duplexes in that area. Julie Wolf questioned whether there is enough parking at the property currently to accommodate the conversion into a duplex. Andrew Fangman explained that currently there is not enough parking but before the Building Department will issue a Certificate of Occupancy for the new duplex the additional parking must be completed. Ms. Santana commented that there is plenty of room behind the building to add the required parking spaces. Ms. Wolf inquired whether the duplex will have the two dwellings side by side or on two separate stories. Ms. Santana answered that it would be a two-story duplex.

Rose Kagee, 2223 Lucas St, shared her objection to the duplex conversion expressing that she is currently surrounded by 13 apartments and that the area is saturated with duplexes. Jeff Armstrong asked if all these duplexes are located on Lucas St, which Ms. Kagee confirmed that they are.

Ms. Wolf questioned if the Zoning Board of Adjustment could request to have the appeal deferred until after the additional parking is complete to prove that there is enough room for said parking. Mr. Fangman stated that it is not preferred as it is expensive to create parking spaces and in the event that the Zoning Board of Adjustment would vote against allowing the duplex conversion after Ms. Santana created the parking spaces, it would be an enormous drawback for Ms. Santana. Mr. Fangman added that the additional parking can be made a condition of the appeal case but he once again reassured the Board Members that a Certificate of Occupancy for the new duplex would not be issued by the Building Department until the required amount of parking spaces is fulfilled.

Jeff Armstrong motioned to approve the appeal case; seconded by Julie Wolf. All ayes, motion carried.

(Please note, due to technically difficulties Jodi Hansen was unable to login to the online meeting until the discussion for this appeal case was almost complete so Ms. Hansen did not vote).

**Appeal Case #ZBAV-27, filed by Muscatine Downtown Investors LLC, to allow for a multi-family residential building to be constructed, with no front yard setback at 403 West Mississippi Drive. This location is in the M-1 Light Industrial Zoning District, which as per City Code Section 10-14-1 does not permit multi-family residences and as per City Code Section 10-14-3(B), requires a 30 feet front yard setback.**

Ann and Tom Meeker and Mike Nolan were present on behalf of Muscatine Downtown Investors LLC to discuss the appeal request. As the architect of the proposed multi-family residential building, Mr. Nolan, gave a presentation describing the proposed building as a 22-unit apartment building including 6 fully accessible units that would all have a river view. As they wish to maintain the river views from 2<sup>nd</sup> Street, the proposed building would take advantage of the sloped site as

the terrain provides a natural buffer from the site to any current single-family residences and the any onsite parking would be on the ground level. Mr. Nolan shared that as Muscatine Downtown Investors LLC wants to work with the surrounding neighbors and keep in tune with the neighborhood, they held a public meeting after the June 2, 2020 Zoning Board of Adjustment meeting to answer questions. Mr. Nolan explained that the appeal is not for this particular project design but to request the allowance of a multi-family residential building and for a 0-foot front yard setback. The 0-foot front yard setback would align with the other downtown building which would not impede pedestrian access or flow in that area and the allowance of a multi-family residential building would encourage reinvestment ties within Muscatine.

Jeff Armstrong questioned if there is currently any housing in the other buildings along Mississippi Drive, to which Mr. Nolan stated that he is not positive but believes that the first housing would be on Pine Street as multi-family residences are not currently allowed per the zoning along Mississippi Drive. Mr. Armstrong asked about the façade for the proposed building and why they are applying for a variance instead of a zoning change. Mr. Nolan explained that the façade is 44-foot high but would be stepped back whereas Mr. Fangman explained that rezoning a property is a more complicated process and would require involving the surrounding C-2 zoned properties. Jodi Hansen inquired whether the variance is contingent upon the approval of the proposed building. Mr. Nolan stated that the variance is not contingent upon the approval of this specific proposed building as they are portions still needing worked out so the proposal may change upon the approval or conditions of the variance.

George and Barb Granberg, 406 W 2<sup>nd</sup> St, voiced their opposition to allowing this appeal and shared that they organized a petition against this appeal, of which over 100 Muscatine citizens have signed. Mr. Granberg added that the petition explains the issues with this proposed project and as such, he had sent this petition to all the Board Members for them to review. Mr. Granberg gave a brief synopsis of the issues including loss of river view, over saturating the area with housing and potential decrease of the neighborhood's value. Mr. Granberg argued that all other residential properties are held to the same standard and required to have setbacks but approving this appeal would remove this standard which is in place for a reason.

