

**CITY OF STORM LAKE  
BOARD OF ADJUSTMENT  
CITY HALL COUNCIL CHAMBERS  
MARCH 8, 2017  
4:30 PM**



City of Storm Lake  
PO Box 1086  
Storm Lake, IA 50588  
p (712) 732-8000  
f (712) 732-4114

**AGENDA**

1. **Approval Of Minutes From The September 21, 2016 Board Of Adjustment Meeting**
2. **Application 2017-1, Request For A Conditional Use Permit For A Single Family Dwelling (Detached) In The Central Business District**
3. Adjourn



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## Staff Summary

3/8/2017

Agenda Item # 1.



City of Storm Lake  
PO Box 1086  
Storm Lake, IA 50588  
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**REPORT TO:** Board of Adjustment

**FROM:** Mayra Martinez, City Clerk

**SUBJECT:** **Approval Of Minutes From The September 21, 2016 Board Of Adjustment Meeting**

**BACKGROUND:** The Board of Adjustment needs to review and approve the previous meeting minutes.

**COMPREHENSIVE PLAN RELATIONSHIP:** None

**POTENTIAL FINDINGS:** None

**RECOMMENDATION:** Approve the September 21, 2016 Board of Adjustment Minutes

### ATTACHMENTS:

Description	Type
☐ September 21, 2016 - Minutes	Minutes

**BOARD OF ADJUSTMENT MEETING, SEPTEMBER 21, 2016 4:30 P.M., CITY HALL COUNCIL CHAMBERS, STORM LAKE, IOWA**

**MEMBERS PRESENT:** Bob Bennett, Bob Payer, and Gary Ringgenberg

**MEMBERS ABSENT:** Melinda Cords

**OTHERS PRESENT:** Scott Olesen (Building Official), Sue Vossberg (City Clerk); Pete Bodholdt

Board Member Bob Bennett called the meeting to order at 4:44pm.

**Item 1: Approval of Minutes from April 27, 2016**

Moved by Board Member Ringgenberg to approve the minutes from the April 27, 2016 Board of Adjustment Meeting. Seconded by Board Member Payer. Vote: All ayes with Board Member Cords absent. Motion carried.

**Item 2: Application #2016-4 Variance Request 1507 E. 4<sup>th</sup> Street, Pete Bodholdt.**

A request for a variance to the zoning regulations as applied to the property described as:  
A part of Lot One (1) of the Auditor's Subdivision of the East Half of the Northwest Quarter (E1/2 NW1/4) of Section Two (2), Township Ninety (90) North, Range Thirty-seven (37) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, and being more fully described as follows:

Commencing at the Southwest (SW) Corner of the SE1/4 NW1/4 of Section 2, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; thence North, along the West line of said SE ¼ NW1/4, a distance of 631.90 feet to the North line of East Fourth Street, as presently located; thence North 88°45' East, along the North line of said Fourth Street, 715.00 feet to the point of beginning; thence North 01°15' West, 36250 feet to a point on the Southwesterly Right-of-Way line of the Chicago, Milwaukee, St. Paul and Pacific Railway Company, said point being on a 2,814.9 foot radius curve concave Southwesterly parallel with and 50.00 feet distance Southwesterly and radially from the centerline of the Main Line Tracks of said railway company; thence Southeasterly, along said Right-of-Way curve to a point; (the preceding arc having a chord bearing South 59°33' East, 177.50 feet); thence South 01°15' East, 269.50 feet to a point on the North line of said East Fourth Street; thence South 88°45' West, along the North line of East Fourth Street, 150.80 feet to the point of beginning. The above described parcel contains 1.10 acres, more or less, and is subject to all easements of record. The West line of the SE1/4 NW1/4 of said Section 2, is used as bearing due North and South in the above description.

(1507 E. 4<sup>th</sup> St) has been filed by Pete Bodholdt.

The petition requests approval of a variance in the CC Community Commercial District to allow for a side yard variance of 9 feet to be within 6 feet of the side yard setback and a front yard

variance of 29 feet to be within 11 feet of the front yard setback to add an addition to the shop with an office included which is considered a construction business use.

Moved by Board Member Payer to approve the variance for 1507 E. 4<sup>th</sup> Street due to unique circumstances of the property and not approving the variance requests would put undue hardship on the owner due to the interior layout of the building.

