

**CITY OF STORM LAKE  
BOARD OF ADJUSTMENT  
CITY HALL COUNCIL CHAMBERS  
MARCH 28, 2017  
5:00 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 March 8, 2017 Board Of Adjustment Meeting**
2. **Application 2017-2 Variance Request 1305 Seneca Street.**
3. **Application 2017-3 Variance Request 207 East Milwaukee**
4. Adjourn



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## Staff Summary

3/28/2017

Agenda Item # 1.



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

**REPORT TO:** Board of Adjustment

**FROM:** Mayra Martinez, City Clerk

**SUBJECT:** **Approval Of Minutes From The March 8, 2017 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 March 8, 2017 Board of Adjustment Minutes

### ATTACHMENTS:

Description	Type
☐ Minutes - March 8, 2017	Minutes

**BOARD OF ADJUSTMENT MEETING, MARCH 8, 2017 4:30 P.M., CITY HALL  
COUNCIL CHAMBERS, STORM LAKE, IOWA**

**MEMBERS PRESENT:** Bob Bennett, Gary Ringgenberg, and Melinda Cords ( via phone)

**MEMBERS ABSENT:** Bob Payer

**OTHERS PRESENT:** Scott Olesen (Building Official), Mayra Martinez (City Clerk);  
Mergie Robinson

Board Member Bob Bennett called the meeting to order at 4:30pm.

**Item 1: Approval of Minutes from September 21, 2016**

Moved by Board Member Ringgenberg to approve the minutes from the September 21, 2016 Board of Adjustment Meeting. Seconded by Board Member Cords. Vote: All ayes with Board Member Payer absent. Motion carried.

**Item 2: Application #2017-1 Request for a Conditional Use Permti for a Single Family Dwelling (detached) in the Central Business District.**

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.

Scott Olesen made note that conditional uses expire within one year if the prescribed activities approved by the conditional use are not started.

Moved by Board Member Payer to approve the variance for 609 Ontario Street.

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 have been met by **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.

Seconded by Board Member Cords.

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

### **Item 3 – Adjourn**

Moved by Board Member Riggenberg to adjourn the meeting at 4:38 pm. Seconded by Board Member Cords. Vote: All ayes with Board Member Payer absent. Motion carried.

Submitted,

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Bob Bennett, Chairman

## Staff Summary

3/28/2017

Agenda Item # 2.



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

**REPORT TO:** Board of Adjustment

**FROM:** Scott Olesen, Building Official

**SUBJECT:** **Application 2017-2 Variance Request 1305 Seneca Street.**

**BACKGROUND:**

Mr. And Mrs. Schuler own the dwelling that is located at 1305 Seneca Street. They are asking for a variance of 15 feet to the rear yard setback to allow the construction of an attached garage to within 10 feet of the rear (east) lot line. The garage would be setback 10 feet from the north lot line and 27 feet from the south lot line. The required setbacks from the north and south lot line are 7 feet. The required setback from the east lot line is 25 feet.

They are also asking for a total impervious coverage variance of 5% to allow for a total impervious coverage (buildings and concrete) of 50% of the lot. The current total impervious coverage is 49%, so this will be a slight increase from the current condition. The existing detached garage will be removed and some of the concrete will be removed as well. Some of the existing concrete will remain to allow access to the new garage and to provide parking for an RV.

The Schuler's are planning on an attic space in the garage to facilitate additional storage since their home does not have a basement.

The proposed garage will be smaller in area than the existing garage.

**RELATIONSHIP:** improvements to the existing housing stock to better meet contemporary needs of homeowners."

**POTENTIAL FINDINGS:** The Board of Adjustment should review Article 1209 of the Zoning Ordinance and determine if the application meets the required findings. Article 1209(c) of the Storm Lake Zoning Ordinance, allows for Variances to relieve hardships relating to property ".....by reason of exceptional topographic conditions or other extraordinary and exceptional situation and condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property"

The Board can review Mr. and Mrs. Schuler's request in respect to this and determine if it meets this requirement. Consideration of the adjoining property use to the north which is a three story multi unit residential complex and the use to the east which is a city owned storm water conveyance right of way, neither of which would be negatively affected by the proposed addition and would appear to be the most affected.

The lot, although it meets the minimum area requirements is somewhat shallow in the east-west dimension, and therefore affects the placement of the attached garage.

