



**City of Oskaloosa  
Board of Adjustment  
Council Chambers  
City Hall, 220 S. Market Street  
Oskaloosa, IA 52577  
Agenda  
September 22, 2015  
5:00P.M.**

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

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

**2. Approval of Minutes**

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

Documents: [BOA MIN 7-28-2015.DOCX](#)

**3. Miscellaneous Business**

**A. Introduction Packets**

**4. New Business**

**A. Consider a variance request for the property located at 416 2nd Avenue West to allow the building of a duplex 16 feet from the front yard property line, 6 feet from the rear yard property line and on a 7,680 square foot site area.**

Documents: [416 2ND AVE W AGENDA.DOC](#), [416 2ND AVE W APPLICATION.PDF](#), [RESOLUTION\\_416 2ND AVE W- DENIED.DOCX](#), [RESOLUTION\\_416 2ND AVE W.DOCX](#), [TABLE 17 08C - ZONING REGULATION - SITE DEVELOPMENT \(2\).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  
July 28, 2015

The meeting of the Board of Adjustments for the City of Oskaloosa was called to order at 5:00 pm on Tuesday, July 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 Wyndell Campbell; BOARD MEMBERS ABSENT: James Hansen; CITY STAFF PRESENT: Wyatt Russell, Amie Roberts; PUBLIC PRESENT: applicants; Stephen & Sheryl Stam; Chad & Stacy Thomas.

*Minutes from the June 23, 2015 Board of Adjustment meeting.* Sparks moved and Campbell seconded to approved the minutes of the July 23, 2015 Board of Adjustment meeting as presented.

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

*Item: Consider a variance request for the property located at 1404 15<sup>th</sup> Avenue West to allow the building of a garage addition 27 feet 7 inches from the front yard property line.*

The Board reviewed the application for the variance request. Mr. Stam explained to the board the proposed plans to build an attached garage and would like it to align with the current garage. Campbell stated that the property is a significant smaller footprint and doesn't think it will encroach from the street. With no further discussion, Sparks made a motion to approve the variance request of building a garage addition 27 feet 7 inches from the front yard property line Phillips Seconded the motion; Vote: YES: Murry, Sparks, Phillips, Campbell; NO: None; ABSTAIN: None; ABSENT: Hansen

*Item: Consider a variance request for the property located at 716 South M Street to allow the building of an attached garage 18 feet 3 inches from the front yard property line.*

The Board reviewed the application for the variance request. Mr. Thomas explained to the board the change in plans for the proposed attached garage. The new plans will align the attached garage to the current house which is 24' 3" from the front yard property line. With no further discussion, Campbell made a motion to approve the variance request of building an attached garage 24 feet 3 inches from the front yard property line Sparks Seconded the motion; Vote: YES: Murry, Sparks, Phillips, Campbell; NO: None; ABSTAIN: None; ABSENT: Hansen

With no further business, Campbell made a motion to adjourn the meeting at 5:12 PM.

Minutes by Amie Roberts



Board of Adjustment Commission  
Meeting Date: September 22, 2015  
Requested By: Public Works Dept.

**Item Title:**

Consider a variance request for the property located at 416 2<sup>nd</sup> Avenue West to allow the building of a duplex 16 feet from the front yard property line, 6 feet from the rear yard property line and on a 7,680 square foot site area.

**Explanation:**

Mr. Brian Booy has submitted a variance request application to build a duplex 16 feet from the front yard property line, 6 feet from the rear yard property line and on a 7,680 square foot site area located at 416 2<sup>nd</sup> Avenue West. The property is zoned Urban Family Residential (R-2) District. This is a request for a variance of the Oskaloosa Municipal Code Table 17.08C Summary of Site Development Regulations. In an R-2 District, the minimum front yard setback is 30 feet, the minimum rear yard setback is 25 feet and the minimum site area for a duplex (per square feet) is 10,000 sq. ft.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of Adjustment Deny the variance request

**ALTERNATIVE ACTIONS:**

1. Approve the requested variance.
2. Other actions as determined by the Board of Adjustment

**Budget Consideration:**

\$100.00 for application fee

**Attachments:**

Application, Resolution, Oskaloosa Municipal Code Table 17.08C

VARIANCE REVIEW AND DETERMINATION OF HARDSHIP  
FOR BOARD OF ADJUSTMENT

APPLICANT: B/C PROPERTIES LLC  
 ADDRESS: 416 2ND AVE WEST.  
 VARIANCE REQUESTED: SIDE YARD / REAR YARD

1) Do special conditions or circumstances exist which are peculiar to this building, lot, or structure which are not applicable to others in the area?

