

## **Altoona Board of Adjustment Hearing – April 5, 2016 – 6:30 PM Altoona City Hall**

Members Present – Dale Sikes, John Rullman, Mary Simon, Robert Hall

Members absent – Lea Morris

Staff Present – John Shaw, Chad Quick, Susi Hoots

Others Present – Eric Cannon, Scott Coryell, Brad Skinner, Mark Stewart, unidentified others

Chairman Rullman called hearing to order at 6:31 p.m.

**#1 Continue hearing request for variance from Edge Business Continuity Center, LLC for property at 1401 Northridge Circle NE, Altoona, Iowa. The request is to place a screen wall and mechanical equipment in the front yard setback. Chapter 165.02 Definitions says that front yards shall be unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the zoning Code. The property is zoned M-1 (Limited Industrial).**

**#2 Continue hearing a request for variance from Edge Business Continuity Center, LLC for property at 1401 Northridge Circle Ne, Altoona, Iowa. The request is to reduce the front yard setback from 50 feet to 24 feet, a variance of 26, to allow the screen wall and mechanical equipment. The property is zoned M-1 (Limited Industrial).**

Eric Cannon, Snyder & Associates, 2727 SW Snyder Boulevard, Ankeny, Iowa, and Scott Coryell, of Bell, Knott & Associates, 12730 State Line Road, Suite 100, Leawood Kansas, presented the requests for variances by explaining the original request was for a 26 foot variance. They went back to the drawing board to try to reduce the impact. Urgency was expressed to the engineers and manufacturers. They re-examined everything including the site, architectural, mechanical, electrical, to reduce the impact and still meet the requirements for this type of disaster recovery business and building. They have been able to revise the drawings and adjust the site by relocating the building north 16 feet. Therefore, now they are seeking a variance of only 10 feet. The screen wall will be 10 feet into the required 50-foot front yard setback, resulting in a 40 foot front yard setback. The change will increase the overall cost of the project, but the owners are willing to accept the changes. The building will be 66 feet inside the property line and the screen wall will be 40 feet inside the property line.

Board Members acknowledged the work done by the engineers and voiced appreciation of the revisions.

Rullman asked for any comments from the audience. There were none. Staff verified no input has been received from the public.

**Sikes moved to approve variance request #1 as presented and to approve variance request #2 as revised: for a reduction in the front yard setback from 50 feet to 40 feet. Seconded by Hall. Votes: Yes – Sikes, Hall, Simon, Rullman. No – None.**

**#3 Consider a request for variance from Jordan and Sara Bergman for their property at 2531 10<sup>th</sup> Street SW, Altoona, Iowa. They are seeking a variance to allow a 48-inch tall fence in a portion of their front yard of their corner lot. The zoning ordinance limits the height of a fence in the front yard to 42 inches in height.**

Sara and Jordan Bergman presented the request for variance by explaining the fence is to enclose their dog. They have tested the dog and determined he can clear a 42-inch fence. There is also an existing structure at the northeast corner of the lot. By moving the fence out ten feet from the house they will avoid the existing garden structure/feature and be able to avoid building through a downward slope/grade and allow construction on level ground.

Sikes asked how this property is unique.

Sara Bergman responded that the lot is 193 feet wide rather than the standard 65 feet wide and pointed out they are not requested to fence a very large piece of the front yard. Much of the yard is taken up by easements.

Rullman asked if the desire was to keep the garden in the same location.

Sara Bergman said that is a consideration, but more so to be able to construct the fence on level ground and go northward and continue to use the existing garden structure.

Simon and Rullman remarked on the large size of the lot.

No public input has been received.

Sikes and Hall noted that traffic visibility at the corner is not an issue.

Rullman noted that due to the distance from the street, a person would not be able to discern if it is a 42-inch tall fence or a 48-inch tall fence.

Sikes mentioned that others in the same neighborhood have applied for similar variances and been denied, but this lot is unique.

**Hall move to approve the variance request as presented. Seconded by Simon. Vote: Yes – Hall, Simon, Sikes, Rullman. No – None.**

**#4 Consider a request for variance from Rob III, LC for the property at 1203 8<sup>th</sup> Street SW, Altoona, Iowa. They are proposing to re-install an overhead door in the one-story portion of the building. Chapter 171.01(2)(I)(1) states that overhead doors shall not be oriented toward public rights-of-ways.**

Brad Skinner, 160 Adventureland Drive NW #B, Altoona, Iowa, presented the variance request by stating Rob III, LC has owned this property for ten years. It is a unique property with unique uses.

Skinner described the building and its current uses and tenants. Skinner explained that the front of one of the buildings is currently vacant and used to have an 8 foot by 10 foot overhead door. It is being used as a storage area now and they would like to use it for storage of another tenant's two or three antique vehicles. The current doors have a "T" bar and they would like to re-install an overhead door.

Board Members asked about the semitrailer that is located on the site.

Sikes asked if there are any zoning issues at this time regarding this property. Shaw noted the materials stored outside the building that should be inside per code and said there are many nonconforming things on this property. Rullman noted an issue with Martinson's Used Cars non-compliant parking situation. Discussion ensued regarding variance violations of zoning code at this location. Sikes noted that other variances have not been granted to this property at times while other violations existed.

Hall indicated Martinson's Used Car parking should be brought into compliance. Rullman expressed reluctance to grant a variance when violations exist.

**Sikes moved to approve the variance for installation of an overhead door oriented toward public right-of-way pending verification of parking compliance on this site within fifteen (15) days from today and continued compliance for thirty (30) consecutive days. Seconded by Simon. Vote: Yes- Sikes, Simon, Hall, Rullman. No – None.**

**#5 Minutes of the March 1, 2016 meeting. Simon moved to approve the minutes. Seconded by Sikes. Vote: Yes – Simon, Sikes, Rullman, Hall. No – None.**

**#6. Next meeting/hearing will be Tuesday, May 3, 2016 at 6:30 p.m. if needed.**

Hearing Adjourned at 7:38 p.m.

Respectfully submitted,  
Susi Hoots  
Community Development Administrative Coordinator