

MINUTES

March 24, 2020 – 5:30 p.m.

Zoning Board of Adjustment
Online GoToMeeting

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

Excused: Julie Wolf

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 January 7, 2020 meeting; seconded by Robert McFadden. All ayes, motion carried.

Conditional Use Case #ZBACU16, a floodplain development permit has been applied for by Muscatine Power and Water, in Blocks 26, 27, and 63 of Original Town. The applicant is seeking permission to install underground communication and underground power lines, and a single self-supporting steel structure to allow for the power and communication lines to cross Mad Creek. The self-supporting steel structure and portions underground communication and underground power lines are located in a designated flood plain. This constitutes a conditional use per City Code Section 10-15-2(B).

Andrew Fangman presented the request on behalf of Muscatine Power and Water, explaining the floodplain development permit is required whenever construction is done within a floodplain and that Muscatine Power and Water needs to install the underground communication and power lines and a single self-supporting steel structure to allow for the communication and power lines to cross Mad Creek to reach a newly constructed pump station. Mr. Fangman stated that none of the construction will alter the floodplain. Jeff Armstrong motioned to approve the conditional use permit; seconded by Robert McFadden. All ayes, motion carried.

Appeal Case #ZBAV-23, has been filed by William H. Brugman, to construct a 10' by 16' 3 season room on the rear of the residence located at 317 Busch Street. The proposed 3 season room would extend approximately 10' into the rear yard setback required by City Code Section 10-6-3(D).

Joyce Brugman, 317 Busch St, was signed onto the GoToMeeting but could not get her microphone to function. Robert McFadden commented with the online meeting circumstances and computer issues that since this request is fairly straightforward, he felt that it was not necessary for Mrs. Brugman to present. Robert McFadden motioned to approve the appeal case; seconded by Larry Murray. All ayes, motion carried.

Appeal Case #ZBAV-24, has been filed by Whide Ninja LLC to construct a terrace including steps down to the public sidewalk at 615 Orange Street. The proposed terrace would abut the property line that separates 615 Orange Street and 617 Orange Street, by City Code Section 10-26-3(G) requires that terraces be at least two feet distant from any side lot line.

James Woepking, 401 E 7th St Apt. B, owner of Whide Ninja LLC was present to discuss the request. Mr. Woepking explained that the terrace and steps are already constructed to allow access to a small porch and the front door of 615 Orange St but with the small porch the only location to create the steps was directly abutting the property line. Larry Murray asked if there plans to construct a railing for the terrace and steps to keep someone from going onto the neighbor's property or falling off the back of the platform. Mr. Woepking stated he does not plan to build a railing as there is a lilac bush right next to the property line that would deter people. Andrew Fangman explained that the height of the terrace is below the minimum height that requires a railing per the International Building Code. Mr. Woepking affirmed that the desk is only about one foot from the ground. Jeff Armstrong motioned to approve the appeal case; seconded by Larry Murray. All ayes, motion carried.

Appeal Case #ZBAV-25, has been filed by NSPW Enterprises LLC to allow for a reduction to the front and rear yard setbacks required by Section 10-18-5, of City Code upon the approval of a final plat for the Arbor Commons Subdivision, as depicted on the preliminary plat approved by the Muscatine City Council on January 17, 2019.

Jeff Sorensen, 620 Wier St, was present to discuss the request on behalf of NSPW Enterprises LLC. Mr. Sorensen explained that the 100 foot lots for this subdivision are shallower than a typical lot and with the setback of 25 feet for both the front and back yards, that only leaves 50 feet for a house and decks which is causing a lot of interested parties to search for alternate building locations. Therefore, NSPW Enterprises LLC is proposing to reduce the required setbacks for the outer lots of the subdivision. Andrew Fangman explained that the proposed setbacks still allow a garage to be built and a car to be parked in the driveway without overhanging the sidewalk or into the street. Mr. Fangman also commented that the proposed changes do not seem to affect the neighboring properties in a substantial way.

Vicki Hall, 3026 W Fulliam Ave, expressed concerns about the setback changes for lots 1 and 2 stating she did not believe it would leave enough room for a vehicle to park in the driveway leading to vehicles parking on the street which could cause an access issue for fire trucks. Mr. Fangman explained that there will be 19 feet between the sidewalk and garage per the zoning requirements. Ms. Hall questioned whether the constructed properties would have two car garages. Mr. Sorensen answered it will be up to the property owner as to the size of the garage but according to the lot sizes property owners wanting larger garage will need to construct on the inner lots, 39-62. Mr. Fangman addressed Ms. Hall's concern about street parking stating that since it is a city street parking will be allowed but if issues do arise there is a Traffic Committee that can review the situation and make a recommendation to City Council to prohibit parking on one side of the street. Ms. Hall also expressed concerns that the houses to be constructed on lots 1 and 2 will be so close to the road that it may lower the value of her home. Robert McFadden commented that he believed Ms. Hall may be misinterpreting the setbacks and is not understanding that the setbacks do not include the right-of way. Mr. Fadden stated to his knowledge the right-of-way would be in addition to the setbacks and asked Mr. Fangman to confirm which he did. Ms. Hall stated that she still objects to the proposed changes and she believes there is a city code for a reason so it should be 25 feet. Jodi Hansen commented that the plat was approved prior and inquired if the city engineer had reviewed the new changes, to which Mr. Fangman answered yes and he approves. Robert McFadden motioned to approve the appeal case; seconded by Larry Murray. All ayes, motion carried.

Andrew Fangman mentioned that he will be asking applicants for April's Zoning Board of Adjustment meeting if they will be willing and able to postpone their requests until we are allowed to gather in person to avoid any future online meetings.

Meeting adjourned at 6:10 p.m.

ATTEST:

Jodi Hansen, Acting Chairperson
Zoning Board of Adjustment

Respectfully Submitted,

Andrew Fangman, Secretary
Assistant Community Development Director