



City of Oskaloosa  
Board of Adjustment  
Council Chambers  
City Hall, 220 S. Market Street  
Oskaloosa, IA 52577  
Agenda  
9/27/2016  
5:00PM

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

Chair: Murry \_\_\_\_\_; Members: Campbell \_\_\_\_\_; Hansen \_\_\_\_\_; Hudson \_\_\_\_\_;  
Phillips \_\_\_\_\_

**2. Approval of Minutes**

**A. Approval of the minutes from the July 26, 2016 meeting.**

Documents:

[BOA MIN 7-26-2016.PDF](#)

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

**4. New Business**

**A. Consider a variance request for the property located at 122 Geneva Drive to allow the building of a stacked duplex on a 5,920 square foot lot with a lot width of 74 feet and 12 feet from the rear yard property line.**

Documents:

[AGENDA.DOC](#)  
[122 GENEVA DR- BOA APPLICATION.PDF](#)  
[TABLE 17 08C.PDF](#)  
[RESOLUTION-APPROVED.DOCX](#)  
[RESOLUTION- DENIED.DOCX](#)

**B. Consider a variance request for the property located at 1111 South F Street to allow the building of a single family residential dwelling on a 68 foot wide lot and 3 feet from the north side yard property line.**

Documents:

AGENDA.DOC  
1111 S F ST- BOA APPLICATION.PDF  
TABLE 17 08C.PDF  
RESOLUTION-APPROVED.DOCX  
RESOLUTION- DENIED.DOCX

- C. Consider variance request(s) for the property located at 517 & 519 High Avenue East to allow the current building to be reclassified and replotted as single-family attached dwellings.**

Documents:

AGENDA.PDF  
517-519 HIGH AVE E BOA APPLICATION.PDF  
TABLE 17 08C.PDF  
MUNICIPAL CODE 17.22.030.DOCX  
RESOLUTION-APPROVED.DOCX  
RESOLUTION- DENIED.DOCX

- D. Consider a Conditional Use Permit request to build single family residential dwellings located at 1913 & 1915 South 7th Street.**

Documents:

BOA AGENDA ITEM.DOCX  
BOOY- CUP APPLICATION.PDF  
TABLE 17.08B.PDF  
TABLE 17.34A.PDF  
RESPONSE LETTER.PDF  
RESOLUTION.DOCX  
RESOLUTION-DENIAL.DOCX

- E. Consider a variance(s) request for the property located at 1913 & 1915 South 7th Street to allow the building of single family attached dwellings.**

Documents:

AGENDA.DOC  
BOOY-VARIANCE APPLICATION.PDF  
MUNICIPAL CODE 17.22.030.DOCX  
TABLE 17 08C.PDF  
RESPONSE LETTER.PDF  
RESOLUTION- VARIANCE APPROVED.DOCX  
RESOLUTION- VARIANCE DENIED.DOCX

## **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 ADJUSTMENT MEETING  
July 26, 2016

The meeting of the Board of Adjustments for the City of Oskaloosa was called to order at 5:02 pm on Tuesday, July 26, 2016 by Chairperson Perry Murry at the City Hall Council Chambers 220 S. Market St. Oskaloosa, Iowa.

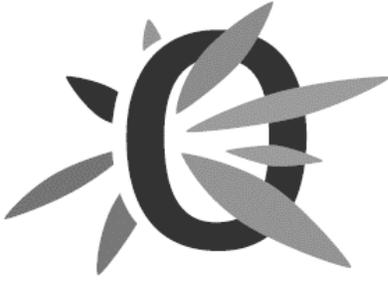
BOARD MEMBERS PRESENT: Perry Murry, Wyndell Campbell, James Hansen; BOARD MEMBERS ABSENT: Tim Hudson and Lloyd Phillips; PUBLIC PRESENT: applicants; David Simms; STAFF PRESENT: Wyatt Russell and Amie Roberts.

*Minutes from the April 26, 2016 Board of Adjustment meeting.* Hansen moved and Campbell seconded to approved the minutes of the April 26, 2016 Board of Adjustment meeting as presented.

*1<sup>st</sup> item on the agenda: Consider a variance request for the property located at 1206 south 15<sup>th</sup> Street to allow a 10'x10' accessory building with a 7 foot separation from another structure.* Mr. Simms spoke in reference of the item to the board members. Campbell discussed code reference 17.24.030.6a in regards to if the shed could be placed on the side yard with a 4 foot setback from the interior side lot line. Campbell asked Russell what is more important the 10' dimensions from any other structure or the 5' dimensions from the rear yard. The board members stated that the 7' from another structure is more of an infringement on the property owner than to the adjacent properties. Murry suggested that due to aesthetics the shed should not be placed on the side yard. With no further discussion, Campbell made a motion to approve the 10'x10' accessory building with a 7 foot separation from another structure located at 1206 South 15<sup>th</sup> Street, Hansen Seconded the motion; Vote: YES: Murry, Campbell, Hansen; NO: None; ABSTAIN: None; ABSENT: Hudson and Phillips.

With no further business, Campbell made a motion and Hansen seconded to adjourn the meeting at 5:11PM.

Minutes by Amie Roberts



Board of Adjustment Commission  
Meeting Date: September 27, 2016  
Requested By: Building Division

**Item Title:**

Consider a variance request for the property located at 122 Geneva Drive to allow the building of a stacked duplex on a 5,920 square foot lot with a lot width of 74 feet and 12 feet from the rear yard property line.

**Explanation:**

Deborah Fisher % Fisher Investments Ltd. has submitted a variance request application to allow the building of a stacked duplex on a 5,920 square foot lot with a lot width of 74 feet and 12 feet from the rear property line located at 122 Geneva Drive. The property is zoned Urban Family Residential (R-2) District. This is a request for a variance of the Oskaloosa Municipal Code Table 17.08 C- the minimum lot area in an R-2 District for a duplex is 10,000 Square feet, the minimum lot width is 80 feet and the minimum rear 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:**

\$100.00 for application fees

**Attachments:**

Application, Resolution, Location Map, Oskaloosa Municipal Code Table 17.08C



# City of Oskaloosa, Iowa

## Public Works Department

804 South D Street, Oskaloosa, IA 52577  
Phone: (641)673-7472 Fax: (641)673-3733

### VARIANCE APPLICATION

You are hereby notified that the undersigned owner(s) of the following described property located in the City of Oskaloosa, Iowa, do(es) hereby appeal for a variance to the Ordinances of the Oskaloosa Municipal Code on the 7 day of September, 2016.

Property Address: 122 Geneva Drive

Legal Description: Lot Thirteen of Sunrise Knoll Addition to the city of Oskaloosa, Iowa

Variance Description (state what the variance will allow): Construction of new house "Duplex"

### THE REQUESTED VARIANCE INVOLVES THE PROVISIONS OF THE FOLLOWING NOTED ORDINANCES OF THE OSKALOOSA MUNICIPAL CODE:

[EXAMPLE: Code Section: Table 17.08C Requirement: The front yard setback in an R-2 district is 30 feet ]

Code Section: Table 17.08C Requirement: The front yard setback in an R-2 district is 30 feet

Code Section: Table 17.08C Requirement: The rear yard setback in an R-2 district is 25 feet

Code Section: Table 17.08C Requirement: The interior yard setback in an R-2 district is 7 feet

*If more space is needed, attach a list of the Code Sections and their respective requirements to this application.*

*Note: Building Division staff can assist you with the code referrals and requirements.*

### THE FOLLOWING DOCUMENTS ARE REQUIRED TO BE ATTACHED AND MADE A PART OF THIS APPLICATION:

1. A description of the Zoning Administrator's or Building Official's decision on which the appeal is based.
2. A typewritten testimony of the evidence and principal points on which the variance is based, including a description of the proposed work. State your reasons why a variance should be granted. Explain in detail what hardships are imposed upon your present situation that constitutes grounds for a variance from the City of Oskaloosa Zoning Ordinance for the property described above.

#### **A hardship or variance may be necessitated by any or all of the following conditions:**

- The depth, width, shape, or topographical condition of the property prohibits the use of said property in a manner reasonably similar to that of other properties in that district.
- The property in question cannot yield a reasonable return if it is used only for the purposes allowed in that district.
- The plight of the owner(s) is due to unique circumstances and not to general conditions in the neighborhood, which may reflect the unreasonableness of the Zoning Ordinance itself.
- An appeal for an interpretation of the Zoning Ordinance or Zoning Map.
- An alleged error in an order, requirement, decision, or determination of the Zoning Administrator or Building Official.

*Continued on back page*

**The appeal for a variance must also conform to all of the following conditions:**

- The use to be authorized is permissible in the district involved.
- The use to be authorized will not alter the essential character of the area.
- The variance will not be contrary to the public interest.
- The variance will not compromise the spirit of the Zoning Ordinance.

3. If the applicant is not the owner, then provide a letter of authorization from the owner or lessee of the property approving the appeal.

*(Please note: The application will not be processed until all of the above documents have been submitted.)*

Wherefore, the undersigned request that the Board of Adjustment fix the date and place for a hearing upon this variance application, and that upon said hearing the variance applied for be granted. I further hereby certify that all the above statements and the statements contained in the submitted papers attached herewith are correct, factual, and true.

Dated this 7 day of Sept, 20 16.

Applicant(s) Signature(s): \_\_\_\_\_

Name(s): Deborah Fisher Phone: 641-660-1537

Address: 1233 SW 53rd Terr Cape Coral FL Email: Fisherdeb1@comcast.net

Owner(s) Signature(s) (if other than applicant): \_\_\_\_\_

Name(s): [Signature] Fisher Investments Phone: 641-660-1537

Address: 1233 SW 53rd Terr Cape Coral FL Email: Fisher@subcomcast.net

**INFORMATION REGARDING THE BOARD OF ADJUSTMENT**

The Board of Adjustment (BOA) is a quasi-judicial board created by the City of Oskaloosa, Iowa, under state law. The purpose of the BOA is to provide recourse for any citizen of Oskaloosa to appeal perceived inequity in the existing Zoning Ordinance or the decisions of the Zoning Administrator or Building Official of the City of Oskaloosa.

The BOA welcomes any testimony. Decisions rendered by the BOA are based upon the facts and evidence allowed under City Code and presented in an open meeting. All proceedings of the meeting are tape recorded as evidence in the event of further litigation. The BOA is an independent Board of Citizens and not a part of the City Administration. The City Attorney and City Staff may be present to assist the BOA. A decision rendered by the BOA can be appealed only in District Court.

BOA meetings are held as needed on the 4<sup>th</sup> Tuesday of every month. A completed application must be filed at least thirty (30) days prior to the meeting. Public notice of an appeal must be posted on the property and in a local newspaper no less than ten (10) days prior to the meeting.

