



**City of Oskaloosa
Board of Adjustment
Council Chambers
City Hall, 220 S. Market Street
Oskaloosa, IA 52577
Agenda
Special Meeting
10/2/2015
12:00P.M.**

1. Call to Order/Roll Call

Chair
Murry _____
Members
Campbell _____
Sparks _____
Hansen _____
Phillips _____

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

3. New Business

- A. Consider a variance request for the property located at 1004 C Avenue East to allow a 24'x46' extension to the existing detached garage 1 foot from the rear property line and 1 foot from an existing accessory structure.**

Documents: [1004 C AVE E AGENDA.PDF](#), [APPLICATION.PDF](#), [CODE 17.24.030.PDF](#), [RESOLUTION_1004 C AVE E.PDF](#), [RESOLUTION_1004 C AVE E- DENIED.PDF](#)

- B. Consider a variance request for the property located at 543 9th Avenue East to allow the building of an addition 0 feet from the front yard property line.**

Documents: [543 9TH AVE E AGENDA.PDF](#), [APPLICATION.PDF](#), [17.08C CODE.PDF](#), [RESOLUTION_543 9TH AVE E.PDF](#), [RESOLUTION_543 9TH AVE E- DENIED.PDF](#)

- C. Consider a variance request for the property located at 603 North D Street to allow the building of a single family residential dwelling 9 feet from the street side yard property line, on a 6,600 square foot site area and with a lot width of 44 feet.**

Documents: [603 NORTH D AGENDA.PDF](#), [APPLICATION.PDF](#), [CODE TABLE 17.08C.PDF](#), [RESOLUTION_603 NORTH D.PDF](#), [RESOLUTION_603 NORTH D - DENIED.PDF](#)

4. 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



Board of Adjustment Commission
Meeting Date: October 2, 2015
Requested By: Public Works Dept.

Item Title:

Consider a variance request for the property located at 1004 C Avenue East to allow the building of a 24'x46' extension to the existing detached garage 1 foot from the rear property line and 1 foot from an existing accessory structure.

Explanation:

Ms. Jane Kelderman has submitted a variance request application to build a 24'x46' extension to the existing detached garage 1 foot from the rear property line and 1 foot from an existing accessory structure located at 1004 C Avenue East. The property is zoned Urban Family Residential (R-2) District. This is a request for a variance of the Oskaloosa Municipal Code 17.24.030 (6) (C) and (F) Setback Adjustments (for detached accessory structures). The minimum rear yard setback is 5 feet and separation between structures shall be 10 feet.

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 17.24.030

VARIANCE REVIEW AND DETERMINATION OF HARDSHIP
FOR BOARD OF ADJUSTMENT

APPLICANT: JANG KELDORFMAN

ADDRESS: 1004 C AVE EAST, OSKALOUSA

VARIANCE REQUESTED: SEPARATION FROM EXISTING STRUCTURE (MYRARRAGE) TO PROPERTY LINE (SOUTH) AND NEIGHBOURS EXISTING GARAGE TO SOUTH

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	___	<u>X</u>
2) Rock Outcroppings	___	<u>X</u>
3) Waterways	___	<u>X</u>
4) Soil Type	___	<u>X</u>
5) Shape of Lot (applicable if lot platted before 1973)	___	<u>X</u>
B) Significant Trees or Shrubs	___	<u>X</u>
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? ___ X

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

A) Was applicant the original builder of the structure? ___ X

B) Has the applicant sold parcels of property from original parcel or otherwise
Altered the property to create the special condition? ___ X

C) Is an alternate construction site available on lot or property owned? ___ X

D) Was a variance granted for original structure? ___ X

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

A) Is requested variance common to others in the area? ___ X

B) Has requested variance been denied to others in the same district? ___ X

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: 1004 C AVE EAST

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 17 day of SEPTEMBER, 2015, under which the undersigned seek(s) permission to:

BUILD A 3 STALL (BIGGER) GARAGE WHERE AN
EXISTING GARAGE IS LOCATED ON PROPERTY AT
ADDRESS ABOVE.

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 Title 17 Zoning, Paragraph Chapter 17.24.030 (k) Sub-paragraph _____ of said Ordinance which requires that (C) + (F)

The minimum rear yard setback for an accessory
building shall be 5 feet & that accessory buildings shall
be separated by a minimum of 10 feet.

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) SOUTH WALL OF EXISTING GARAGE TO
EXTEND EAST WITH CONSTRUCTION OF NEW
GARAGE.

___ Denial of a permit will work a hardship on the undersigned.

(explain) - CAN'T ADD FULL 3 STALL GARAGE IF
MOVED NORTH.

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 17 day of SEPTEMBER, 2015.

x Janet

General Information

The Board of Adjustment meets on Tuesday, following the 4th 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: 1004 C. Ave East Date of Application 8-25-15

Owner's Name: Jane Kelderman Phone Number: 641-660-0352

Owner's Address: 1004 C. Ave East

Valuation of Work: \$ 40,000 (24' x 46')

Description of Work: ENLARGING EXISTING GARAGE TO BIGGER
3 STALL GARAGE. DEMO OF EXISTING CONCRETE AND
PORING NEW GARAGE FOUNDATION.

Contractor Information:

General Contractor: Name getting bids - Lic. # _____

Address: _____ Phone # _____ Exp. Date: _____

Carpenter: Name _____ Lic. # _____

Address: _____ Phone # _____ Exp. Date: _____

Electrician: Name DEBRAIN ELECTRIC Lic. # _____

Address: _____ Phone # _____ Exp. Date: _____

~~Plumber:~~ Name Advanced Concrete - Tony Johnson Lic. # _____

Address: _____ Phone # 641-673-4707 Exp. Date: _____

HVAC: Name _____ Lic. # _____

Address: _____ 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 [Signature] Date: 9-17-15

Print Name: Jane K. Kelderman

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: _____ Date: _____ Reviewed By: _____ Date: _____

