



**City of Oskaloosa  
Board of Adjustment  
Council Chambers  
City Hall, 220 S. Market Street  
Oskaloosa, IA 52577  
Agenda  
5:00PM  
June 23, 2015**

**1. Call to Order/Roll Call**

Chair  
Murry \_\_\_\_\_  
Members  
Campbell \_\_\_\_\_  
Sparks \_\_\_\_\_  
Hansen \_\_\_\_\_  
Phillips \_\_\_\_\_

**2. Approval of Minutes**

**A. Approval of the minutes for the April 28, 2015 meeting**

Documents: [BOA MIN 4-28-2015.DOCX](#)

**3. Communications (Oral Or Written Information In Regard To The Meeting)**

**4. Unfinished Business**

**A. Consider a Conditional Use Permit request to construct a convenience storage located at 132 Pella Avenue**

Documents: [132 PELLA AVE CONDITIONAL USE PERMIT AGENDA.PDF](#),  
[APPLICATION.PDF](#), [MUNICIPAL CODE.PDF](#), [EMAIL CORRESPONDENCE.PDF](#), [BUILDING PLANS.PDF](#), [LOCATION MAP.PDF](#)

**5. Adjournment**

NOTICE: If you require special accommodations, please contact the City Manager's Office at least 24 hours prior to the meeting at (641) 673-9431

CITY OF OSKALOOSA  
MINUTES OF THE BOARD OF ADJUSTMENTS MEETING  
April 28, 2015

The meeting of the Board of Adjustments for the City of Oskaloosa was called to order at 5:00 pm on Tuesday, April 28, 2015 by Chairperson Perry Murry at the City Hall Council Chambers 220 S. Market St. Oskaloosa, Iowa.

BOARD MEMBERS PRESENT: Perry Murry, Russell Sparks, Lloyd Phillips and James Hansen; BOARD MEMBERS ABSENT: Wyndell Campbell; CITY STAFF PRESENT: Wyatt Russell, Amie Roberts; PUBLIC PRESENT: applicant; Robbie Davis, applicant; Kara edel, applicant; Stephen Hol.

*Minutes from the February 24, 2015 Board of Adjustment meeting and from the March 31 ,2015 special Board of Adjustment meeting.*

Sparks moved and Hansen seconded to approved the minutes of the February 24, 2015 Board of Adjustment meeting as presented and the March 31 ,2015 special Board of Adjustment meeting as presented.

Vote: YES: Murry, Hansen, and Sparks; NO: None; ABSTAIN: Phillips; ABSENT: Campbell.

*Item A: Consider a variance request for the property located at 412 North I Street to allow the building of a single family residential dwelling on a 60 foot wide lot and a 7,200 square foot site area.*

The Board reviewed the application for the variance request. The board discussed the zoning ordinance requirements for lots that do not meet requirement. With no further discussion, it was moved by Sparks and seconded by Hansen to approve the variance request to build a single family residential dwelling on a 60' lot and a 7,200 sq. ft. site area.

Vote: YES: Murry, Sparks, Hansen, Phillips; NO: None; ABSTAIN: None; ABSENT: Campbell

*Item B: Consider a variance request for the property located at 2357 Hwy 23 to permit placing a factory built mobile home unit 6 ½ feet from the northern established mobile home unit on Lot #520*

The board reviewed the application for the variance request. Mr. Davis, the applicant distributed a hand out to the board members in regards to the variance request. Davis explained to the board the history of Spring Creek Village and the issue accommodating the 20 foot separation between the mobile home units. He also explained that 30-50 mobile homes have the 20 foot issue, and would be difficult to replace homes. Russell explained to the board this situation would trigger a fire safety and access. He cited to the board Oskaloosa Municipal Code section 17.22.010. After further discussion, it was moved by Hansen and seconded by Phillips to deny the variance request to permit placing a factory built mobile home unit 6 ½ feet from the northern established mobile home unit on Lot #520.