Application Fee:  \$100.00 Residential  \$200.00 Commercial Date Fee Paid: 9/7/2016  
*Cash or Check only; Fee is Nonrefundable* *Make check payable to "City of Oskaloosa"*

Date Hearing Advertised: 9/16/2016  Appeal Granted: \_\_\_\_\_

Date of Hearing: 9/27/2016  Appeal Denied: \_\_\_\_\_

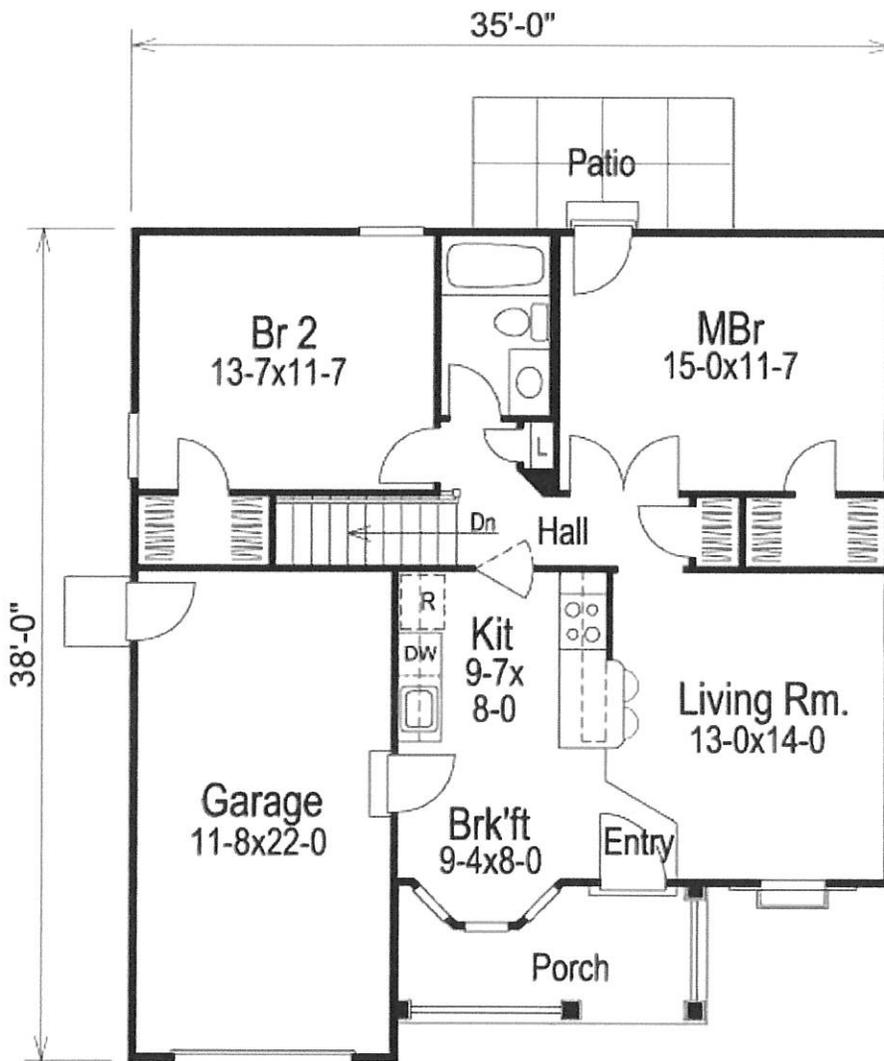
Additional Code Section and Requirements:

Code Section: Table 17.08C

Requirements: The lot size is under the 10,000 square feet measurement that is required to rebuild a new house on.

1. The Oskaloosa Building Inspector stated the need for a lot size variance and a lot depth/width variance.
2. A description of proposed work is to build an 888 square feet stacked duplex with a single car attached garage that is 257 square feet. The floor plan picture is attached. The variance should be granted to allow for new construction of a stacked duplex at 122 Geneva Drive. Hardships are that the lot depth & width do not allow for the proposed new construction duplex to be build. The 10,000 square feet new stucture measurement is also another hardship for this proposed project.







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: 122 Geneva Date of Application 9-7-16  
 Owner's Name: Daryl & Deb Fisher Phone Number: 641-660-1537  
 Owner's Address: 1833 SW 15th Ave, Cape Coral, FL 33991  
 Valuation of Work: \$ 120,000  
 Description of Work: Build 888 sqft. stacked Duplex with 257 sqft attached garage.

**Contractor Information:**

**General Contractor:** Name Adam's Construction Lic. # 2106377  
 Address: 1401 River Road Phone # 641-673-5003 Exp. Date: 4-7-2019  
**Carpenter:** Name Adam's Construction Lic. # 2106377  
 Address: 1401 River Road Phone # 641-673-5003 Exp. Date: 4-7-2019  
**Electrician:** Name Overbergen Electric Lic. # \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone # \_\_\_\_\_ Exp. Date: \_\_\_\_\_  
**Plumber:** Name Vandewall Plumbing Lic. # \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone # \_\_\_\_\_ Exp. Date: \_\_\_\_\_  
**HVAC:** Name Affordable Heating & Cooling 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.

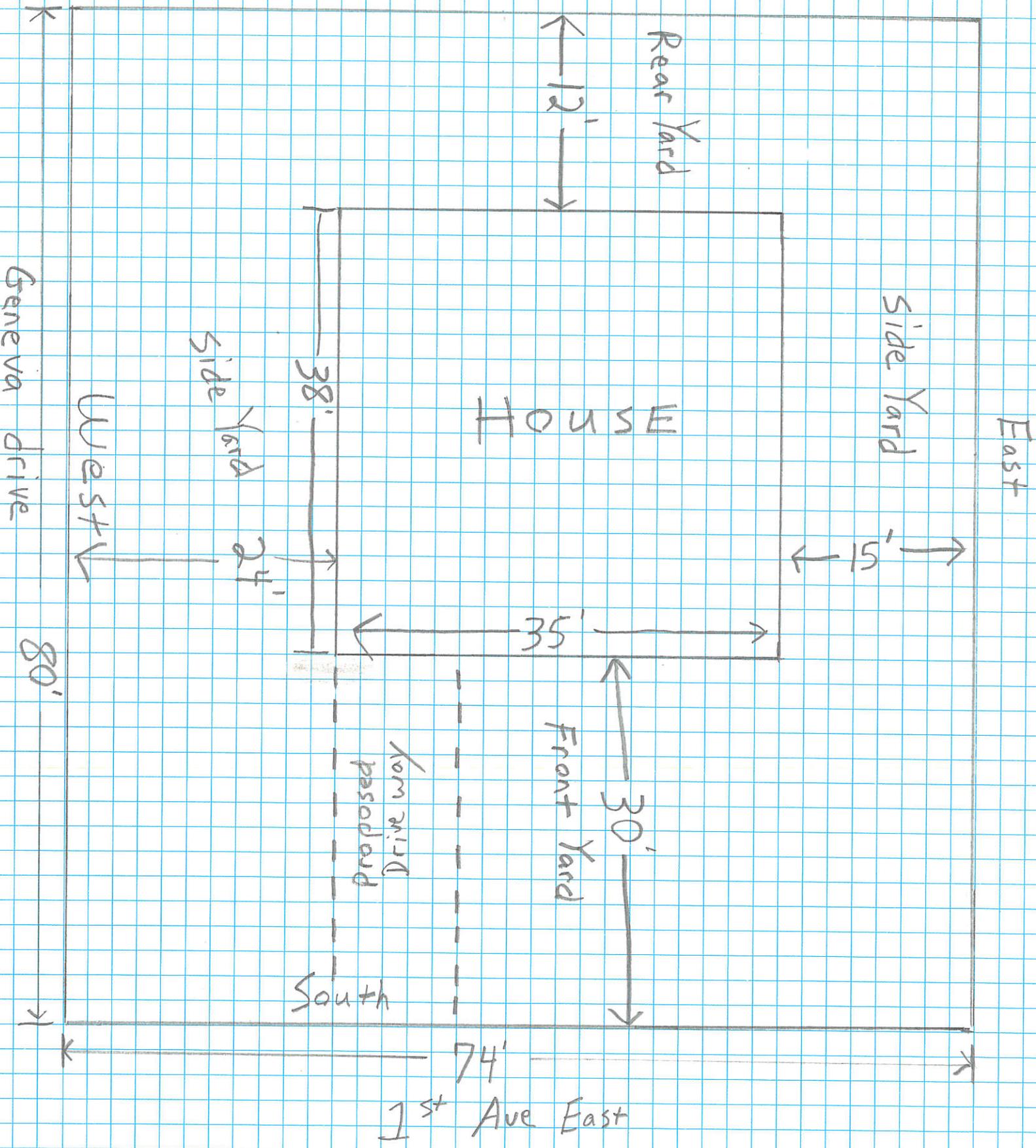
Signature of Applicant Adam Sterrett Date: 9-7-16  
 Print Name: Adam Sterrett

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

North



Geneva Drive

West

80'

38'

Side Yard

24'

HOUSE

35'

12'

Rear Yard

Side Yard

15'

East

Proposed Drive way

Front Yard

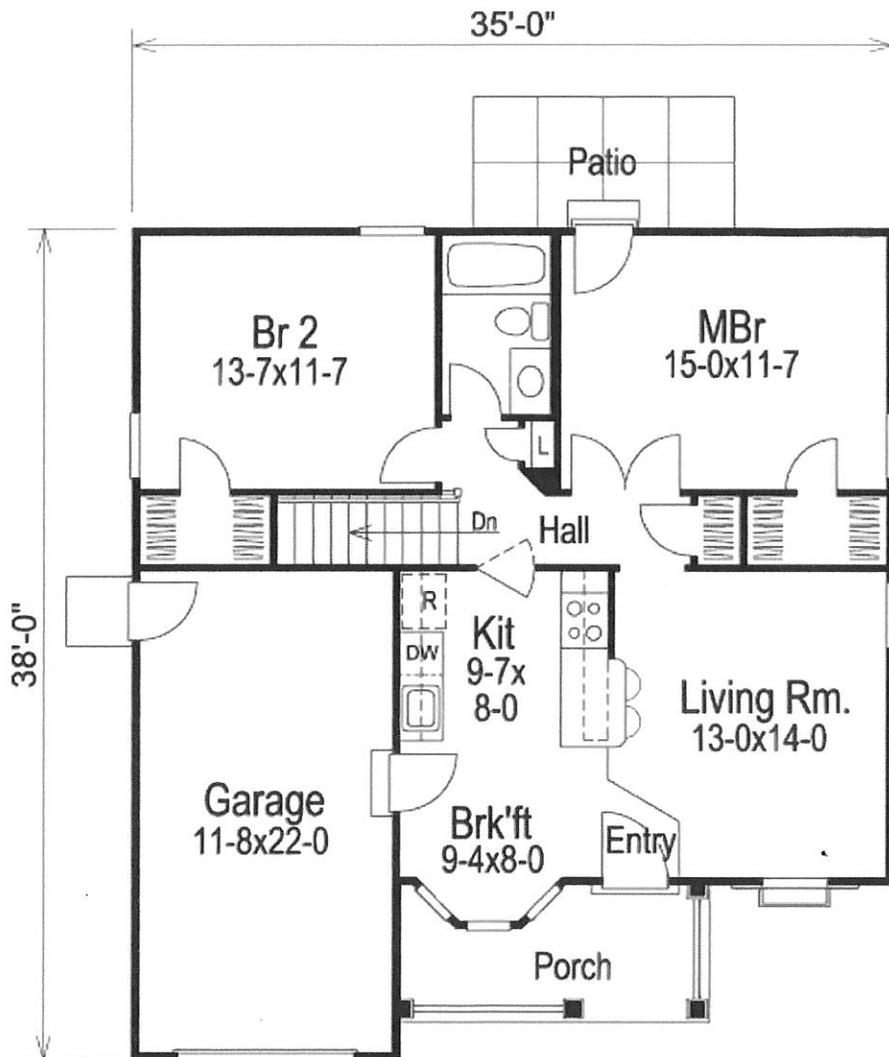
30'

South

74'