	<u>YES</u>	<u>NO</u>
A) Topography	___	___
1) Ravines/Hills	___	___/✓
2) Rock Outcroppings	___	___/✓
3) Waterways	___	___/✓
4) Soil Type	___	___/✓
5) Shape of Lot (applicable if lot platted before 1973)	___	___/✓
B) Significant Trees or Shrubs	___	___/✓
C) Other (list) _____	___	___

2) Does literal interpretation of the Ordinance deprive applicant of rights commonly enjoyed by other properties in the area?

A) Is requested variance of this type common to others in area?      \_\_\_    \_\_\_/✓

3) Do special conditions exist which do not result from actions of the applicant?

- A) Was applicant the original builder of the structure?      \_\_\_    \_\_\_/✓
- B) Has the applicant sold parcels of property from original parcel or otherwise Altered the property to create the special condition?      \_\_\_    \_\_\_/✓
- C) Is an alternate construction site available on lot or property owned?      \_\_\_    \_\_\_/✓
- D) Was a variance granted for original structure?      \_\_\_    \_\_\_/✓

4) Would granting of the variance confer special privileges previously denied to others?

- A) Is requested variance common to others in the area?      \_\_\_    \_\_\_/✓
- B) Has requested variance been denied to others in the same district?      \_\_\_    \_\_\_/✓

5) Any extenuating circumstances or findings must be listed on the back of this form.

**NOTICE OF APPEAL  
And  
APPLICATION FOR VARIATION**

TO THE BOARD OF ADJUSTMENT OF THE CITY OF OSKALOOSA, IOWA:

You are hereby notified that the undersigned owner(s) of the following described premises situated in the City of Oskaloosa, Iowa, to-wit:

Legal Description: \_\_\_\_\_

Street Address: 414 2<sup>nd</sup> AVE WEST.

do(es) hereby appeal from the denial by the Building Inspector of Oskaloosa, Iowa, of his/her application for a building permit filed with said Building Inspector on the 2 day of September, 2015, under which the undersigned seek(s) permission to:

Build A New Duplex ON THIS  
PROPERTY

and do(es) hereby apply for a variation in the regulations applicable to said premises under the Oskaloosa Zoning Ordinance which would permit the issuance of a permit for the purpose above set forth. The variation requested involves the provisions of Section 17.08 Table C, Paragraph \_\_\_\_\_, Sub-paragraph \_\_\_\_\_ of said Ordinance which requires that

In an R-2 district the minimum front yard setback  
is 30 feet, the minimum rear yard setback is 25 feet &  
the minimum site area for a duplex (per square foot) is  
10,000 sq. ft.

In support of said application the undersigned state(s) that either or both of the following grounds for variation exists:

\_\_\_ The depth, width, shape or topographical condition of the property or other extraordinary or exceptional situation prohibits the use of said property in a manner reasonably similar to that of other property in the district.

(explain)

Lot size was determined  
A few years ago

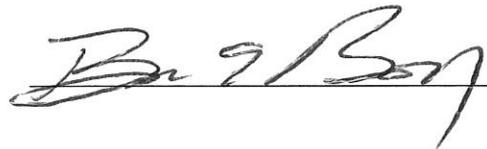
\_\_\_ Denial of a permit will work a hardship on the undersigned.

(explain)

would not be able to  
build on property.

WHEREFORE, the undersigned request(s) that the Board fix the date and place for hearing upon this appeal and application for variation and that upon said hearing the decision of the Building Inspector be reversed or revised and that the variation applied for be granted and that the issuance of said building permit be ordered.

Date this 1 day of Sept, 2015



#### General Information

The Board of Adjustment meets on Tuesday, following the 4<sup>th</sup> Monday of each month. The Board shall provide no less than 4 days and no more than 20 days notice of public hearing on any question before it. Appeals must be filed at least two weeks prior to the public hearing date.

