



**City of Oskaloosa
Board of Adjustment
Regular Meeting
Council Chambers
City Hall, 220 S. Market Street
Oskaloosa, IA 52577
Agenda
7/26/2016
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 April 26, 2016 meeting.

Documents:

[BOA MIN 4-26-2016.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 1206 South 15th Street to allow a 10' x 10' accessory building with a 7 foot separation from another structure.

Documents:

[AGENDA.PDF](#)
[BOA VARIANCE APPLICATION.PDF](#)
[CODE 17.24.30.PDF](#)
[RESOLUTION-APPROVED.PDF](#)
[RESOLUTION- DENIED.PDF](#)

5. Adjournment

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

CITY OF OSKALOOSA
MINUTES OF THE BOARD OF ADJUSTMENT MEETING
April 26, 2016

The meeting of the Board of Adjustments for the City of Oskaloosa was called to order at 5:00 pm on Tuesday, April 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 and Lloyd Phillips; BOARD MEMBERS ABSENT: Tim Hudson; PUBLIC PRESENT: applicants; Jason Van Zetten, Brian Bloodsworth and Jeff McNulty; CITY COUNCIL PRESENT: Tom Walling; STAFF PRESENT: Wyatt Russell and Amie Roberts.

Minutes from the February 23, 2016 Board of Adjustment meeting. Campbell moved and Hansen seconded to approved the minutes of the February 23, 2016 Board of Adjustment meeting as presented.

1st item on the agenda: Consider a variance request for the property located at 423 North Park Avenue to allow the building of an addition to an accessory building 3 feet 6 inches from the south property line and to allow the addition to project 15 feet in front of the principal building. Mr. VanZetten spoke in reference of the item to the board members. Russell addressed the board that staff had received 2 phone calls from the neighborhood opposing the variance request. VanZetten discussed the recent approval of a variance for a property located at 1004 C Avenue East. Hansen stated that he has plenty of room on the lot and does not see any hardship with placing the building within the code requirements. Campbell explained that the driveway and corner lot constrained on the C Avenue East property. VanZetten stated that he does not have a lot of room on the lot and that he has established trees abutting against the property line. He also stated that he is asking for the same setback as 1283 C Ave East which is 3 feet, although he is asking for 3 feet 6 inches on his side. Russell stated that the existing garage on the lot to the south was probably built before zoning code was in place. With no further discussion, Hansen made a motion to deny the building of an addition to an accessory building 3 feet 6 inches from the south property line and to deny the addition to project 15 feet in front of the principal building located at 423 North Park Avenue, Phillips Seconded the motion; Vote: YES: Murry, Campbell, Hansen and Phillips; NO: None; ABSTAIN: None; ABSENT: Hudson.

2nd item on the agenda: Consider a variance request for the property located at 205 South H Street to allow the building of a 24 foot x 24 foot detached garage with a 16 inch separation from another structure. Mr. Bloodsworth spoke in reference of the item to the board members and stated that he has alternate options available. Campbell asked if the alternate options still require a variance request. Bloodsworth stated he would possibly still need a variance for the other options. Campbell asked if he would still need the auxiliary structure after the garage has been built and Bloodsworth answered yes. Murry asked what the separation requirement is between buildings and Russell answered that the requirement is 10 feet. Board members discussed moving the existing accessory structure to the north and south and general setback adjustments. Russell discussed the definition of a front yard on a corner lot. Russell suggested to table the item until measurements can be obtained from the applicant. With no further discussion Campbell made a motion to table the item until measurements can be obtained from the applicant, Phillips seconded the motion; Vote: YES: Murry, Campbell, Hansen and Phillips; NO: None; ABSTAIN: None; ABSENT: Hudson.

3rd item on the agenda: Consider a variance request for the property located at 1100 Woodland Rd to allow the building of a 300 square foot addition to an accessory structure 2 feet 6 inches above the height requirement. Mr. McNulty spoke in reference of the item to the board members. Murry asked about the previous variance approval. Campbell asked about the previous height of the existing structure. Wyatt explained how to calculate the height of an accessory structure. Campbell asked if design constraints would keep him from completing the project. McNulty stated that he wanted to match the aesthetics of the home and the existing structure. Board members stated that the addition would not face the street, rather it would be behind the garage. With no further discussion Campbell made a motion to approve the building of a 300 square foot addition to an accessory structure 2 feet 6 inches above the height requirement, Phillips seconded the motion; Vote: YES: Murry, Campbell, Hansen and Phillips; NO: None; ABSTAIN: None; ABSENT: Hudson.