1<sup>st</sup> Ave East







DATE CREATED: 9-9-16

# Variance Request for 122 Geneva Drive

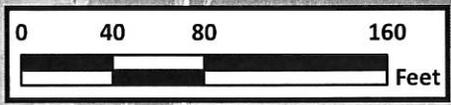
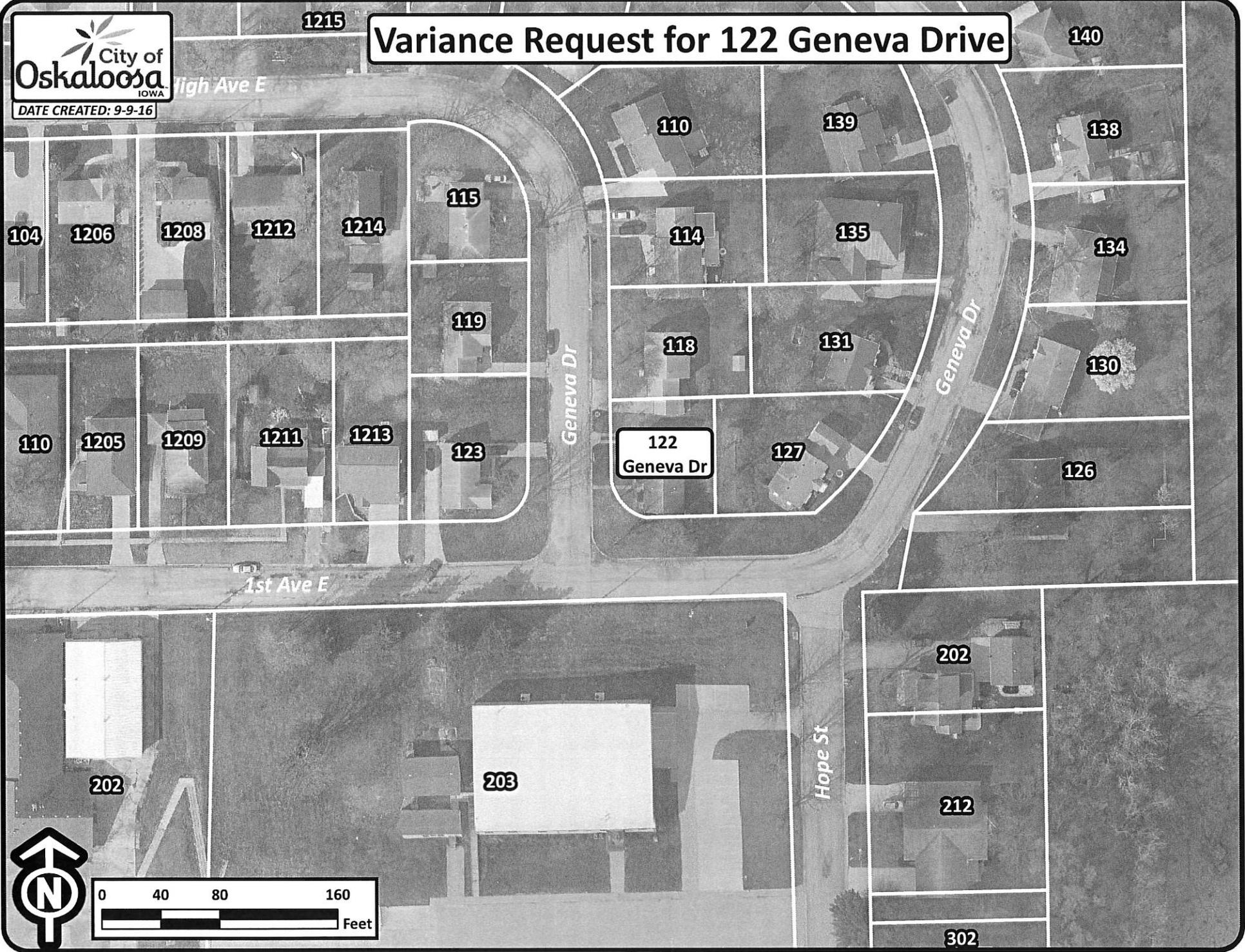


Table 17.08C Summary of Site Development Regulations (Continued)

<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







Board of Adjustment Commission  
Meeting Date: September 27, 2016  
Requested By: Building Division

**Item Title:**

Consider a variance request for the property located at 1111 South F Street to allow the building of a single family residential dwelling on a 68 foot wide lot and 3 feet from the north side yard property line.

**Explanation:**

Brian & Kara Edel have submitted a variance request application to allow the building of a single family residential dwelling on a 68 foot wide lot and 3 feet from the north side yard property line located at 1111 South F Street. The property is zoned Urban Family Residential (R-2) District. This is a request for a variance of the Oskaloosa Municipal Code Table 17.08 C- The minimum lot width in an R-2 district is 70 feet and the minimum side yard setback is 7 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 fees

**Attachments:**

Application, Resolution, Location Map, Oskaloosa Municipal Code Section Table 17.08C



# City of Oskaloosa, Iowa

## Public Works Department

804 South D Street, Oskaloosa, IA 52577  
Phone: (641)673-7472 Fax: (641)673-3733

### VARIANCE APPLICATION

You are hereby notified that the undersigned owner(s) of the following described property located in the City of Oskaloosa, Iowa, do(es) hereby appeal for a variance to the Ordinances of the Oskaloosa Municipal Code on the

2 day of September, 2016.

Property Address: 1111 South F, Oskaloosa, IA

Legal Description: North 60' of the East 132' of Lot 70 of Runde, Williams and company's Addition to the City of Oskaloosa

Variance Description (state what the variance will allow): New construction - single family home. 3 bedroom, 2 bathrooms, attached 2 car garage

#### THE REQUESTED VARIANCE INVOLVES THE PROVISIONS OF THE FOLLOWING NOTED ORDINANCES OF THE OSKALOOSA MUNICIPAL CODE:

[EXAMPLE: Code Section: Table 17.08C Requirement: The front yard setback in an R-2 district is 30 feet ] in an R-2 district

Code Section: Table 17.08C Requirement: The minimum lot width (feet) for one family is 70ft

Code Section: Table 17.08C Requirement: In an R-2 district minimum side yard setback is 7 feet

Code Section: \_\_\_\_\_ Requirement: \_\_\_\_\_

*If more space is needed, attach a list of the Code Sections and their respective requirements to this application.*

*Note: Building Division staff can assist you with the code referrals and requirements.*

#### THE FOLLOWING DOCUMENTS ARE REQUIRED TO BE ATTACHED AND MADE A PART OF THIS APPLICATION:

1. A description of the Zoning Administrator's or Building Official's decision on which the appeal is based.
2. A typewritten testimony of the evidence and principal points on which the variance is based, including a description of the proposed work. State your reasons why a variance should be granted. Explain in detail what hardships are imposed upon your present situation that constitutes grounds for a variance from the City of Oskaloosa Zoning Ordinance for the property described above.

#### A hardship or variance may be necessitated by any or all of the following conditions:

- The depth, width, shape, or topographical condition of the property prohibits the use of said property in a manner reasonably similar to that of other properties in that district.
- The property in question cannot yield a reasonable return if it is used only for the purposes allowed in that district.
- The plight of the owner(s) is due to unique circumstances and not to general conditions in the neighborhood, which may reflect the unreasonableness of the Zoning Ordinance itself.
- An appeal for an interpretation of the Zoning Ordinance or Zoning Map.
- An alleged error in an order, requirement, decision, or determination of the Zoning Administrator or Building Official.

*Continued on back page*

**The appeal for a variance must also conform to all of the following conditions:**

- The use to be authorized is permissible in the district involved.
  - The use to be authorized will not alter the essential character of the area.
  - The variance will not be contrary to the public interest.
  - The variance will not compromise the spirit of the Zoning Ordinance.
3. If the applicant is not the owner, then provide a letter of authorization from the owner or lessee of the property approving the appeal.

***(Please note: The application will not be processed until all of the above documents have been submitted.)***

Wherefore, the undersigned request that the Board of Adjustment fix the date and place for a hearing upon this variance application, and that upon said hearing the variance applied for be granted. I further hereby certify that all the above statements and the statements contained in the submitted papers attached herewith are correct, factual, and true.

Dated this 2 day of September, 2016.

Applicant(s) Signature(s): Kara Edel, Brian Edel

Name(s): Brian and Kara Edel Phone: (641) 295 2061 or (641) 660 5002

Address: 2426 265<sup>th</sup> Street, Oskaloosa Email: Karaedel@gmail.com

Owner(s) Signature(s) (if other than applicant): \_\_\_\_\_

Name(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

**INFORMATION REGARDING THE BOARD OF ADJUSTMENT**

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The BOA welcomes any testimony. Decisions rendered by the BOA are based upon the facts and evidence allowed under City Code and presented in an open meeting. All proceedings of the meeting are tape recorded as evidence in the event of further litigation. The BOA is an independent Board of Citizens and not a part of the City Administration. The City Attorney and City Staff may be present to assist the BOA. A decision rendered by the BOA can be appealed only in District Court.

BOA meetings are held as needed on the 4<sup>th</sup> Tuesday of every month. A completed application must be filed at least thirty (30) days prior to the meeting. Public notice of an appeal must be posted on the property and in a local newspaper no less than ten (10) days prior to the meeting.

Application Fee:  \$100.00 Residential  \$200.00 Commercial Date Fee Paid: 9/2/2016  
*Cash or Check only; Fee is Nonrefundable* *Make check payable to "City of Oskaloosa"*

Date Hearing Advertised: 9/16/2016  Appeal Granted: \_\_\_\_\_

Date of Hearing: 9/27/2016  Appeal Denied: \_\_\_\_\_

The proposed construction on this site is to build a new single family home. It will have 3 bedrooms, 2 bathrooms, 2 car attached garage, and will be approximately 1400 square feet. Our lot size is 68 ft x 132 ft. The lot size requirements have to be 70 feet wide and have square footage of 8400. Our lot has 8976 sq ft. We would also like to have a 4 foot variance on the north property line. The normal side requirement is 7 foot off the property line. There are 2 mature trees that we would like to keep. In being able to move the house to the north we would be able to keep both trees. This neighborhood is an established neighborhood and the street is lined with mature trees. I have attached an overhead view of the lot to show it is a normal rectangle lot.



City of Oskaloosa  
Engineering/Building Department

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

BUILDING PERMIT APPLICATION

Job Site Address: 1111 South F Date of Application \_\_\_\_\_

Owner's Name: Brian and Kara Edel Phone Number: 641.660.5162

Owner's Address: 2426 265th Street - Oskaloosa, Iowa 52577

Valuation of Work: \$ \_\_\_\_\_

Description of Work: New construction - single family home  
3 bedrooms, 2 bathrooms, 2 car attached garage

Contractor Information:

General Contractor: Name \_\_\_\_\_ Lic. # \_\_\_\_\_

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

Carpenter: Name Jim Bixler Lic. # \_\_\_\_\_

Address: 901 North 1st, Oskaloosa Phone # 641.660.5595 Exp. Date: \_\_\_\_\_

Electrician: Name Mike Overbergen Lic. # \_\_\_\_\_

Address: 1983 Old Hwy 163 Phone # 641.660.9022 Exp. Date: \_\_\_\_\_

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

Address: 2426 265th Street Phone # 641.660.3655 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 Kara Edel Date: \_\_\_\_\_