Consideration should be given to the fact that the Schulers could construct a slightly smaller 600 square foot garage to within 5 feet of the north and east lot lines without a variance, although the height of the garage would be limited to 15 feet above grade. The proposed attached garage will be approximately the same height as the house.

Allowing the variance for the attached garage would not appear to be materially different than a detached garage and not adversely affect the adjoining properties any more than a detached garage.

**RECOMMENDATION:** Approve request 2017-2.

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Public Hearing Notice	Backup Material
<input type="checkbox"/> Variance Request - Application	Backup Material

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



File number: **2017-2**

Date: March 15, 2017

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

A request has been filed for a variance request to the zoning regulations as applied to the property described as: LOT ONE (1) Block One (1) STORM LAKE CORP WASH N. WINDSOR ADDITION, 1305 Seneca Street has been filed by Randy and Joy Schuler.

The petition requests approval of a variance request in the R-2 Zoning District to allow for an attached garage addition. The request asks for a 15ft. rear yard setback variance and a 5% impervious coverage variance to allow an attached garage to within 10ft. of the rear yard lot line, and to allow 50% impervious coverage.

The Zoning Administrator was required, under the provisions of the Zoning Ordinance, to deny a Zoning Compliance Certificate because Table 4-3a of the Storm Lake Zoning Ordinance, requires a 25ft. rear yard setback, and a maximum of 45% impervious coverage for a single family dwelling in an R-2 Zoning 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 28, 2017 5:00 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 variance request from the zoning regulations.

Sincerely,

Scott Olesen  
Zoning Administrator

## VARIANCE REQUEST

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

PROPERTY ADDRESS:

PROPERTY OWNER:

OWNER ADDRESS (if different than property owner):

OWNER'S PHONE NUMBER:

The City of Storm Lake Zoning Ordinance Article 12 Section 1209 establishes the powers and duties of the Board of Adjustment including reviewing variance requests. The applicant should submit the following information, which must accompany this application before it can be considered by 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.

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 variance will be heard by the Board of Adjustment.

The City of Storm Lake will notify all adjoining property owners to 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 **\$150.00** is required at time of the application. The fee will not be refunded if the request is denied by the Board of Adjustment.



# VARIANCE REQUEST

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

Address of the Property: 1305 Seneca

Existing Use of the Property: Single Family Dwelling

Proposed Use of the Property: Same

Legal Description of the Property: Lot one (1) Block one (1), Storm Lake Corp., North Windsor Addition

Zoning District: R-2

Setbacks:	Required	Proposed		Required	Proposed
Front Yard:	<u>25</u>	<u>25'</u>	Street Side Yard:	<u>N/A</u>	
Side Yard(s):	<u>7'</u>	<u>10'</u>	Rear Yard:	<u>25'</u>	<u>10'</u>
Height:	<u>65'</u>	<u>&lt; 65'</u>			
Max. Bldg Coverage:	<u>40%</u>	<u>30%</u>	Max. Impervious Coverage:	<u>45%</u>	<u>50%</u>

Other Request(s):