I hereby move that the Storm Lake Board of Adjustment make a finding that the requirements for a variance as stated in Article 1209(c)1 have been met by **Pete Bodholdt** with regard to the proposed variance set forth in the applicant's application dated **April 19, 2016** that we further make the finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land (or the building or structure); that we further make the finding in the granting of the variance will be in harmony with the general purpose and intent of this zoning ordinance and comprehensive plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and that we therefore approve the application for the variance filed on **April 19, 2016** by **Pete Bodholdt** as follows:

A variance be granted to the parcel located at **1507 E. 4<sup>th</sup> Street** to allow for a side yard variance of 9 feet to be within 6 feet of the side yard setback and a front yard variance of 29 feet to be within 11 feet of the front yard setback to add an addition to the shop with an office included which is considered a construction business use. .

Table 4-3b Summary of Non-Residential Site Development Regulations requires a 15 foot side yard setback and a 40 foot front yard setback in a CC Community Commercial District.

Subject to the following conditions and safeguards:

- Applicant must comply with all applicable codes and must obtain a building permit prior to beginning construction.
- Construction to be completed within 12 months.

Seconded by Board Member Ringgenberg.

Roll Call Vote: Bob Bennett – aye; Gary Ringgenberg – aye; Bob Payer – aye. Melinda Cords – absent.

### **Item 3 – Adjourn**

Moved by Board Member Payer to adjourn the meeting at 4:55pm. Seconded by Board Member Ringgenberg. Vote: All ayes with Board Member Cords absent. Motion carried.

Submitted,

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Bob Bennett, Chairman

## Staff Summary

3/8/2017

Agenda Item # 2.



City of Storm Lake  
PO Box 1086  
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**REPORT TO:** Board of Adjustment

**FROM:** Scott Olesen, Building Official

**SUBJECT:** **Application 2017-1, Request For A Conditional Use Permit For A Single Family Dwelling (Detached) In The Central Business District**

**BACKGROUND:** Scott and Anna Mae Robbins own the structure located at 609 Ontario Street and wish to re-establish a detached single family dwelling at this location.

The current Zoning Ordinance allows detached single family dwellings to be located in the Central Business District as a Conditional Use. Normally, dwellings are only permitted on the second story of buildings (downtown residential) or behind or alongside of a business (commercial residential).

The property in question was originally a dwelling, but was up to now, used for an Accountant's Office.

The Planning and Zoning Commission and the Board of Adjustment are required to review Conditional Use applications on a case by case basis to determine if the proposed use would be compatible with the surrounding uses. As a part of this review, the Planning and Zoning Commission may recommend and the Board of Adjustment may require reasonable site development regulations to mitigate any potential differences between properties. I have attached Table 12-1 of the Storm Lake Zoning Ordinance, which provides a list of criteria for review of Conditional Use Permits for your use.

The Storm Lake Planning and Zoning Commission reviewed this request at their February 14th, 2017 meeting and found the request to be in conformance with the Comprehensive Plan and the criteria set out in Table 12-1 of the Zoning Ordinance. The vote to approve the request was 6-0.

**COMPREHENSIVE PLAN  
RELATIONSHIP:**

The Storm Lake Comprehensive Plan's Guiding Principles, item 7, lists "ADD NEW HOUSING CHOICES". Diversifying the housing stock through new type of homes and redevelopment of aging homes provides housing options as residents' needs change."

Page 5-6, Goal 1, Policy 4 lists "Expand the housing stock to address the unmet needs of potential residents and employees."

Policy 5, lists "Ensure redevelopment and infill projects add to the community's housing diversity while maintaining the integrity of the neighborhood." Page 5-7 provides Implementation Step 1- Expand housing opportunities in and adjacent to downtown Storm Lake.

**POTENTIAL FINDINGS:**

The application appears to comply with the Land Use Compatibility, Height and Scale, Site Development, Operating Characteristics, Public Facilities, and the Comprehensive Plan Criteria of Table 12-1, of the Storm Lake Zoning Ordinance.

**RECOMMENDATION:**

Review and approve the application for a Conditional Use Permit to allow a detached single family dwelling to be re-established in the Central Business District by Scott and Anna Mae Robins, as recommended by the Planning and Zoning Commission.