Print Name: Kara Edel

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

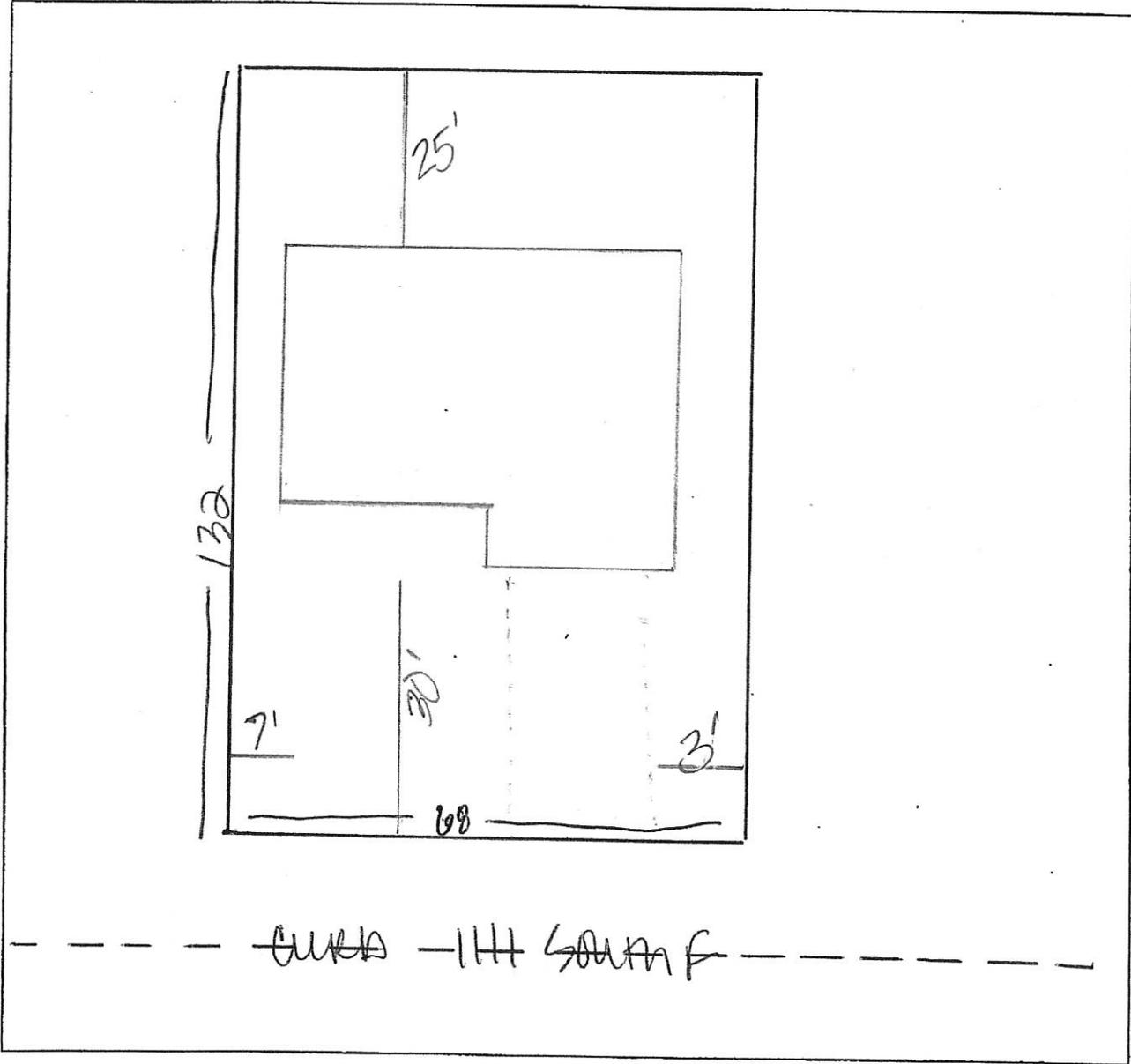
City of Oskaloosa  
Engineering/Building Department  
Plot Plan Form

Date Submitted: \_\_\_\_\_

Property Address: 1111 South F - 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



DATE CREATED: 9-9-16

# Variance Request for 1111 South F Street



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



RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT DENYING A VARIANCE FOR THE PROPERTY LOCATED AT 1111 SOUTH F STREET TO BUILD A SINGLE FAMILY RESIDENTIAL DWELLING ON A LOT WIDTH OF 68 FEET AND 3 FEET FROM THE NORTH SIDE YARD PROPERTY LINE

WHEREAS, the City of Oskaloosa Board of Adjustment at the regular meeting on September 27, 2016, held a public hearing to consider a request from the property owner to deny a variance request for the property located at 1111 South F Street to build a single family residential dwelling on a lot width of 68 feet and 3 feet from the north side yard property line; and

WHEREAS, the Board of Adjustment has found that to deny said application would not work a hardship on said appellant and that said application should not be granted;

NOW, THEREFORE, BE IT RESOLVED that the City of Oskaloosa Board of Adjustment hereby recommends denial of the Variance Request Application.

I HEREBY CERTIFY that the foregoing resolution was denied by the Board of Adjustment of the City of Oskaloosa at the regular meeting held on September 27, 2016.

\_\_\_\_\_  
Chair of the Board of Adjustment

ATTEST: \_\_\_\_\_  
Secretary Date

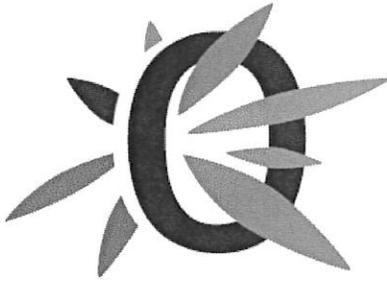
Moved by \_\_\_\_\_ seconded by \_\_\_\_\_ that the foregoing Resolution be denied.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_



Board of Adjustment Commission  
Meeting Date: September 27, 2016  
Requested By: Building Division

**Item Title:**

Consider variance request(s) for the property located at 517 & 519 High Avenue East to allow the current building to be reclassified and replotted as single-family attached dwellings.

**Explanation:**

Brian Booy has submitted a variance request application to allow the current building to be reclassified and replotted as single-family attached dwellings located at 517 & 519 High Avenue East.

The following items are being requested:

1. 5 feet from the west lot interior side yard property line and 28 feet from the rear yard property line.
2. 7 feet from the east lot interior side yard property line, with a lot width of 48 feet, total square footage of 6,336 feet and 28 feet from the rear yard property line.

The property is zoned Multiple- Family Residential (R-3) District. This is a request for a variance from the Oskaloosa Municipal Code Section(s) 17.22.030B and Table 17.08C. Per 17.22.030B the interior side yard setback shall be doubled for a single-family attached dwelling. Table 17.08C requires a 7 foot interior side yard setback, a 30 foot rear yard setback, minimum lot width of 70 feet, and minimum lot area of 7,200 square foot.

**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 fees

**Attachments:**

Application, Resolution, Location Map, Oskaloosa Municipal Code Section Table 17.08C and 17.22.030B



# City of Oskaloosa, Iowa

## Public Works Department

804 South D Street, Oskaloosa, IA 52577  
Phone: (641)673-7472 Fax: (641)673-3733

### VARIANCE APPLICATION

You are hereby notified that the undersigned owner(s) of the following described property located in the City of Oskaloosa, Iowa, do(es) hereby appeal for a variance to the Ordinances of the Oskaloosa Municipal Code on the

9 day of Sept, 2016.

Property Address: 517 High Ave EAST

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

Variance Description (state what the variance will allow): Build New Duplex  
Completed. Side Set Back Does Not Meet. BIDS to  
Sell Each Unit.

### THE REQUESTED VARIANCE INVOLVES THE PROVISIONS OF THE FOLLOWING NOTED ORDINANCES OF THE OSKALOOSA MUNICIPAL CODE:

[EXAMPLE: Code Section: Table 17.08C Requirement: The front yard setback in an R-2 district is 30 feet ]

Code Section: Table 17.08C Requirement: minimum rear yard setback in an R-3 district is 30ft

Code Section: 17.22.0308 Requirement: minimum side yard will be twice the normal required side yard

Code Section: Table 17.08C Requirement: minimum lot width, R-3 district 60' & minimum sq. ft  
of a lot is 7,200 sq. ft.

*If more space is needed, attach a list of the Code Sections and their respective requirements to this application.*

*Note: Building Division staff can assist you with the code referrals and requirements.*

### THE FOLLOWING DOCUMENTS ARE REQUIRED TO BE ATTACHED AND MADE A PART OF THIS APPLICATION:

1. A description of the Zoning Administrator's or Building Official's decision on which the appeal is based.
2. A typewritten testimony of the evidence and principal points on which the variance is based, including a description of the proposed work. State your reasons why a variance should be granted. Explain in detail what hardships are imposed upon your present situation that constitutes grounds for a variance from the City of Oskaloosa Zoning Ordinance for the property described above.

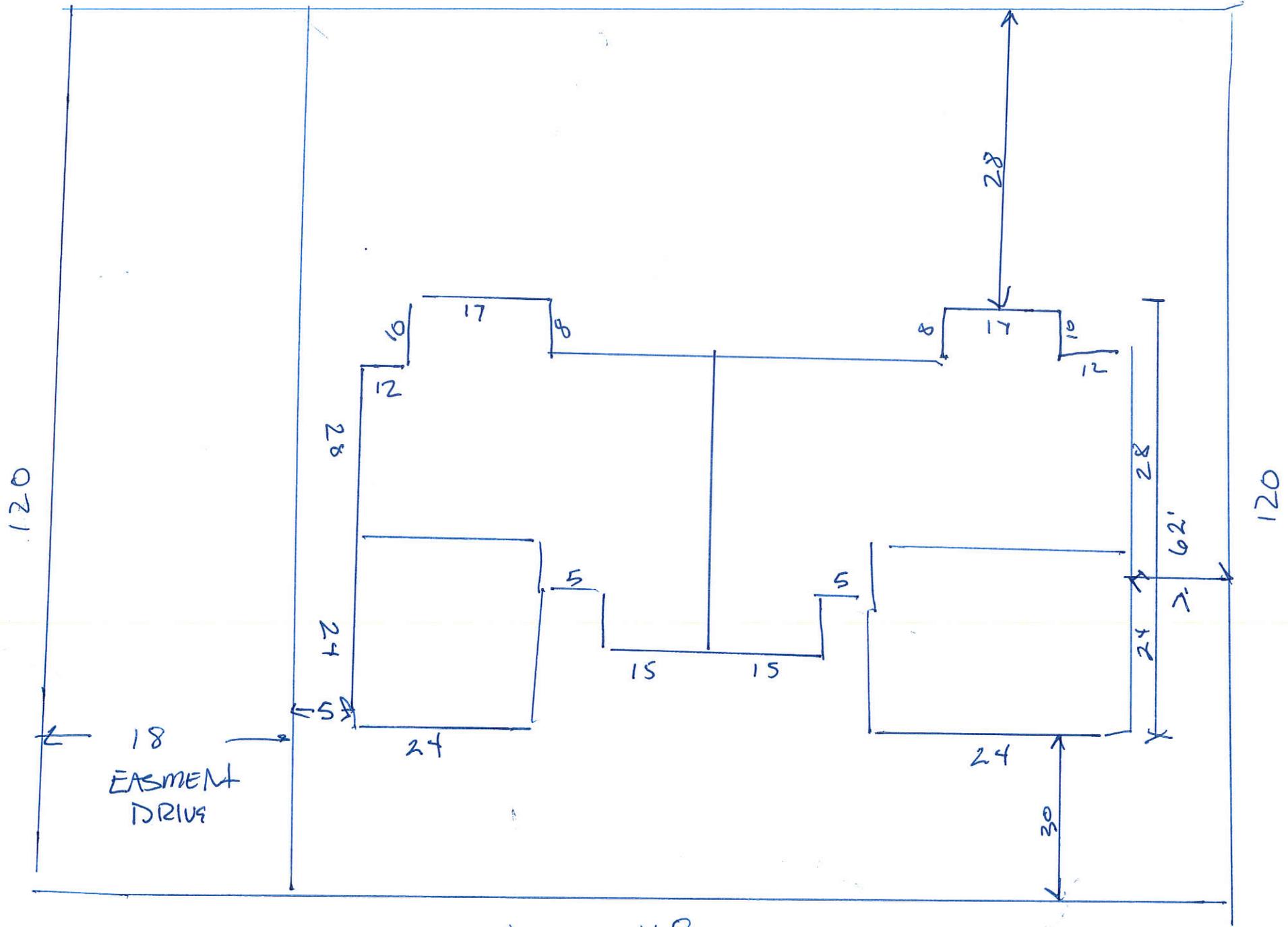
#### **A hardship or variance may be necessitated by any or all of the following conditions:**

- The depth, width, shape, or topographical condition of the property prohibits the use of said property in a manner reasonably similar to that of other properties in that district.
- The property in question cannot yield a reasonable return if it is used only for the purposes allowed in that district.
- The plight of the owner(s) is due to unique circumstances and not to general conditions in the neighborhood, which may reflect the unreasonableness of the Zoning Ordinance itself.
- An appeal for an interpretation of the Zoning Ordinance or Zoning Map.
- An alleged error in an order, requirement, decision, or determination of the Zoning Administrator or Building Official.

