



**City of Oskaloosa
Board of Adjustment
Council Chambers
City Hall, 220 S. Market Street
Oskaloosa IA, 52577
Regular Agenda 5:00 P.M.
Tuesday, February 24, 2015**

Call to Order/Roll Call

Chair
Murray _____
Members
Campbell _____
Sparks _____
Hansen _____
Phillips _____

Approval of Minutes

- .1. Approval of the minutes for the January 27, 2015 meeting**

Documents: [BOA MIN 1-27-2015.PDF](#)

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

New Business

- .1. Consider a public hearing for considering the manner of an appeal request to the Oskaloosa Municipal Code Section 17.34.020(B)-Site plan review procedure for the property located at 132 Pella Avenue**

Documents: [132 PELLA AVE APPEAL AGENDA.PDF.PDF](#), [APPEAL LETTER.PDF](#), [132 PELLA AVE EXISTING PICTURES.PDF](#), [132 PELLA AVE LOCATION MAP.PDF](#), [17.22.050__SUPPLEMENTAL_USE_REGULATIONS_COMMERCIAL_USES.PDF](#)

- .2. Consider a public hearing for considering the manner of a Conditional Use Permit request to construct a convenience storage located at 132 Pella Avenue**

Documents: [132 PELLA AVE CONDITIONAL USE PERMIT AGENDA.DOC](#), [132 PELLA AVE CONDITIONAL USE PERMIT APPLICATION.PDF](#), [BUILDING PLANS.PDF](#), [132 PELLA AVE EXISTING PICTURES.PDF](#), [RESOLUTION-132 PELLA AVENUE.PDF](#), [RESOLUTION-132 PELLA AVENUE-DENIAL.PDF](#), [132 PELLA AVE LOCATION MAP.PDF](#), [OSKALOOSA MUNICIPAL CODE TABLE 17.08B_DEFINITION.PDF](#), [17.22.050__SUPPLEMENTAL_USE_REGULATIONS_COMMERCIAL_USES.PDF](#), [17.34.030__CONDITIONAL_USE_PERMITS.PDF](#)

- .3. Consider a public hearing for considering the manner of an appeal request to the Oskaloosa Municipal Code Table 17.08(B) Permitted Uses by Zoning Districts and Warehousing(open) is not**

permitted in a General Commercial District located at the property identified as Parcel ID 1118476016

Documents: [PARCEL ID 1118476016 APPEAL REQUEST AGENDA.PDF.PDF](#), [APPEAL REQUEST PARCEL ID 1118476016.PDF](#), [EXISTING PICTURES PDF.PDF](#), [PARCEL ID 1118476016 LOCATION MAP.PDF](#), [OSKALOOSA MUNICIPAL CODE TABLE 17.08B.PDF](#), [TABLE 17.08B_DEFINITIONS.PDF](#)

- 4. Consider a public hearing for considering the manner of a Conditional Use Permit request to allow a truck terminal located at the property identified as Parcel ID 1118476016**

Documents: [PARCEL ID 1118476016 CONDITIONAL USE PERMIT AGENDA.PDF.PDF](#), [CONDITIONAL USE PERMIT APPLICATION PARCEL ID 1118476016.PDF](#), [RESOLUTION- PARCEL ID 1118476016.PDF](#), [RESOLUTION- PARCEL ID 1118476016 - DENIAL.PDF](#), [EXISTING PICTURES PDF.PDF](#), [PARCEL ID 1118476016 LOCATION MAP.PDF](#), [TABLE 17.08B_DEFINITIONS.PDF](#)

- 5. Consider a public hearing for considering the manner of a variance request for the properties located at 1302 & 1320 High Avenue West to allow the building of three apartment complexes and a clubhouse on two lots. Apartment Building A will be 0 feet from the interior side yard on both lots.**

Documents: [1302 - 1320 HIGH AV W VARIANCE AGENDA.PDF.PDF](#), [1302 - 1320 HIGH AVE W APPLICATION.PDF](#), [1302 - 1320 HIGH AVE W PLAN\(1\).PDF](#), [1302 - 1320 HIGH AVE W PLAN.PDF](#), [RESOLUTION_1302 - 1320 HIGH AVE W.PDF](#), [RESOLUTION_1302 - 1320 HIGH AVE W - DENIED.PDF](#), [1302 - 1320 HIGH AVE W VARIANCE.PDF](#), [OSKALOOSA MUNICIPAL CODE TABLE 17.08C_1302-1320 HIGH AVE W.PDF](#)

- 6. Consider a public hearing for considering the manner of a variance request for the property located at 912 6th Avenue West to allow to build a single family residential dwelling on a 60 foot wide lot and to allow the residential dwelling to be 13 feet from the street side yard property line along South I Street**

Documents: [VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 912 6TH AVENUE WEST.PDF](#)

- 7. Consider a public hearing for considering the manner of a variance request for the property located at 111 North I Street to allow the building of an addition 4 feet 10 inches from the front yard property line along South I Street**

Documents: [CONSIDER A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 111 NORTH I STREET.PDF](#)

Miscellaneous Business

Adjournment

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

CITY OF OSKALOOSA
MINUTES OF THE BOARD OF ADJUSTMENTS MEETING
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



Board of Adjustment Commission
Meeting Date: February 24, 2015
Requested By: Public Works Dept.

Item Title:

Consider an appeal request to the Oskaloosa Municipal Code Section 17.34.020(B)-Site plan review procedure for the property located at 132 Pella Avenue

Explanation:

Mr. Curtis and Ms. Jennifer Sheets have submitted an appeal to the City of Oskaloosa's staff enforcement of the Oskaloosa Municipal Code Section 17.34.020(B)-Site plan review procedure for the property located at 132 Pella Avenue. The property is zoned as General Commercial (GC). The site plan review procedure set forth in section 17.34.020(B) states: shall be applicable to the redevelopment, enlargement or extension of more than twenty-five percent of any commercial or industrial use and structures existing. Since the land is changing use type, and will be 100 percent redeveloped, then a full site plan procedure will need to happen per the Oskaloosa municipal code. The appellant feels that the site plan is not required and wishes to have the need for this removed from their project.

STAFF RECOMMENDATION:

Up hold the City staff's enforcement of the site plan review procedure.

ALTERNATIVE ACTIONS:

Remove the need for the site plan review procedure from this project.

Budget Consideration:

Not Applicable

Attachments:

Letter, Resolution, Location Map, Oskaloosa Municipal Code Section 17.34.020(B)