Plan Review Fee: _____ Permit Fee: _____ Paid - Check #: _____ Date: _____

Permit Number: _____

Building Official

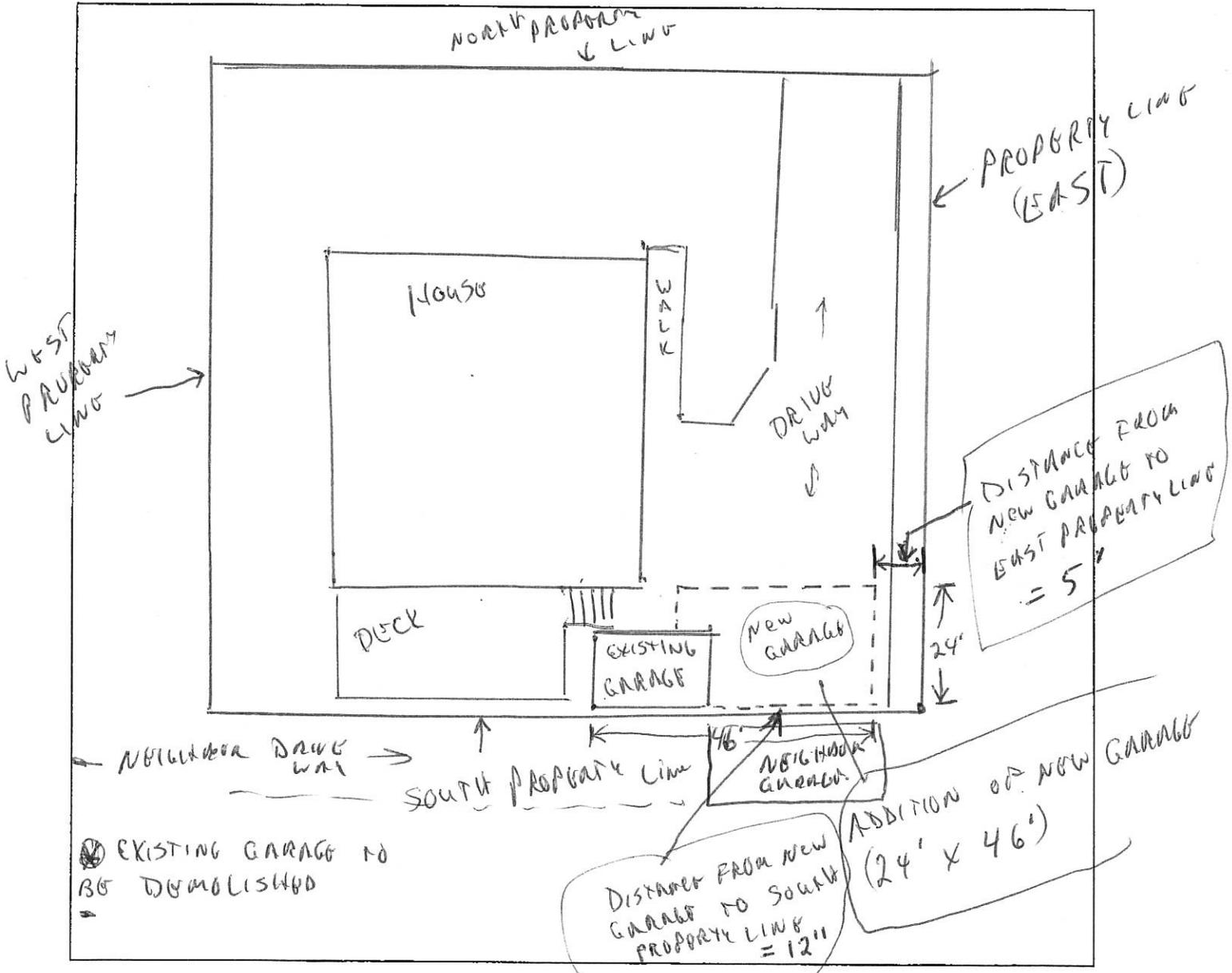
Date

City of Oskaloosa
Engineering/Building Department
Plot Plan Form

Date Submitted: 9/15/15

Property Address: 1004 C Ave East, Oskaloosa

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

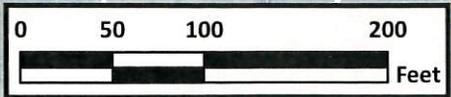
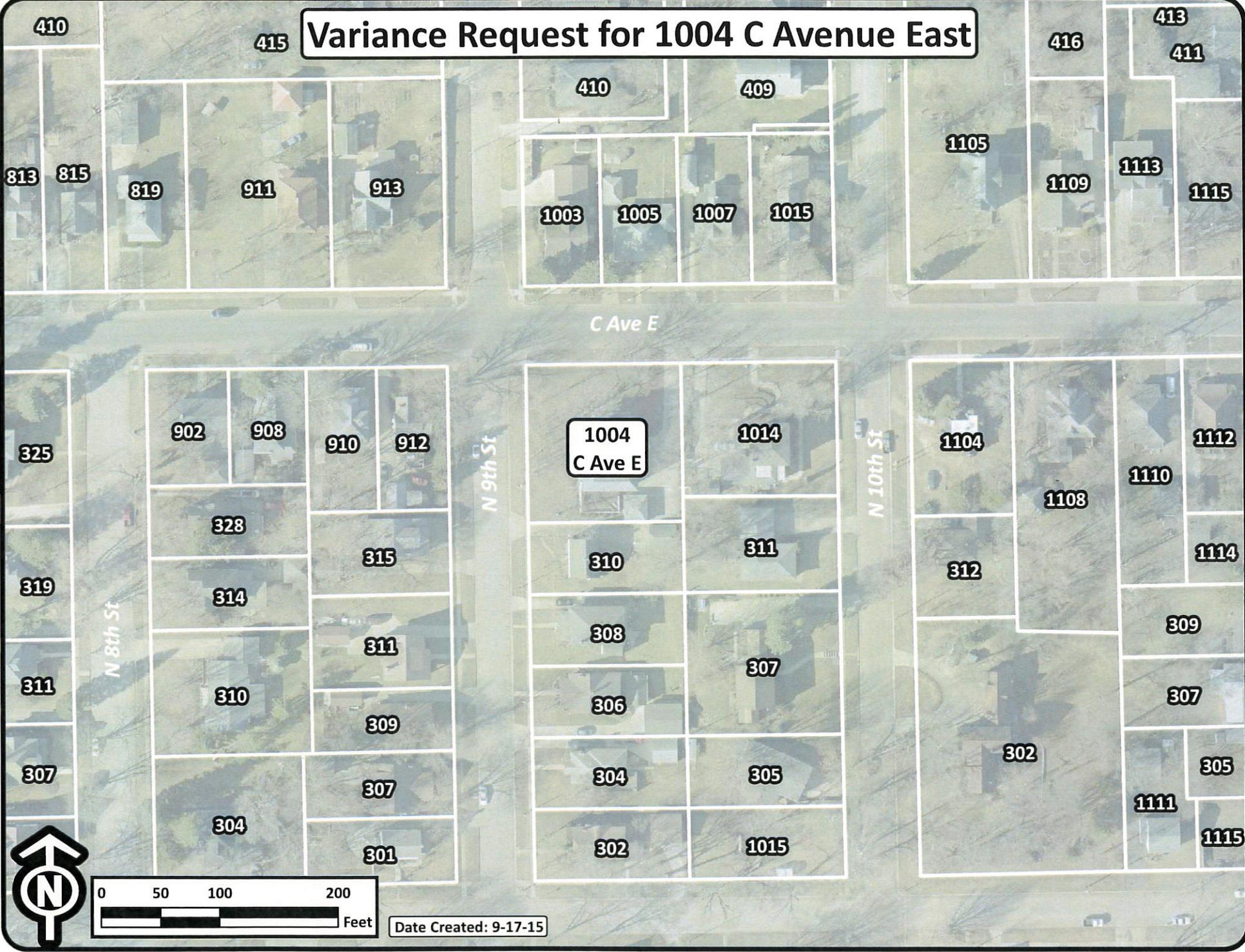


I certify that the above Plot Plan is a true representation of this lot and accurately shows all dimensions, easements and proposed and existing structures on said lot. Any deviation from this approved Plot Plan may void the Building Permit and/or zoning approvals.

SIGNATURE OF OWNER/CONTRACTOR: [Signature]

See Second Page for Plot Plan Sample

Variance Request for 1004 C Avenue East



Date Created: 9-17-15

17.24.030 - Setback adjustments.