Vote: YES: Murry, Hansen, Phillips; NO: Sparks; ABSTAIN: None; ABSENT: Campbell

Item C: *Consider a variance request for the property located at 1416 South 1<sup>st</sup> Street to allow a deck 10 feet from the front yard property line.*

The board reviewed the application for the variance request. The board members discussed the means of egress, 36' in the direction of travel. Mr. Hol can build a 48x36 stoop for means of egress. It was also discussed of the possibility of building the deck in the back yard. Mr. Hol explained that would interfere with access to the carport. With no further discussion, it was moved by Hansen and seconded by Phillips to deny the variance request to allow a deck 10 feet from the front yard property line.

With no further business, Hansen moved and seconded by Sparks to adjourn the meeting at 5:37 PM.

Minutes by Amie Roberts



Board of Adjustment Commission  
Meeting Date: June 23, 2015  
Requested By: Public Works Dept.

**Item Title:**

Consider a Conditional Use Permit request to construct a convenience storage located at 132 Pella Avenue

**Explanation:**

Board of Adjustment tabled the Conditional Use Permit application at their meeting on February 24, 2015 until all appropriate documentation is submitted set forth in the Oskaloosa Municipal Code Section 17.34.030(C).

Mr. Curtis and Ms. Jennifer Sheets have submitted a Conditional Use permit application to construct a convenience storage located at 132 Pella Avenue. The property is zoned as General Commercial (GC) District. The Oskaloosa Municipal Code Table 17.08B requires a Conditional Use Permit for convenience storage.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of Adjustment approve the Conditional Use Permit with the following stipulations:

- Activities within the facility shall be limited to the rental of storage cubicles and administration and maintenance of the facility.
- All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- No storage buildings may open into required front yards.

The property owner is requesting to waive the following stipulations:

- To require all driveways within the facility shall provide a paved surface with a minimum width of twenty-five feet. *The drive way would be rock and rock and black top around the units. All other frontage would be converted to grass or landscaping as required. The unit currently has rock entrances.*
- Facilities must maintain landscaped buffer yards of thirty-five feet adjacent to any public right-of-way and twenty feet adjacent to other property lines, unless greater setbacks are required by Chapter 17.26. *The buffer yard to the public right of way would be maintained except where and if the building intrudes on the 35 feet. The twenty feet to the adjacent property on the east will be need to be modified to the plot plan distance. This area is needed to access the units on the east side of the building. Note the east side of property is currently all gravel and will remain gravel.*

**ALTERNATIVE ACTIONS:**

1. Other actions as determined by the Board of Adjustment

**Budget Consideration:**

Application fees of \$100.00

**Attachments:**

Application, Email Correspondence, Site Plan, Location Map, Oskaloosa Municipal Code Table 17.08(B) & definition, Oskaloosa Municipal Code Section 17.22.050(G) and 17.34.030(C)

CONDITIONAL USE PERMIT APPLICATION

We, Curtis and Jennifer Sheets, wish to apply for a  
(Name of Owner/Representative)

Conditional Use Permit for the property located at 132 Pella Avenue  
(Address)

and legally described as: Lot "D" of the Auditor's subdivision of the Southeast Quarter of the Northeast Quarter of section fourteen, Township Seventy-Five, Range Sixteen, as shown by plat recorded in Book 10, pg 343, of the records of Mahaska County, Iowa, except a strip of ground one hundred eighty-eight feet in equal width off from the entire South side thereof.

Current zoning of property: Commerical - General Commercial (GC)

The proposed use of the property: Storage facility (individual units) within the one building.

Feasibility of proposed request (attach 2<sup>nd</sup> sheet if needed): Building was a bar previously. We are going to add some walls and put in doors to make it a storage facility. See drawing to see the details of where doors are going and the walls inside.

Effect on surrounding property (attach 2<sup>nd</sup> sheet if needed): Currently own the adjacent property that is directly hooked onto this lot to the east. Property to West has a creek that divides the properties. The property we own already is to the east and they are currently storage buildings.

