

## **Altoona Board of Adjustment Hearing – August 6, 2013 – 6:30 PM**

Members Present – Dale Sikes, John Rullman, Doug Teuber, Robert Hall

Members absent – Lea Morris

Staff Present – John Shaw, Chad Quick, Susi Hoots

Others Present – Mike Harmeyer, Peggy Harmeyer, Chad Kent

Chairman Rullman called hearing to order.

John Shaw addressed the Board and requested that Item #1 on the agenda be moved to the end of the hearing to allow time for a representative of the applicant to arrive.

Chairman Rullman so directed.

#2 Consider a request for variance from Chad and Dana Kent for their property at 204 5<sup>th</sup> Street SW, Altoona, Iowa. They are seeking a variance from Chapter 166.05 (Nonconforming Uses – Repairs and Maintenance). The applicant desires to remove the deteriorating front porch and replace with a wider, larger porch that will not encroach any closer to the front property line than it presently does. The existing home is nonconforming in that it does not meet the 30-foot front yard setback. The applicant is seeking a variance of 15.6 feet.

Chad Kent, 204 5<sup>th</sup> Street SW, Altoona, Iowa addressed the Board by saying the existing front porch is constructed poorly, in poor condition, and falling off the house. He would like to build a new larger porch that would extend the same distance to the north and be wider against the house. It would be 16 feet from east wall to west wall and 18 feet from roof to roof.

Sikes asked when the existing porch was built. Kent said the house was purchased from his mother in law and it is at least eleven years old. Shaw said the existing porch has probably been there for decades.

Sikes noted the letters of support from neighbors and the fact that if the entire house fell down a variance would be needed in order to rebuild.

Rullman noted a house across the street has a similar porch.

Hall mentioned that he drove past the subject property and noticed a vehicle parked across the sidewalk which is illegal. Kent responded that the car belonged to a visitor and that Kent is aware that blocking the sidewalk is illegal.

Tueber noted that zoning severely limits what the property owner can do. Kent pointed out that the peak of the existing porch reaches a window and the window frame and roof are rotting. The new construction will alleviate this problem.

Hall commended Kent for improving the property.

Sikes moved to approve the variance request. Seconded by Teuber. Vote: Yes - Sikes, Teuber, Hall, Rullman. No – None. Variance granted.

#3 Consider a request for variances from Guido's Building Company LLC for their property at 320 8<sup>th</sup> Street SE, Altoona, Iowa, to allow a freestanding sign to set one foot from the north and one foot from the west property lines, variances of nine feet each. The property is zoned C-2 (General Commercial). Freestanding signs are subject to the requirements of the Sign Code, Chapter 159.

Mike Harmeyer, 1111 11<sup>th</sup> Avenue SE, Altoona, Iowa, of Guido's Building Company, LLC, addressed the Board to explain that he purchased the property in September of 2012. The front of the paved parking area is on the property line so to place the sign the required 10 feet inside the property line would necessitate removing paving and would disrupt the ingress/egress use of the area. The ingress/egress area helps with 8<sup>th</sup> Street traffic.

Sikes asked if the sign could be located on the other side of the driveway from the proposed location. Harmeyer said that parked vehicles, there are more vehicles using the parking lot now than in the past, would block the sign.

Hall asked if other equipment besides cars is parked in this lot. Harmeyer responded that other equipment was parked there while a rear parking area was being worked on.

Rullman expressed that the proposed sign location may cause confusion with the Post Office and asked if the sign could be moved forward to the trees and in line with the Bank Iowa sign.

Harmeyer said he would much rather the sign be in that area, and it would be ideal, but he was advised that was not an option. That would put the sign in the right-of-way.

Sikes asked if the right-of-way belongs to the City or to Iowa Department of Transportation.

Shaw responded that the right-o- way is owned by the City.

Quick noted that two letters supporting the proposed sign location were received by the City.

Sikes and Hall remarked that the proposed sign location is very near the sidewalk. Harmeyer said the sign would be two feet from the sidewalk.

Sikes said that tabling the matter would allow the applicant an opportunity to approach the City about purchasing or obtaining a small portion of the right-of-way.

Rullman said that a delay could move the matter into winter.

Hall remarked that a sign is needed as the building sets back so far from the street and asked the applicant for his preference. Harmeyer said he would like to proceed with this request now and then he can approach the city. Harmeyer would not object to building a sign in the proposed location and then removing it and rebuilding another sign if the better location became available. The sign is a valuable entity to him and he would like to spend money now and re-do later if possible.

Rullman and Sikes agreed that a sign would be much better if it were located similarly to the Bank Iowa sign and acknowledged the process and timeframe is unknown.

Sikes moved to table the variance request until the September hearing when a decision will be made. Seconded by Teuber. Vote: Yes – Sikes, Teuber, Hall, Rullman. No – None. Variance request tabled.

#1 Consider a request for variances from Family Care Physicians for their property at 753 8<sup>th</sup> Street SW, Altoona, Iowa, to allow a freestanding sign to set 4'6" north of the south property line. The property is zoned R-3 (Multi-family Residential) and the use of the property as a medical clinic is non-conforming. The sign, at present, does not meet the setback requirements of the R-3 district: it is larger in sign area and taller than the R-3 district allows. Three variances are sought – setback, sign area, and height. Freestanding signs are subject to the requirements of the Sign Code, Chapter 159.

No one was present to address the Board.

Sikes moved to table the request until the September hearing to allow a representative of the applicant to present the request. Seconded by Hall. Vote: Yes – Sikes, Hall, Teuber, Rullman. No – None. Variance request tabled.

Sikes moved to amend the motion: Applicant Family Care Physicians shall advise Staff on or before August 27, 2013 as to whether it will be represented at the September hearing. If Family Care Physicians does not advise Staff, or if it is unable to be represented at the September hearing, the request is tabled until the October hearing at which time a decision will be made. Seconded by Hall. Vote: Yes – Sikes, Hall, Teuber, Rullman. No – None. Variance request is tabled.

#4. Approve minutes of the July 2, 2013 hearing.

Hall moved to approve the minutes as presented. Seconded by Teuber. Vote: Yes – Hall, Teuber, Sikes, Rullman. No – None.

Next hearing scheduled for Thursday, September 5, 2013 at 6:30 p.m.

Hearing Adjourned at 7:12 p.m.

Respectfully submitted,  
Susi Hoots  
Community Services Administrative Assistant