- A. Lots Adjoining Alleys. In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than five feet to the near side of the alley.
- B. Encroachments on Required Yards. Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.
 - 1. Architectural projections, including roofs which cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project two feet into a required yard. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of two feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
 - 2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line.
 - 3. The structural alteration of an existing porch within the exterior dimensions of said porch shall not be considered a nonconforming structure within the scope of this title, even though the setback requirements of the district in which it is located may not be met. This shall be interpreted to mean that the replacement, reconstruction, or enclosing of an existing porch with a porch of the same or lesser dimension shall be considered a conforming structure even though the front, side, or rear yard dimensions required in the district in which it is located may not be met. The requirements of this section shall apply only to residential uses. For the purposes of this section a "porch" is defined as an open or enclosed covered entrance, entryway, or deck attached to and projecting from an exterior wall of an existing building.
 - 4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of three feet or five percent of the right-of-way width.
 - 5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
 - 6. Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:
 - a. Side Yards. An accessory building may be located a minimum of four feet from the interior side lot line of the property if it is located between the rear building line of the principal building and the rear property line.
 - b. Front Yards. No accessory building may be located between the front building line of the principal building and the front property line.
 - c. Rear Yard. The minimum rear yard setback for accessory buildings shall be five feet. This minimum rear yard setback shall be increased to fifteen feet if the accessory building requires vehicular access from an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in Table 17.08C. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
 - d. Street Yards. No accessory building shall be located within twenty feet from any street right-of-way line.
 - e. Height. In residential districts, the maximum height shall be twelve feet for any accessory building. Maximum height for a detached garage and/or other accessory building in an RR district shall be twenty feet.

- f. Separation from Other Buildings. No accessory building shall be placed within ten feet of any other building on its own property or any adjacent properties.
 - g. Maximum Size. An accessory building which is not a part of the main building shall not occupy more than thirty percent of the rear yard and shall not exceed twelve feet in height; however, this regulation shall not be interpreted to prohibit the construction of a five hundred fifty square foot garage on a minimum rear yard.
 - h. Attached Accessory Buildings. Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.
 - i. Effect on Adjacent Properties. If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.
 - j. Hazards. Any accessory use which creates a potential fire hazard shall be located a minimum of ten feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.
 - k. No accessory building shall be built upon any lot until construction of the principal building has begun.
- 7. Lamp posts with a maximum height of ten feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five feet from property lines.
 - 8. Garage Setbacks. Any garage that fronts on a public street must be set back at least twenty feet from such street, regardless of the setback requirement within the zoning district.
- C. Setback Adjustments.
- 1. Setbacks on Built-Up Block Faces. Where lots comprising thirty percent or more of the frontage within two hundred feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.
 - 2. Corner Lots.
 - a. For corner lots, platted or of record after December 6, 1971, the street side yard regulation shall apply to each street side of the corner lot.
 - b. On corner lots platted or of record prior to December 6, 1971, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty percent of the front yard required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further, that this regulation shall not be interpreted to reduce the buildable width of the corner lot facing an intersecting street and of record prior to December 6, 1971, to less than twenty-eight feet nor to prohibit the erection of an accessory building.
 - c. Required setbacks shall not reduce the buildable width of any corner lot to less than twenty-four feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.
- D. Mixed Use Yard Requirements. In instances where buildings are erected containing two or more uses housed vertically, the required side yards for the first floor use shall control.

- E. Rear Yard Exceptions-Residential Uses. When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent of the rear yard required by the zoning district.
- F. Double Frontage Lots. Residentially zoned double frontage lots on a major street, and with no access to that street may have a twenty-five-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.
- G. Satellite Antennas.
 - 1. Each lot shall have no more than one satellite antenna.
 - 2. Antennas with a surface area over 2.0 square feet which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.
 - 3. Antennas with a surface area of over 2.0 square feet are subject to the following additional regulations:
 - a. Such antennas shall be located no less than ten feet from the property line of an adjacent property line.
 - b. The maximum height shall be fifteen feet and the maximum diameter shall be eleven feet.
 - c. Each antenna shall be screened by a six foot high wood or masonry fence, or by natural plants or trees of equal minimum height.
- H. Vision Clearance Zones. No structure, including a fence, shall be built to a height of more than thirty inches above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines forty feet from their point of intersection. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection.

(Ord. 1086 §17.703, 2000)



Board of Adjustment Commission
Meeting Date: October 2, 2015
Requested By: Public Works Dept.

Item Title:

Consider a variance request for the property located at 543 9th Avenue East to allow the building of an addition 0 feet from the front yard property line.

Explanation:

Blair VanZetten owner of Oskaloosa Food Products has submitted a variance request application to build a 6,957 Sq. ft. building addition located at 543 9th Avenue East. The building along 9th Avenue East currently sits on the front yard property line. The property is zoned Limited Industrial (LI) District. This is a request for a variance of the Oskaloosa Municipal Code Table 17.08C Summary of Site Development Regulations. In a LI District, the minimum front yard setback is 25 feet.

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:

\$200.00 for application fee

Attachments:

Application, Resolution, Oskaloosa Municipal Code Table 17.08C

VARIANCE REVIEW AND DETERMINATION OF HARDSHIP
FOR BOARD OF ADJUSTMENT

APPLICANT: Oskaloosa Food Products

ADDRESS: 543 9th Avenue ~~West~~ East

VARIANCE REQUESTED: Front Yard Setback - Request is for reduction of front yard setback to 0 feet to match existing building and accommodate a building expansion. See attached.

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?

- | A) Topography | YES | NO |
|---|-----|----------|
| 1) Ravines/Hills | ___ | <u>X</u> |
| 2) Rock Outcroppings | ___ | <u>X</u> |
| 3) Waterways | ___ | <u>X</u> |
| 4) Soil Type | ___ | <u>X</u> |
| 5) Shape of Lot (applicable if lot platted before 1973) | ___ | <u>X</u> |
| B) Significant Trees or Shrubs | ___ | <u>X</u> |
| C) Other (list) <u>The setback of the proposed addition would match that of existing buildings.</u> | | |

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? X ___

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

- A) Was applicant the original builder of the structure? X ___

- B) Has the applicant sold parcels of property from original parcel or otherwise Altered the property to create the special condition? ___ X

- C) Is an alternate construction site available on lot or property owned? ___ X

- D) Was a variance granted for original structure? X ___

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

- A) Is requested variance common to others in the area? X ___

- B) Has requested variance been denied to others in the same district? Unknown ___ ___

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: Lots A, H and 22 in the Subdivision of Lot One of the SW 1/4 of the NW 1/4 of
Section 19, Township 75 North, Range 15 West of the 5th P.M., City of Oskaloosa, Mahaska County, Iowa.

Street Address: 543 9th Avenue East

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 ____ day of _____, 20____, under which the undersigned seek(s) permission to:

construct 6,957 square foot building addition.

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~~ Title 17 - Zoning, ~~Paragraph~~ Chapter 17.08, ~~Sub-paragraph~~ Table 17.08C of said Ordinance which requires that

a 25' front yard setback.

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

X 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.

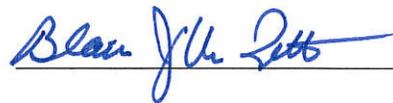
(explain) Literal interpretation of the zoning ordinance regarding the front yard setback requirements would prohibit the expansion of the existing building which currently is set back approximately 0 feet from the street right of way line.

X Denial of a permit will work a hardship on the undersigned.

(explain) The denial of this permit would prohibit the applicant from physically expanding their operation.

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 17 day of September, 2015.



General Information

The Board of Adjustment meets on Tuesday, following the 4th 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.