**An appeal fee of \$100.00-residential and \$200.00-commercial shall be paid to the City prior to filing the appeal. This fee is non refundable.**

Written testimony or evidence (such as affidavit of person knowing material facts) shall be attached to and filed with Notice of Appeal and Application for Variation.



City of Oskaloosa  
Engineering/Building Department  
BUILDING PERMIT APPLICATION

Wyatt Russell  
Building Official  
wyatt.russell@oskaloosaiowa.org  
City of Oskaloosa, Iowa  
Phone 641-673-7472  
Fax 641-673-3733

Job Site Address: 416 2nd AVE W Date of Application 9-2-2015

Owner's Name: B/G Properties LLC Phone Number: \_\_\_\_\_

Owner's Address: 1103 SOUTH D ST

Valuation of Work: \$ 180,000.00

Description of Work: Build New Duplex

Contractor Information:

General Contractor: Name Booy Const. LLC Lic. # \_\_\_\_\_

Address: 1103 SOUTH D ST Phone # \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Carpenter: Name Same Lic. # \_\_\_\_\_

Address: \_\_\_\_\_ Phone # \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Electrician: Name Van Hemert Elec Lic. # \_\_\_\_\_

Address: Oskaloosa Phone # \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Plumber: Name Vandewall Plumbing Lic. # \_\_\_\_\_

Address: Oskaloosa Phone # \_\_\_\_\_ Exp. Date: \_\_\_\_\_

HVAC: Name DELL EIDER Lic. # \_\_\_\_\_

Address: OSKALOOSA Phone # \_\_\_\_\_ Exp. Date: \_\_\_\_\_

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of the laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any State or local law regulating construction or the performance of construction.

Signature of Applicant Brian E Booy Date: 9-2-2015

Print Name: Brian Booy

This permit becomes null and void if work is not commenced within 120 days, or if the work is suspended or abandoned for a period of 120 days at any time after work is commenced.

ADMINISTRATION ONLY

Received By: AR Date: 9/2/15 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Plan Review Fee: \_\_\_\_\_ Permit Fee: \_\_\_\_\_ Paid - Check #: \_\_\_\_\_ Date: \_\_\_\_\_

