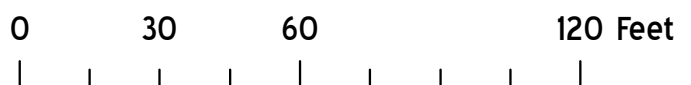




An appeal to encroach into the 25' front yard setback required in the R-4 Zoning District.  
City Code Section 10-7-3(A).

## Appeal Case #944 509 W. 3rd St



CITY OF MUSCATINE

APPEAL UNDER THE ZONING ORDINANCE

NOTE: This appeal must be filed within thirty (30) days of the decision or refusal of the Zoning Administrator, from which this appeal is taken.

Board of Adjustment Case No.: 944

Filed: June 22, 2015

BOARD OF ADJUSTMENT  
CITY OF MUSCATINE, IOWA

Ladies and Gentlemen:

On June 22, 2015, the undersigned applied for (a building/an occupancy) permit to  
enclose existing front porch

Located on Lot \_\_\_\_\_ Block 51 Addition Original Town Address 509 West 3rd Street  
E 1/2 lot 3 & W 1/2 lot 4 in the R-4 Zoning District.

This permit was refused because (this is to be completed by the Zoning Administrator):

The proposed location encroaches into the required rear yard setback as defined in City Code Section 10-6-3 (A).

The above decision of the Zoning Administrator is hereby appealed on the grounds that  
See attached.

Very truly yours,

\_\_\_\_\_  
APPELLANT SIGNATURE

John L. Timm

\_\_\_\_\_  
PRINT NAME

2901 Mulberry Avenue, Muscatine

\_\_\_\_\_  
ADDRESS

563-263-1341

\_\_\_\_\_  
PHONE

Fee Paid: \$150.00 6/22/15

Receipt No.: 19288

Date of Hearing: 07/07/15

Notice Sent: 06/30/15

Approved by Andrew Fangman: Yes

**Filing fee is \$150.00.**

**APPLICANT, OR REPRESENTATIVE FOR, MUST BE  
PRESENT AT MEETING FOR ACTION TO BE TAKEN.**

**CHECK LIST**

- Request must be submitted two weeks prior to meeting date. Board meets the first Tuesday of each month.
- Letter of explanation for request.
- Site plan.
- Names & addresses of property owners within 200 feet of property lines.

# JOHN L. TIMM RENTAL PROPERTIES

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2901 Mulberry Avenue  
Muscatine, IA 52761  
(563) 263-1341; 563-571-3079

June 22, 2015

RE: 509 W. 3<sup>rd</sup> Street

To Whom It May Concern:

This letter concerns information concerning a variance I am seeking for enclosing an existing porch on a two story house at 509 W. 3<sup>rd</sup> Street in Muscatine.

In the past, Rich Jones, gave me permission to enclose the upper and lower porches at said location. At the time, Rich Jones, the building inspector, came to the location at 509 W. 3<sup>rd</sup> Street, which I personally own. He measured the set backs of adjacent houses in both directions in the block where this house is located. He came to the conclusion that most every one of these houses did not meet the required code set back of 25 feet. Their setbacks were very similar to the setback of my property. As such they are all grandfathered in. Therefore, he gave me permission to enclose both the upper and lower porches which already existed. So I enclosed both porches because I felt it would be advantageous to me and to the neighborhood for several reasons.

You should realize that this is a rental property and the habits of most tenants is to store various items on the porches such as bicycles, furniture, and household items that they are not using and even trash cans and other junk. Therefore, by enclosing these porches, the neighbors would be shielded from viewing this nuisance and it would give the tenants a nice place for extra storage.

Another point in favor of enclosing the porches, which may be the most important point, is that the families that rent the property will be protected against their children and other family members from falling over the railing, which no doubt would cause serious injury or even death. This is especially an issue with this house since it had a second story open porch. Most people don't keep an eye on their children to the extent that they should and some like to drink. Even adults who drink a little bit too much on occasion might be in danger of falling. Since I

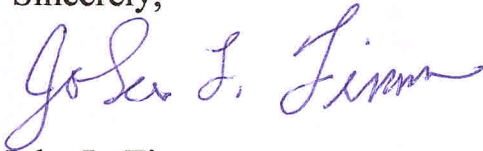
determined that this was a basis for enclosing the upper porch and it looked so attractive, I decided that it would look better to enclose the lower porch as well. The way law suits go these days, I would be held liable if someone did fall off of the upper story porch to the ground and was injured, and I would then have to pay a considerable amount of money to the injured party. I am trying to avoid this undesirable situation.

The architectural appeal of the building is greatly enhanced by enclosing both porches. It's a very clean and finished look. Some of the neighbors, especially those living next door, already expressed their positive input.

I would like to point out that the front yard is the same as it was prior to the enclosing of the porches. This house is not right on the sidewalk, it is 16' 6" from the front sidewalk to the porch. This is the same distance as it was prior to my enclosing of the porches.

It is my earnest desire that this information will convince all who are involved in this issue and in making this decision, to see the necessity of the porches to remain enclosed.

Sincerely,



John L. Timm