SCALE: 1" = 60'
 REVISIONS:
 FIELD BOOK:
 DRAWN BY: TRH
 APPROVED:



GARDEN & ASSOCIATES, LTD.
ENGINEERS & SURVEYORS
 500 E. Taylor, Suite C
 Creston, Iowa 50801
 641.782.4005 Phone
 641.782.4118 Fax
 email@gardenassociates.net

**PROPOSED ADDITION
 OSKALOOSA FOODS
 OSKALOOSA, IOWA**
 © COPYRIGHT 2015 GARDEN & ASSOCIATES, LTD.

SHEET TITLE
**CONCEPTUAL
 SITE PLAN
 LAYOUT**

DATE:
 09/18/2015

PROJECT NO.:
 6015207

SHEET NO.:
1

G:\Projects\0015207 - Oskaloosa Food Product - Boundary Survey of Facility - Oskaloosa\Drafting\Civil 3D Plan Drawings\Setback Variance Attachment.dwg

Variance Request for 543 9th Avenue East (Oskey Foods)

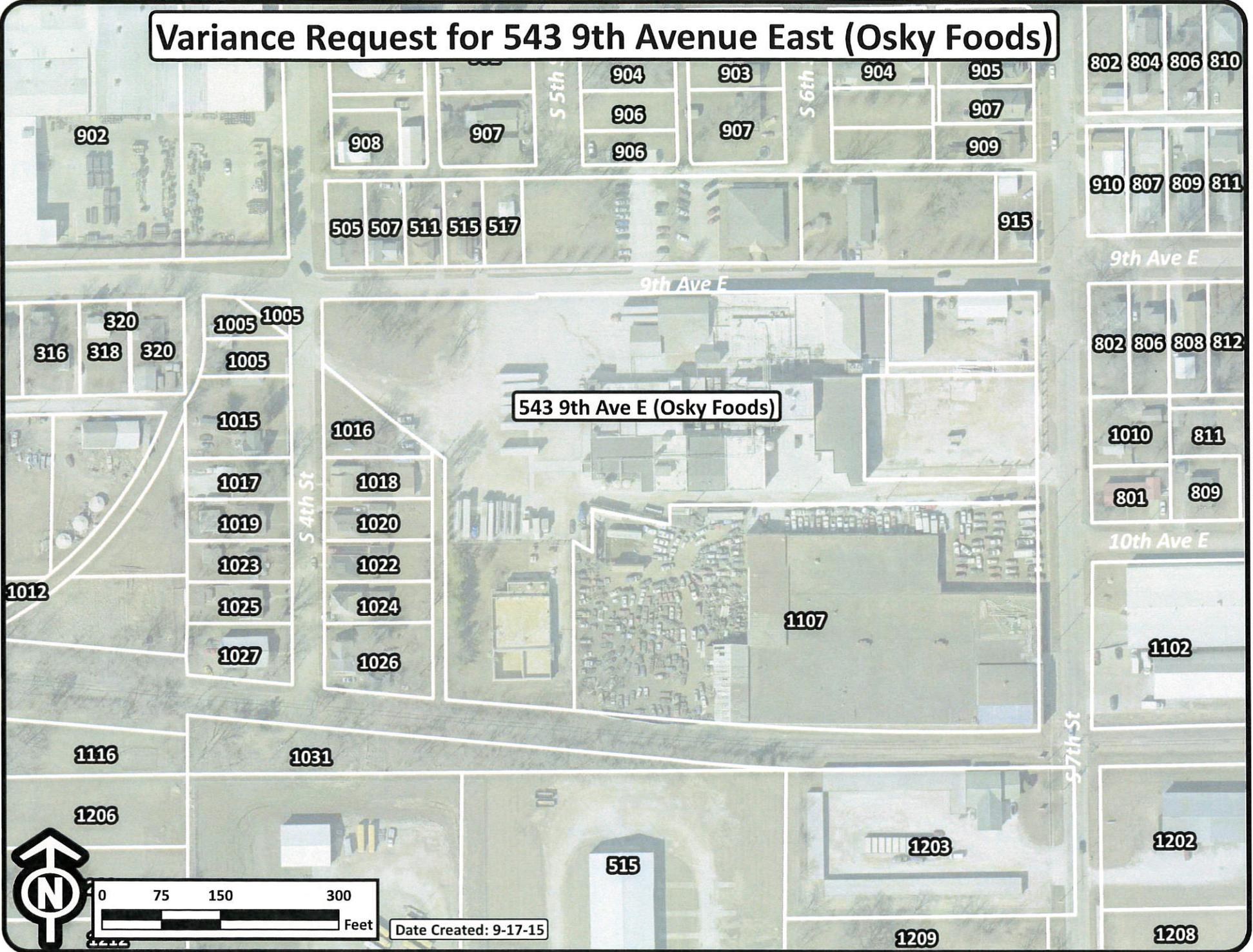


Table 17.08C Summary of Site Development Regulations (Continued)

<i>Regulator</i>	<i>BP</i>	<i>LI*</i>	<i>GI*</i>
Minimum lot area (square feet)	10,000	5,000	5,000
Minimum lot width (feet)	80	50	50
Minimum yards (feet)			
Front yard	35	25	25
Street side yard	25	25	25
Interior side yard	10	0	0
Rear yard	35	25	25
		Note 4	Note 4
Maximum height (feet)	40	75	no limit
Maximum building coverage	60%	70%	70%
Minimum impervious coverage	80%	90%	90%
Floor area ratio	2	1	no limit
Maximum amount of total parking located in street yard	50%	no limit	no limit



Board of Adjustment Commission

Meeting Date: October 2, 2015

Requested By: Public Works Dept.

Item Title:

Consider a variance request for the property located at 603 North D Street to allow the building of a single family residential dwelling 9 feet from the street side yard property line, on a 6,600 square foot site area and with a lot width of 44 feet.

Explanation:

Habitat for Humanity has submitted a variance request application to build a single family residential dwelling 9 feet from the street side yard property line, on a 6,600 square foot site area, with a lot width of 44 feet located at 603 North D Street. The size of the lot is 44x150 and is located at the corner of G Avenue West and North D Street. 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 side yard setback is 15 feet, the minimum site area for a one-family is 8,400 sq. ft. and the minimum lot width is 70 feet.

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: Habitat For Humanity
 ADDRESS: 603 North D St
 VARIANCE REQUESTED: min. Lot Area, min Lot width
street side 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?

- | A) Topography | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| 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? NA

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

A) Was applicant the original builder of the structure? NA

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? NA

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: Lot 8 Block 5 Donahays Addition

Street Address: 603 ND

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 16 day of Sept, 2015, under which the undersigned seek(s) permission to:

construct 28x64 3 bedroom house on lot
purchased from city of Oskaloosa

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 Title - Zoning, Paragraph Table 17.08C, Sub-paragraph _____ of said Ordinance which requires that

In an Urban Family (R-2) Residential district
the minimum Lot area for a single family dwelling is
8,400 sq. ft, & the minimum Lot width is 70 feet &
the minimum Street Side yard Setback is 15 feet

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) width of lot is only 49'

___ Denial of a permit will work a hardship on the undersigned.

(explain) Habitat will be unable to build on the lot

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 17 day of Sept, 2015.



