

**MINUTES**  
**April 6, 2021 – 5:30 p.m.**  
**Zoning Board of Adjustment**  
**Online GoToMeeting**

**Present:** Jodi Hansen, Nancy Jensen, Robert McFadden, Larry Murray and Julie Wolf

**Excused:**

**Staff:** April Limburg, Planner I, Community Development  
Christa Bailey, Office Coordinator, Community Development

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

**Minutes:**

Larry Murray motioned to approve the minutes submitted for the March 23, 2021 meeting; seconded by Julie Wolf.  
All ayes, motion carried.

**Appeal Cases:**

**Appeal Case #ZBAV-37, filed by Jose and Marisol Oliva to allow for the conversion of an existing single-family home located at 1321 E 5<sup>th</sup> St into a duplex. This location is in the R-3 Single Family Residence zoning district which as per City Code Section 10-6-1 does not permit duplexes.**

Marisol Oliva, 1505 Hershey Ave, was present to discuss the appeal. Ms. Oliva explained when the property was purchased, they thought that it was already a duplex because each floor has a kitchen and bathroom and the second floor has a door that exits directly outside but the stairs had been removed.

Jodi Hansen asked if the property is going to be utilized as a rental to which Ms. Oliva responded yes. Robert McFadden questioned whether City staff has any potential concerns about the conversion. April Limburg explained there are a few concerns pertaining to the building code aspect that the City would want to ensure is done correctly as a deck would have to be added along with stairs for the unit on the second floor to have a proper exit, separate furnaces would have to be installed for each unit and some form of fire separation would need to be installed between the two units.

Julie Wolf asked if any neighbors had contacted City staff to which Ms. Limburg replied that she had not been contacted. Larry Murray voiced that he is for the conversion as long as the owners are willing to invest their money to undertake the necessary improvements and making the units safe per fire code but he would want it to be a stipulation that all the building code requirements are followed during the conversion.

Nancy Jensen noted that it appears that the parking would be off-street. Ms. Oliva stated there is one location in the back where one person could park but otherwise it would be off-street parking. Ms. Hansen questioned if Ms. Oliva has been in contact with someone about the building code requirements. Ms. Oliva stated that she has not, she knew that the deck and stairs would need to be added but this is the first she knew about the other requirements.

Larry Murray suggested tabling the appeal to a later meeting to provide the owners the opportunity to fully understand what all will be involved by doing their homework pertaining to the building code requirements and are able to decide positively that they are willing to undertake all the updates required as part of the duplex conversion. Ms. Oliva agreed that she would like to table the appeal to the next meeting so she can follow up with the City Building Inspectors about the building code requirements.

**Appeal Case #ZBAV-38, filed by Johnathon Estabrook to allow for the construction of a metal 40'x64' building on the back of the property located at 10 Byron Ln. The proposed garage would cause the property to exceed by 2,560 square**

**feet, the maximum cumulative square footage of all accessory buildings and attached garages as allowed by Section 10-20-1(B)(2) of City Code.**

Bob Estabrook, father of Johnathon Estabrook, was present on the applicant's behalf to discuss the appeal. Mr. Estabrook explained that Johnathon Estabrook owns a lot of equipment to assist in the upkeep of his land so they are requesting a variance to be able to construct a building to store the equipment. They have already spent money on landscaping of plants that will act as screening between the abutting school and apartment buildings once they are full grown.

Tim Whitmore, 2615 Termini Dr, shared a letter from the adjoining property owners on Termini Dr voicing their opposition to the proposed construction as the storage industrial type building would be an obtrusive eyesore as it would be in plain view of the senior living complex and would most likely lower their property values as a result. Mr. Whitmore stated the appeal does not show proof of hardship or need for a variance and provides very little information as it does not describe the building height, if any buildings will be built in the future, or the ingress/egress to the proposed building. Mr. Whitmore questioned if any other buildings currently on the property could be used for the storage or if there is another area on the 12 acres where the building could be constructed. Mr. Estabrook stated that the building would not look like an industrial building and that there are already several large steel buildings and large parking lot that are visible from the Termini Dr apartments so the construction of one additional building should not significantly affect the view. Mr. Estabrook also explained the proposed location for the construction was chosen because that area is flat.