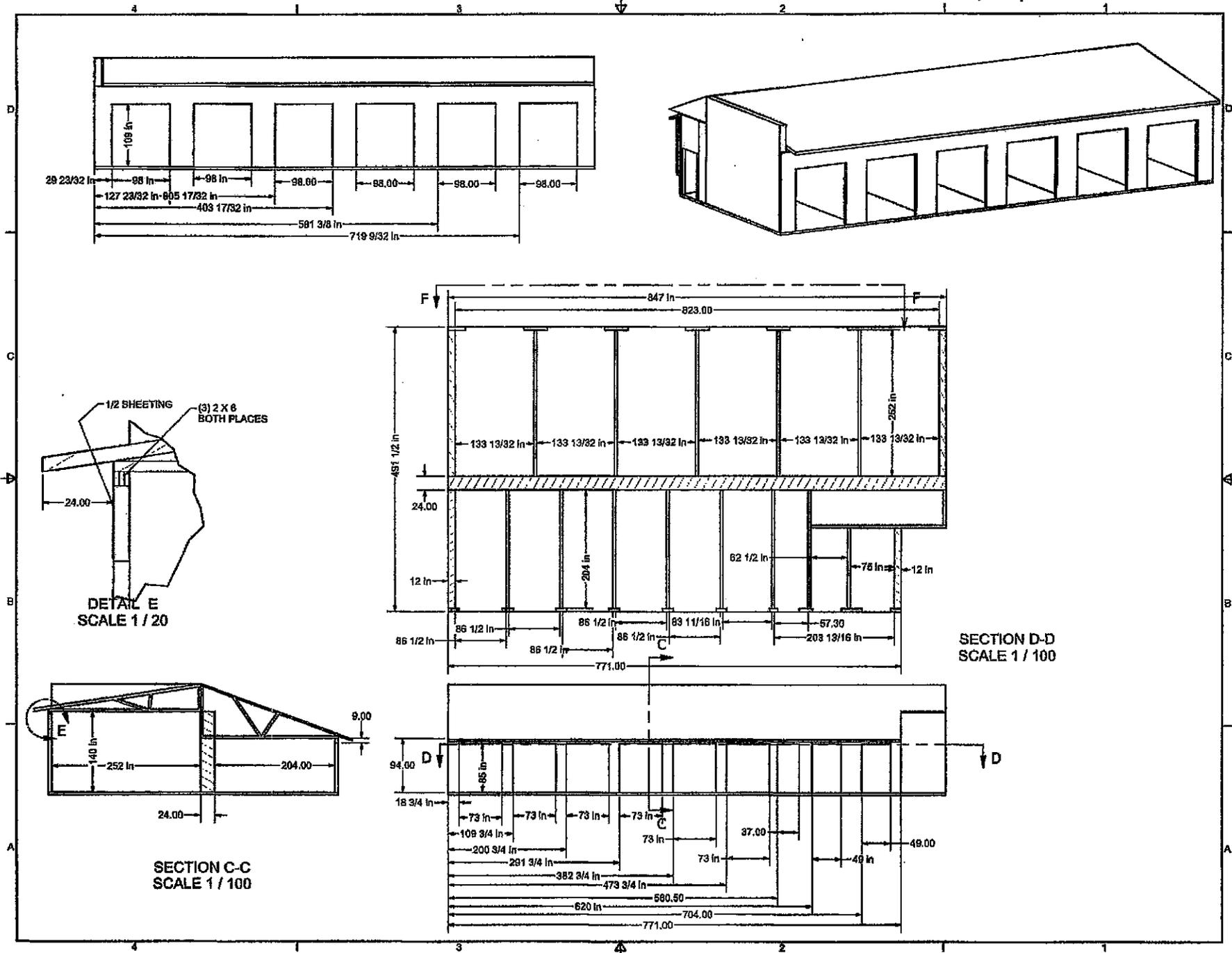
Building update and Oskaloosa City Codes

To Whom It May Concern:

My name is Chris Sheets, my wife Jennifer and I, are residents of Oskaloosa. My wife and I own a storage unit rental business (Oskaloosa Mini-Warehouses & Storage) at 128 and 130 Pella Avenue in Oskaloosa. We recently were presented with an opportunity to purchase the old bar (Styx) at 132 Pella Ave that is hooked on to our current property for expansion. We have put together a business plan as well as a drawing of the building updates proposed, but have recently run into some permitting issues. I have sat down and reviewed this with the city engineer, building inspector and Garden and Associates in order to understand these requests. By code we are being required to present a plot plan of the current building and several other requirements. While we agree we need permits to update the building into a storage unit we also believe that some of the requirements are a lot for a small business. The plot plan as well as some of the requirements drive up cost for this project. The plot plan will be around \$3000.00 with an additional 3000.00 for additional buildings on the ground that is directly hooked onto the land we already own. Some of the other codes require a new paved entrance off Pella Ave as well as paving on the property. This is currently rocked and has some black top, having to pave everything around the buildings is cost prohibitive. Being a small business owner trying to expand in Oskaloosa we are struggling to understand these codes as they are making it very difficult if not impossible to continue this project. My wife and I are both working professionals, investing part of our time and income into a small local business. It isn't a large corporation that makes lots of money. We are wanting the board to see if there are other avenues to move this project along that are more cost effective. We believe updating this old bar into storage as well as generating some income is an improvement over the old bar sitting empty on a side of town needing spruced up. We have talked with a couple of City Council members that agree with us and told us this is where we needed to start. Thank you in advance for your time with this issue. We have attached prints of the building as well as pictures for reference. We will attend your meeting in order for you to ask any additional questions about this issue.

Sincerely,
Chris and Jennifer Sheets
1402 South F Street
Oskaloosa, Iowa 52577
1-641-569-0012

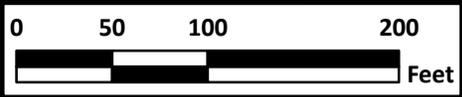
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12/22/14



132 Pella Avenue Existing Pictures



Conditional Use Permit Request, & City Code Appeal Request for 132 Pella Avenue



Date Created: 2-6-15

17.22.050 - Supplemental use regulations-Commercial uses.

A. Auto Repair, Equipment Repair, and Body Repair.

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways. Screening is subject to provisions of Chapter 17.26
2. Any spray painting must take place within structures designed for that purpose and approved by the building official.

B. Auto Washing Facilities.

1. Each conveyor-operated auto washing facility shall provide eighty feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
2. Each auto washing facility shall provide stacking space for two automobiles per bay on the approach side and one space per bay on the exit side of the building.

C. Automobile and Equipment Rental and Sales.

1. All outdoor display areas for rental and sales facilities shall be hard-surfaced.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed twenty-five percent of the gross floor area of the building.

D. Bed and Breakfasts. Bed and breakfasts permitted in the DC district must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

E. Campgrounds.

1. Minimum Size. Each campground established after the effective date of the ordinance codified in this title shall have a minimum size of one acre.
2. Setbacks. All campgrounds shall maintain a fifty-foot front yard setback and a twenty-five-foot buffer yard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all city ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

F. Cocktail Lounges.

1. No cocktail lounge shall be permitted in the DC downtown commercial district that is within two hundred feet of another cocktail lounge.
2. This separation requirement shall not apply to restaurants which serve alcoholic beverages as an accessory to its primary service of food.

G. Convenience Storage. When permitted in the AG, CC, GC, and LI districts, convenience storage facilities shall be subject to the following additional requirements:

1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
2. All driveways within the facility shall provide a paved surface with a minimum width of twenty-five feet.
3. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
4. No storage buildings may open into required front yards.

5. Facilities must maintain landscaped buffer yards of thirty-five feet adjacent to any public right-of-way and twenty feet adjacent to other property lines, unless greater setbacks are required by Chapter 17.26

- H. Restaurants. Restaurants in the LC district that include the accessory sale of alcoholic beverages require approval of a Conditional Use Permit, as set forth in Chapter 17.34
- I. Restricted (or Adult Entertainment) Businesses. Adult entertainment businesses shall be subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:
1. No adult entertainment business shall be open for business between the hours of twelve midnight and six a.m.
 2. An adult entertainment business shall not be allowed within five hundred feet of another existing adult entertainment business.
 3. An adult entertainment business shall not be located within five hundred feet of any residentially zoned district.
 4. An adult entertainment business shall not be located within five hundred feet of a preexisting school, public park, or place of worship.
 5. The provisions of this chapter shall apply to any adult entertainment businesses in existence at the time the ordinance codified in this chapter takes effect. All nonconformances shall come into compliance on or before January 1, 2005, and no such nonconforming use shall be permitted to expand in size or scope and the rights granted in this chapter shall terminate upon cessation of business, sale or transfer of ownership of the adult entertainment business.
 6. Measurement of Distances. For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the said main entrance of such adult entertainment business.
 7. No adult entertainment business shall employ any person under twenty-one years of age.
 8. No adult entertainment business shall furnish any merchandise or services to any person who is under eighteen years of age.
 9. No adult entertainment business shall be conducted in any manner that permits the observation of models or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the premises which is prohibited by this code or any laws of the state or the United States.
 10. No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semipublic area.
 11. An adult entertainment business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen years is allowed on the premises. The sign shall comply with the city's sign regulations. This section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
 12. Nuisance Operation. Any adult entertainment business operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinder thereof, in the manner prescribed by law, and shall take such

other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment business contrary to the provisions of this chapter.