Permit Number: \_\_\_\_\_

\_\_\_\_\_  
Building Official

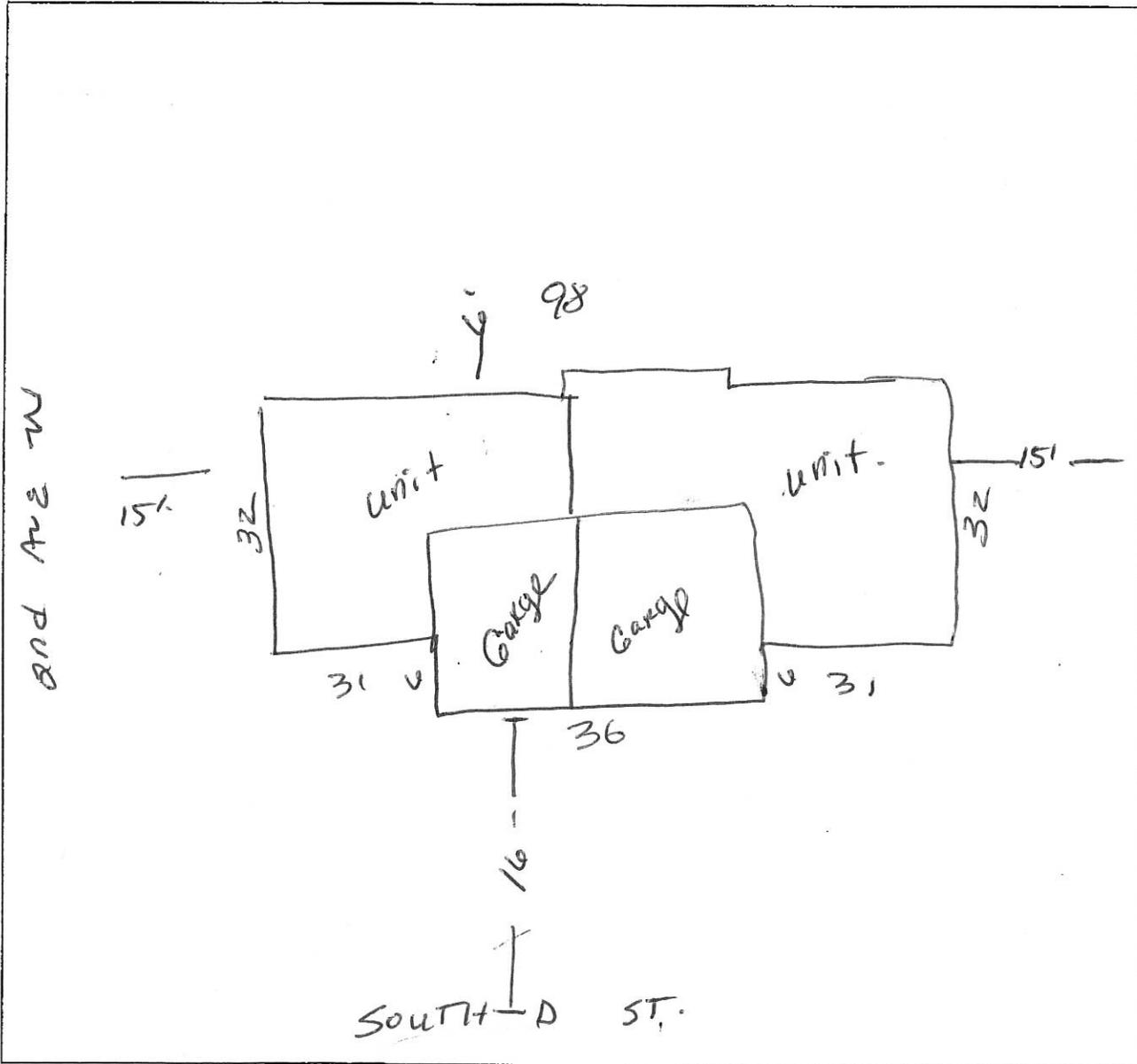
\_\_\_\_\_  
Date

City of Oskaloosa  
Engineering/Building Department  
Plot Plan Form

Date Submitted: 9-2-2015

Property Address: \_\_\_\_\_

NOTE: All items referenced on second page must be shown on submitted Plot Plan.



I certify that the above Plot Plan is a true representation of this lot and accurately shows all dimensions, easements and proposed and existing structures on said lot. Any deviation from this approved Plot Plan may void the Building Permit and/or zoning approvals.

SIGNATURE OF OWNER/CONTRACTOR: Brian E Booy

See Second Page for Plot Plan Sample

# LEGEND

ADDRESS 416 2<sup>nd</sup> AVE

Duplex

1. 2x6 wall
- 2 R-21 wall INSULATION
3. Pella window/DOORS.
- 4 ATTIC INSULATION R-44
5. METAL SLOTT.
- 6 LP LAP SIDING
7. 2. - 100 AMP SERVICES.
8. 2. 75 BTU FURNACES
- 9 2 2.5 TON A/C UNITS.
- 10 40 Gall POWERVENT WATER HEATER
- 11 ~~FA~~ Factory Build TRUSSES (Malcom Lumber)