General Information

The Board of Adjustment meets on Tuesday, following the 4th 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: 607 ND Date of Application 9-16-2015

Owner's Name: Habitat for Humanity Phone Number: 641-295-9046

Owner's Address: _____

Valuation of Work: \$ _____

Description of Work: _____

Contractor Information:

General Contractor: Name Habitat for Humanity / TJA Lic. # _____

Address: _____ Phone # _____ Exp. Date: _____

Carpenter: Name _____ Lic. # _____

Address: _____ Phone # _____ Exp. Date: _____

Electrician: Name Besco Electric Lic. # _____

Address: _____ Phone # _____ Exp. Date: _____

Plumber: Name _____ Lic. # _____

Address: _____ Phone # _____ Exp. Date: _____

HVAC: Name _____ Lic. # _____

Address: _____ 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 Terry Anderson Date: 9-16-2015

Print Name: Terry Anderson

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: 9/18/2015 Reviewed By: _____ Date: _____

Plan Review Fee: _____ Permit Fee: _____ Paid - Check #: _____ Date: _____

Permit Number: _____

Building Official

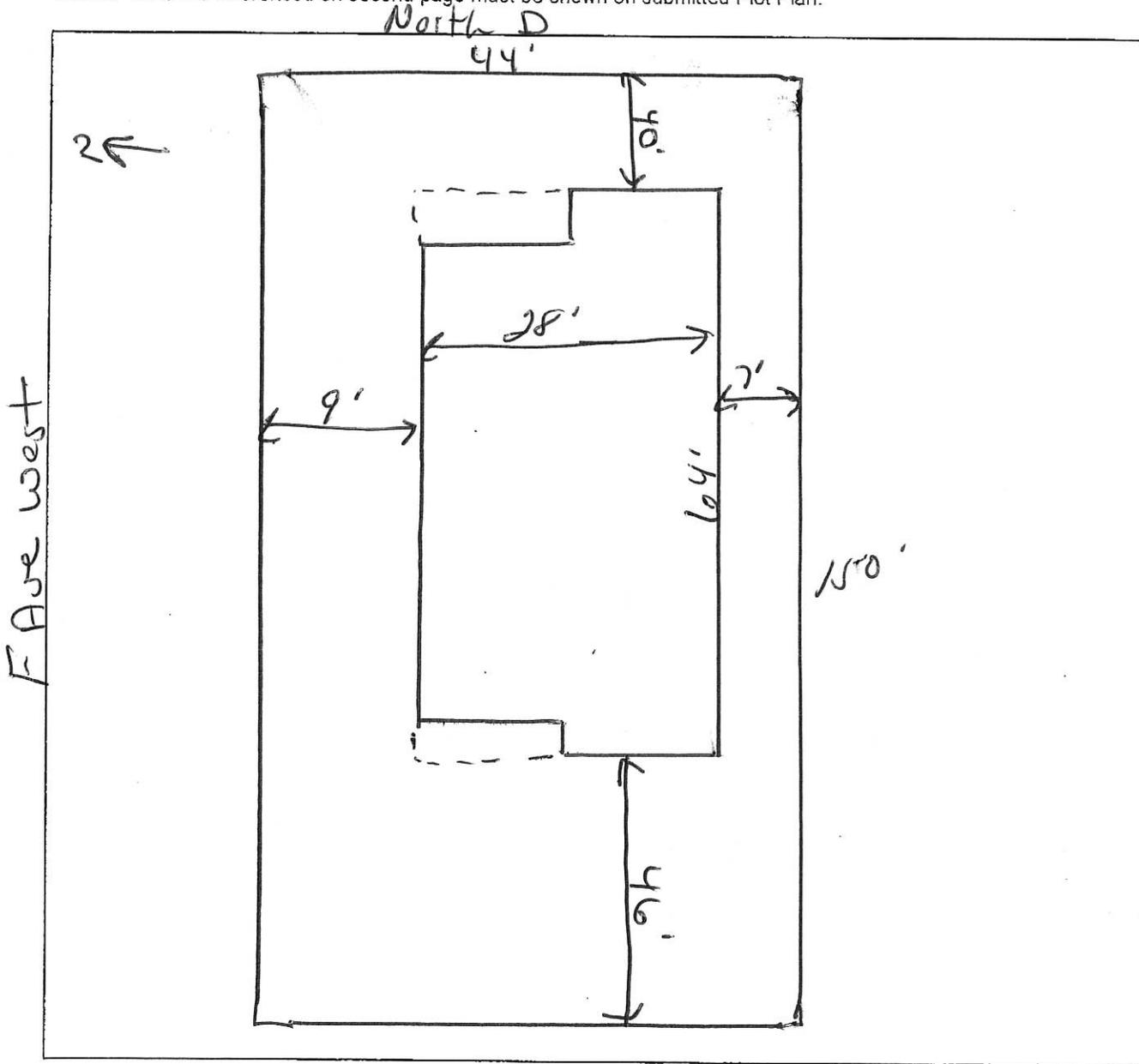
Date

City of Oskaloosa
Engineering/Building Department
Plot Plan Form

Date Submitted: 9-16-2015

Property Address: ~~607 ND~~ 603 North D

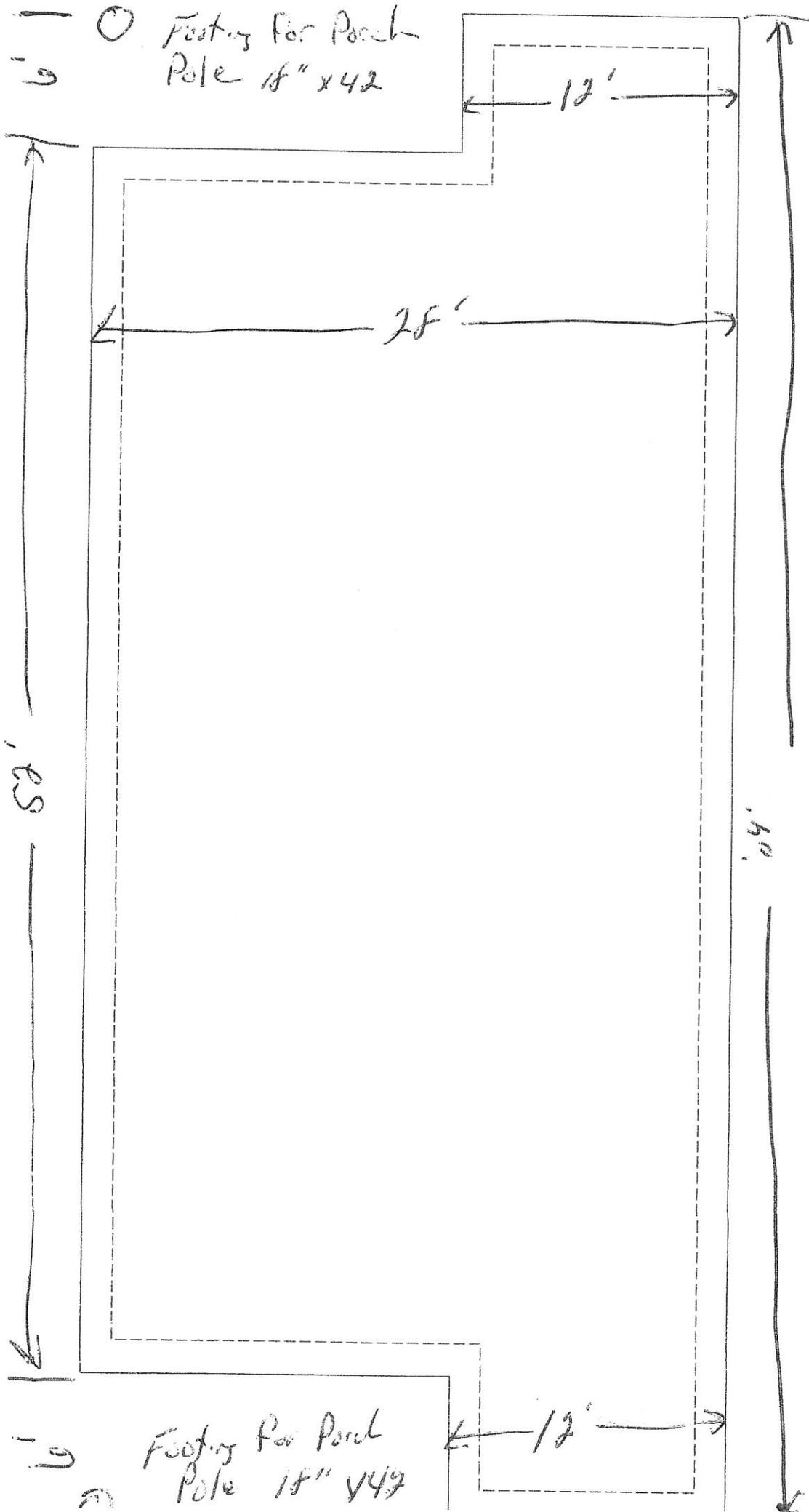
NOTE: All items referenced on second page must be shown on submitted Plot Plan.