*Continued on back page*



REAR YARD  
118



118  
FRONT YARD High AVE EAST.



9/13/16

City of Oskaloosa

Re: 517/519 High Ave East

To whom it may concern,

Brian Booy Construction is requesting a variance to meet the setbacks on the side, front and back yards for the property located at 517/519 High Ave East, in Oskaloosa. This home is being built as a single family attached, but being designed as a duplex. Each unit will be sold individually.

Thank you.

Brian Booy

Brian Booy Construction LLC

# Variance Request for 517 & 519 High Avenue East (Existing Duplex)



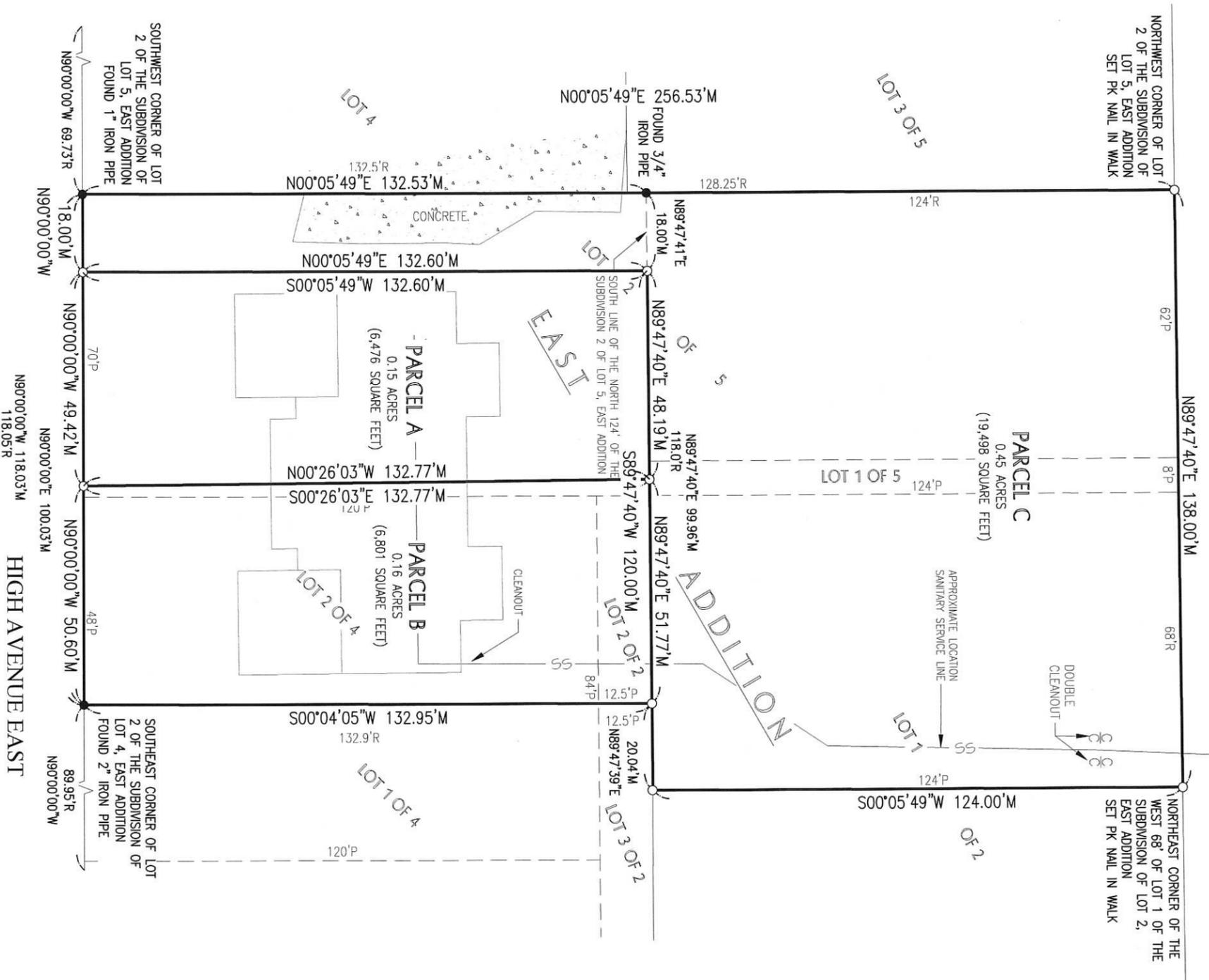


GARDEN & ASSOC.

P.O. Box 451, Oskaloosa, Iowa 52577-0451 Phone: (641)672-2526

### PLAT OF SURVEY

A AVENUE EAST (IOWA HWY 92)



- ▲ = SECTION CORNER FOUND (5/8" X 30" REBAR W/YPC#22232)
- = PROPERTY CORNER FOUND (5/8" X 30" REBAR W/YPC#22232)
- M = MEASURED DIMENSION
- R = RECORDED DIMENSION
- P = PLATTED DIMENSION
- YPC = YELLOW PLASTIC CAP

#### NOTES:

- 1.) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF TITLE RESEARCH. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.
- 2.) MEASURED BEARINGS ARE ASSUMED FOR THE PURPOSES OF THIS SURVEY.



SHEET 2 OF 2

BRIAN BOOY  
PARCELS A, B, AND C  
IN EAST ADDITION  
OSKALOOSA, IOWA

DATE: 9/09/16	DRN. SAC	APP.
FLD.BK.	PROJ.NO.	6015163

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 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

17.22.030 - Supplemental use regulations-Residential uses.

- A. Zero-Lot Line Single-Family Detached Residential. Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:
  - 1. The side yard opposite to the zero yard must equal at least twice the normal required minimum side yard and must taken by itself comply with all side yard requirements for the zoning district.
  - 2. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
  - 3. An easement for maintenance of the zero lot line facade is filed with the county recorder and the city clerk at the time of application for a building permit.
- B. Single-Family Attached. When permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.
- C. Townhouse Residential. Where permitted, townhouse residential is subject to the following regulations:
  - 1. The minimum width for any townhouse lot sold individually shall be twenty-five feet, except within an approved creative subdivision.
  - 2. Coverage percentages are computed for the site of the entire townhouse common development.
  - 3. Within an R-2 district, no more than six townhouse units may be attached in a single townhouse structure.
- D. Two-Family Residential.
  - 1. The second dwelling unit shall be located to the rear of the site and shall be separated from the front dwelling unit by a minimum of twenty-five feet.
  - 2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.
- E. Downtown Residential and Group Residential Uses in the DC District. Downtown residential and group residential uses are permitted in the DC district subject to the following conditions:
  - 1. Downtown and group residential uses are permitted in the DC district only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the planning and zoning commission.
  - 2. Residents of units must be informed by the owner of the building that lawful commercial uses have priority over residential uses.
  - 3. All upper level apartments must have two separate means of egress.
- F. Group Residential. Where permitted, group residential use must comply with the following requirements:
  - 1. Within the RR, R-1, R-2, and R-4 districts, no more than six persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than five persons shall be permitted to reside in a non owner-occupied dwelling unit.
  - 2. Within the R-3 district, no more than ten persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than seven persons shall be permitted to reside in a non owner-occupied dwelling unit.
  - 3. A minimum of two hundred fifty square feet must be provided in the dwelling unit for each resident.

- G. Mobile Home Parks. In the R-4 mobile home residential district, which permits factory built home residential use, such use may be configured in a mobile home park or mobile home subdivision. Following the effective date of the ordinance codified in this title, no mobile home shall be located outside of a mobile home park or mobile home subdivision. A mobile home park is subject to approval as a conditional use by the planning and zoning commission and compliance with the following regulations:
1. Certification. A certification of compliance with all ordinances and regulations regarding mobile homes, manufactured homes, modular homes or a combination of any of these homes licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be issued by the zoning administrator prior to the occupancy of any new mobile home park or any expansion of an existing mobile home park.
  2. Minimum and Maximum Area. A mobile home park shall be considered to be one zoned lot. The contiguous area of a mobile home park shall have a minimum of three acres and a maximum of fifteen acres.
  3. Density Requirements.
    - a. The minimum gross site area per dwelling unit shall be five thousand square feet.
    - b. The minimum size of an individual factory built home space shall be four thousand square feet for single-wide mobile home units and six thousand square feet for double-wide mobile home units.
    - c. Each mobile home space shall have a width of at least fifty feet wide and a length of at least eighty feet.
  4. Site Development Standards.
    - a. Setbacks. Each mobile home park shall have a minimum perimeter setback of thirty feet from adjacent nonresidential uses and fifty feet from adjacent residential uses or public rights-of-way. No space for a dwelling unit or any other structure shall be permitted in the required setback.
    - b. Setback Landscaping. All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Chapter 17.26. Screening shall be provided in conformance with Chapter 17.26 for any common property line with another nonresidential use.
    - c. Impervious Coverage. Impervious coverage for a mobile home park shall not exceed fifty percent of the total site area.
    - d. Open Space. Each mobile home park shall provide a minimum of four hundred square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
    - e. Separation Between factory built mobile Home Units. The minimum separation between a factory built mobile home unit and attached accessory structure and any other factory built mobile home units and/or accessory structure shall be twenty feet.
    - f. Separation and Setbacks for Accessory Buildings. An accessory building on a factory built mobile home space maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.
  5. Street Access and Circulation Requirements.
    - a. Access to Public Street. Each mobile home park must abut and have access to a dedicated public street with a right-of-way of at least sixty feet. Direct access to a mobile home space from a public street is prohibited.

- b. Vehicular Circulation. The mobile home park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be twenty-seven feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of ninety feet. No such cul-de-sacs may exceed three hundred feet in length.
  - c. Separation between Units and Circulation Areas. The minimum distance between a factory built mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.
  - d. Sidewalks. Each mobile home park shall provide a sidewalk system to connect each factory built mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right-of-way. Sidewalk width shall be at least four feet.
  - e. Street and Sidewalk Standards. All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
  - f. Parking Requirements. Each mobile home park must provide at least two off-street parking stalls for each factory built mobile home space.
6. Tornado Shelters. Tornado shelters shall be provided in the mobile home park. Such shelter or shelters shall be built according to the recommendations of the civil defense authority and be large enough to meet the specific needs of the park and its residents.
  7. Utilities.
    - a. All mobile home parks shall provide individual units and common facilities with an adequate, piped supply of water for both drinking and domestic purposes; and standard electrical service, providing at least one, one hundred-twenty-volt and one, two hundred-forty-volt electrical service outlet to each factory built mobile home space.
    - b. Complete sanitary and sewer service shall be provided within each mobile home park in accordance with city standards.
    - c. Properly spaced and operating fire hydrants shall be provided for proper fire protection within each mobile home park in accordance with applicable city codes and public improvement design standards.
    - d. All electric, telephone, gas, and other utility lines shall be installed underground.
  8. Financial Responsibility. Each application for a mobile home park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
  9. Completion Schedule. Construction must begin on any approved mobile home park within one year of the date of approval by the planning and zoning commission. Such construction shall be completed within two years of approval, unless otherwise extended by the commission.
  10. All other uses and provisions of the Oskaloosa mobile home park regulations are incorporated herein by reference.