Principle Use: N/A

Accessory Use: Attached garage

[Signature]  
Signature of Property Owner

2-28-17  
Date

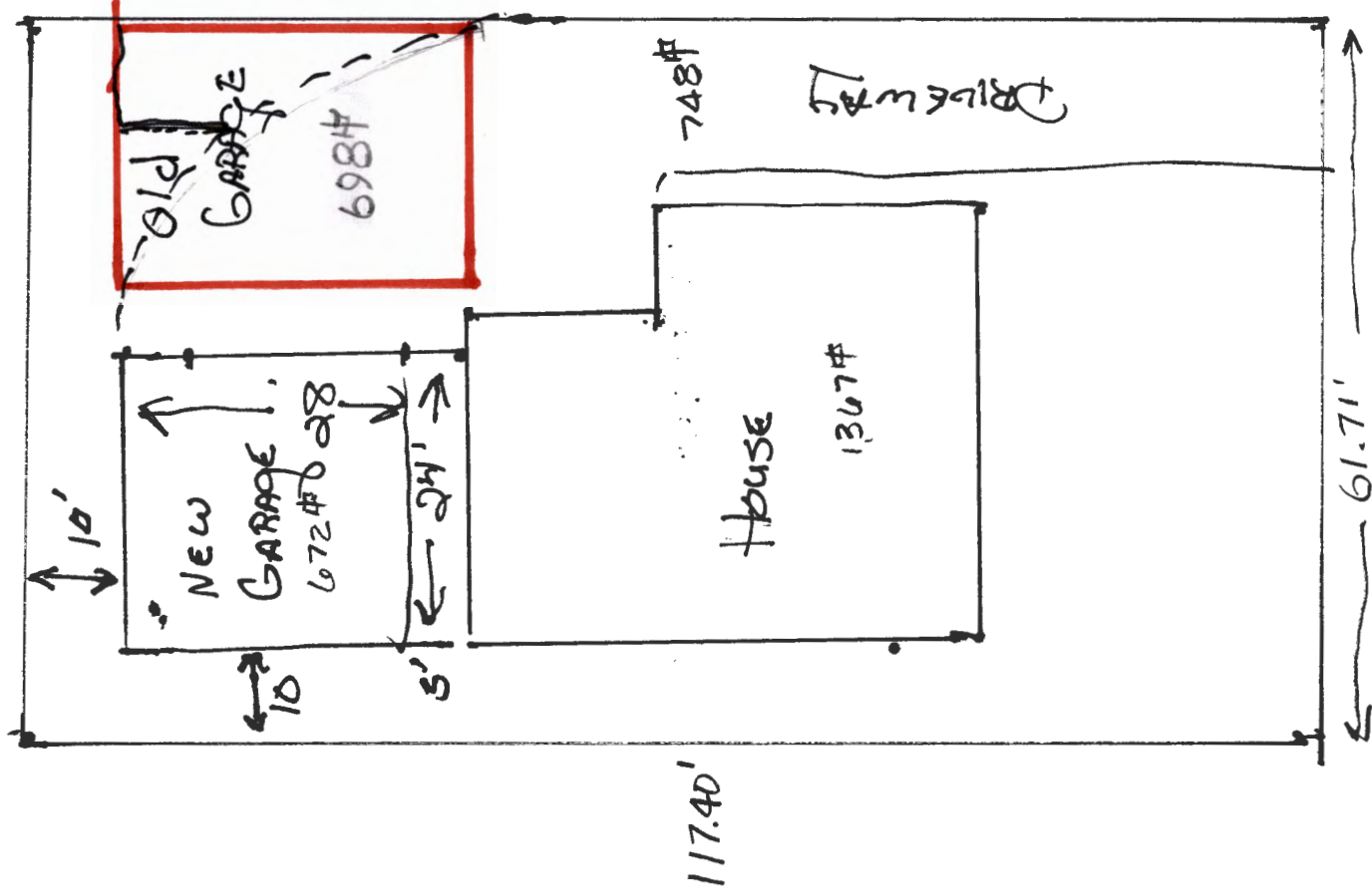
City of Storm Lake Use

Meeting Date:

Appeal No.: 2017-2

Application Fee Paid: 2-28-17

Date Received: 2-28-17



Currently coverage 49%  
 - will be MORE with  
 new garage + removing  
 old garage.