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: [Signature]

See Second Page for Plot Plan Sample



Footing For Pouch Pole 1 1/2" x 42"

45'

28'

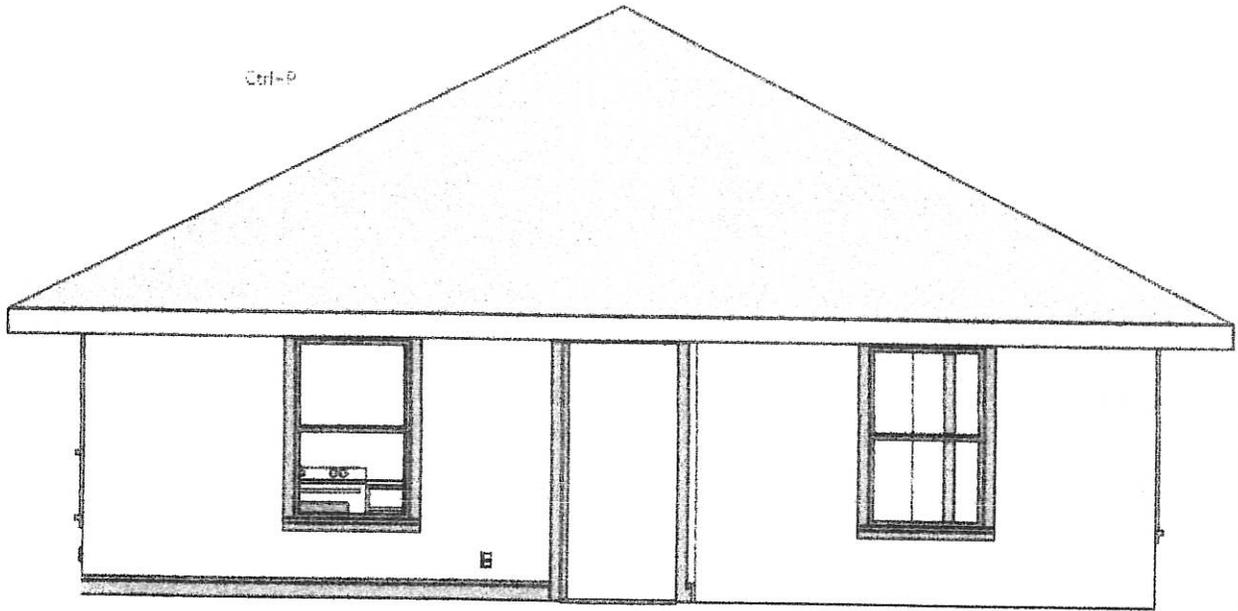
12'

45'

Footing For Pouch Pole 1 1/2" x 42"

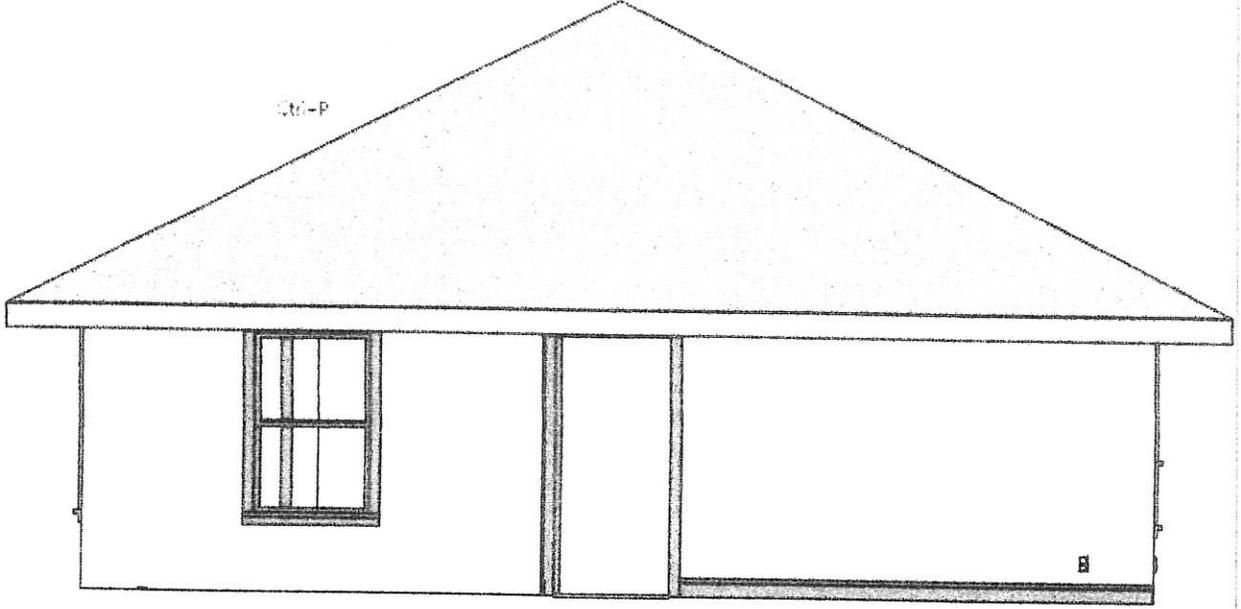
12'

Ctrl-P



12...