13. Penalty for Violations. Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars or by imprisonment for not more than thirty days.

(Ord. 1086 §17.605, 2000)



Board of Adjustment Commission
Meeting Date: February 24, 2015
Requested By: Public Works Dept.

Item Title:

Consider a Conditional Use Permit request to construct a convenience storage located at 132 Pella Avenue

Explanation:

Mr. Curtis and Ms. Jennifer Sheets have submitted a Conditional Use permit application to construct a convenience storage located at 132 Pella Avenue. The property is zoned as General Commercial (GC) District. The Oskaloosa Municipal Code Table 17.08B requires a Conditional Use Permit for convenience storage.

STAFF RECOMMENDATION:

Staff recommends that the Board of Adjustment table the conditional use permit request until all appropriate documentation is submitted set forth in the Oskaloosa Municipal Code Section 17.34.030(C).

ALTERNATIVE ACTIONS:

1. Approve the requested Conditional Use Permit without the stipulations set forth in the Oskaloosa Municipal Code Section 17.34.030(C)
2. Other actions as determined by the Board of Adjustment

Budget Consideration:

Application fees of \$100.00

Attachments:

Application, Site Plan, Resolution, Location Map, Oskaloosa Municipal Code Table 17.08(B) & definition, Oskaloosa Municipal Code Section 17.22.050(G) and 17.34.030(C)

CONDITIONAL USE PERMIT APPLICATION

We, Curtis and Jennifer Sheets, wish to apply for a
(Name of Owner/Representative)

Conditional Use Permit for the property located at 132 Pella Avenue
(Address)

and legally described as: Lot "D" of the Auditor's subdivision of the Southeast Quarter of the Northeast Quarter of section fourteen, Township Seventy-Five, Range Sixteen, as shown by plat recorded in Book 1, pg 343, of the records of Mahaska county, Iowa, except a strip of ground one hundred eighty-eight feet in equal width off from the entire South side thereof.

Current zoning of property: Commerical - General Commercial (GC)

The proposed use of the property: Storage facility (individual units) within the one building.

Feasibility of proposed request (attach 2nd sheet if needed): Building was a bar previously. We are going to add some walls and put in doors to make it a storage facility. See drawing to see the details of where doors are going and the walls inside.

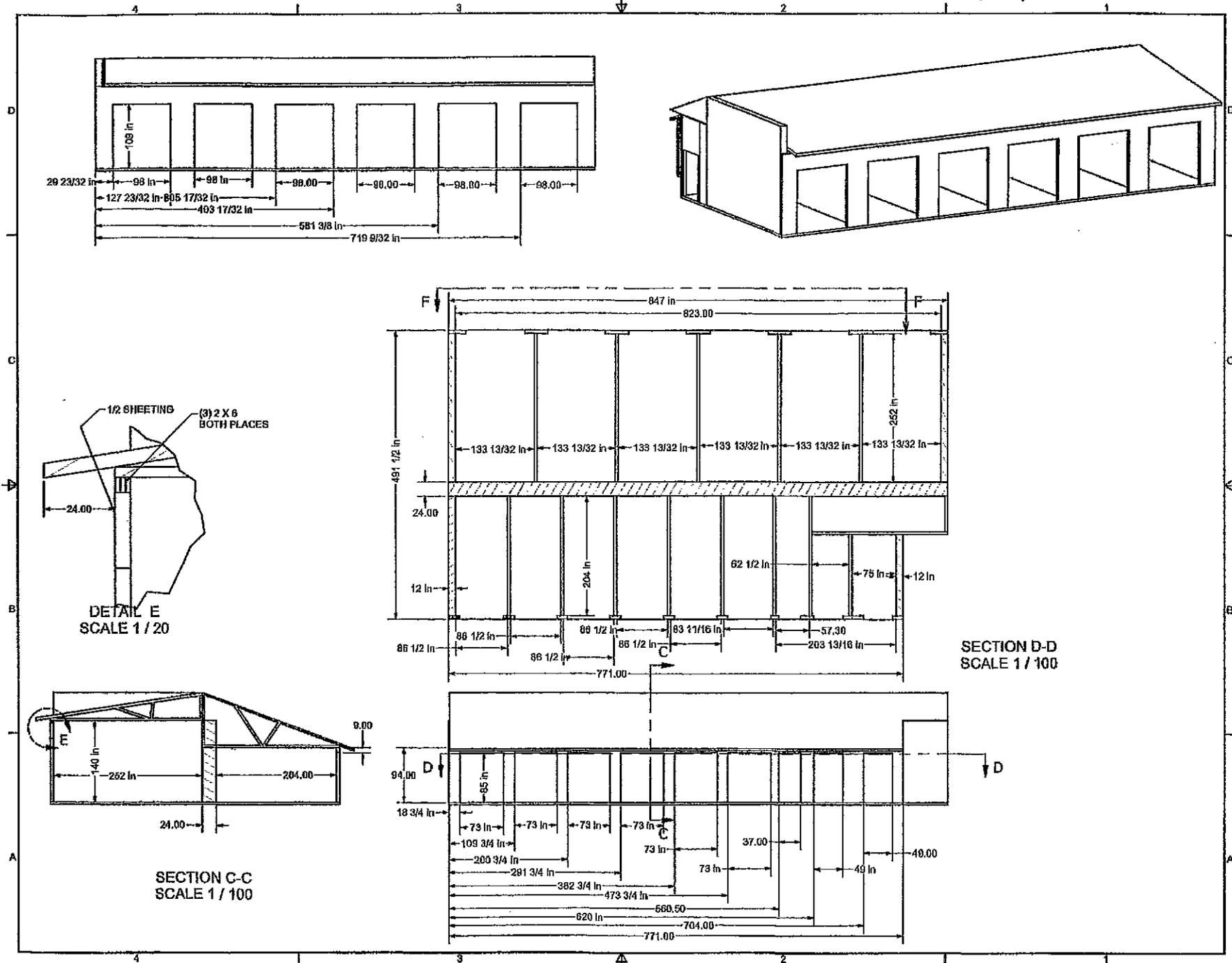
Effect on surrounding property (attach 2nd sheet if needed): Currently own the adjacent property that is directly hooked onto this lot to the east. Property to West has a creek that divides the properties. The property we own already is to the east and they are currently storage buildings.

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

Date: 2/5/15

Signature: [Signature] & Jennifer Sheets FEE: \$100.00
(Owner/Representative)

RECEIVED
12/22/14



132 Pella Avenue Existing Pictures



RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT APPROVING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTING A CONVENIENCE STORAGE AT 132 PELLA AVENUE.

WHEREAS, the City of Oskaloosa Board of Adjustment, at the regular meeting on February 24, 2015, held a public hearing to consider a request from Mr. Curtis and Ms. Jennifer Sheets to approve a conditional permit to allow constructing a convenience storage located at 132 Pella Avenue and is legally described as follows:

Lot "D" of the Auditor's Subdivision of the Southeast Quarter of the Northeast Quarter of Section Fourteen, Township Seventy-five, Range Sixteen, as shown by plat recorded in Book 6, page 343, of the records of Mahaska County, Iowa, except a strip of ground One Hundred Eighty-eight feet in equal width off from the entire South side thereof

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 a regular meeting held on February 24, 2015.

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 CONSTRUCTING A CONVENIENCE STORAGE AT 132 PELLA AVENUE.

