

**CITY OF STORM LAKE
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
JULY 12, 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 28, 2017 Board of Adjustment Meeting**
2. **Application 2017-4 Variance Request 1100 Kelvin Road.**
3. Adjourn



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Staff Summary

7/12/2017

Agenda Item # 1.



City of Storm Lake
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REPORT TO: Board of Adjustment

FROM: Mayra Martinez, City Clerk

SUBJECT: **Approval of Minutes from the March 28, 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 28, 2017 Board of Adjustment Minutes

ATTACHMENTS:

Description	Type
☐ Minutes - March 28, 2017	Minutes

**BOARD OF ADJUSTMENT MEETING, MARCH 28, 2017 5:00 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), Mayra Martinez (City Clerk),
Randy Schuler, and a ISG Member Representing Larry Schultz

Board Member Bob Bennett called the meeting to order at 5:00pm.

Item 1: Approval of Minutes from March 8, 2017 Meeting

Moved by Board Member Ringgenberg to approve the minutes from the March 28, 2017 Board of Adjustment Meeting. Seconded by Board Member Payer. Vote: All ayes with Board Member Cords absent. Motion carried.

Item 2: Application 2017-2 Variance Request 1305 Seneca Street

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.

Moved by Board Member Ringgenber to approve the variance for 1305 Seneca Street.

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 Randy & Joy Schuler with regard to the proposed variance (or variances) set forth in the applicant's application dated February 28, 2017 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 February 28, 2017 by Randy & Joy Schuler as follows:

A variance be granted to the parcel located at 1305 Seneca to allow for a variance of 15 feet to the rear yard setback to allow for a garage addition to be within 10 feet of the rear yard property line. And a variance of 5% to the allowable impervious coverage limit to allow 50% impervious coverage. Subject to the following conditions and safeguards: Applicant must comply with all applicable codes and must obtain a building permit prior to beginning construction, and construction to be complete within 24 months.

Seconded by Board Member Payer.

Roll Call Vote: Bob Bennett – aye; Gary Ringgenberg – ayes; Bob Payer – Aye; Melinda cords – absent.

Item 3: Application 2017-3 Variance Request 207 East Milwaukee

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.

Moved by Board Member Payer to approve the variance for 207 East Milwaukee.

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 Larry Schultz with regard to the proposed variance (or variances) set forth in the applicant's application dated February 16, 2017 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 February 16, 2017 by Larry Schultz as follows:

A variance be granted to the parcel located at 207 East Milwaukee to allow for a variance of 56 feet to the required driveway setback to be within 94 feet of the adjoining residential use. Subject to the following conditions and safeguards: must comply with all applicable codes and must obtain a building permit prior to beginning construction and construction to be completed within 24 months. In conformance to the Storm Lake Comprehensive Plan page 6.6 in relationship to retain current businesses and provide assistance to existing business seeking to grow, expand, or branch into new endeavors.

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 Bennett to adjourn the meeting at 4:28 pm. Seconded by Board Member Payer. Vote: All ayes with Board Member Cord absent. Motion carried.

Submitted,

Bob Bennett, Chairman

Staff Summary

7/12/2017

Agenda Item # 2.



City of Storm Lake
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REPORT TO: Board of Adjustment

FROM: Scott Olesen, Building Official

SUBJECT: **Application 2017-4 Variance Request 1100 Kelvin Road.**

BACKGROUND:

Mr. And Mrs. Gibbins own the dwelling that is located at 1100 Kelvin Road. They are asking for a variance of 10 feet to the north side yard setback to allow the construction of an attached garage to the north side lot line. The garage would be setback 25 feet from the east lot line and 79 feet from the west lot line. The required setbacks from the north line is 10 feet. The required setback from the east and west lot lines is 25 feet.

The existing detached garage and storage building will be removed as well as some of the existing concrete driveway.

**COMPREHENSIVE
PLAN RELATIONSHIP:** Page 5-6, lists: Housing Goals and Policies, Policy 7- "Encourage 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. Gibbins request in respect to this and determine if it meets this requirement.

Consideration can be given to the fact that the Gibbins could construct a larger garage if they were to move it further back on their property, but this would necessitate additional concrete which would cause additional issues with runoff or snow removal or would require a driveway onto Highway 110 which would be more hazardous due to the higher speeds on this road..

RECOMMENDATION: Deny request 2017-4.

ATTACHMENTS:

Description		Type
	Request	Application
	Area Map	Map

VARIANCE REQUEST

CITY OF STORM LAKE

BOARD OF ADJUSTMENT



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
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Address of the Property: 1100 Kelvin Rd.