Russell presented the new variance application and asked the board members for their feedback.

Hansen asked Russell for an update on the code in regards to lot sizes.

City council member Walling asked the board members what recourse exists for a variance decision and what creates a hardship. Members and staff explained that appealing a variance decision would go to district court and that a hardship is a restriction of the use of the land such that the land becomes worthless.

With no further business, Campbell made a motion and Phillips seconded to adjourn the meeting at 5:44PM.

Minutes by Amie Roberts



Board of Adjustment Commission
Meeting Date: July 26, 2016
Requested By: Building Division

Item Title:

Consider a variance request for the property located at 1206 South 15th Street to allow a 10' x 10' accessory building with a 7 foot separation from another structure.

Explanation:

Mr. David Simms has submitted a variance request application to allow placing a 10' x 10' accessory building with a 7 foot separation from another structure located at 1206 South 15th Street. The property is zoned Urban Family Residential (R-2) District. This is a request for a variance of the Oskaloosa Municipal Code Table 17.24.030.f. Separation from other buildings. No accessory building shall be placed within 10 feet of any other building on its own property or any adjacent property.

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 17.24.030



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 9th day of June, 2016.

Property Address: 1206 South 15th St.

Legal Description: Lot Nine of Carriker's Second Addition to the City of Oskaloosa, Iowa

Variance Description (state what the variance will allow): Allow the storage shed to be 3 foot closer to the garage than the 10 foot minimum requirement

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: 17.24.030 (F) Requirement: NO Accessory bldg. shall be placed w/in 10 feet of any other bldg.
Code Section: _____ Requirement: _____
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 9th day of June, 2016.

Applicant(s) Signature(s): David Simms

Name(s): David Simms Phone: 676-1724

Address: 1206 South 15th St. Email: davidrhonda.simms@hotmail.com

Owner(s) Signature(s) (if other than applicant): _____

Name(s): _____ Phone: _____

Address: _____ 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 4th 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: 10/8/2016
Cash or Check only; Fee is Nonrefundable *Make check payable to "City of Oskaloosa"*

Date Hearing Advertised: _____ Appeal Granted: _____

Date of Hearing: 7/26/2016 Appeal Denied: _____

Dear Board of Adjustments:

We would like to buy a 10 ft. X 10 ft. storage shed. According to the city requirements, we need to be 10 ft. from our garage and 5 ft. from the lot line. Under these requirements, we would only be able to buy a 6 ft. X 12 ft. shed. This is not large enough for all the things we need to store.

Therefore, we are requesting a variance for the shed to be placed 7 ft. from the garage. Thank you for reviewing our request.

David Simms



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: 1206 South 15th Date of Application _____
Owner's Name: David Simms Phone Number: 641-676-1724 Cell 660-1001
Owner's Address: 1206 South 15th
Valuation of Work: \$ 2150.00
Description of Work: Buy new storage shed and move into rear yard

Contractor Information:

General Contractor: Name _____ Lic. # _____

Address: _____ Phone # _____ Exp. Date: _____

Carpenter: Name _____ Lic. # _____

Address: _____ Phone # _____ Exp. Date: _____

Electrician: Name _____ 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 David Simms Date: 5-27-16

Print Name: David Simms

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: ALR Date: 5/27/2016 Reviewed By: _____ Date: _____