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Application	Application
<input type="checkbox"/> Zoning Ordinance Table 12-1	Backup Material
<input type="checkbox"/> Map of Adjacent Property Owners	Backup Material
<input type="checkbox"/> Public Notice	Backup Material
<input type="checkbox"/> Action Taken Form	Backup Material

original

## CONDITIONAL USE REQUEST

CITY OF STORM LAKE

PLANNING AND ZONING COMMISSION and BOARD OF ADJUSTMENT



City of Storm Lake  
PO Box 1086  
Storm Lake, IA 50588  
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f (712) 732-4114

PROPERTY ADDRESS: 609 Ontario Storm Lake IA

PROPERTY OWNER: Scott & Anna Mae Robbins

OWNER ADDRESS (if different than property owner):

884 500th St Rembrandt IA 50576

OWNER'S PHONE NUMBER: 712 299-2128

The City of Storm Lake Zoning Ordinance Article 1203 requires the property owner to submit the following information, which must accompany this application before it can be considered by the Planning and Zoning Commission and the Board of Adjustment.

The legal description and local address of the property.

The present zoning classification.

The existing use of the property and the proposed use of the property.

A description of the nature and operating characteristics of the proposed use.

Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

Attach a plat showing the locations, dimensions and use of the applicant's property and all property within three hundred (300') feet including streets, alleys, railroads, and other physical features.

The request for a conditional use will be heard by the Planning and Zoning Commission and the Board of Adjustment at separate meetings.

Table 12-1 of the Zoning Ordinance outlines the criteria for applying for a Conditional Use Permit.

The City of Storm Lake will notify all property owners within three hundred (300') feet of the applicant's property notifying them of the upcoming hearing.

The City of Storm Lake will notify the applicant of the hearing date.

The City of Storm Lake will publish a public hearing notice in a locally circulated newspaper not less than 4 and no more than 20 days prior to the meeting.

A non refundable application fee of \$300.00 is required at time of the application. The fee will not be refunded if the request is denied by the Planning and Zoning Commission or the Board of Adjustment.

CONDITIONAL USE REQUEST

CITY OF STORM LAKE

PLANNING AND ZONING COMMISSION and BOARD OF ADJUSTMENT



City of Storm Lake  
PO Box 1086  
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Address of the Property: 609 Ontario Storm Lake

Legal Description of the Property:

08-12 Storm Lake Corp.

Zoning District: CBD ☒

Existing Use  
of the Property: Business

Proposed Use  
of the Property: Residential-single family

Additional  
Information: No structural changes needed.

Signature of Property Owner

*Scott Redden*

Date

12-19-16

City of Storm Lake Use

Meeting Date: \_\_\_\_\_

Appeal No.: \_\_\_\_\_

Application Fee Paid: \_\_\_\_\_

Date Received: \_\_\_\_\_



## 609 Ontario Over Head View



13/22/2014



























ALT ID	ADDRESS	DISTRICT	REF	CLASS	GIS/PARCEL
0403800	609 ONTARIO	00090		C COMMERCIAL	14-03-135-004

Property Details [Map](#)



LEGAL DESCRIPTION	LAND
08-12 STORM LAKE CORP HAYES	Gross Acres Roads D.D. R.R. Misc Net Acres CSRs
	.00

OWNER					
Deed Holder	Date	Ref	Contract Holder	Date	Ref
ROBBINS SCOTT R ROTERT-FLINK ANNA MAE 884 500TH ST REMBRANDT IA 50576	05-17-2005	6			
STEFFEN MARY A  511 ONTARIO STORM LAKE IA 50588	05-17-2005	5			
HAUSMAN IONA E LIFE USE STEFFEN MARY A	08-06-2002	4			
HAUSMAN IONA E LIFE USE STEFFEN MARY A STEFFEN WILLIAM J DE PUMA PETER C		3			

REMARKS
3 Q.C.D. #990953 03-25-99 4 W.D. #022605 07-29-02 5 DEATH CERT FILED BK 12 PG 802 6 W.D. #051076 04-07-05 \$42,500 (D000)

ASSESSMENT		
CURRENT	Code	Value Acres
LAND BLDG DWLG TOTAL NET TX		
2016		
LAND 16,520( 1) BLDG 56,060( 1) DWLG TOTAL 72,580 NET TX		
2015		
LAND 16,520( 1) BLDG 56,060( 1) DWLG TOTAL 72,580 NET TX		
2014		
LAND 16,520( 1) BLDG 56,060( 1) DWLG TOTAL 72,580 NET TX		
2013		
LAND 16,520( 1) BLDG 56,060( 1) DWLG TOTAL 72,580 NET TX		
2013		
LAND 15,300( 1) BLDG 51,910( 1) DWLG TOTAL 67,210 NET TX		
2012		
LAND 15,300( 1) BLDG 51,910( 1) DWLG TOTAL 67,210 NET TX		