WHEREAS, the City of Oskaloosa Board of Adjustment, at the regular meeting on February 24, 2015, held a public hearing to consider a request from Mr. Curtis and Ms. Jennifer Sheets to deny a conditional use permit to allow constructing a convenience storage located at 132 Pella Avenue and is legally described as follows:

Lot "D" of the Auditor's Subdivision of the Southeast Quarter of the Northeast Quarter of Section Fourteen, Township Seventy-five, Range Sixteen, as shown by plat recorded in Book 6, page 343, of the records of Mahaska County, Iowa, except a strip of ground One Hundred Eighty-eight feet in equal width off from the entire South side thereof

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 a regular meeting held on February 24, 2015.

Chair of the Board of Adjustment

ATTEST: _____
Secretary Date

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

Ayes: _____

Nays: _____

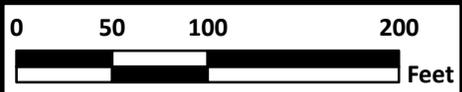
Abstain: _____

Absent: _____

Conditional Use Permit Request, & City Code Appeal Request for 132 Pella Avenue



**132
Pella Ave**



Date Created: 2-6-15

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

Use Types	AG	RR	R- 1	R- 2	R- 3	R- 4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Office Uses																
Corporate offices					C		P	P	P	P	P	P	P	P	P	
General offices					C		P	P	P	P	P	P	P	P	P	
Financial offices							P	P	P	P	P	P	P	P	P	
Medical offices					C		P	P	P	P	P	P	P	P	C	
Commercial Uses																
Ag sales/service									C	C	P	P		P	P	
Auto rental/sales							P		C	P	P	P		C		17.22.050(C)
Auto services							C	C	P	P	P	P		P	P	17.22.050(A), (B)
Body repair									C	C	P	P		P	P	17.22.050(A)
Equip rental/sales										C	P	P		P	P	17.22.050(C)
Equipment repair											P	P		P	P	17.22.050(A)
Bed and breakfast	C	C	C	C	C		P	P	P	P	P	P				17.22.050(D)
Business support services							P	P	P	P	P	P	P	P	P	
Business/trade school									P	P	P	P	P	P	P	
Campground									C		C	C				17.22.050(E)
Cocktail lounge							C		P	C	P	P	C	P	P	17.22.050(F)
Commercial rec (indoor)							C	C	P	P	P	P	P	P	P	17.22.050(F)
Commercial rec (outdoor)											P	P		P	P	
Communication service							P	C	P	P	P	P	P	P	P	
Construction sales/service							C		C	C	P	P		P	P	
Consumer service							P	P	P	P	P	P	P	P	P	
Convenience storage									C		C	C		P	P	17.22.050(G)
Crematorium							C	C	C	C	C	C		C	C	
Food sales (convenience)							P	C	P	P	P	P	P	P	P	
Food sales (limited)							P	P	P	P	P	P	P	P	P	
Food sales (general)							C	C	P	P	P	P				

P = Uses permitted by right
 C = Uses permitted by conditional use permit
 Blank = Use not permitted

17.06.070 - Commercial use types.

Convenience Storage. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

17.22.050 - Supplemental use regulations-Commercial uses.

A. Auto Repair, Equipment Repair, and Body Repair.

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways. Screening is subject to provisions of Chapter 17.26
2. Any spray painting must take place within structures designed for that purpose and approved by the building official.

B. Auto Washing Facilities.

1. Each conveyor-operated auto washing facility shall provide eighty feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
2. Each auto washing facility shall provide stacking space for two automobiles per bay on the approach side and one space per bay on the exit side of the building.

C. Automobile and Equipment Rental and Sales.

1. All outdoor display areas for rental and sales facilities shall be hard-surfaced.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed twenty-five percent of the gross floor area of the building.

D. Bed and Breakfasts. Bed and breakfasts permitted in the DC district must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

E. Campgrounds.

1. Minimum Size. Each campground established after the effective date of the ordinance codified in this title shall have a minimum size of one acre.
2. Setbacks. All campgrounds shall maintain a fifty-foot front yard setback and a twenty-five-foot buffer yard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all city ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

F. Cocktail Lounges.

1. No cocktail lounge shall be permitted in the DC downtown commercial district that is within two hundred feet of another cocktail lounge.
2. This separation requirement shall not apply to restaurants which serve alcoholic beverages as an accessory to its primary service of food.

G. Convenience Storage. When permitted in the AG, CC, GC, and LI districts, convenience storage facilities shall be subject to the following additional requirements:

1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
2. All driveways within the facility shall provide a paved surface with a minimum width of twenty-five feet.
3. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
4. No storage buildings may open into required front yards.

5. Facilities must maintain landscaped buffer yards of thirty-five feet adjacent to any public right-of-way and twenty feet adjacent to other property lines, unless greater setbacks are required by Chapter 17.26

- H. Restaurants. Restaurants in the LC district that include the accessory sale of alcoholic beverages require approval of a Conditional Use Permit, as set forth in Chapter 17.34
- I. Restricted (or Adult Entertainment) Businesses. Adult entertainment businesses shall be subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:
1. No adult entertainment business shall be open for business between the hours of twelve midnight and six a.m.
 2. An adult entertainment business shall not be allowed within five hundred feet of another existing adult entertainment business.
 3. An adult entertainment business shall not be located within five hundred feet of any residentially zoned district.
 4. An adult entertainment business shall not be located within five hundred feet of a preexisting school, public park, or place of worship.
 5. The provisions of this chapter shall apply to any adult entertainment businesses in existence at the time the ordinance codified in this chapter takes effect. All nonconformances shall come into compliance on or before January 1, 2005, and no such nonconforming use shall be permitted to expand in size or scope and the rights granted in this chapter shall terminate upon cessation of business, sale or transfer of ownership of the adult entertainment business.
 6. Measurement of Distances. For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the said main entrance of such adult entertainment business.
 7. No adult entertainment business shall employ any person under twenty-one years of age.
 8. No adult entertainment business shall furnish any merchandise or services to any person who is under eighteen years of age.
 9. No adult entertainment business shall be conducted in any manner that permits the observation of models or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the premises which is prohibited by this code or any laws of the state or the United States.
 10. No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semipublic area.
 11. An adult entertainment business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen years is allowed on the premises. The sign shall comply with the city's sign regulations. This section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
 12. Nuisance Operation. Any adult entertainment business operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinder thereof, in the manner prescribed by law, and shall take such

other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment business contrary to the provisions of this chapter.

13. Penalty for Violations. Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars or by imprisonment for not more than thirty days.

(Ord. 1086 §17.605, 2000)

17.34.030 - Conditional use permits.

- A. Purpose. The conditional use permit procedure provides for board of adjustment review and approval of uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.
- B. Administration. The board of adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure. The board of adjustment, following proper notice, shall hold a public hearing, on each conditional use permit application and, following such public hearing, shall act on the application. Before approval of any conditional use permit, the board shall review the conformity of the proposal with the criteria set forth in Table 17.34A. The board may approve or disapprove the conditional permit as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the board deems necessary to the end that it preserve the intent and purpose of this title to promote public health, safety and the general welfare.
- C. Application Requirements. An application for a conditional use permit may be filed with the zoning administrator by the owners(s) of a property or the owners' authorized agent. Applications for a conditional use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a detailed site plan containing all requirements for site plan review set forth under Section 17.34.020(e) and (f).
- D. Criteria for Review. The board shall review and act upon the request based on the criteria established in Table 17.34A and conformance with applicable regulations in this title.
- E. Scope of Approval.
 - 1. The board of adjustment may, at its discretion, apply a conditional use permit to a specific owner or applicant. The board may establish special site development or operational regulations as a condition of approval of a conditional use permit.
 - 2. The board of adjustment shall not grant a conditional use permit for any home occupation/home-based business, which is otherwise prohibited under Section 17.22.110 of this title.
- F. Change in Approved Special Permits. In the event a conditional permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.
- G. Lapse and Revocation of Permit.
 - 1. A conditional use permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period, or sooner if so conditioned by the board of adjustment.
 - 2. The board of adjustment may revoke a conditional use permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
- H. Previously Approved Permits. Any conditional use approved under regulations in effect before the effective date of the ordinance codified in this section shall be considered to have a valid conditional use permit, subject to requirements imposed at the time of its approval.
- I. Appeals. Actions taken by the board of adjustment subject to this section may be appealed as provided for in Section 17.34.100

(Ord. 1125 §§2,3, 2002: Ord. 1086 §17.1203, 2000)



Board of Adjustment Commission
Meeting Date: February 24, 2015
Requested By: Public Works Dept.