Plan Review Fee: _____ Permit Fee: 516.⁰⁰ Paid - Check #: _____ Date: _____

Permit Number: PB116-0074
6-6-16
Date

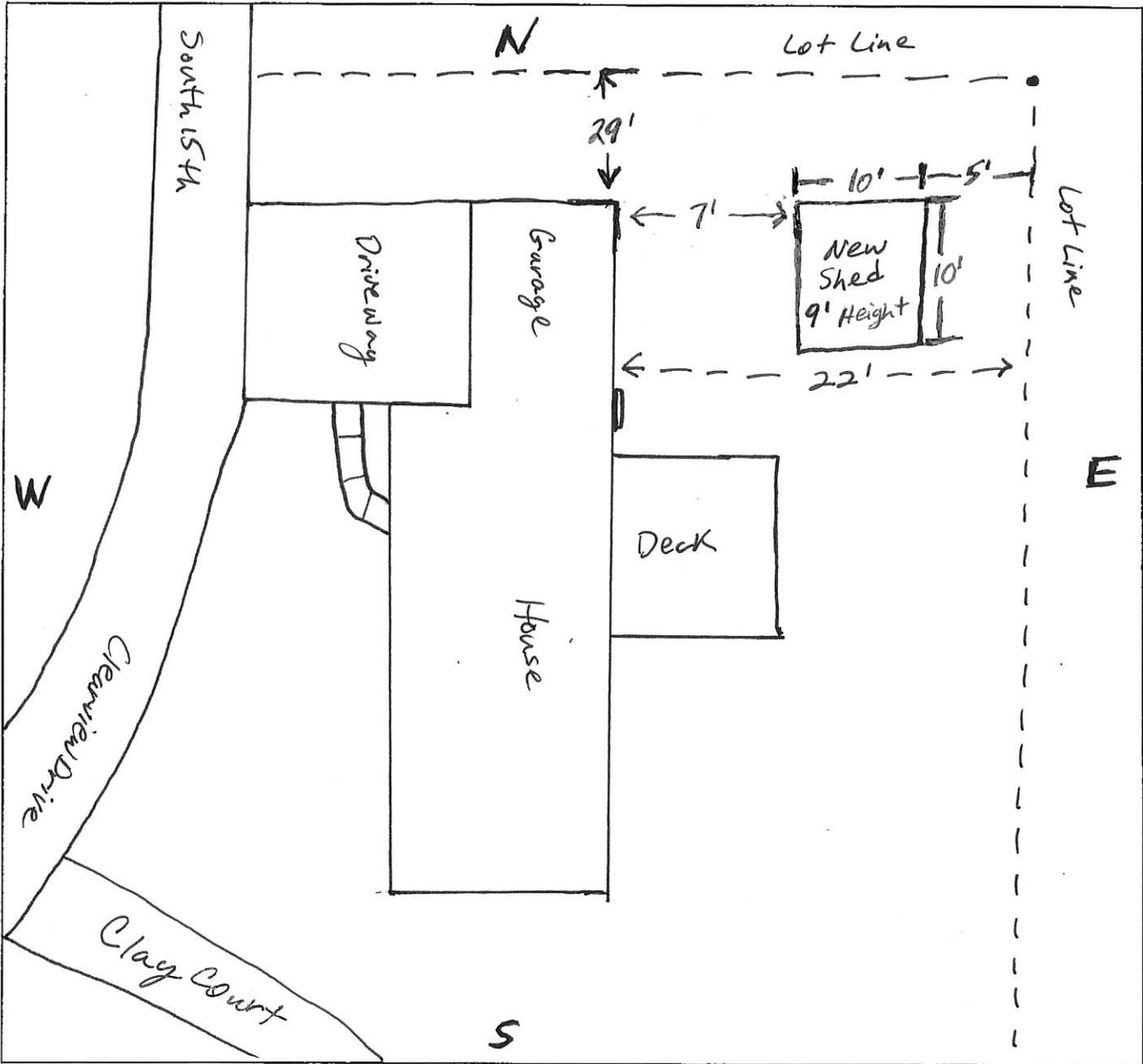
[Signature]
Building Official

City of Oskaloosa
Engineering/Building Department
Plot Plan Form

Date Submitted: _____

Property Address: 1206 South 15th St.