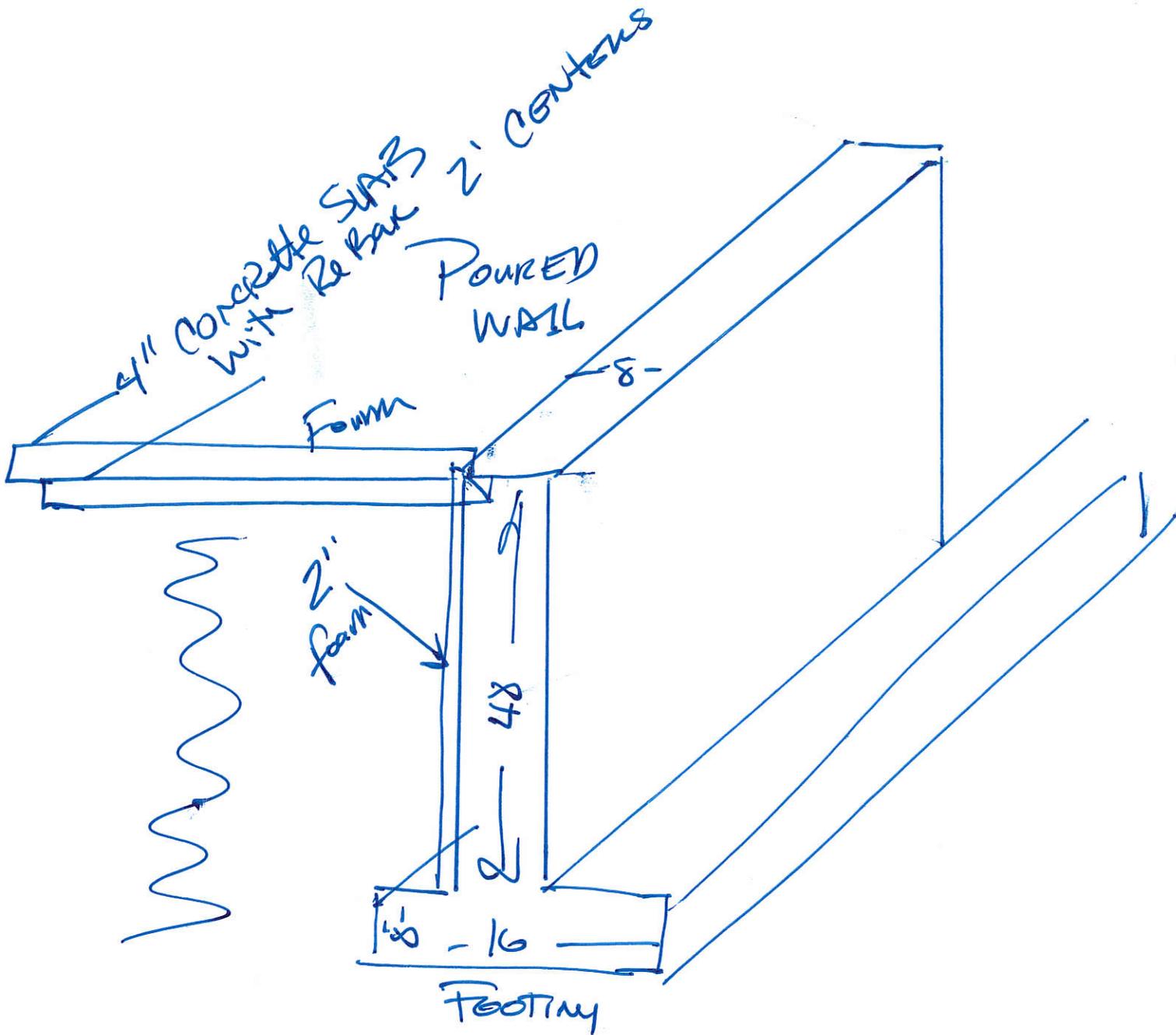










Table 17.08C Summary of Site Development Regulations (Continued)

<i>Regulator</i>	<i>AG</i>	<i>RR</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>
Minimum lot area (square feet)						3.0 acres
One-family	2 units per each 40 acres	2 acres	8,400	8,400	7,200	4,000
Duplex, townhouses	—		—	10,000	8,400	
Multi-family	—		—	—	10,000	
Other permitted uses	No requirement		8,400	10,000	10,000	
Minimum lot width (feet)	200	100	70			
One-family				70	60	150
Duplex				80	70	
Townhouses				25	20	
Multi-family					80	
Other permitted uses					80	
Site area per housing unit (square feet) by type of residential						
Single-family	20 acres	2 acres	8,400	8,400	7,200	5,000 per
Two-family, duplex				5,000	4,200	unit
Townhouse				4,000	2,500	
Multi-family				NA	2,000	
Minimum yards (feet)						
Front yard	50	40	30	30	30	50
Street side yard	50	30	25	15	15	50
Interior side yard (Note 2)	50	15	7	7	7	50
1 to 1.5 stories	50	20	10	10	10	
2-3 stories	NA	NA	NA	NA	13	
More than 3 stories	50	40	40	40	30	
Nonresidential uses						
Rear yard	50	40	25	25	30	50
Maximum height (feet)	no limit	35	35	35	45	35
Maximum building coverage	NA	20%	35%	45%	55%	40%
Maximum impervious coverage	NA	30%	50%	60%	70%	60%
Floor area ratio	NA	NA	NA	NA	NA	NA