Existing Use of the Property: Single family Dwelling

Proposed Use of the Property: Same

Legal Description of the Property: 19-06 Storm Lake Corp.
2nd Plat Emerald Plc

Zoning District: R-1: Low Density Residential

Setbacks:	Required	Proposed		Required	Proposed
Front Yard:	25'	25' behind current house	Street Side Yard:	N/A	N/A
Side Yard(s):	10', 10'	to lot line on north	Rear Yard:	25'	more than 25'
Height:	45'	less than 45' 5"			
Max. Bldg Coverage:	30%	less than 30%	Max. Impervious Coverage:	35%	less than 35%

Other Request(s):

Principle Use: Single family dwelling

Accessory Use:

Signature of Property Owner

6/19/17
Date

City of Storm Lake Use

Meeting Date:

Appeal No.:

Application Fee Paid:

Date Received:

VARIANCE REQUEST

CITY OF STORM LAKE

BOARD OF ADJUSTMENT



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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.

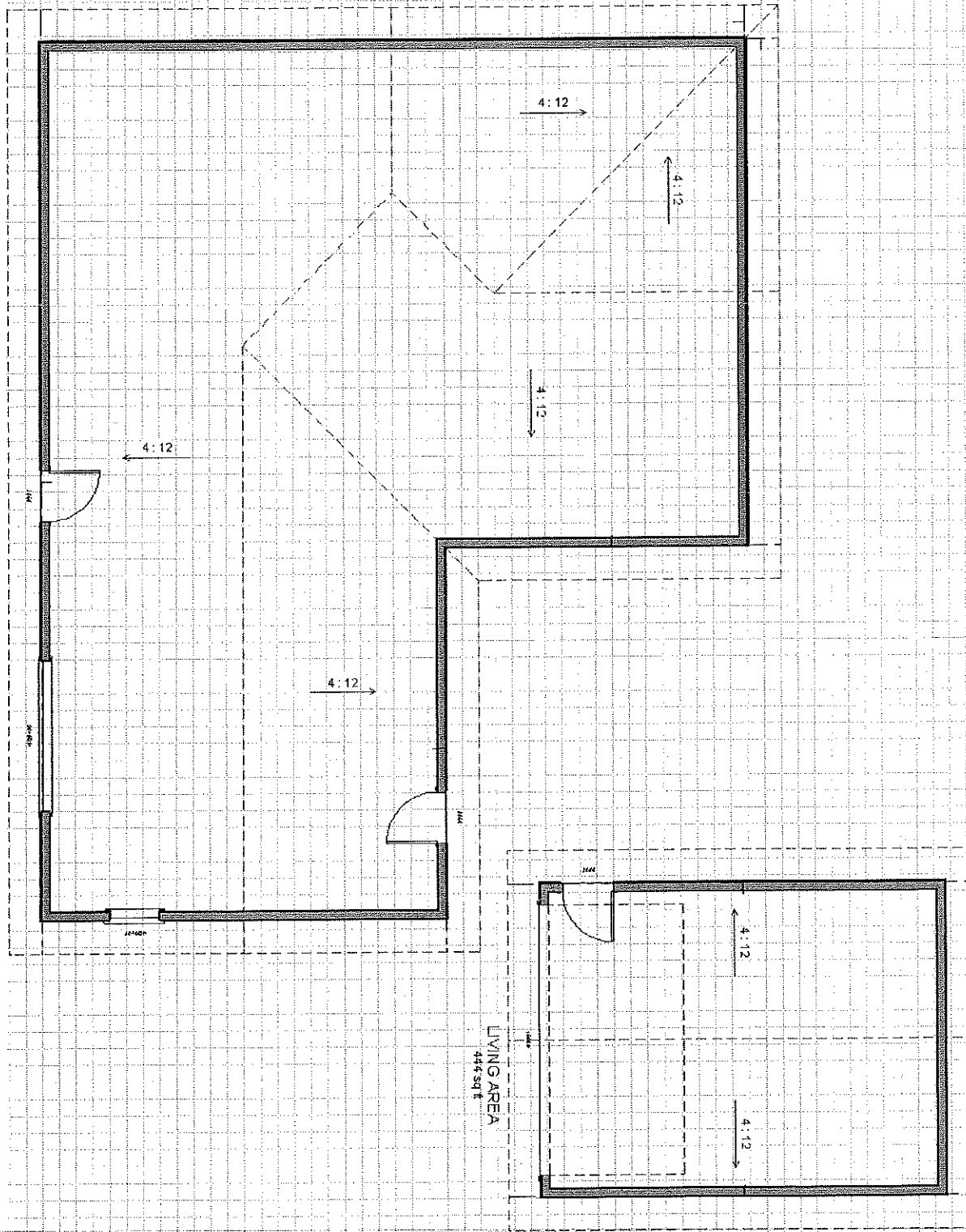
The City of Storm Lake will notify the applicant of the hearing date.