#### H. Mobile Home Subdivisions.

1. Mobile home subdivisions shall be developed in accordance with all standards and requirements set forth in the subdivision chapter of the land development ordinance of Oskaloosa. Site development regulations shall be the same as those required in the R-2 zoning district. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
2. Factory built home units within mobile home subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.

3. Mobile home subdivisions shall provide tornado shelter facilities as required by subsection (G)(6) of this section.

(Ord. 1086 §17.603, 2000)

(Ord. No. 1323, § 4, 8-20-2012)



ABSENT: \_\_\_\_\_

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT DENYING A VARIANCE FOR THE PROPERTY LOCATED AT 517 & 519 HIGH AVENUE EAST TO ALLOW FOR A 5' INTERIOR SIDE YARD SET BACK ON THE WEST LOT, A 28' REAR YARD SETBACK ON BOTH THE WEST AND EAST LOTS, A 7' INTERIOR YARD SETBACK ON THE EAST LOT, AND A 6,336 SQUARE FOOT MINIMUM LOT SIZE ON THE EAST LOT.

WHEREAS, the City of Oskaloosa Board of Adjustment at the regular meeting on September 27, 2016, held a public hearing to consider a request from the property owner to deny a variance request for the property located at 517 & 519 High Avenue East to allow for a 5' interior side yard setback on the west lot, a 28' rear yard setback on both the west and east lots, a 7' interior yard setback on the east lot, and a 6,336 square foot minimum lot size on the east lot; and

WHEREAS, the Board of Adjustment has found that to deny said application would not work a hardship on said appellant and that said application should not be granted;

NOW, THEREFORE, BE IT RESOLVED that the City of Oskaloosa Board of Adjustment hereby recommends denial of the Variance Request Application.

I HEREBY CERTIFY that the foregoing resolution was denied by the Board of Adjustment of the City of Oskaloosa at the regular meeting held on September 27, 2016.

\_\_\_\_\_  
Chair of the Board of Adjustment

ATTEST: \_\_\_\_\_  
Secretary Date

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_ that the foregoing Resolution be denied.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_



## Board of Adjustment

Meeting Date: September 27, 2016

Requested By: Building Division

**Item Title:**

Consider a Conditional Use Permit request to build single family residential dwellings located at 1913 & 1915 South 7<sup>th</sup> Street.

**Explanation:**

Brian Booy has submitted a Conditional Use permit application to build single family attached dwellings located at 1913 & 1915 South 7<sup>th</sup> Street. The property is zoned as Single-Family Residential (R-1) District. The Oskaloosa Municipal Code Table 17.08B requires a Conditional Use Permit for single family attached dwellings. Oskaloosa Municipal Code Section 17.06.040 Residential Use Types- Single-Family Residential (Attached). A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.

**Budget Consideration:**

Application fees of \$100.00

**Attachments:**

Application, Location Map, Resolution, Oskaloosa Municipal Code Table 17.08B, Table 17.34A and response letter.

CONDITIONAL USE PERMIT APPLICATION

We, Booy Construction LLC, wish to apply for a  
(Name of Owner/Representative)  
Conditional Use Permit for the property located at 1913 / 1915 SOUTH 7<sup>TH</sup>  
(Address)  
and legally described as: LOT 2 B-G DEVELOPMENT SD. 19-75-15

Current zoning of property: \_\_\_\_\_

The proposed use of the property: TO BLDG A New Single  
Family Attached unit.

Feasibility of proposed request (attach 2<sup>nd</sup> sheet if needed): \_\_\_\_\_

Effect on surrounding property (attach 2<sup>nd</sup> sheet if needed): \_\_\_\_\_

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

Date: 9-12-2016

Signature: B. S. Booy  
(Owner/Representative)



9/13/16

City of Oskaloosa

Re: 1913/1915 S. 7<sup>th</sup>

To whom it may concern,

Brian Booy Construction is requesting a variance to meet the setbacks on the side, front and back yards for the property located at 1913/1915 S. 7th, in Oskaloosa. This home is being built as a single family attached, but being designed as a duplex. Each unit will be sold individually.

Thank you.

Brian Booy

Brian Booy Construction LLC

# Variance and Conditional Use Permit Request for 1913 & 1915 South 7th Street (Proposed Single Family Attached)



Table 17.08b

Permitted Uses by Zoning Districts

Use Types	AG	RR	R- 1	R- 2	R- 3	R-4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
<b>Agricultural Uses</b>																
Horticulture	P	P	C	C	C	C		C	P	C	C	C				<a href="#">17.22.020(A)</a>
Crop production	P	P														
Animal production	P															<a href="#">17.22.020(B)</a>
Commercial feedlots																<a href="#">17.22.020(C)</a>
Livestocks sales																
<b>Residential Uses</b>																
Single-family Detached	P	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P	P, L(1)	C								<a href="#">17.22.030(A)</a>
Single-family Attached	C	C	C	P	P	P	P	C								<a href="#">17.22.030(B)</a>
Duplex				P	P		P	C								
Two-family				P	P		P	C								<a href="#">17.22.030(D)</a>
Townhouse				P	P		P	P		P						<a href="#">17.22.030(C)</a>
Multiple-family					P		C	P	C	P	C					
Downtown residential										P						<a href="#">17.22.030(E)</a>
Group residential	C	C			P			C	C							<a href="#">17.22.030(F)</a>
Manufactured housing residential	P	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P, L(2)		C								
Mobile home park						P, L(2)										<a href="#">17.22.030(G)</a>
Mobile home subdivision						P, L(2)										<a href="#">17.22.030(H)</a>
Retirement residential	C	C	C	P	P		P	P	C	P	C					

L(1) = Single-family detached dwellings provided that:

All single-family detached dwellings for which a building permit has been issued (date of enactment), shall comply with the following minimum design standards

1. The dwelling shall have a minimum width facing the street of twenty-four feet.
2. The minimum horizontal dimension of the main body of the dwelling unit shall not be less than twenty feet.
3. A minimum of fifteen percent of the facade of the building facing the street shall consist of windows, doors and other building openings.
4. Any foundation skirting material shall have the appearance of masonry or poured concrete typical of site-built homes.

Installation of the skirting must be installed within thirty days following the installation of the home, or the first day of May if the ground is frozen at the time the home is placed.

L(2) = Applies to all factory built homes (Refer to Section 17.04.030 for definitions), Any foundation skirting material shall have the appearance of masonry or poured concrete typical of site-built homes. Installation of the skirting must be installed within thirty days following the installation of the home, or the first day of May if the ground is frozen at the time the home is placed.

Table 17.34A  
Criteria for Site Plan Review and Conditional Use Permits

—————			
		Applications to	
Land Use Compatibility	Criteria	Site Plan Review	Conditional Use Permit
—————			
Development density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
—————			
Height and Scale			
Height and bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variation should be justified by site or operating characteristics.	X	X
Building coverage	Building coverage should be similar to that surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
—————			
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X

Parking and internal circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X

Table 17.34A  
Criteria for Site Plan Review and Conditional Use Permits (Continued)

—————			
		Applications to	
Land Use Compatibility	Criteria	Site Plan Review	Conditional Use Permit
—————			
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
—————			
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainageways should be preserved.	X	X
—————			
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
—————			

Operating Characteristics			
Traffic capacity	Project should not reduce the existing level of traffic service an adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External traffic effects	Project design should direct nonresidential traffic away from residential areas.	X	X
Operating hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X
Industrial access	Projects must provide direct access from major arterials without requiring travel through residential areas or along local, residential streets.	X	X

Table 17.34A  
Criteria for Site Plan Review and Conditional Use Permits (Continued)

—			
		Applications to	
Land Use Compatibility	Criteria	Site Plan Review	Conditional Use Permit
—			
Hazardous effects	Projects must minimize external hazards to surrounding properties or, if hazardous materials are handles or stored, take measures to provide appropriate separations between the site and neighboring inhabited properties.	X	X
—			
Operating Characteristics			

Outside storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
—————			
Public Facilities			
Sanitary waste disposal	Developments within 100 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm water management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities	X	X

Table 17.34A  
Criteria for Site Plan Review and Conditional Use Permits (Continued)

—————			
		Applications to	
Land Use Compatibility	Criteria	Site Plan Review	Conditional Use Permit
—————			

	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X
—			
Comprehensive Plan	Projects should be consistent with city's comprehensive development plan.		X

RECEIVED  
9/21/2016

9-21-16

To: Wyatt Russell, Oskaloosa Building Official and Members of the Oskaloosa Board of Adjustment

From: Rick and Connie Bryan

Subject: Variances requested from 1913 and 1915 South 7<sup>th</sup> Street

Unfortunately, an out of town commitment has prevented us from attending the public meeting on Tuesday, September 27 and so I author this letter to you.

While we are appreciative of what Brian Booy has done to improve various other properties in Oskaloosa, and although we consider him to be a personal friend, we cannot agree with the request(s) for conditional use permits and variances that would allow the construction of a single family "attached" dwelling on these two properties.

We have lived on South 5<sup>th</sup> street since 1972, first purchasing property at 1806 and then building our home at 1914 South 5<sup>th</sup>. A big part of the reason for building where we did was the existence of large single family homes on large spacious lots.

While we have enjoyed the wide open spaces east of our property for many years, we knew it was inevitable that one day homes would be constructed and in fact a beautiful single family home was built on one lot last year.

Interestingly the request for the two single family attached units that are proposed for consideration are on "two" lots (1913 and 1915) that when combined have the exact same frontage as our lot. This type of dwelling would be very inconsistent with the homes that have existed in this beautiful neighborhood.

With that said, we respectfully request the Oskaloosa Board of Adjustment deny the variance and conditional use permit regarding the interior side yard setback; the width of the lot; and the Single-Family Attached type of dwelling in this neighborhood that is comprised of Single Family Detached dwellings on large and spacious lots.

Thank You,



Rick Bryan and Connie Bryan

1914 South 5<sup>th</sup> Street

Oskaloosa, Iowa 52577

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT APPROVING A CONDITIONAL USE PERMIT TO ALLOW BUILDING SINGLE FAMILY ATTACHED DWELLINGS LOCATED AT 1913 & 1915 SOUTH 7<sup>TH</sup> STREET

WHEREAS, the City of Oskaloosa Board of Adjustment, at the regular meeting on September 27, 2016, held a public hearing to consider a request from Brian Booy, to approve a conditional use permit to allow building single family attached dwellings located at 1913 & 1915 South 7<sup>th</sup> Street; and

WHEREAS, The Board of Adjustment finds that there are circumstances or conditions applicable to the land, structure or use which makes the granting of a conditional use permit necessary for the preservation and enjoyment of a substantial property right; and

WHEREAS, The Board of Adjustment finds that the proposed location of the conditional use is in accordance with the objectives of Oskaloosa Municipal Code Title 17 and the purposes of the district in which the site is located; and

WHEREAS, The Board of Adjustment finds that the proposed use will comply with each of the applicable provisions of Title 17 of the Oskaloosa Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED that the City of Oskaloosa Board of Adjustment hereby recommends approval of Conditional Use Permit Application subject to the following condition:

1. Whenever the City of Oskaloosa has reasonable cause to believe that any of the conditions herein are/have been violated; that any commitment made by the owner/operator has not been fulfilled or complied with; or, that the operation or use of the property, in whole or in part, is hazardous, harmful, offensive or otherwise having an adverse impact on the environment, safety, use of the adjacent and surrounding land, or value of the surrounding land, the City of Oskaloosa shall have the right to revoke or modify this conditional use permit, including but not limited to, imposing stricter conditions upon the operation or owner/operator of the facility. The City of Oskaloosa shall hold a hearing with the owner/operator. The purpose of the hearing will be to discuss the facts and thereafter apply reasonable discretion as to whether or not to take any action including the right to revoke or modify this conditional use permit or imposing stricter or other conditions upon the owner/operator. A finding of non-compliance shall constitute a violation of the City of Oskaloosa Zoning Code and be subject to any penalty provisions and enforcement actions contained in that or other applicable 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 the regular meeting held on September 27, 2016.