Item Title:

Consider an appeal request to the Oskaloosa Municipal Code Table 17.08(B) Permitted Uses by Zoning Districts and Warehousing(open) is not permitted in a General Commercial District located at the property identified as Parcel ID 1118476016

Explanation:

Mr. Matthew Moore, Representative for B&B Livestock Bedding, Inc. has submitted an appeal to the City of Oskaloosa's staff enforcement of the Oskaloosa Municipal Code Table 17.08(B) located at the property identified as Parcel ID 1118476016. The property is the site of the old K-Mart store adjacent to the Epic Mall. The property is zoned as General Commercial (GC) District. The Oskaloosa Municipal Code Table 17.08B Permitted Uses by Zoning Districts shows that Warehousing (open) is not permitted in a GC District. City staff has interpreted the code to show that what is happening on this site should be considered warehousing (open). Mr. Moore believes that the use type should be considered a truck terminal, or a transportation terminal.

STAFF RECOMMENDATION:

Uphold the staff's interpretation of the use type to be warehousing (open)

ALTERNATIVE ACTIONS:

1. Designate the use type as a truck terminal;
2. Designate the use type as a transportation terminal.
3. Other actions as determined by the Board of Adjustment

Budget Consideration:

Not Applicable

Attachments:

Letter, Existing Pictures, Location Map, Oskaloosa Municipal Code Table 17.08(B) & definition

NOTICE OF APPEAL: 17:080:B

Comes Now B&B Livestock Bedding, Inc. and, by agreement with the City of Oskaloosa as to the time of filing said Notice, appeals the January 22, 2015, "Notice of Nuisance Conditions: Warehousing (open) is not a permitted use in GC Zoning" to the Board of Adjustment via the Zoning Administrator (City Inspector).

Our appeal includes, but is not limited to, the inapplicably or inaccurate application of "Warehousing (open)". We believe that we are either a Transportation Terminal or, at a minimum, a Truck Terminal, the former being a permitted use by right and the later being a use permitted by a conditional use permit which we have applied for and understand that said request will come before the Board of Adjustment at its February 24, 2015, regular meeting.

Submitted by B&B Livestock Bedding, Inc.

Dated this 4th day of February, 2015.

By Agent 

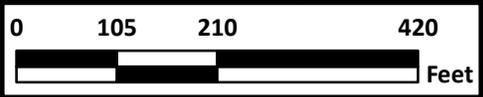
Cornelis Brouwer

President, B&B Livestock Bedding, Inc.

Old K-Mart vacant lot- Parcel ID 1118476016



Conditional Use Permit Request, & City Code Appeal Request for Parcel ID #1118476016



Date Created: 2-6-15

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

Use Types	AG	RR	R- 1	R- 2	R- 3	R-4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Industrial Uses																
Agricultural industry														C	P	17.22.070
Construction yards														P	P	17.22.070
Custom							C		C	P	P	P	P	P	P	17.22.070
Light industry													C	P	P	17.22.070
General industry														P	P	17.22.070
Heavy industry															C	17.22.070
Recycling collection									C	C	P			P	P	17.22.070
Recycling processing														P	P	17.22.070
Resource extraction															C	17.22.060(A), 17.22.070
Salvage services															P	17.22.060(B), 17.22.070
Vehicle storage (long-term)											C			P	P	17.22.070
Warehousing (enclosed)										C	C	C	P	P	P	17.22.070
Warehousing (open)														C	P	17.22.070
Transportation uses																
Aviation													C	C	P	
Railroad facilities										C	C		C	P	P	
Truck terminal											C			C	P	17.22.070
Transportation terminal									P	P	P	P		P	P	
Miscellaneous Uses																
Alternative energy	C	C	C	C	C	C	C	C		C	C	C	P	P	P	
Amateur radio tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Communications tower	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	17.22.080(A)

P = Uses permitted by right
 C = Uses permitted by conditional use permit
 Blank = Use not permitted

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

Use Types	AG	RR	R- 1	R- 2	R- 3	R-4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Industrial Uses																
Agricultural industry														C	P	17.22.070
Construction yards														P	P	17.22.070
Custom							C		C	P	P	P	P	P	P	17.22.070
Light industry													C	P	P	17.22.070
General industry														P	P	17.22.070
Heavy industry															C	17.22.070
Recycling collection									C	C	P			P	P	17.22.070
Recycling processing														P	P	17.22.070
Resource extraction															C	17.22.060(A), 17.22.070
Salvage services															P	17.22.060(B), 17.22.070
Vehicle storage (long-term)											C			P	P	17.22.070
Warehousing (enclosed)										C	C	C	P	P	P	17.22.070
Warehousing (open)														C	P	17.22.070
Transportation uses																
Aviation													C	C	P	
Railroad facilities										C	C		C	P	P	
Truck terminal											C			C	P	17.22.070
Transportation terminal									P	P	P	P		P	P	
Miscellaneous Uses																
Alternative energy	C	C	C	C	C	C	C	C		C	C	C	P	P	P	
Amateur radio tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Communications tower	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	17.22.080(A)

P = Uses permitted by right
 C = Uses permitted by conditional use permit
 Blank = Use not permitted

17.06.090 - Industrial use types.

Warehousing (Open). Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

(Ord. 1086 §17.309, 2000)

17.06.100 - Transportation use types.

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

Aviation Facilities. Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

Railroad Facility. Railroad yards, equipment servicing facilities, and terminal facilities.

Transportation Terminal. Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

Truck Terminal. A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

(Ord. 1086 §17.310, 2000)



Board of Adjustment Commission
Meeting Date: February 24, 2015
Requested By: Public Works Dept.

Item Title:

Consider a Conditional Use Permit request to allow a truck terminal located at the property identified as Parcel ID 1118476016

Explanation:

Mr. Matthew Moore, Representative for B&B Livestock Bedding, Inc. has submitted a Conditional Use permit application to allow a truck terminal located at the property identified as Parcel ID 1118476016. The property is zoned as General Commercial (GC) District. The Oskaloosa Municipal Code Table 17.08B requires a Conditional Use Permit for truck terminal.

STAFF RECOMMENDATION:

Staff recommends that the Board of Adjustment DENY the conditional use permit. Staff recommends upholding the open warehousing in the Oskaloosa Municipal Code Table 17.08(B)

ALTERNATIVE ACTIONS:

1. Approve the requested Conditional Use Permit.
2. Other actions as determined by the Board of Adjustment

Budget Consideration:

Application fees of \$100.00

Attachments:

Application, Resolution, Existing Pictures, Location Map, Oskaloosa Municipal Code Table 17.08(B) & definitions

CONDITIONAL USE PERMIT APPLICATION

We, B&B Livestock Bedding, Inc. wish to apply for a Conditional Use Permit, if necessary, for the property located at 1715 3rd Avenue East, Oskaloosa, Iowa, 52577 (informally described as the old K-Mart vacate lot), legally described, short form, as follows:

S 424.51' N 598.67' E 501.68' S 1/2 SE S E W HWY 63

The property is currently owned by Adair Holdings, L.L.C. and zoned General Commercial "GC". We have entered into a one-time, four (4) month lease, January 1, 2015, to April 30, 2015.