**TABLE 12-1: Criteria for Site Plan Review and Conditional Use Permits**

	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Land Use Compatibility			
Use Compatibility	That the use is so designed located and proposed to be operated that the public health, safety, welfare and convenience will be protected.		X
Property Valuation	That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.		X
Fire Safety	That the use will not substantially increase fire hazards.		X
Zoning Compatibility	That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.		X
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	X	X

	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations		X
<b>Operating Characteristics</b>			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
<b>Public Facilities</b>			
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system.	X	X
	Sanitary sewer must have adequate capacity to serve development	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities.	X	X
	Rural estate subdivisions should be located in designated areas that can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X
<b>Comprehensive Plan</b>	Projects should be consistent with the City of Storm Lake's Comprehensive Plan.		X



	Owner Mailing Address	Owner
A	605 Ontario	Casey Miller
B	1000 W 5th	James Faine
C	315 W 5th	CDH & M Patnrnership LLP
D	315 W 5th	CDH & M Patnrnership LLP
E	311 W 5th	Benchmark Woodworks Inc
F	602 Peterson, Alta	Dr Brian Walsh
G	606 Geneseo	David Patton
H	1900 4th Ave Sw #224, Spencer	Ann Getting
I	109 W 5th	Jolaneco LLC
J	315 W 5th	CDH & M Patnrnership LLP
K	877 Sterling Ave, Worthington, MN	Bill Soiksavong
L	301 W 6th	Javier Frayre
M	13 Peterson	Clara Robb
N	1014 Erie	Adelina Sanchez
O	PO Box 272	Stephen Kappenman
P	1316 Pierce St, Sioux City	Victor Bautista
Q	700 Ontario	Colbie Wilken
R	407 W 6th	Robert Hardin
S	1614 Shoreway	Hal Tucker
T	1614 Shoreway	Hal Tucker
U	609 Ontario	Hamilton Law Firm
V	600 Ontario	Vision Care Associates
W	615 Ontario	Edgar Duarte
X	312 W 6th	Cristal Nava
Y	613 Ontario	Tommy Thiessen



ROAD ST.



**NOTICE OF PUBLIC HEARING FOR PUBLICATION  
CITY OF STORM LAKE  
BOARD OF ADJUSTMENT**



City of Storm Lake  
PO Box 1086  
Storm Lake, IA 50588  
p (712) 732-8000  
f (712) 732-4114

File number: **2017-1**

Date: March 1, 2017

A petition for a Conditional Use Request in the Central Business District as applied to the property described as Lot 08, Block 12, STORM LAKE, CORP HAYES TOWNSHIP (609 Ontario) has been filed by Scott and Anna Mae Robbins

The petition requests approval of a Conditional Use Permit Request in the Central Business District to allow for a Single Family Detached Dwelling Use.

The Zoning Administrator was required, under the provisions of the zoning ordinance, to deny a Zoning Compliance Certificate because detached single family dwellings are not a permitted use by right in the Central Business District.

However, the Board of Adjustment under certain conditions and safeguards may have the authority to grant the request.

A public hearing will be held by the **Board of Adjustment** on **March 8, 2017 at 4:30 p.m.** in the City Hall Council Chambers at which time you may appear, if you so desire, either in person or by agent or attorney in opposition to or support of the proposed Conditional Use Request from the zoning regulations.

Sincerely,

Scott Olesen  
Zoning Administrator

## CONDITIONAL USE FORM



I hereby move that the Storm Lake Board of Adjustment make a finding that the requirements of Article 1203 and Table 12-1 in the Storm Lake Zoning Ordinance

City of Storm Lake  
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have been met **Scott and Anna Mae Robbins** with regard to the proposed conditional use set forth in the applicant's application dated **December 19, 2016**; that we further make the finding that the reasons set forth in the application justify the granting of the conditional use, and that the conditional use will make possible the reasonable use of the land (or building or structure); that we further make the finding that the granting of the conditional use will be in harmony with the general purpose and intent of this zoning ordinance and comprehensive plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and that we therefore approve the application for conditional use filed by **Scott and Anna Mae Robbins** on **December 19, 2016** as follows:

A conditional use permit be granted to the parcel located at **609 Ontario Street** to allow for a Single Family Dwelling (Detached) in the Central Business District.

Subject to the following conditions and safeguards:

- Applicant must comply with all applicable codes and must obtain a building permit prior to beginning construction;
- Construction to be completed within \_\_\_\_\_ months.
- 
- 
- 

Attest:

\_\_\_\_\_  
Chairman, Board of Adjustment

Attest:

\_\_\_\_\_  
Zoning Administrator