\_\_\_\_\_  
Chair of the Board of Adjustment

ATTEST: \_\_\_\_\_

Secretary

Date

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_ that the foregoing Resolution be adopted.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT DENYING A CONDITIONAL USE PERMIT TO ALLOW BUILDING SINGLE FAMILY ATTACHED RESIDENTIAL DWELLINGS LOCATED AT 1913 & 1915 SOUTH 7<sup>TH</sup> STREET

WHEREAS, the City of Oskaloosa Board of Adjustment, at the regular meeting on September 27, 2016, held a public hearing to consider a request from Brian Booy to deny a conditional use permit to allow building single family attached residential dwellings located at 1913 & 1915 South 7<sup>th</sup> Street; and

WHEREAS, The Board of Adjustment finds that the proposed location of the conditional use is not in accordance with the objectives of Oskaloosa Municipal Code Title 17 and the purposes of the district in which the site is located; and

WHEREAS, The Board of Adjustment finds that the proposed use will not comply with each of the applicable provisions of Title 17 of the Oskaloosa Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED that the City of Oskaloosa Board of Adjustment hereby recommends denial of Conditional Use Permit.

I HEREBY CERTIFY that the foregoing resolution was denied by the Board of Adjustment of the City of Oskaloosa at the regular meeting held on September 27, 2016.

\_\_\_\_\_  
Chair of the Board of Adjustment

ATTEST: \_\_\_\_\_  
Secretary Date

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_ that the foregoing Resolution be adopted.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_



Board of Adjustment Commission  
Meeting Date: September 27, 2016  
Requested By: Building Division

**Item Title:**

Consider a variance(s) request for the property located at 1913 & 1915 South 7<sup>th</sup> Street to allow the building of single family attached dwellings.

**Explanation:**

Brian Booy has submitted a variance request application to allow the building of single family attached dwellings with a 13 foot interior side yard setback on the south lot, a 10 foot interior side yard setback on the north lot, and both lots do not meet the minimum lot width requirement (information was not provided in the application) located at 1913 & 1915 South 7<sup>th</sup> Street. The property is zoned Single Family Residential (R-1) District. This is a request for a variance of the Oskaloosa Municipal Code Section 17.22.030B and Table 17.08C.

Per section 17.22.030B, the interior side yard setback shall be doubled for a single family attached dwelling. Per Table 17.08C, in an R-1 district the minimum interior setback is 7 feet 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 fees

**Attachments:**

Application, Resolution, Location Map, Oskaloosa Municipal Code Section 17.22.030B and Table 17.08C and response letter.



# City of Oskaloosa, Iowa

## Public Works Department

804 South D Street, Oskaloosa, IA 52577  
Phone: (641)673-7472 Fax: (641)673-3733

### VARIANCE APPLICATION

You are hereby notified that the undersigned owner(s) of the following described property located in the City of Oskaloosa, Iowa, do(es) hereby appeal for a variance to the Ordinances of the Oskaloosa Municipal Code on the

Parcel Id # 1119352041

9 day of Sept, 2016.

Property Address: LOT 2 B-G DEVELOPMENT SOUTH 7TH ST.

Legal Description: SAME OSKALOOSA IA 52577

Variance Description (state what the variance will allow):

Build New Duplex to sell LOT Size 129.16 X 230.81

### THE REQUESTED VARIANCE INVOLVES THE PROVISIONS OF THE FOLLOWING NOTED ORDINANCES OF THE OSKALOOSA MUNICIPAL CODE:

[EXAMPLE: Code Section: Table 17.08C Requirement: The front yard setback in an R-2 district is 30 feet ]

Code Section: 17.22.030B Requirement: Single family attached - minimum side yard shall be equal  
Code Section: Requirement: to twice the normal required side yard  
Code Section: Table 17.08C Requirement: minimum Lot width in an R-1 district is 70 feet

If more space is needed, attach a list of the Code Sections and their respective requirements to this application.  
Note: Building Division staff can assist you with the code referrals and requirements.

### THE FOLLOWING DOCUMENTS ARE REQUIRED TO BE ATTACHED AND MADE A PART OF THIS APPLICATION:

1. A description of the Zoning Administrator's or Building Official's decision on which the appeal is based.
2. A typewritten testimony of the evidence and principal points on which the variance is based, including a description of the proposed work. State your reasons why a variance should be granted. Explain in detail what hardships are imposed upon your present situation that constitutes grounds for a variance from the City of Oskaloosa Zoning Ordinance for the property described above.

#### A hardship or variance may be necessitated by any or all of the following conditions:

- The depth, width, shape, or topographical condition of the property prohibits the use of said property in a manner reasonably similar to that of other properties in that district.
- The property in question cannot yield a reasonable return if it is used only for the purposes allowed in that district.
- The plight of the owner(s) is due to unique circumstances and not to general conditions in the neighborhood, which may reflect the unreasonableness of the Zoning Ordinance itself.
- An appeal for an interpretation of the Zoning Ordinance or Zoning Map.
- An alleged error in an order, requirement, decision, or determination of the Zoning Administrator or Building Official.

Continued on back page

**The appeal for a variance must also conform to all of the following conditions:**

- The use to be authorized is permissible in the district involved.
  - The use to be authorized will not alter the essential character of the area.
  - The variance will not be contrary to the public interest.
  - The variance will not compromise the spirit of the Zoning Ordinance.
3. If the applicant is not the owner, then provide a letter of authorization from the owner or lessee of the property approving the appeal.

*(Please note: The application will not be processed until all of the above documents have been submitted.)*

Wherefore, the undersigned request that the Board of Adjustment fix the date and place for a hearing upon this variance application, and that upon said hearing the variance applied for be granted. I further hereby certify that all the above statements and the statements contained in the submitted papers attached herewith are correct, factual, and true.

Dated this 9 day of Sept, 20 16

Applicant(s) Signature(s): \_\_\_\_\_

Name(s): BOG CONST LLC Phone: 641 6738025  
Address: 1103 SOUTH D ST Email: \_\_\_\_\_

Owner(s) Signature(s) (if other than applicant): \_\_\_\_\_

Name(s): BOG Phone: 641 660-2158  
Address: 1107 S D ST. Email: \_\_\_\_\_

**INFORMATION REGARDING THE BOARD OF ADJUSTMENT**

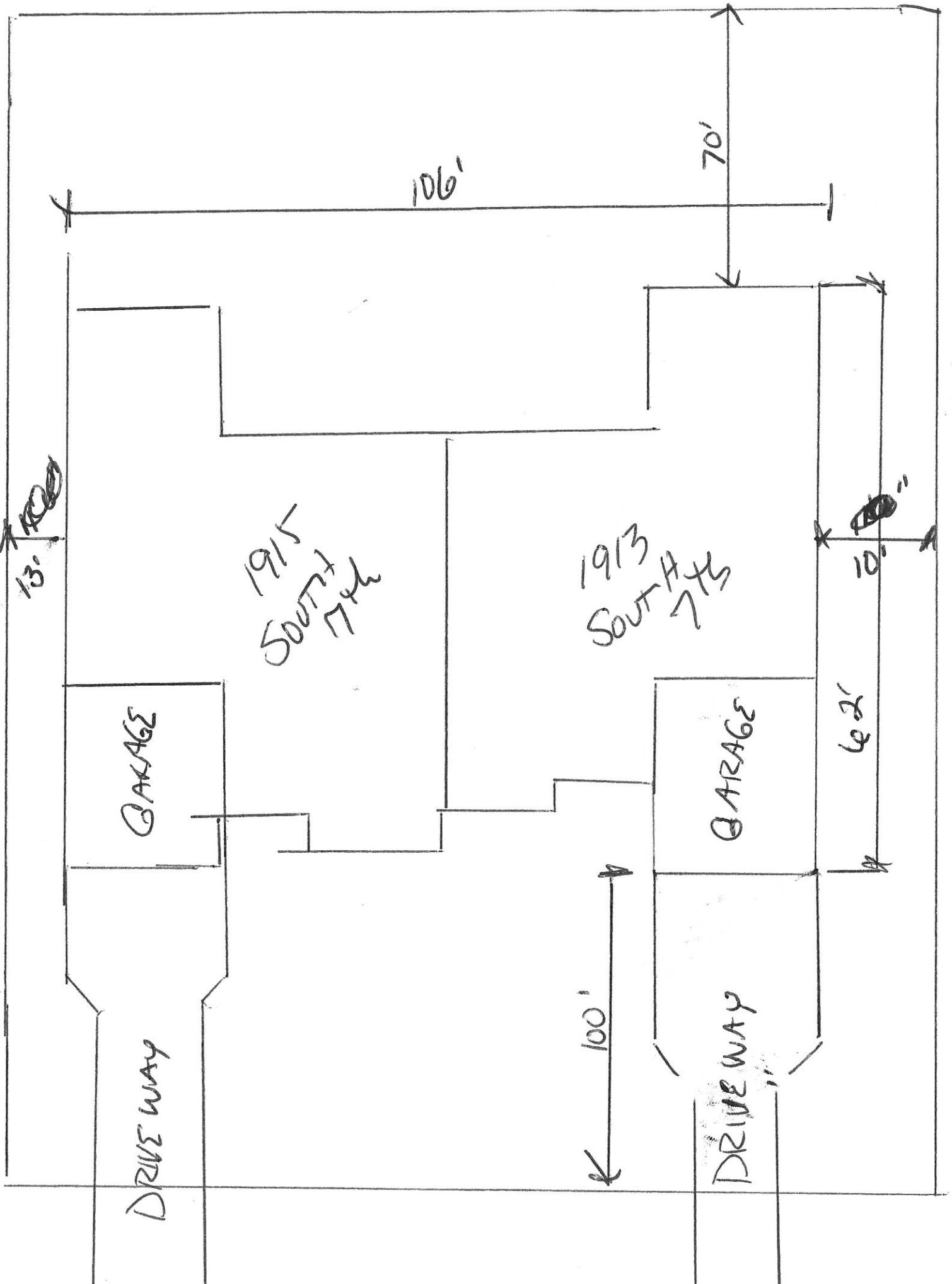
The Board of Adjustment (BOA) is a quasi-judicial board created by the City of Oskaloosa, Iowa, under state law. The purpose of the BOA is to provide recourse for any citizen of Oskaloosa to appeal perceived inequity in the existing Zoning Ordinance or the decisions of the Zoning Administrator or Building Official of the City of Oskaloosa.

The BOA welcomes any testimony. Decisions rendered by the BOA are based upon the facts and evidence allowed under City Code and presented in an open meeting. All proceedings of the meeting are tape recorded as evidence in the event of further litigation. The BOA is an independent Board of Citizens and not a part of the City Administration. The City Attorney and City Staff may be present to assist the BOA. A decision rendered by the BOA can be appealed only in District Court.

BOA meetings are held as needed on the 4<sup>th</sup> Tuesday of every month. A completed application must be filed at least thirty (30) days prior to the meeting. Public notice of an appeal must be posted on the property and in a local newspaper no less than ten (10) days prior to the meeting.