Scott Lesnet, 326 W 2<sup>nd</sup> St, echoed the Granberg's opposition stating that he understands the property needs to be developed but thinks that this is the wrong use. The proposed building would house roughly 50-66 people and the access would be from Linn Street or Pine Street causing a lot of additional traffic. Mr. Lesnet urged the Board Members to vote against this appeal.

Keith Barrett, 400 W 2<sup>nd</sup> St, questioned why the proposal is for an apartment building when there are other areas that could be developed for apartments. Ann Meeker stated that Muscatine Downtown Investors LLC currently owns a large number of apartments but still has a waiting list most of the time. Mr. Barrett and Anne Lesnet, 309 W 2<sup>nd</sup> St, commented that are numerous apartments listed as available on the website apartments.com but Ms. Meeker stated that Muscatine Downtown Investors LLC does not utilize that website. Mr. Barrett added that he does not believe the property should be used as apartments.

Fred Galoso, 507 W 2<sup>nd</sup> St, stated that he signed the petition against allowing this appeal as he already sees issues in this area and the added multi-family residential building would just exacerbate the situation further.

Discussion ensued amongst the Board Members about the possibility of scheduling a special on-site meeting at 403 West Mississippi Drive to visually understand the proposal and citizen complaints before voting on the final action on this appeal.

Jodi Hansen motioned to schedule a special on-site meeting on July 28, 2020 at 5:30 p.m.; seconded by Robert McFadden. Four ayes: Jodi Hansen, Robert McFadden, Jeff Armstrong and Larry Murray  
One nay: Julie Wolf  
Motion carried.

**Appeal Case #ZBAV-28, has been filed by Tim & Leesa McCleary, to allow for the construction of a second dwelling unit at 4500 25<sup>th</sup> Street South. Multiple dwelling units are not a permitted use in the M-1 Light Industrial Zoning District as per City Code Section 10-14-1.**

Tim McCleary, 4500 25<sup>th</sup> St S, was present to discuss this appeal explaining that his wife passed away in January and the home is bigger than he needs for just himself. But Mr. McCleary's son and friend are interested in purchasing the home so he would like to sell his current home to them then, rather than construct an apartment addition on the current house he would like to build a second smaller modular home on the property for him to live in himself. Jodi Hansen inquired about any additional buildings that are already located on the property to which Mr. McCleary answered there is a large metal accessory/storage building on the property that is not used for business. Ms. Hansen asked Andrew Fangman for the staff recommendation and Mr. Fangman informed the Board Members that a petition from the neighbors was received against allowing the second dwelling unit which he forwarded to all the Board Members. Mr. Fangman also notified them that there are several City Code nuisance violations that exist currently on the property that need to be addressed and a "Notice to Abate" has been sent with a deadline of July 13, 2020. As of this meeting, the cleanup of the nuisance violations has started and is not finished but they have roughly a week before the deadline. Mr. Fangman suggested possibly tabling any action on this appeal until after the July 13, 2020 deadline to confirm that Mr. McCleary makes the effort to come into compliance with City Code.

Kevin Grothe, 4420 25<sup>th</sup> St S, shared that he is opposed to a second dwelling unit because while Mr. McCleary states he is not running a business out of the large metal building Mr. Grothe insists that he is running a car repair business so junk cars are on the property all the time. Mr. Grothe commented that the street is in very bad condition and there is already a lot of traffic because of the car repair business and Mr. McCleary's trailer park employees so adding a second dwelling will increase the amount of traffic which will worsen the street condition.

Terri Curry, 4600 25<sup>th</sup> St S, added that the entirety of the people surrounding the McCleary property signed the petition voicing their opposition.

Kevin Curry, 4600 25<sup>th</sup> St S, questioned if Mr. McCleary would need to put in a hard-surfaced driveway and if City water and sewer would be required for the second residence. Mr. Fangman stated that a new driveway would need to be hard-surfaced but the driveway currently on the property can remain as is and that City Code only requires a residence to be connected to City water and sewer if it is within 250 feet of a main line. Mr. Curry also mentioned that he does not want the second residence to be a modular home.

Jeff Armstrong motioned to table the appeal to the next Zoning Board of Adjustment meeting on August 4, 2020 after the nuisance violation deadline to see the outcome; seconded by Robert McFadden.

Four ayes: Jeff Armstrong, Julie Wolf, Larry Murry and Robert McFadden

One nay: Jodi Hansen

Motion carried.

Meeting adjourned at 7:17 p.m.

ATTEST:

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Julie Wolf, Acting Chairperson  
Zoning Board of Adjustment

Respectfully Submitted,

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Andrew Fangman, Secretary  
Assistant Community Development Director