LOT AREA 7244.75



© 2014 Pictometry





## CONNECTEXPLORER



map: Auto 04/09/2014 Select Date image 1 of 16

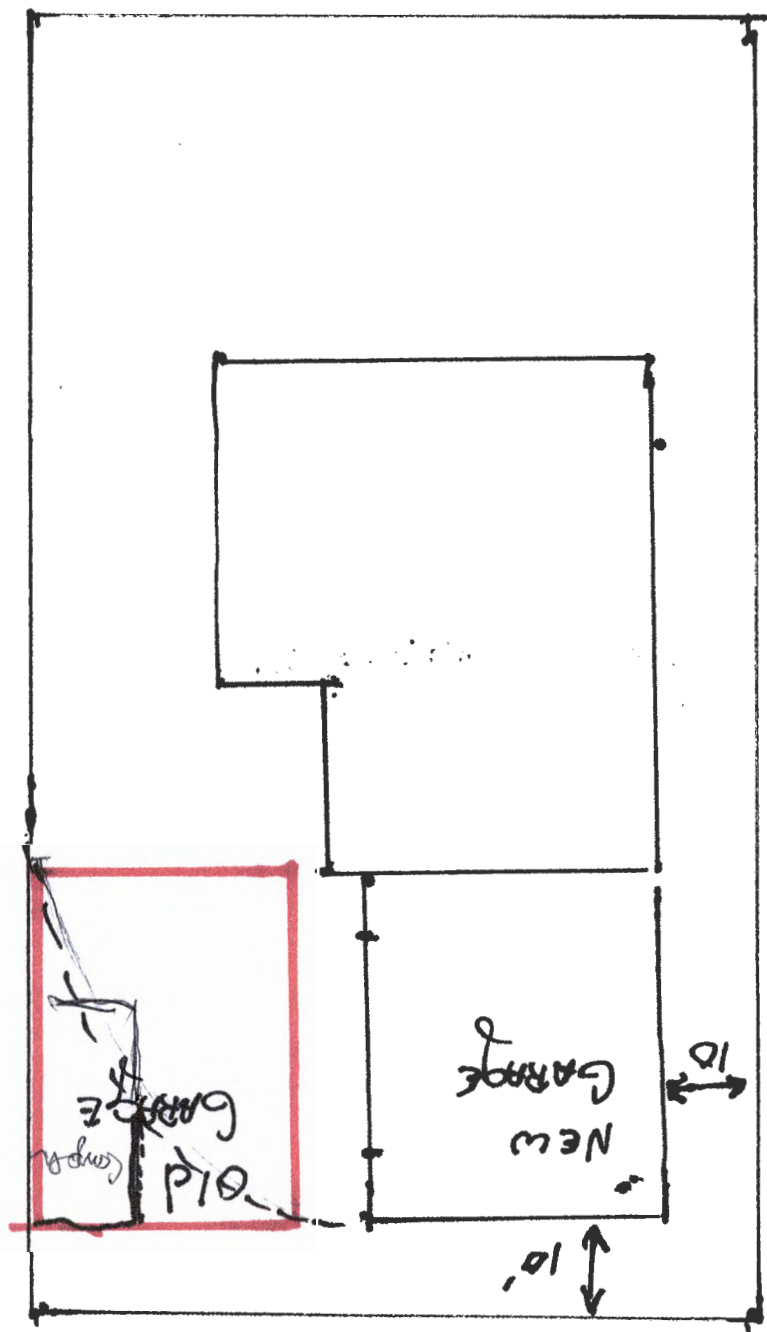
Lot: 7,249 sqft  
Zoned: R-2  
Allowed: 45%  
Total: 1,367  
748  
675  
763  

---

3,553 sqft  
Coverage is currently: 49%

Storm Water Drainage Ditch

Condo Parking lot



Siding + Roofing Material  
to Match House

## Staff Summary

3/28/2017

Agenda Item # 3.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

p (712) 732-8000

f (712) 732-4114

**REPORT TO:** Board of Adjustment

**FROM:** Scott Olesen, Building Official

**SUBJECT:** **Application 2017-3 Variance Request 207 East Milwaukee**

**BACKGROUND:** Larry Schultz currently owns the property located at 207 East Milwaukee. He has a potential buyer that would like to redevelop the parcel into a convenience store facility.

Article 605(a)3 of the Storm Lake Zoning Ordinance requires that entrances and exits serving gasoline service stations or convenience store must be 150 feet from a residential use. The proposed west drive will be within 94 feet of a residentially Zoned property to the north.

The shape of the lot and the distance to the intersection of East Milwaukee precludes moving the intersection the correct distance away. A second entrance/exit is necessary for safe access to the site.

The current driveway on the existing business goes up to the residential property. The proposed development will provide the required landscaped buffer yard along the boundary with the residential properties and will provide screening where required.

Mr. Schultz is asking for a variance of 56 feet to allow a driveway within 94 feet of a residentially zoned property.

**COMPREHENSIVE PLAN RELATIONSHIP:** Page 6-6 of the Storm Lake Comprehensive Plan lists "Economic Goals and Policies". Goal 1 is to "Retain current businesses and provide assistance (technical and financial) to existing businesses seeking to grow, expand, or branch into new endeavors."

**POTENTIAL FINDINGS:** Article 1209(c) of the Storm Lake Zoning Ordinance, allows for

Variances to relieve hardships relating to property ".....by reason of exceptional topographic conditions or other extraordinary and exceptional situation and condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties..."

**RECOMMENDATION:** Review and approve request 2017-3, based on the unique location of the facility on the site and the unique circumstances of the layout of the facility which necessitates the location of the proposed driveway approach based on the size and shape of the lot.

**ATTACHMENTS:**

Description		Type
	Public Hearing Notice	Backup Material
	Variance Request	Backup Material



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



File number: 2017-3

Date: March 15, 2017

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

A request has been filed for a variance request to the zoning regulations as applied to the property described as: Part of SW ¼ of SE ¼ of section 34, Township 91 North, Range 37 West, 207 East Milwaukee Avenue has been filed by Larry Schultz.