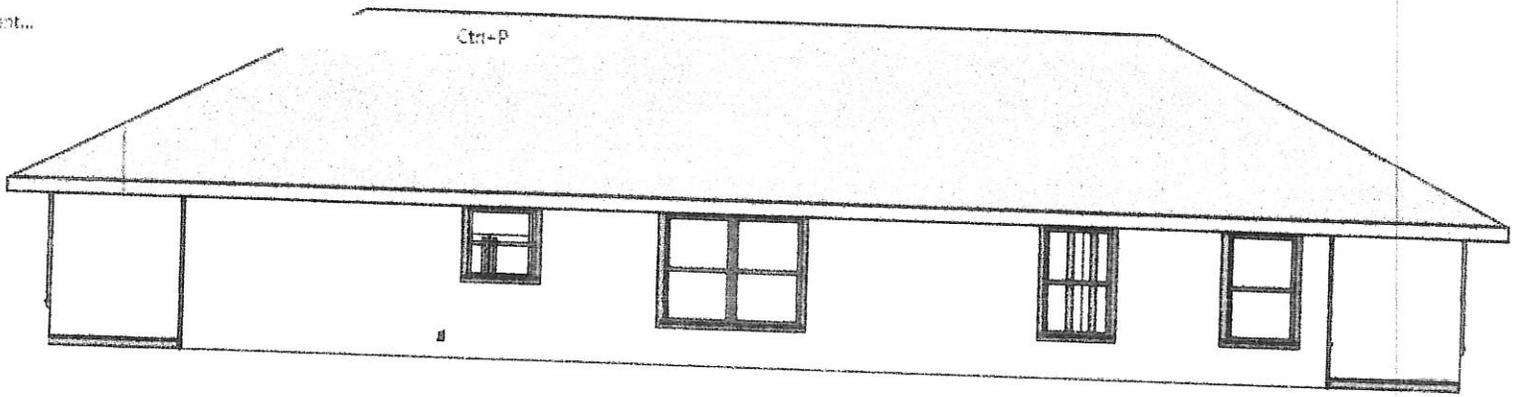
1201-P

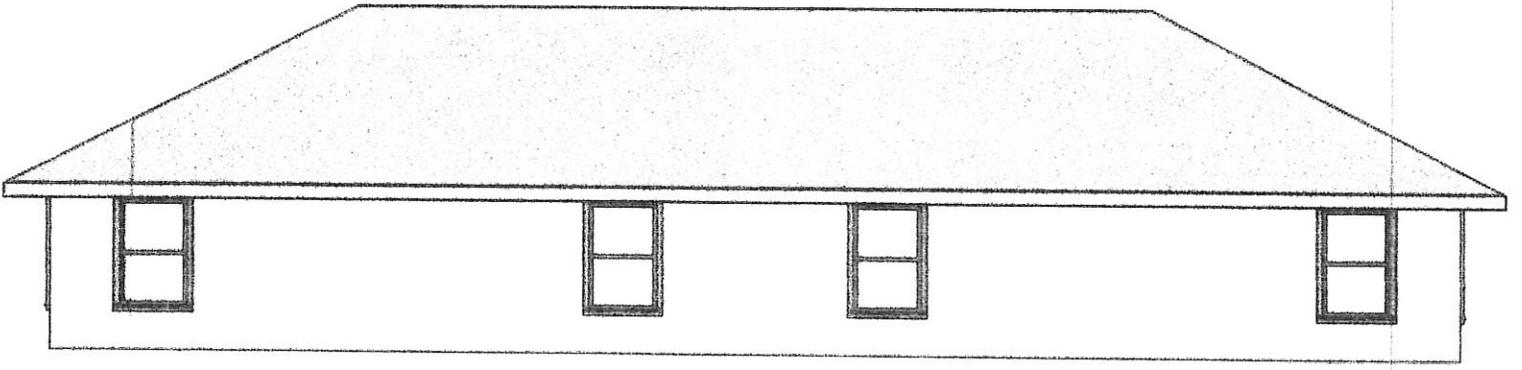


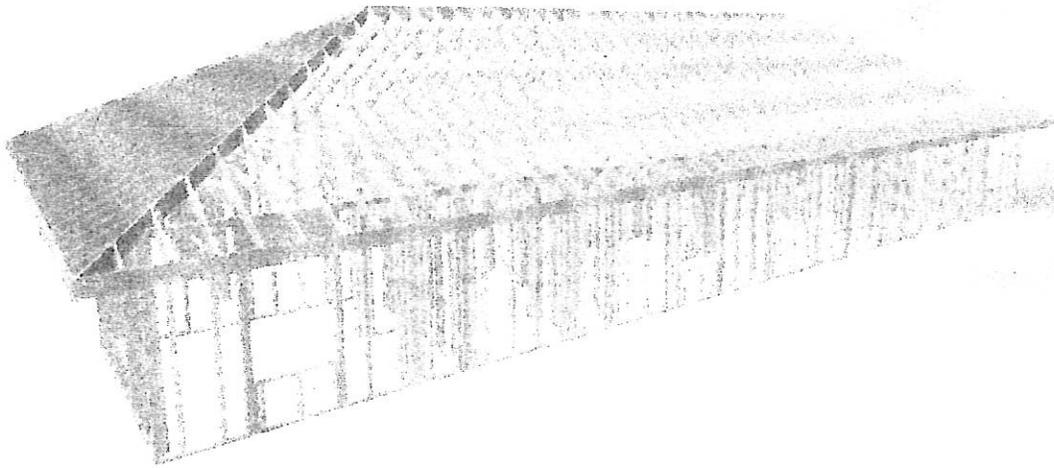
8

Front...

