

**CITY OF STORM LAKE
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
NOVEMBER 8, 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 August 30, 2017 BOA Meeting**
2. **Application 2017-6 Variance Request 112 Kenzy Street.**
3. **Nominate a Vice-Chairman**
4. Adjourn



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Staff Summary

11/8/2017

Agenda Item # 1.



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

FROM: Mayra Martinez, City Clerk

SUBJECT: **Approval Of Minutes From The August 30, 2017 BOA 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 August 30, 2017 Board of Adjustment Minutes

ATTACHMENTS:

Description	Type
☐ Minutes - August 30, 2017	Minutes

**BOARD OF ADJUSTMENT MEETING, AUGUST 30, 2017 5:00 P.M.,
CITY HALL COUNCIL CHAMBERS, STORM LAKE, IOWA**

MEMBERS PRESENT: Bob Bennett, Bob Payer, Melinda Cords, Gary Ringgenberg
MEMBERS ABSENT: n/a
OTHERS PRESENT: Scott Olesen (Building Official), Keri Navratil (City Manager),
Mayra Martinez (City Clerk), Mike Wilson (Owners Representative)

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

Item 1: Approval of Minutes from July 26, 2017

Moved by Ringgenberg to approve the minutes from the July 26, 2017 Board of Adjustment Meeting. Seconded by Board Member Cords. Vote: All Ayes. Motion carried.

Item 2: Application 2017-5 Variance Request 1206 West Fourth Street

A request has been filed for a front yard setback variance to the zoning regulations as applied to the property described as: 04-90-37 STORM LAKE CORP E 37 RDS GOV LOT 2 S OF 4TH ST EX PT PLATTED & EX PT TO CITY (EXEMPT (1206 W 4TH STREET) has been filed by Methodist Manor Retirement Community.

The petition requests approval of a front yard setback variance of fourteen feet (14') in the IN-3: Hospital Medical Facilities District to allow for a utility enclosure housing the generator and transformer within six feet (6') of the front property line for this facility which is considered a Convalescent Facility use. The request also asks for a four foot height variance to allow the construction a eight foot fence enclosing the generator and transformer.

Mike Wilson presented to the Board what the project plan entailed and explained the need for the variances.

Property owners from 1205 W 4th Street and 501 Larchwood Drive expressed their understanding of such project would cause devaluation of their own property. The Board and Wilson explained to the property owners that application 2017-5 would not create any changes to their property. The variance is located on Methodist Manor property only.

The property owner located at 500 Larchwood expressed her concerned that such building would be unpleasant to look at and loud.

Bob Bennet removed himself from any decision making on this item due to conflict of interest.

Moved by Gary Ringgenberg to approve the variance 1206 W 4th 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 Methodist Manor Retirement Community with regard to the proposed variance (or variances) set forth in the applicant's application dated **August 14, 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 **August 18, 2017** by **Methodist Manor Retirement Community** as follows:

A variance be granted to the parcel located at **1206 W 4th Street** to allow for:
A front yard setback variance of **ten feet (10')** in the IN-3: Hospital Medical Facilities District to allow for a utility enclosure housing the generator and transformer within **ten feet (10')** of the front property line for this facility which is considered a Convalescent Facility use. The request also asks for a **four foot** height variance to allow the construction a eight foot fence enclosing the generator and transformer.

Subject to the following conditions and safeguards:

- Construction to be completed within 6 months.
- Check to see if sound deadening for the enclosure
- Plant Landscaping around the structure.

Seconded by Board Member Payer.

Roll Call Vote:

Bennett – Abstained

Payer - Approve

Cords - Approve

Ringgenberg – Approve

Item 3 – Adjourn

Moved by Board Member Ringgenberg to adjourn the meeting at 5:33 pm. Seconded by Board Member Cords. Vote: All ayes. Motion carried.

Submitted,

Bob Bennett, Chairman

Staff Summary

11/8/2017

Agenda Item # 2.



City of Storm Lake
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REPORT TO: Board of Adjustment

FROM: Scott Olesen, Building Official

SUBJECT: **Application 2017-6 Variance Request 112 Kenzy Street.**

BACKGROUND: Mr. And Mrs. Carlson own the dwelling that is located at 112 Kenzy Street. They are asking for a variance of 3 feet to the south side yard setback to allow the construction of a detached garage to within 2 feet of the south side lot line. The garage would be setback 33 feet from the north lot line and approximately 20 feet from the west lot line. The required setbacks from the north line is 5 feet. The required setback from the west lot line is 5 feet.