The petition requests approval of a variance request in the CC: Community Commercial District to allow for a driveway to a fuel station or convenience store. The request asks for a 56ft. setback variance to allow a driveway to a fuel station or convenience store to within 94ft. of a residential use.

The Zoning Administrator was required, under the provisions of the Zoning Ordinance, to deny a Zoning Compliance Certificate because Article 605a (3) of the Storm Lake Ordinance, requires that a driveway serving a gasoline service station or convenience store must be a minimum of 150ft. from a residential use.

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 28, 2017 5:00 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 variance request from the zoning regulations.

Sincerely,

Scott Olesen  
Zoning Administrator

## VARIANCE REQUEST

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

PROPERTY ADDRESS: 207 East Milwaukee Avenue

PROPERTY OWNER: Larry J. Schultz and Peggy J. Schultz

OWNER ADDRESS (if different than property owner):

25 St. Andrews Drive, Storm Lake, IA 50588

OWNER'S PHONE NUMBER: 712-730-2465

The City of Storm Lake Zoning Ordinance Article 12 Section 1209 establishes the powers and duties of the Board of Adjustment including reviewing variance requests. The applicant should submit the following information, which must accompany this application before it can be considered by 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.

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 variance will be heard by the Board of Adjustment.

The City of Storm Lake will notify all adjoining property owners to 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 **\$150.00** is required at time of the application. The fee will not be refunded if the request is denied by the Board of Adjustment.

# VARIANCE REQUEST

CITY OF STORM LAKE

BOARD OF ADJUSTMENT



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

Address of the Property: 207 East Milwaukee Avenue

Existing Use of the Property: Vehicle Retail

Proposed Use of the Property: Fuel Station and Convenience Store

Legal Description of the Property: Part of SW 1/4 of SE 1/4 of Section 34, Township 91 North, Range 37 West

Zoning District: CC: Community Commercial

Setbacks:	Required	Proposed		Required	Proposed
Front Yard:	40	40	Street Side Yard:	10	10
Side Yard(s):	10	10	Rear Yard:	10	10
Height:	65	21			
Max. Bldg Coverage:	60%	8%	Max. Impervious Coverage:	80%	64%

Other Request(s): Requesting variance of Article 605(a)3 of the City of Storm Lake Zoning Ordinance requiring drive variance of 56'

Principle Use: Fuel Station and Convenience Store

Accessory Use: Restaurant

Signature of Property Owner

2.16.17  
Date

## City of Storm Lake Use

Meeting Date:

Appeal No.: 2017-3

Application Fee Paid: 3-1-2017

Date Received: 3-1-2017

February 22, 2017

Scott Olesen  
Building Official  
City of Storm Lake  
PO Box 1086  
Storm Lake, IA 50588

**RE: CITY OF STORM LAKE VARIANCE REQUEST FOR ARTICLE 605(a)3 OF THE ZONING ORDINANCE**

Scott,

This letter documents the formal request by Casey's General Store for a variance of City Ordinance Article 605(a)3 for the proposed store location at 207 East Milwaukee Ave. The requested variance is regarding the separation of the proposed driveway along Erie Street, which is less than the minimum 150 feet separation required for a driveway from an existing residential area. In order to allow for proper function of the proposed facility, including sufficient traffic maneuvering on-site and limiting the potential for vehicle back-up and queuing along Erie Street, the maximum separation allowed for the proposed site is approximately 94 feet.

Though the proposed site design does not meet the driveway separation requirements, the planned layout will more closely meet the ordinance than the existing site conditions. As depicted on the attached Existing Site Exhibit, the current condition has no discernible driveway along Erie Street and functions as an open access along that road. Additionally, the proposed site will improve the site by meeting the buffer and landscape requirements, per City of Storm Lake Ordinance.

Please find the following documents attached:

- City of Storm Lake Variance Request Form
- Existing Site Exhibit
- Proposed Site Plan
- Variance Overview Map

Thank you for your thoughtful consideration of this variance request. If you have any questions, please do not hesitate to contact me at [evan.delval@is-grp.com](mailto:evan.delval@is-grp.com) or call me at (515)243-9143

Sincerely,



Evan Del Val, PE, CFM  
Civil Engineer  
Civil Engineering Group

Encl.



