

CITY OF OSKALOOSA  
MINUTES OF THE BOARD OF ADJUSTMENTS MEETING  
January 27, 2015

The meeting of the Board of Adjustments for the City of Oskaloosa was called to order at 5:06 pm on Tuesday, January 27, 2015 by Chairperson Perry Murry at the City Hall Council Chambers 220 S. Market St. Oskaloosa, Iowa.

BOARD MEMBERS PRESENT: Perry Murry, Russell Sparks, Wyndell Campbell and James Hansen ; BOARD MEMBERS ABSENT: Lloyd Phillips; CITY STAFF PRESENT: Wyatt Russell, Amie Roberts; PUBLIC PRESENT: applicant; Russ Parker, applicant; James Norris, Toni Jenkins and David Wright.

Minutes from the October 28, 2014 Board of Adjustment meeting.

Murry moved and Hansen seconded to approved the minutes of the October 28, 2014 Board of Adjustment meeting as presented.

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

Item 5-A: Consider a variance request for the property located at 910 North A Street to allow an existing deck 11 feet 9 inches from the front yard property line.

The Board reviewed the application for the variance request. Russ Parker, was present and spoke to the Board about the request with the Board members. Chair person Murry asked Parker if a permit was obtained before building the deck. Parker said that no permit was obtained prior to building the deck and that he thought that the deck just went with the house. Murry then asked Parker if he is a registered contractor in the state of Iowa. Parker replied he is a registered contractor in the state of Iowa. Murry asked parker if he pulls permits with the City of Oskaloosa prior to starting jobs with his customers. Parker responded that he does pull permits with the City of Oskaloosa prior to starting other jobs, but thought that this deck was part of the house. Hansen then commented on other variance denials for decks and that Parker has been to the Board a number of times. Parker responded by saying that this project has been a nightmare and that this would be the final variance request for this property due to it being the last project he intends to do on this property. Board members discussed the setback regulations and means of egress with Parker and Russell. Murry asked if the northern portion of the deck is within the setback and is in compliance, Russell responded that the deck on the northern edge would meet setback but would need to have a permit filed for and approved and an inspection done on the deck. Russell explained the International Residential Code 2009 edition section R311.3 and how it pertains to this variance request. Russell explained that per the IRC R311.3 a landing is required on each side of an exterior door, and that it can be no less in width than the door served and no less than 36 inches deep in the direction of travel. Since this is a requirement of the code that has been adopted by the City of Oskaloosa then this landing would be permitted even though it would violate the current setback of 30 foot. Russell went on to say that a set of stairs could be allowed if they turned to the north or south and were no more than 36 inches wide, which is code minimum, and that the combination of the landing and steps could protrude no more than six feet off of the structure. Russell also explained that there are currently two doors that both would meet minimum egress standards as set forth in the 2009 IRC, and since both doors serve the same common area only one is required per the code, and that door could be considered the north door. After further discussion by the Board, it was moved by Hansen and seconded by Sparks to deny the variance request to allow an existing deck 11 feet

9 inches from the front yard property line.

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

Parker and Jenkins left the meeting, with Parker saying expletives that will not be included on the minutes due to the nature of the words being used.

Item 5-B: Consider a variance request for the property located at 809 North C Street to build a single family residential dwelling on a 66' wide lot and a 7,920 square foot site area.

The Board reviewed the application for the variance request. James Norris the applicant discussed the request with the board members. Mr. Norris' intentions are to build a single family residential dwelling on the lot after sustaining a fire to his previous residence in May 2014 which destroyed the home. The new single family residential dwelling meets all the required setbacks. It was asked if the City Council had taken action on the non-conforming lots issues that was brought up. Russell Explained that the City Council at their next meeting February 2, 2015 will have the third reading on amending the Non-conforming residential development and discontinued nonconforming developments in the Oskaloosa Municipal Code, but since this destruction happened more than six months ago it would not pertain to this situation. After further discussion, it was moved by Hansen and seconded by Sparks to approve the Conditional Use Permit to bring the property to compliance with the Oskaloosa Municipal Code.

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

With no further business, Murry moved and seconded by Sparks to adjourn the meeting at 5:45 PM.

Minutes by Amie Roberts