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

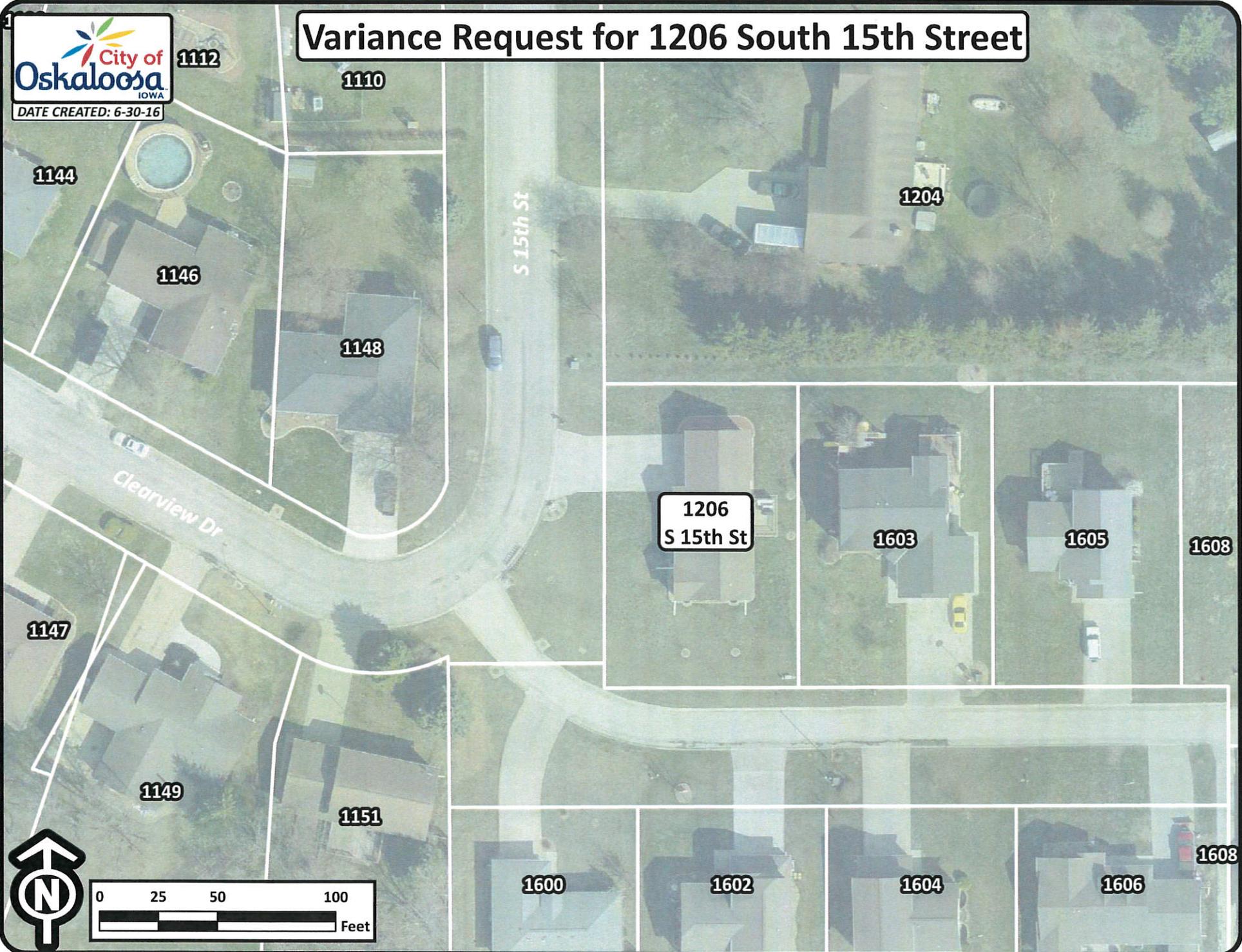


I certify that the above Plot Plan is a true representation of this lot and accurately shows all dimensions, easements and proposed and existing structures on said lot. Any deviation from this approved Plot Plan may void the Building Permit and/or zoning approvals.

SIGNATURE OF OWNER/CONTRACTOR: David Simms

See Second Page for Plot Plan Sample

Variance Request for 1206 South 15th Street



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.

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT DENYING A VARIANCE FOR THE PROPERTY LOCATED AT 1206 SOUTH 15TH STREET TO PLACE A 10' X 10' ACCESSORY BUILDING WITH A 7 FOOT SEPARATION FROM ANOTHER BUILDING

WHEREAS, the City of Oskaloosa Board of Adjustment at the regular meeting on July 26, 2016, held a public hearing to consider a request from the property owner to deny a variance request for the property located at 1206 South 15th Street to place a 10' x 10' accessory building with a 7 foot separation from another structure; 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 July 26, 2016.

Chair of the Board of Adjustment

ATTEST: _____
Secretary Date

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

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____