NOTE: A SITE PLAN MUST BE INCLUDED WITH THIS APPLICATION AS SET FORTH IN TABLE 17.34A OF THE OSKALOOSA ZONING ORDINANCE.

Date: 2/5/15

Signature: [Signature] & Jennifer Sheets FEE: \$100.00  
(Owner/Representative)

17.34.030 - Conditional use permits.

- A. Purpose. The conditional use permit procedure provides for board of adjustment review and approval of uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.
- B. Administration. The board of adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure. The board of adjustment, following proper notice, shall hold a public hearing, on each conditional use permit application and, following such public hearing, shall act on the application. Before approval of any conditional use permit, the board shall review the conformity of the proposal with the criteria set forth in Table 17.34A. The board may approve or disapprove the conditional permit as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the board deems necessary to the end that it preserve the intent and purpose of this title to promote public health, safety and the general welfare.
- C. Application Requirements. An application for a conditional use permit may be filed with the zoning administrator by the owners(s) of a property or the owners' authorized agent. Applications for a conditional use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a detailed site plan containing all requirements for site plan review set forth under Section 17.34.020(e) and (f).
- D. Criteria for Review. The board shall review and act upon the request based on the criteria established in Table 17.34A and conformance with applicable regulations in this title.
- E. Scope of Approval.
  - 1. The board of adjustment may, at its discretion, apply a conditional use permit to a specific owner or applicant. The board may establish special site development or operational regulations as a condition of approval of a conditional use permit.
  - 2. The board of adjustment shall not grant a conditional use permit for any home occupation/home-based business, which is otherwise prohibited under Section 17.22.110 of this title.
- F. Change in Approved Special Permits. In the event a conditional permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.
- G. Lapse and Revocation of Permit.
  - 1. A conditional use permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period, or sooner if so conditioned by the board of adjustment.
  - 2. The board of adjustment may revoke a conditional use permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
- H. Previously Approved Permits. Any conditional use approved under regulations in effect before the effective date of the ordinance codified in this section shall be considered to have a valid conditional use permit, subject to requirements imposed at the time of its approval.
- I. Appeals. Actions taken by the board of adjustment subject to this section may be appealed as provided for in Section 17.34.100

(Ord. 1125 §§2,3, 2002; Ord. 1086 §17.1203, 2000)

17.22.050 - Supplemental use regulations-Commercial uses.

A. Auto Repair, Equipment Repair, and Body Repair.

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways. Screening is subject to provisions of Chapter 17.26
2. Any spray painting must take place within structures designed for that purpose and approved by the building official.

B. Auto Washing Facilities.

1. Each conveyor-operated auto washing facility shall provide eighty feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
2. Each auto washing facility shall provide stacking space for two automobiles per bay on the approach side and one space per bay on the exit side of the building.

C. Automobile and Equipment Rental and Sales.

1. All outdoor display areas for rental and sales facilities shall be hard-surfaced.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed twenty-five percent of the gross floor area of the building.

D. Bed and Breakfasts. Bed and breakfasts permitted in the DC district must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

E. Campgrounds.

1. Minimum Size. Each campground established after the effective date of the ordinance codified in this title shall have a minimum size of one acre.
2. Setbacks. All campgrounds shall maintain a fifty-foot front yard setback and a twenty-five-foot buffer yard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all city ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

F. Cocktail Lounges.

1. No cocktail lounge shall be permitted in the DC downtown commercial district that is within two hundred feet of another cocktail lounge.
2. This separation requirement shall not apply to restaurants which serve alcoholic beverages as an accessory to its primary service of food.

G. Convenience Storage. When permitted in the AG, CC, GC, and LI districts, convenience storage facilities shall be subject to the following additional requirements:

1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
2. All driveways within the facility shall provide a paved surface with a minimum width of twenty-five feet.
3. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
4. No storage buildings may open into required front yards.