Cheryl Gear, 2611 Termini Dr, questioned the height of the building to which Mr. Estabrook answered the building would be 16 feet at the peak. Ms. Gear inquired if the trail that currently exists will be the intended ingress/egress for the building and if it will be paved. Mr. Estabrook stated the intention is to use the current trail but they do not plan to pave it as it is not needed for the intended use of the building. Ms. Gear shared that a variance was granted in 2016 for a different accessory building and questioned what that building is being used for. Mr. Estabrook explained it is used as a garage and to store pool equipment. Ms. Gear repeated Mr. Estabrook's earlier claim that the building would not look like an industrial building so she asked what material will be used instead and how the building will look. Mr. Estabrook shared that they have not decided on specifics but they want the building to look nice. Ms. Gear echoed Mr. Whitmore's opinion that the view from Termini Dr will be ruined by the proposed construction. Mr. Estabrook stated that they would do their best to construct a building that is pleasant looking as not to ruin their view.

Becky Whitmore, 2615 Termini Dr, shared that since the Estabrook family purchased the property they have constructed several buildings within view of the residence that all have a pleasant cohesive look and the intended area of the proposed building shows that they do not want the metal building in view of their residence or recreational area either. Ms. Whitmore shared multiple comparisons of distances between buildings in Muscatine to demonstrate how close the proposed building would be to her front door and asked the board to deny the appeal. Mr. Estabrook repeated that there are already several large steel buildings and large parking lot that are visible from the Termini Dr apartments and that once the plants intended for screening grow up Termini Dr will not be able to see the Estabrook's building. Ms. Whitmore disagreed with Mr. Estabrook's statement claiming that she cannot see the parking lot due to some evergreen trees but she will still be able to see their building.

April Limburg, shared a telephone conversation she had with property owner Ruth Carver who opposes the appeal as she believes the accessory building limits have already been met and allowing the construction of an additional building is not appropriate for the neighborhood.

Ron Gear, 2611 Termini Dr, shared that his front door would face the very large metal building and metal buildings are not typically very attractive. Mr. Gear their community has limited storage with no outdoor storage as they take pride in their community, they like to keep it clean so the building would affect their hard work.

Robert McFadden raised the prospect of tabling the appeal to a later meeting if Mr. Estabrook is interested in changing the aesthetics of the proposed building to potentially gain the approval or support from the adjoining property owners. Mr. Estabrook questioned if the board would be willing to approve the appeal if they changed the look of the building to coincide with the aesthetics of the other buildings currently on the property. Mr. McFadden stated he would be willing while Julie Wolf explained that she would not consider approving the appeal unless the location was changed as the neighbors do not want anything built in the current proposed location and the property has the acreage to be able to put

it somewhere else. Mr. Estabrook explained that the current proposed location is the only area on the property that is flat.

Larry Murray discussed that Johnathon Estabrook owns two parcels and questioned whether the appeal is necessary based on the separate or combined parcel sizes. April Limburg explained that this appeal is based on the separate parcel sizes as to have it based on the combined parcel sizes Mr. Estabrook would have to the two parcels legally combined by the assessor's office, but an appeal would be necessary either way as the maximum cumulative square footage of accessory buildings would still be 2500 square feet.

No motion was made to approve the appeal case; appeal denied.

**Discussion Regarding Future Meetings:**

The board discussed whether to hold future meetings in person at City Hall in the Council Chambers or continue the online meetings. April Limburg proposed having the board members meet in person but have the public continue to participate through the online meetings as the City Council meetings have been following this setup as of April 1, 2021. Jodi Hansen agreed with this setup but also suggested allowing the board members the choice to participate in person or online, as she wants all the board members to feel safe. The board members agreed with Ms. Hansen's suggestion and decided future meetings will be held as such, until further notice.

Meeting adjourned at 6:15 p.m.

ATTEST:

Respectfully Submitted,

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Jodi Hansen, Chairperson  
Zoning Board of Adjustment

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April Limburg, Secretary  
Planner I