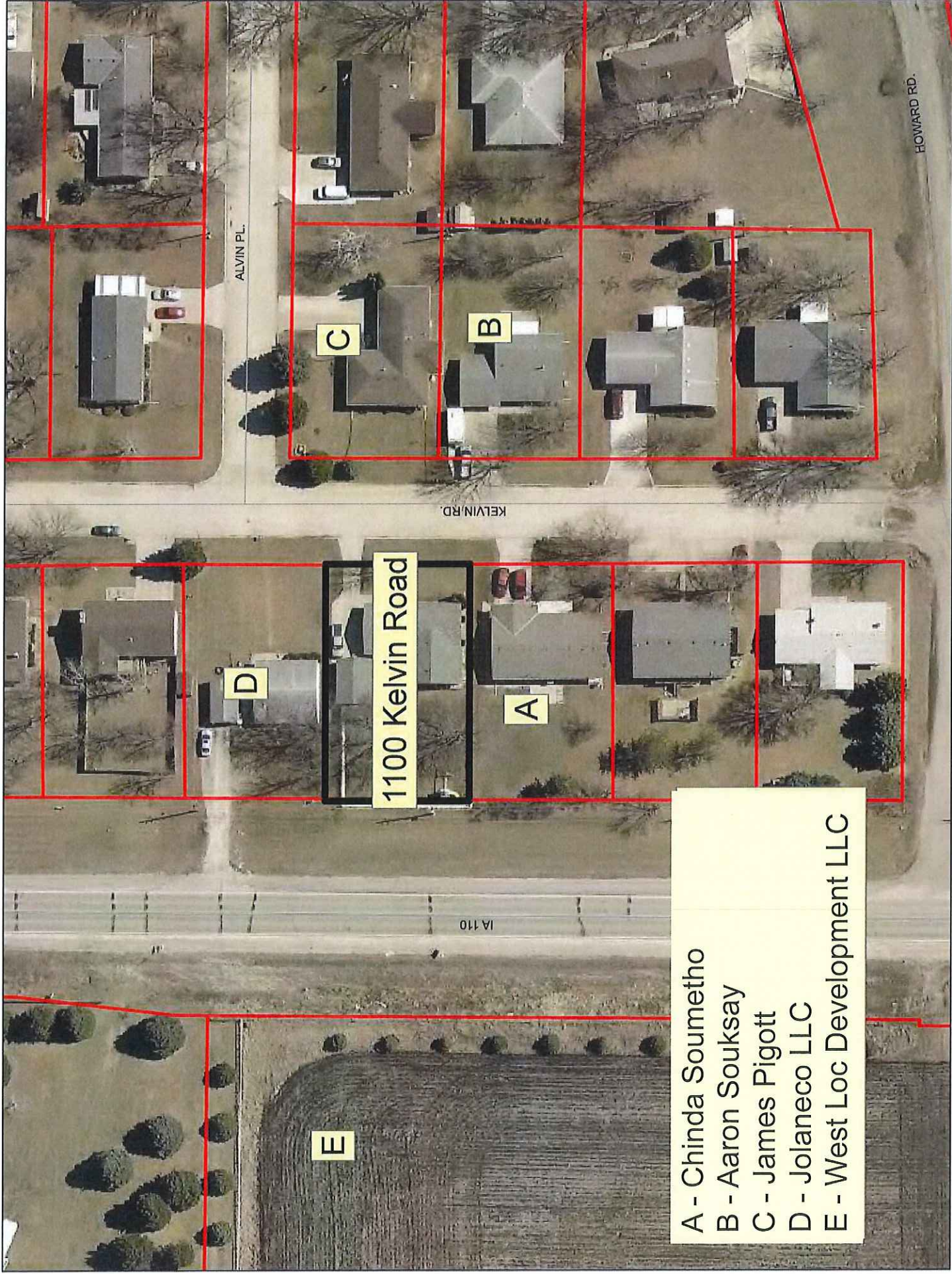
The City of Storm Lake will publish a public hearing notice in a locally circulated newspaper not less than 4 and no more than 20 days prior to the meeting.

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.

>

Original





- A - Chinda Soumetho
- B - Aaron Souksay
- C - James Pigott
- D - Jolaneco LLC
- E - West Loc Development LLC