The purpose of this one-time, short, 4-month lease was for either a "Transportation Terminal" which includes a facility for loading, unloading freight or for a "Truck Terminal" for the transfer, short term storage, and dispatching of goods transported by Truck. *See Generally* 17.06.100

In regard to the feasibility of the proposed request, we note that under 17.08 and the 17.08 Tables, industrial uses, in a General Commercial Zoned property, a Transportation Terminal is a permitted use by right, however, if it is determined that our temporary use of the leased property is a Truck Terminal, then said use in a General Commercial Zoned property is by a conditional use permit. We would request either a finding that we fit the criteria of a Transportation Terminal (use permitted by right) or a Truck Terminal and be granted a one-time conditional use permit for the remaining 3-months of our one-time lease.

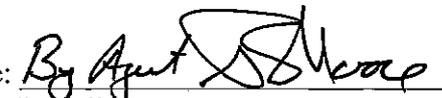
We have studied, examined, and investigated the effect on the surrounding properties. Oskaloosa Engineering is located to the south. It has truck terminals and loading/unloading bays. To the east is the Highway 23. To the north, with a substantial natural barrier, is the Bowling Alley's south parking lot. To the west is the parking lot for the old ATPIC Mall. We note that, at various times, rocks, etc... have been temporarily placed on the east side of that property. Simply put, we do not feel that our one-time, temporary storage of freight, to be moved by April 30, 2015, imposes any effect on the adjoining properties. Additionally, our freight (individually bagged mulch, on pallets, and shrink wrapped) is placed in neat, orderly rows for efficient and functional removal to our spring vendors and in order to achieve the highest aesthetic view or, said differently, the lowest possible visible environment impact.

In regard to the "Site Plan" under 17.34A, we do not plan to make any development of the property over the next 3-months whatsoever and ask that said requirement be waived.

We request this conditional use permit through April 30, 2015, on a one-time basis. We believe that the benefits of this conditional use permit far outweigh any detriments, if any.

Dated this 5th day of February, 2015.

Signature:



Cornelis Brouwer

FEE: \$100 submitted herewith

President, B&B Livestock Bedding, Inc.

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT APPROVING A CONDITIONAL USE PERMIT TO ALLOW A TRUCK TERMINAL FOR THE PROPERTY IDENTIFIED AS PARCEL ID 1118476016.

WHEREAS, the City of Oskaloosa Board of Adjustment, at the regular meeting on February 24, 2015, held a public hearing to consider a request from Matthew Moore, representative for B & B Livestock Bedding, Inc. to approve a conditional permit to allow a truck terminal for the property identified as Parcel ID 1118476016 and is legally described as follows:

All that part of the South Half of the Southeast Quarter of the Southeast Quarter of Section Eighteen, Township Seventy-five, Range Fifteen, Oskaloosa, Mahaska County, Iowa, more particularly described as follows:

Commencing as a point of reference at the southeast corner of said Section 18: thence West 428.0 feet along the South line of the SE ¼ of said Section 18 to a point of intersection with the Westerly right-of-way line of U.S. Highway Number 63 (for purposes of this legal description, the South line of the SE ¼ of Section 18-75-15 is assumed to have a bearing of due East and West); thence North 4°39'25" East 66.22 feet along said Westerly right-of-way line of U.S. Highway Number 63 to a point of beginning; thence due west 501.66 feet along a line that is parallel to an 66.00 feet in perpendicular distance Northerly from said South line of the SE ¼ of Section 18 to a point; thence North 4°39'25" East 424.51 feet along a line that is parallel to and 500.00 feet in perpendicular distance Westerly from said Westerly right-of-way line of U.S. Highway Number 63 to a point; thence South 65°20'35" East 500.00 feet to a point on Westerly right-of-way line of U.S. Highway Number 63; thence South 4°39'25" West 383.78 feet along said Westerly right-of-way line of U.S. Highway Number 63 to the point of beginning. The area of this parcel is 4.64 acres more or less. Parcel No. 000001118476016

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

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT DENYING A CONDITIONAL USE PERMIT TO ALLOW A TRUCK TERMINAL FOR THE PROPERTY IDENTIFIED AS PARCEL ID 1118476016.

WHEREAS, the City of Oskaloosa Board of Adjustment, at the regular meeting on February 24, 2015, held a public hearing to consider a request from Matthew Moore to deny a conditional permit to allow a truck terminal for the property identified as Parcel ID 1118476016 and is legally described as follows:

All that part of the South Half of the Southeast Quarter of the Southeast Quarter of Section Eighteen, Township Seventy-five, Range Fifteen, Oskaloosa, Mahaska County, Iowa, more particularly described as follows:

Commencing as a point of reference at the southeast corner of said Section 18: thence West 428.0 feet along the South line of the SE ¼ of said Section 18 to a point of intersection with the Westerly right-of-way line of U.S. Highway Number 63 (for purposes of this legal description, the South line of the SE ¼ of Section 18-75-15 is assumed to have a bearing of due East and West); thence North 4°39'25" East 66.22 feet along said Westerly right-of-way line of U.S. Highway Number 63 to a point of beginning; thence due west 501.66 feet along a line that is parallel to an 66.00 feet in perpendicular distance Northerly from said South line of the SE ¼ of Section 18 to a point; thence North 4°39'25" East 424.51 feet along a line that is parallel to and 500.00 feet in perpendicular distance Westerly from said Westerly right-of-way line of U.S. Highway Number 63 to a point; thence South 65°20'35" East 500.00 feet to a point on Westerly right-of-way line of U.S. Highway Number 63; thence South 4°39'25" West 383.78 feet along said Westerly right-of-way line of U.S. Highway Number 63 to the point of beginning. The area of this parcel is 4.64 acres more or less. Parcel No. 000001118476016

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 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 Application subject to the following condition:

1. 15 days from this meeting, on Tuesday, March 10, 2015 all material will need to be removed from the property identified as Parcel ID 1118476016.

I HEREBY CERTIFY that the foregoing resolution was denied by the Board of Adjustment of the City of Oskaloosa at a regular meeting held on February 24, 2015.

Chair of the Board of Adjustment

ATTEST: _____
Secretary Date

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

Ayes: _____

Nays: _____

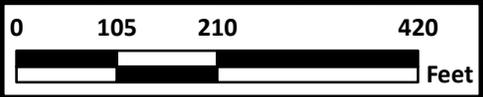
Abstain: _____

Absent: _____

Old K-Mart vacant lot- Parcel ID 1118476016



Conditional Use Permit Request, & City Code Appeal Request for Parcel ID #1118476016



Date Created: 2-6-15

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

Use Types	AG	RR	R- 1	R- 2	R- 3	R-4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Industrial Uses																
Agricultural industry														C	P	17.22.070
Construction yards														P	P	17.22.070
Custom							C		C	P	P	P	P	P	P	17.22.070
Light industry													C	P	P	17.22.070
General industry														P	P	17.22.070
Heavy industry															C	17.22.070
Recycling collection									C	C	P			P	P	17.22.070
Recycling processing														P	P	17.22.070
Resource extraction															C	17.22.060(A), 17.22.070
Salvage services															P	17.22.060(B), 17.22.070
Vehicle storage (long-term)											C			P	P	17.22.070
Warehousing (enclosed)										C	C	C	P	P	P	17.22.070
Warehousing (open)														C	P	17.22.070
Transportation uses																
Aviation													C	C	P	
Railroad facilities										C	C		C	P	P	
Truck terminal											C			C	P	17.22.070
Transportation terminal									P	P	P	P		P	P	
Miscellaneous Uses																
Alternative energy	C	C	C	C	C	C	C	C		C	C	C	P	P	P	
Amateur radio tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Communications tower	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	17.22.080(A)

P = Uses permitted by right
 C = Uses permitted by conditional use permit
 Blank = Use not permitted

17.06.100 - Transportation use types.