Application Fee:  \$100.00 Residential  \$200.00 Commercial Date Fee Paid: 9/9/2016  
*Cash or Check only; Fee is Nonrefundable* *Make check payable to "City of Oskaloosa"*

Date Hearing Advertised: 9/16/2016  Appeal Granted: \_\_\_\_\_  
Date of Hearing: 9/27/2016  Appeal Denied: \_\_\_\_\_



106'

70'

13'

1915  
SOUTH  
7th

1913  
SOUTH  
7th

GARAGE

GARAGE

DRIVEWAY

DRIVEWAY

100'

62'

10'



9/13/16

City of Oskaloosa

Re: 1913/1915 S. 7<sup>th</sup>

To whom it may concern,

Brian Booy Construction is requesting a variance to meet the setbacks on the side, front and back yards for the property located at 1913/1915 S. 7th, in Oskaloosa. This home is being built as a single family attached, but being designed as a duplex. Each unit will be sold individually.

Thank you.

Brian Booy

Brian Booy Construction LLC

# Variance and Conditional Use Permit Request for 1913 & 1915 South 7th Street (Proposed Single Family Attached)



17.22.030 - Supplemental use regulations-Residential uses.

- A. Zero-Lot Line Single-Family Detached Residential. Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:
  - 1. The side yard opposite to the zero yard must equal at least twice the normal required minimum side yard and must taken by itself comply with all side yard requirements for the zoning district.
  - 2. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
  - 3. An easement for maintenance of the zero lot line facade is filed with the county recorder and the city clerk at the time of application for a building permit.
- B. Single-Family Attached. When permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.
- C. Townhouse Residential. Where permitted, townhouse residential is subject to the following regulations:
  - 1. The minimum width for any townhouse lot sold individually shall be twenty-five feet, except within an approved creative subdivision.
  - 2. Coverage percentages are computed for the site of the entire townhouse common development.
  - 3. Within an R-2 district, no more than six townhouse units may be attached in a single townhouse structure.
- D. Two-Family Residential.
  - 1. The second dwelling unit shall be located to the rear of the site and shall be separated from the front dwelling unit by a minimum of twenty-five feet.
  - 2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.
- E. Downtown Residential and Group Residential Uses in the DC District. Downtown residential and group residential uses are permitted in the DC district subject to the following conditions:
  - 1. Downtown and group residential uses are permitted in the DC district only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the planning and zoning commission.
  - 2. Residents of units must be informed by the owner of the building that lawful commercial uses have priority over residential uses.
  - 3. All upper level apartments must have two separate means of egress.
- F. Group Residential. Where permitted, group residential use must comply with the following requirements:
  - 1. Within the RR, R-1, R-2, and R-4 districts, no more than six persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than five persons shall be permitted to reside in a non owner-occupied dwelling unit.
  - 2. Within the R-3 district, no more than ten persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than seven persons shall be permitted to reside in a non owner-occupied dwelling unit.
  - 3. A minimum of two hundred fifty square feet must be provided in the dwelling unit for each resident.

- G. Mobile Home Parks. In the R-4 mobile home residential district, which permits factory built home residential use, such use may be configured in a mobile home park or mobile home subdivision. Following the effective date of the ordinance codified in this title, no mobile home shall be located outside of a mobile home park or mobile home subdivision. A mobile home park is subject to approval as a conditional use by the planning and zoning commission and compliance with the following regulations:
1. Certification. A certification of compliance with all ordinances and regulations regarding mobile homes, manufactured homes, modular homes or a combination of any of these homes licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be issued by the zoning administrator prior to the occupancy of any new mobile home park or any expansion of an existing mobile home park.
  2. Minimum and Maximum Area. A mobile home park shall be considered to be one zoned lot. The contiguous area of a mobile home park shall have a minimum of three acres and a maximum of fifteen acres.
  3. Density Requirements.
    - a. The minimum gross site area per dwelling unit shall be five thousand square feet.
    - b. The minimum size of an individual factory built home space shall be four thousand square feet for single-wide mobile home units and six thousand square feet for double-wide mobile home units.
    - c. Each mobile home space shall have a width of at least fifty feet wide and a length of at least eighty feet.
  4. Site Development Standards.
    - a. Setbacks. Each mobile home park shall have a minimum perimeter setback of thirty feet from adjacent nonresidential uses and fifty feet from adjacent residential uses or public rights-of-way. No space for a dwelling unit or any other structure shall be permitted in the required setback.
    - b. Setback Landscaping. All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Chapter 17.26. Screening shall be provided in conformance with Chapter 17.26 for any common property line with another nonresidential use.
    - c. Impervious Coverage. Impervious coverage for a mobile home park shall not exceed fifty percent of the total site area.
    - d. Open Space. Each mobile home park shall provide a minimum of four hundred square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
    - e. Separation Between factory built mobile Home Units. The minimum separation between a factory built mobile home unit and attached accessory structure and any other factory built mobile home units and/or accessory structure shall be twenty feet.
    - f. Separation and Setbacks for Accessory Buildings. An accessory building on a factory built mobile home space maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.
  5. Street Access and Circulation Requirements.
    - a. Access to Public Street. Each mobile home park must abut and have access to a dedicated public street with a right-of-way of at least sixty feet. Direct access to a mobile home space from a public street is prohibited.

- b. Vehicular Circulation. The mobile home park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be twenty-seven feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of ninety feet. No such cul-de-sacs may exceed three hundred feet in length.
  - c. Separation between Units and Circulation Areas. The minimum distance between a factory built mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.
  - d. Sidewalks. Each mobile home park shall provide a sidewalk system to connect each factory built mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right-of-way. Sidewalk width shall be at least four feet.
  - e. Street and Sidewalk Standards. All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
  - f. Parking Requirements. Each mobile home park must provide at least two off-street parking stalls for each factory built mobile home space.
6. Tornado Shelters. Tornado shelters shall be provided in the mobile home park. Such shelter or shelters shall be built according to the recommendations of the civil defense authority and be large enough to meet the specific needs of the park and its residents.
7. Utilities.
- a. All mobile home parks shall provide individual units and common facilities with an adequate, piped supply of water for both drinking and domestic purposes; and standard electrical service, providing at least one, one hundred-twenty-volt and one, two hundred-forty-volt electrical service outlet to each factory built mobile home space.
  - b. Complete sanitary and sewer service shall be provided within each mobile home park in accordance with city standards.
  - c. Properly spaced and operating fire hydrants shall be provided for proper fire protection within each mobile home park in accordance with applicable city codes and public improvement design standards.
  - d. All electric, telephone, gas, and other utility lines shall be installed underground.
8. Financial Responsibility. Each application for a mobile home park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
9. Completion Schedule. Construction must begin on any approved mobile home park within one year of the date of approval by the planning and zoning commission. Such construction shall be completed within two years of approval, unless otherwise extended by the commission.
10. All other uses and provisions of the Oskaloosa mobile home park regulations are incorporated herein by reference.

H. Mobile Home Subdivisions.

- 1. Mobile home subdivisions shall be developed in accordance with all standards and requirements set forth in the subdivision chapter of the land development ordinance of Oskaloosa. Site development regulations shall be the same as those required in the R-2 zoning district. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
- 2. Factory built home units within mobile home subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.

3. Mobile home subdivisions shall provide tornado shelter facilities as required by subsection (G)(6) of this section.

(Ord. 1086 §17.603, 2000)

(Ord. No. 1323, § 4, 8-20-2012)

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

RECEIVED  
9/21/2010

9-21-16

To: Wyatt Russell, Oskaloosa Building Official and Members of the Oskaloosa Board of Adjustment

From: Rick and Connie Bryan

Subject: Variances requested from 1913 and 1915 South 7<sup>th</sup> Street

Unfortunately, an out of town commitment has prevented us from attending the public meeting on Tuesday, September 27 and so I author this letter to you.

While we are appreciative of what Brian Booy has done to improve various other properties in Oskaloosa, and although we consider him to be a personal friend, we cannot agree with the request(s) for conditional use permits and variances that would allow the construction of a single family "attached" dwelling on these two properties.

We have lived on South 5<sup>th</sup> street since 1972, first purchasing property at 1806 and then building our home at 1914 South 5<sup>th</sup>. A big part of the reason for building where we did was the existence of large single family homes on large spacious lots.

While we have enjoyed the wide open spaces east of our property for many years, we knew it was inevitable that one day homes would be constructed and in fact a beautiful single family home was built on one lot last year.

Interestingly the request for the two single family attached units that are proposed for consideration are on "two" lots (1913 and 1915) that when combined have the exact same frontage as our lot. This type of dwelling would be very inconsistent with the homes that have existed in this beautiful neighborhood.

With that said, we respectfully request the Oskaloosa Board of Adjustment deny the variance and conditional use permit regarding the interior side yard setback; the width of the lot; and the Single-Family Attached type of dwelling in this neighborhood that is comprised of Single Family Detached dwellings on large and spacious lots.

Thank You,



Rick Bryan and Connie Bryan

1914 South 5<sup>th</sup> Street

Oskaloosa, Iowa 52577

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 1913 & 1915 SOUTH 7<sup>TH</sup> STREET TO BUILD A SINGLE FAMILY ATTACHED DWELLINGS WITH A 13' INTERIOR SETBACK ON THE SOUTH SIDE LOT, A 10' INTERIOR SETBACK ON THE NORTH LOT, AND LOTS THAT DO NOT MEET THE MINIMUM LOT WIDTH REQUIREMENT (INFORMATION WAS NOT PROVIDED IN THE APPLICATION)

WHEREAS, the City of Oskaloosa Board of Adjustment at the regular meeting on September 27, 2016, held a public hearing to consider a request from the property owner to approve a variance request for the property located at 1913 & 1915 South 7<sup>th</sup> Street to build a 1single family attached dwellings with a 13' interior setback on the south side lot, a 10' interior setback on the north lot, and lots that do not meet the minimum lot width requirement (information was not provided in the application); 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 13' interior setback on the south side lot, a 10' interior setback on the north lot, and lots that do not meet the minimum lot width requirement (information was not provided in the application).
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.
5. This variance shall become null and void six (6) months from approval date if work has not commenced.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Board of Adjustment of the City of Oskaloosa at the regular meeting held on September 27, 2016.

\_\_\_\_\_  
Chair of the Board of Adjustment

ATTEST: \_\_\_\_\_  
Secretary Date

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_ that the foregoing Resolution be adopted.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT DENYING A VARIANCE FOR THE PROPERTY LOCATED AT 1913 & 1915 SOUTH 7<sup>TH</sup> STREET TO BUILD A SINGLE FAMILY ATTACHED DWELLINGS WITH A 13' INTERIOR SETBACK ON THE SOUTH SIDE LOT, A 10' INTERIOR SETBACK ON THE NORTH LOT, AND LOTS THAT DO NOT MEET THE MINIMUM LOT WIDTH REQUIREMENT (INFORMATION WAS NOT PROVIDED IN THE APPLICATION)

WHEREAS, the City of Oskaloosa Board of Adjustment at the regular meeting on September 27, 2016, held a public hearing to consider a request from the property owner to deny a variance request for the property located at 1913 & 1915 South 7<sup>th</sup> Street to build a single family attached dwellings with; and

WHEREAS, the Board of Adjustment has found that to deny said application would not work a hardship on said appellant and that said application should not be granted;

NOW, THEREFORE, BE IT RESOLVED that the City of Oskaloosa Board of Adjustment hereby recommends denial of the Variance Request Application.

I HEREBY CERTIFY that the foregoing resolution was denied by the Board of Adjustment of the City of Oskaloosa at the regular meeting held on September 27, 2016.

\_\_\_\_\_  
Chair of the Board of Adjustment

ATTEST: \_\_\_\_\_  
Secretary Date

Moved by \_\_\_\_\_ seconded by \_\_\_\_\_ that the foregoing Resolution be denied.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_