5. Facilities must maintain landscaped buffer yards of thirty-five feet adjacent to any public right-of-way and twenty feet adjacent to other property lines, unless greater setbacks are required by Chapter 17.26
- H. Restaurants. Restaurants in the LC district that include the accessory sale of alcoholic beverages require approval of a Conditional Use Permit, as set forth in Chapter 17.34
- I. Restricted (or Adult Entertainment) Businesses. Adult entertainment businesses shall be subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:
1. No adult entertainment business shall be open for business between the hours of twelve midnight and six a.m.
  2. An adult entertainment business shall not be allowed within five hundred feet of another existing adult entertainment business.
  3. An adult entertainment business shall not be located within five hundred feet of any residentially zoned district.
  4. An adult entertainment business shall not be located within five hundred feet of a preexisting school, public park, or place of worship.
  5. The provisions of this chapter shall apply to any adult entertainment businesses in existence at the time the ordinance codified in this chapter takes effect. All nonconformances shall come into compliance on or before January 1, 2005, and no such nonconforming use shall be permitted to expand in size or scope and the rights granted in this chapter shall terminate upon cessation of business, sale or transfer of ownership of the adult entertainment business.
  6. Measurement of Distances. For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the said main entrance of such adult entertainment business.
  7. No adult entertainment business shall employ any person under twenty-one years of age.
  8. No adult entertainment business shall furnish any merchandise or services to any person who is under eighteen years of age.
  9. No adult entertainment business shall be conducted in any manner that permits the observation of models or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the premises which is prohibited by this code or any laws of the state or the United States.
  10. No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semipublic area.
  11. An adult entertainment business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen years is allowed on the premises. The sign shall comply with the city's sign regulations. This section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
  12. Nuisance Operation. Any adult entertainment business operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinder thereof, in the manner prescribed by law, and shall take such

other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment business contrary to the provisions of this chapter.

13. Penalty for Violations. Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars or by imprisonment for not more than thirty days.

(Ord. 1086 §17.605, 2000)

