

MINUTES
August 4, 2020 – 5:30 p.m.
Zoning Board of Adjustment
Online GoToMeeting

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

Excused:

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

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

Minutes:

Jeff Armstrong motioned to approve the minutes submitted for the July 7, 2020 meeting; seconded by Julie Wolf. All ayes, motion carried.

Appeal Cases:

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.

Andrew Fangman explained that the applicant requested to continue this appeal case to the September 1, 2020 meeting because they are in the process of changing the project's concept.

Robert McFadden motioned to continue the appeal request to the September 1, 2020 meeting; seconded by Julie Wolf. All ayes, 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 25th 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 25th St S, was present to discuss this appeal explaining that his 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. Andrew Fangman explained that the City Code nuisance violations that were discussed at the previous meeting had been corrected upon reinspection of the property after the July 13, 2020 deadline.

Mary McDonald, 2389 Mittman Rd, stated that there is an easement located on her property for the driveway used to access Mr. McCleary's property and that she is not willing to allow the easement to be widened for more traffic. Mrs. McDonald also shared her opinion that constructing an addition to the current home for in-law quarters would be easier than constructing a second home.

Kevin Grothe, 4420 25th St S, questioned since the second residence is not being subdivided from the current property if the McCleary's would be able to sell one of the houses separately in the future. Andrew Fangman explained that to be able to sell one of the houses they would need to subdivide or deal with it as they would a condominium. Mr. Grothe asked what guarantee the neighborhood has that if a second residence is allowed that more houses will not be added on the same property. Mr. Fangman stated that the variance appeal request is specifically only for the second residence but that does not mean Mr. McCleary could not apply for another variance appeal request in the future to add more houses or apply to subdivide or rezone the property to allow more houses. Mr. Grothe wanted to know the regulations pertaining to septic tank systems within City limits and Mr. McCleary stated that the septic tank must be 50 feet from the well and the leech field must be 100 feet. Mr. Grothe reiterated that he is against allowing the second residence at 4500 25th St S.

Mr. McCleary stated that it was his understanding that this type of variance was approved previously in the same area to which Mr. Fangman responded that a variance for a second dwelling was approved on Grandview Ave by the DOT building. Jeff Armstrong questioned if driveways were discussed at the previous meeting and Mr. Fangman reiterated that any new driveway or driveway addition would have to be hard surfaced.

Jeanie Douglas, 2701 47th Ave W, shared that her home was built over 20 years ago when her grandparents owned it and they were required to subdivide the property to add a second residence which caused them to pay more taxes, would Mr. McCleary be required to pay more taxes with the addition of a second residence as well? Mr. Fangman explained that as he is not the County Assessor that he cannot speak to the taxes with certainty but typically when any type of structure is added on a property the taxes will raise.

Robert McFadden motioned to approve the appeal case; seconded by Jeff Armstrong.
Zero ayes and four nays: Jeff Armstrong, Julie Wolf, Larry Murry and Robert McFadden
Robert McFadden abstained from voting as he personally knows Mr. McCleary.
Motion denied.

Appeal Case #ZBAV-29, has been filed by Ezequiel & Veronica Alvarado, to construct an addition on the rear of the residence located at 1508 1st Ave. The proposed addition would encroach a further 3' into the rear yard setback required by City Code Section 10-6-3(D).

Veronica Alvarado was present to discuss the request stating that the agenda was incorrect, as they would like to add 6' to the back of the house as the current house does not have enough rooms for their 3 kids and mother-in-law to have their own rooms, so with the addition they would be able to reconfigure the interior setup of the house to allow this. Mr. Fangman explained that the required rear yard setbacks are 25' per City Code and the 6' variance would change the setback to 19'.

Robert McFadden motioned to approve the appeal case with the 6' addition; seconded by Julie Wolf. All ayes, motion carried.

Election of Chair and Vice-Chair:

Robert McFadden nominated Jodi Hansen for Chair; seconded by Jeff Armstrong. All ayes, motion carried.

Jeff Armstrong nominated Julie Wolf for Vice-Chair; seconded by Jodi Hansen. All ayes, motion carried.

Meeting adjourned at 6:08 p.m.

ATTEST:

Jodi Hansen, Acting Chairperson
Zoning Board of Adjustment

Respectfully Submitted,

Andrew Fangman, Secretary
Assistant Community Development Director