Ctr-P

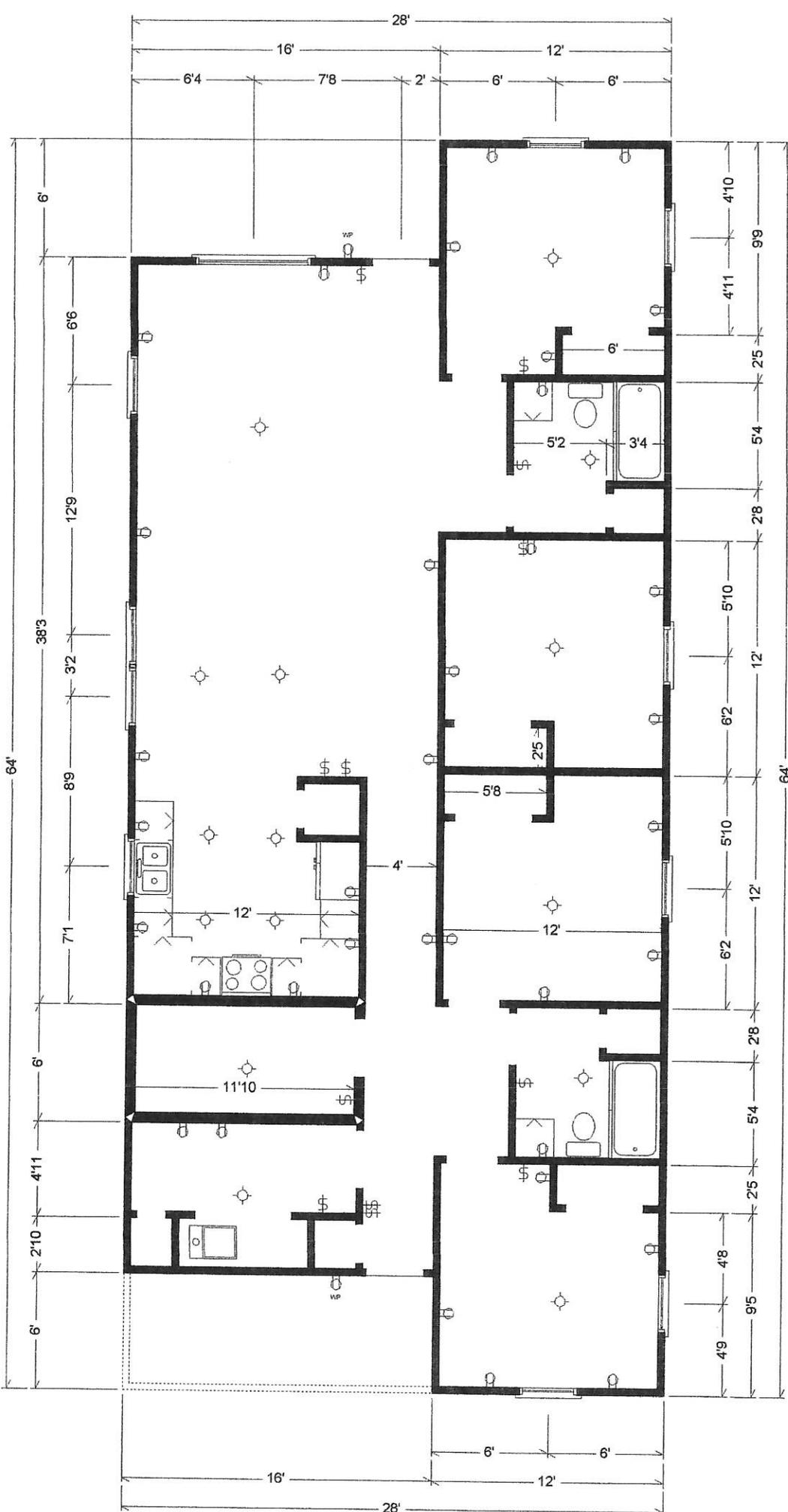






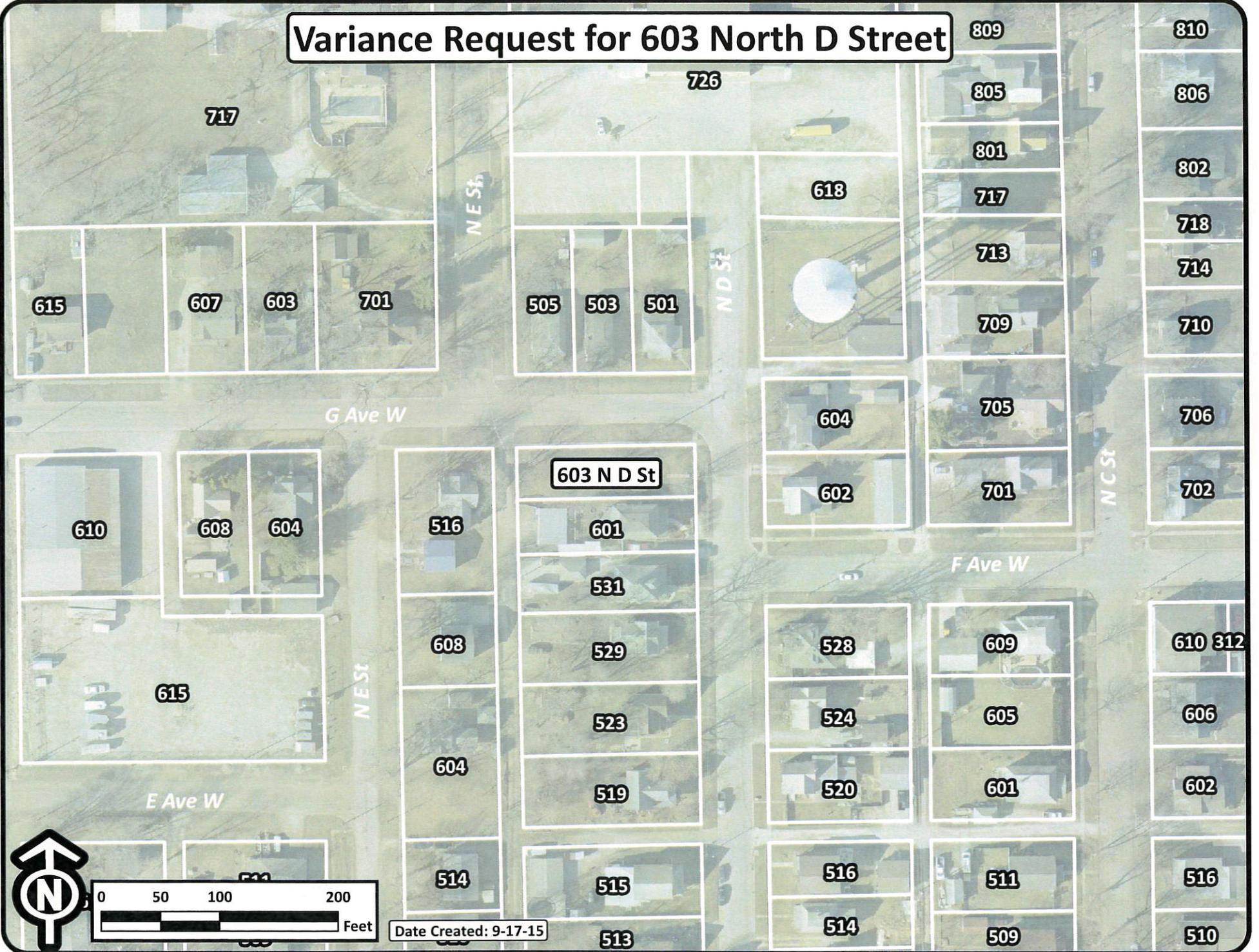
Slab on grade
2x4 studs
8' side walls
Asphalt Shingles
Vinyl siding
Fiberglass Ins in ATTIC R-60
R-30 side walls

2 ↗

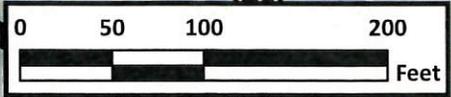


LIVING AREA
1696 sq ft

Variance Request for 603 North D Street



603 N D St



Date Created: 9-17-15

Table 17.08C Summary of Site Development Regulations (Continued)

Regulator	AG	RR	R-1	R-2	R-3	R-4
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 unit
Two-family, duplex				5,000	4,200	
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

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 603 NORTH D STREET TO BUILD A SINGLE FAMILY RESIDENTIAL DWELLING 9 FEET FROM THE STREET SIDE YARD AND ON A 6,600 SQUARE FOOT SITE AREA, WITH A LOT WIDTH OF 44 FEET

WHEREAS, the City of Oskaloosa Board of Adjustment at a special meeting on October 2, 2015, held a public hearing to consider a request from the property owner to approve a variance request for the property located at 603 North D Street to build a single family residential dwelling 9 feet from the street side yard, on a 6,600 square foot site area, with a lot width of 44 feet; and

WHEREAS, the Board of Adjustment has found that to deny said application would work a hardship on said appellant and that said application should be granted;

NOW, THEREFORE, BE IT RESOLVED that the City of Oskaloosa Board of Adjustment hereby recommends approval of the Variance Request Application subject to the following conditions:

1. The resolution authorizing the variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.
2. The subject property shall be required to comply with all building and zoning code requirements, except the construction of a single family residential dwelling 9 feet from the street side yard property line, on a 6,600 square foot site area, with a lot width of 44 feet.
3. The Public Works Department is hereby directed to issue a permit to said applicant for said purpose.
4. If this structure is destroyed due to a natural or manmade disaster, then the reconstruction shall comply with the City of Oskaloosa code.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Board of Adjustment of the City of Oskaloosa at a special meeting held on October 2, 2015.

Chair of the Board of Adjustment

ATTEST: _____
Secretary Date

Moved by _____ seconded by _____ that the foregoing Resolution be adopted.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