The existing detached garage will be moved back approximately 11 feet to the west from it's current location to allow cars to enter and exit the garage. The Carlsons propose to add on to the west and north sides of the garage to increase the size from 14' x 22' to 22' x 25'.

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. Carlsons request in respect to this and determine if it meets this requirement.

Consideration can be given to the fact that the Carlsons lot is 6,540 which is smaller than the minimum required lot area of 7,200 square feet. The Carlsons could construct a garage if they were to move it further back on their property, but this would necessitate additional concrete to allow cars to enter and exit, which would cause additional issues with runoff, snow removal, and would cause the Carlsons to exceed the maximum allowable impervious coverage..

RECOMMENDATION: Deny request 2017-6.

ATTACHMENTS:

Description		Type
	Variance Request	Application
	Public Hearing Notice	Backup Material

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: 112 Kenzy Street

Existing Use of the Property: Single Family Dwelling w/ Detached garage.

Proposed Use of the Property: Same

Legal Description of the Property: Lot 13, Block 1, Storm Lake Corporation, O'Connell's Addition.
Parcel # 14-02-352-014

Zoning District: R 2

Setbacks:	<u>Required</u>	<u>Proposed</u>		<u>Required</u>	<u>Proposed</u>
Front Yard:	<u>25'</u>	<u>> 25'</u>	Street Side Yard:	<u>NA</u>	
Side Yard(s):	<u>5, 5'</u>	<u>2, > 5'</u>	Rear Yard:	<u>5'</u>	<u>20'</u>
Height:	<u>15'</u>	<u>15'</u>			
Max. Bldg Coverage:	<u>40%</u>		Max. Impervious Coverage:	<u>45%</u>	

Other Request(s): N/A

Principle Use: Dwelling

Accessory Use: detached garage

X Barry Carlson
Signature of Property Owner

9/29/17
Date

City of Storm Lake Use

Meeting Date:

Appeal No.:

Application Fee Paid:

Date Received:

2017-6

VARIANCE REQUEST

CITY OF STORM LAKE

BOARD OF ADJUSTMENT



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
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PROPERTY ADDRESS: 112 Kenzy Street

PROPERTY OWNER: Barry Carlson

OWNER ADDRESS (if different than property owner):

N/A

OWNER'S PHONE NUMBER: 712-299-2975

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.



RECEIVED
9.29.17

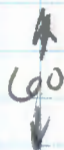
3:40pm

BARRY + Colleen Carlson
112 Kenzy St.
712-299-2975

NORTH



Propose to move existing garage west 11'
and widen existing structure north
toward center of lot to make a 22' x 25' garage



109

TREE



22'

Proposed
Garage

7' PORCH

7'

HOUSE

20'-9"

10'

25'

22'

Existing
Garage

14'

9'-9"

10'-3"

DRIVEWAY

Approx.
20'
to rear
lot line

11'



Neighbor Fence

112

K
E
N
Z
Y

S
t.



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



File number: **#2017-6**

November 3, 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 to the zoning regulations as applied to the property described as: Lot , Block 13-01 STORM LAKE CORP HAYES, O CONNELLS ADDITION PARCEL # 14-02-352-016 (112 KENZY STREET) has been filed by Barry Carlson.

The petition requests approval of a three (3') feet interior side yard setback variance in the R-2 Residential District to allow for the construction of a detached garage to within two (2') feet of the south lot line interior side yard lot line.

The Zoning Administrator was required, under the provisions of the zoning ordinance, to deny a Zoning Compliance Certificate because Article 702-6a requires 5 foot side yard setback in an R-2: Low Medium Density Residential 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 **November 8, 2017 at 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 the requested variance for interior side yard setback.

Sincerely,

Scott Olesen
Zoning Administrator

Staff Summary

11/8/2017

Agenda Item # 3.



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

FROM: Mayra Martinez, City Clerk

SUBJECT: **Nominate a Vice-Chairman**

BACKGROUND: Nominate one of the following board members as vice-chairman:

Board Member	Board Member Since
Bob Payer	2014
Melinda Cord	2014
Gary Ringgenberg	1993

COMPREHENSIVE None

PLAN RELATIONSHIP:

POTENTIAL FINDINGS: None

RECOMMENDATION: Elect a Vice-Chair