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

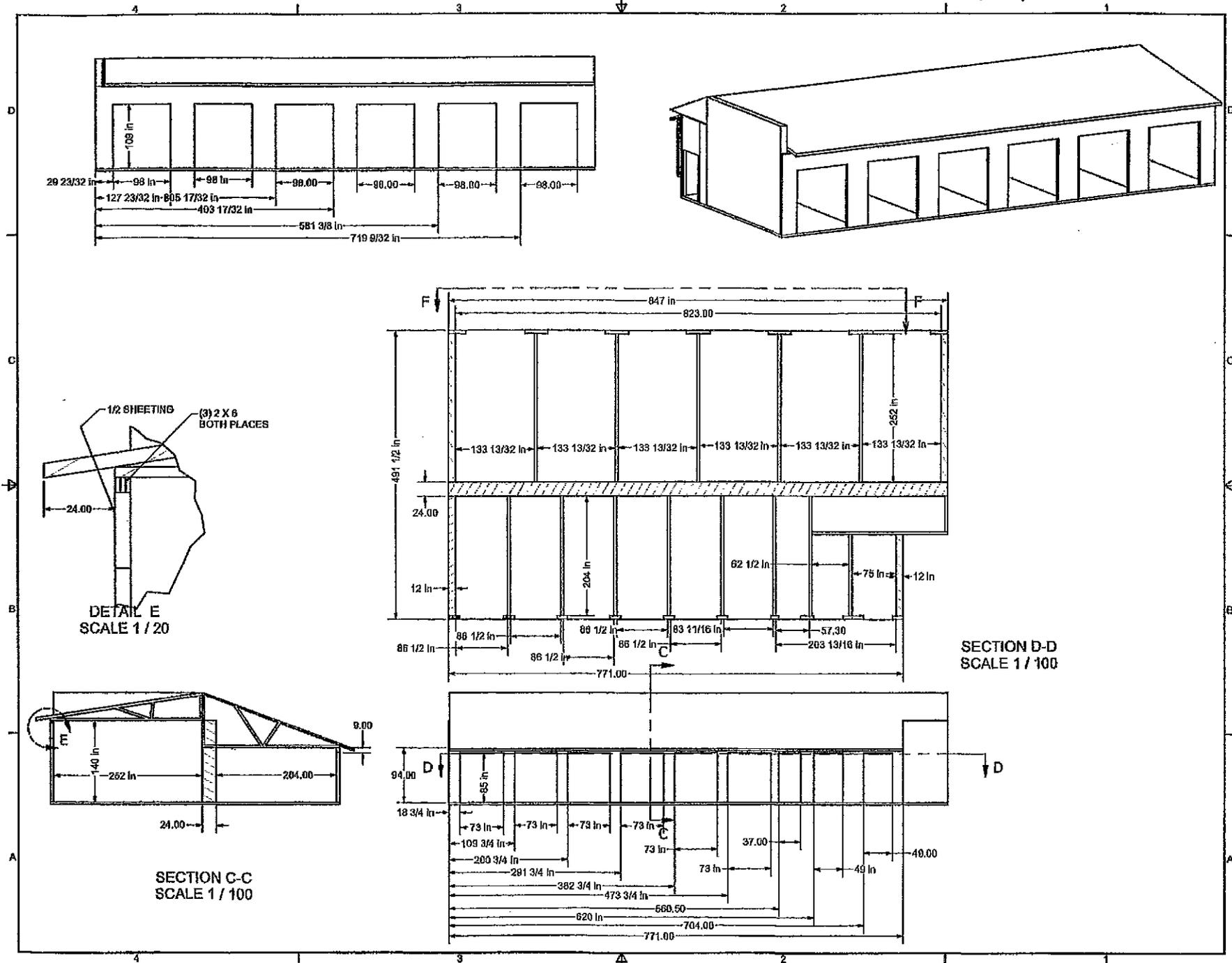
Use Types	AG	RR	R- 1	R- 2	R- 3	R- 4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
<b>Office Uses</b>																
Corporate offices					C		P	P	P	P	P	P	P	P	P	
General offices					C		P	P	P	P	P	P	P	P	P	
Financial offices							P	P	P	P	P	P	P	P	P	
Medical offices					C		P	P	P	P	P	P	P	P	C	
<b>Commercial Uses</b>																
Ag sales/service									C	C	P	P		P	P	
Auto rental/sales							P		C	P	P	P		C		17.22.050(C)
Auto services							C	C	P	P	P	P		P	P	17.22.050(A), (B)
Body repair									C	C	P	P		P	P	17.22.050(A)
Equip rental/sales										C	P	P		P	P	17.22.050(C)
Equipment repair											P	P		P	P	17.22.050(A)
Bed and breakfast	C	C	C	C	C		P	P	P	P	P	P				17.22.050(D)
Business support services							P	P	P	P	P	P	P	P	P	
Business/trade school									P	P	P	P	P	P	P	
Campground									C		C	C				17.22.050(E)
Cocktail lounge							C		P	C	P	P	C	P	P	17.22.050(F)
Commercial rec (indoor)							C	C	P	P	P	P	P	P	P	17.22.050(F)
Commercial rec (outdoor)											P	P		P	P	
Communication service							P	C	P	P	P	P	P	P	P	
Construction sales/service							C		C	C	P	P		P	P	
Consumer service							P	P	P	P	P	P	P	P		
Convenience storage									C		C	C		P	P	17.22.050(G)
Crematorium							C	C	C	C	C	C		C	C	
Food sales (convenience)							P	C	P	P	P	P	P	P	P	
Food sales (limited)							P	P	P	P	P	P	P	P	P	
Food sales (general)							C	C	P	P	P	P				

P = Uses permitted by right  
 C = Uses permitted by conditional use permit  
 Blank = Use not permitted

**17.06.070 - Commercial use types.**

Convenience Storage. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

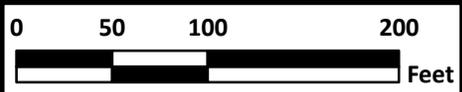
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12/22/14



# Conditional Use Permit Request, & City Code Appeal Request for 132 Pella Avenue



132  
Pella Ave



Date Created: 2-6-15