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

Aviation Facilities. Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

Railroad Facility. Railroad yards, equipment servicing facilities, and terminal facilities.

Transportation Terminal. Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

Truck Terminal. A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

(Ord. 1086 §17.310, 2000)



Planning & Zoning Commission
Meeting Date: February 24, 2015
Requested By: Public Works Dept.

Item Title:

Consider a variance request for the properties located at 1302 & 1320 High Avenue West to allow the building of three apartment complexes and a clubhouse on two lots. Apartment building A will be 0 feet from the interior side yard on both lots.

Explanation:

Mr. Loyd Ogle, Representative for Reserves of Ironwood LLC has submitted a variance request application to allow the building of three apartment complexes and a clubhouse on two lots. Apartment building A will be 0 feet from the interior side yard on both lots. The properties are zoned as Multiple-Family Residential (R-3) District. This is a request for a variance of the Oskaloosa Municipal Code Table 17.08C Summary of Site Development Regulations. In an R-3 District, the minimum interior side yard setback for a 2-3 story building is 13 feet. Combination of the parcels is not possible due to the parcels being located in different sections of the Mahaska County Map (Sections 13 & 14).

STAFF RECOMMENDATION:

Staff recommends that the Board of Adjustment APPROVE the variance request

ALTERNATIVE ACTIONS:

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

Budget Consideration:

Application fees of \$200.00

Attachments:

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

VARIANCE REVIEW AND DETERMINATION OF HARDSHIP
FOR BOARD OF ADJUSTMENT

APPLICANT: Ironwood Partners LLC

ADDRESS: 534 S Kansas Ave., Topeka, KS 66603

VARIANCE REQUESTED: Waive setback requirements between two adjacent parcels

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

- | | | |
|---|------------|-----------|
| A) Topography | <u>YES</u> | <u>NO</u> |
| 1) Ravines/Hills | ___ | <u>X</u> |
| 2) Rock Outcroppings | ___ | <u>X</u> |
| 3) Waterways | ___ | <u>X</u> |
| 4) Soil Type | ___ | <u>X</u> |
| 5) Shape of Lot (applicable if lot platted before 1973) | ___ | <u>X</u> |
| B) Significant Trees or Shrubs | ___ | <u>X</u> |
| C) Other (list) <u>the two parcels sit on opposite sides of a divisional line</u> | ___ | ___ |

2) Does literal interpretation of the Ordinance deprive applicant of rights commonly enjoyed by other properties in the area? Yes, normally a party would just combine lots

A) Is requested variance of this type common to others in area? ?

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

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

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

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

D) Was a variance granted for original structure? NA

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

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

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

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

**NOTICE OF APPEAL
And
APPLICATION FOR VARIATION**

TO THE BOARD OF ADJUSTMENT OF THE CITY OF OSKALOOSA, IOWA:
You are hereby notified that the undersigned owner(s) of the following described premises situated in the City of Oskaloosa, Iowa, to-wit:

Legal Description: see attached

Street Address: 1320 High Ave. West + 1302 High Ave. West, Oskaloosa, IA

do(es) hereby appeal from the denial by the Building Inspector of Oskaloosa, Iowa, of his/her application for a building permit filed with said Building Inspector on the _____ day of _____, 20____, under which the undersigned seek(s) permission to:

~~_____

_____~~

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

Certain set-backs be maintained between adjoining parcels

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

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

(explain) This project sits on two parcels. Normally the parcels would be combined via application + set back requirements would just be eliminated. Unfortunately, the two parcels sit on either side of a divisional line + cannot be combined due to some technical reason

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

(explain) Without a variance, the project would be in violation of set-back requirements

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

Date this 5 day of February, 2015.

Ray L.W. Ogle - Attorney for
Ironwood Partners LLC

General Information

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

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

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

THE RESERVES AT IRONWOOD

OSKALOOSA, IOWA

GENERAL NOTES:

- 1 - all construction shall conform to the City of Oskaloosa standards.
- 2 - all required easements within the boundary of this project shall be provided for on the final plat.
- 3 - any required easement located outside of the boundary of this project shall be provided for by separate instrument prior to issuance of construction permits.
- 4 - the contractor shall notify the city of Oskaloosa public works at least 48 hours prior to the commencement of any construction.
- 5 - the contractor shall notify engineering solutions at 816.623.9888 of any conflict with the improvements proposed by these plans and site conditions.
- 6 - the contractor shall notify the city engineer and obtain the appropriate blasting permits for a required blasting. if blasting is allowed, all blasting shall conform to state regulations and local ordinances.
- 7 - lineal foot measurements shown on the plans are horizontal measurements, not slope measurements. all payments shall be made on horizontal measurements.
- 8 - no geological information is shown on these plans.
- 9 - the utility locations shown on these plans are taken from utility company records and are approximate only. they do not constitute actual field locations. the contractor shall verify the location and depth of all utilities prior to construction.
- 10 - clearing and grubbing operations and disposal of all debris therefrom shall be performed by the contractor in strict accordance with all local codes and ordinances.
- 11 - all waste material resulting from the project shall be disposed of off-site by the contractor.
- 12 - all excavation shall be unclassified. no separate payment will be made for rock excavation.
- 13 - the contractor shall control the erosion and siltation during all phases construction, and he shall keep the streets clean of mud and debris.
- 14 - all manholes, catch basins, utility valves and meter pits to be adjusted or rebuilt to grade as required. all existing utilities shall be adjusted as required.
- 15 - sub grade soil for all concrete structures, regardless of the type or location, shall be firm, dense and thoroughly compacted and consolidated: shall be free from muck and mud; and shall be sufficiently stable to remain firm and intact under the feet of the workmen or machinery engaged in sub grade surfacing, laying reinforcing steel, and depositing concrete thereon. in all cases where subsoil is mucky or works into mud or muck during such operation, a seal course of either concrete or rock shall be placed below subgrade to provide a firm base for working and for placing the floor slab.
- 16 - the contractor is responsible for providing all surveying that may be required.
- 17 - easements indicated on these drawings will be provided for on the final plat or separately recorded document and properly dimensions. easements outside the platted area will be provided for by separate documents prior to issuance of a construction permit.
- 18 - the contractor shall contact the public works department and obtain a street closure permit if required for this project.
- 19 - all fill shall be engineered fill in accordance with the soils study.

water:

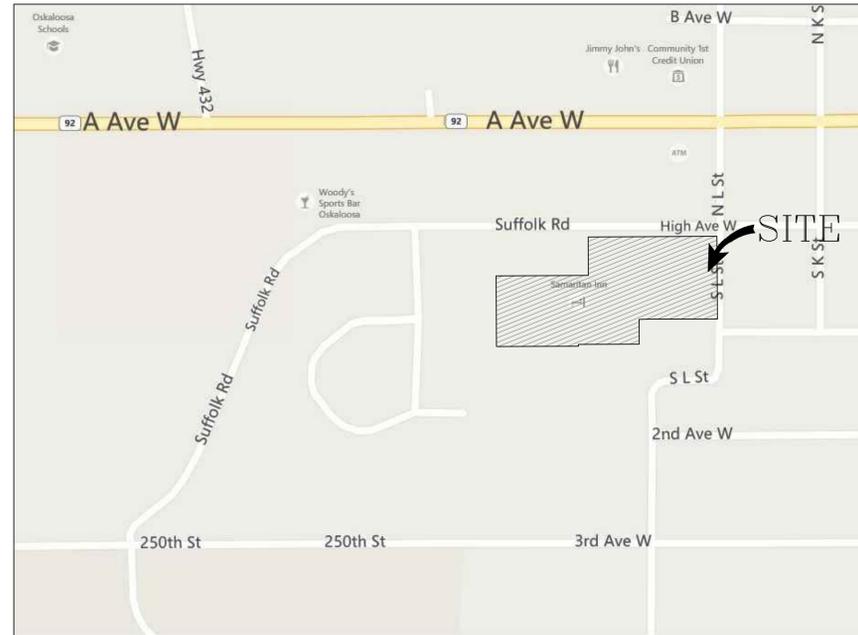
- 1 - the contractor shall notify the city of Oskaloosa water utilities department at least 48 hours prior to connecting to any existing water main.
- 2 - all water mains shall comply with ansi/awwa c150/a21.50 and c151/a21.51, and city of Oskaloosa standards.
- 3 - fire hydrants shall be optic yellow waterous "Clow Medallion" with non-rising stem or city engineer approved equal. hydrants shall have a 5 1/4" valve with a 4 1/2" pumper nozzle and 2 - 2 1/2" hose nozzles (left hand opening).
- 4 - gate valves shall be Clow. valves 12" or larger shall be butterfly valves manufactured by the henry pratt company or city engineer approved equal. left hand opening. minimum 200# testing awwa.
- 5 - valve boxes shall be clay & bailey no. p-108 or city engineer approved equal. all valve boxes shall be located out of existing or proposed pavement areas.
- 6 - all water mains shall be constructed with a minimum cover of 42 inches. street grading shall be completed prior to beginning construction of water mains.
- 7 - all bends, tees and fire hydrants shall be installed with suitable concrete thrust blocks poured in place against undisturbed earth and per city and apwa standards.
- 8 - the minimum separation between the proposed water main and sanitary or storm sewers is as follows:
 - a - sanitary sewers: horizontal = 10 feet - vertical = 18 inches
 - b - storm sewers: horizontal = 5 feet - vertical = 18 inches
 these separations shall prevail over any data shown in these plans and the contractor shall install bends or other fittings as necessary to achieve the required separations.
- 16 - the contractor is responsible for providing all surveying that may be required.
- 17 - easements indicated on these drawings will be provided for on the final plat or separately recorded document and properly dimensions. easements outside the platted area will be provided for by separate documents prior to issuance of a construction permit.
- 18 - the contractor shall contact the public works department and obtain a street closure permit if required for this project.
- 19 - all fill shall be engineered fill in accordance with the soils study.

SANITARY SEWER

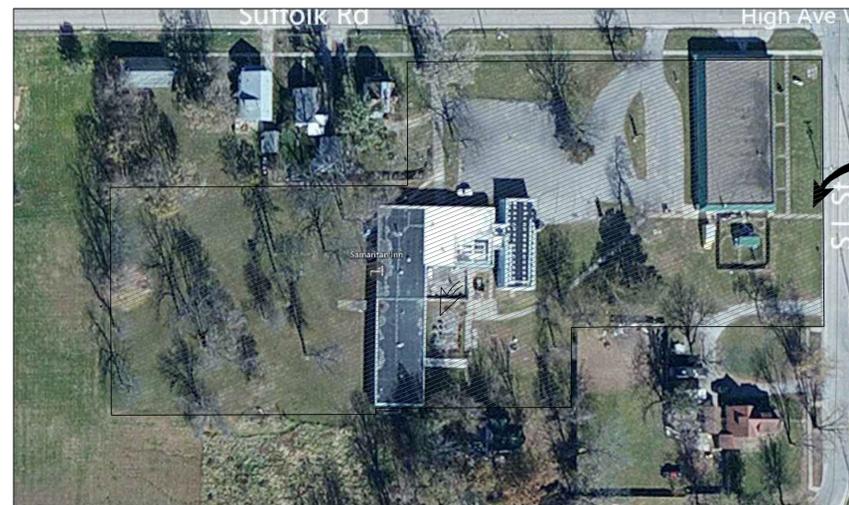
1. Specifications, Materials, and Construction, shall be per the requirements of the Public Works Department of the City of Oskaloosa, Iowa
2. All sewer lines shall be Poly Vinyl Chloride pipe (PVC) SDR-35.
3. Sewer laterals shall be 6" PVC, SDR-35. Laterals shall be located at points shown on the plans, or designated by the Engineer, and shall be constructed from the sewer main at least to the Right-of-Way or Easement line adjacent to the property to be served prior to construction of the street.
4. Only those fittings specifically made for PVC pipe shall be used.
5. All sanitary sewers with sloped greater than 20% shall have concrete collars (36" min. distance between collars).
6. For min. clearance of water line over and adjacent to sewer line. 10' Horizontal Separation 18" Vertical Separation.
7. PVC sewer lines shall be tested by pulling a mandrell or rigid ball. The maximum allowable deflection shall not exceed 5% of the pipes internal diameter. Tests shall be performed without mechanical pulling devices.
8. Low pressure air tests shall be conducted for sewer lines. Air testing shall conform to ASTM C-828-76T. The time elapsed for a drop in air pressure from 3 psi to 2 psi shall not be less than 230 seconds for 8 inch pipe.
9. Low pressure vacuum tests shall be conducted for each manhole. The vacuum tests shall include testing of the seal between the manhole ring and concrete cone or slab. A vacuum of at least 10.5 inches of mercury shall be drawn on the manhole. The valve shall be shut on the vacuum line and the vacuum line disconnected. Vacuum shall then be adjusted to 10 inches of mercury. The time elapsed for a drop in vacuum from 10 inches to 9 inches shall not be less than 2 minutes for manhole 10 feet or less in depth.
10. All testing shall be conducted by Contractor in the presence of inspector.
11. All building stubs shall be a minimum of schedule 40 pipe.

STREETS & STORM SEWER

1. Specifications, Materials, and Construction, shall be per the requirements of the Public Works Department of Oskaloosa, Iowa
2. The top 6" of parking lot subgrade shall be undercut and compacted to minimum 95% of maximum density at optimum moisture as determined by AASHTO T99, Method B. Contractor shall provide for moisture-density and relative density tests on parking lot subgrade by an accepted testing firm. Contractor shall provide for in-place density test on compacted subgrade by an accepted testing firm. In-place density test shall be conducted every 50-feet along the proposed parking surface. Contractor shall provide testing results to Engineer.



LOCATION MAP



AERIAL MAP

DRAWING LIST

- C.001 CIVIL PLAN SET COVER SHEET
- C.010 SITE DEMOLITION
- C.050 ESC PHASE 1 PLAN
- C.051 ESC PHASE 2 PLAN
- C.052 FINAL RESTORATION PLAN
- C.100 SITE LAYOUT PLAN
- C.101 SITE DIMENSION PLAN
- C.200 SITE GRADING PLAN
- C.300 SITE STORM SEWER PLAN
- C.301 SITE STORM SEWER PLAN
- C.302 DETENTION PLAN
- C.303 ROOF DRAIN PLAN
- C.400 PUBLIC SANITARY PLAN
- C.500 PUBLIC WATER MAIN PLAN
- C.600 DETAIL SHEET
- C.601 DETAIL SHEET
- C.602 DETAIL SHEET
- L.100 LANDSCAPE PLAN

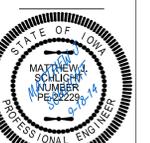


Professional Registration
 Missouri
 Engineering 2005002186-D
 Surveying 2005008319-D
 Kansas
 Engineering E-1695
 Surveying LS-218
 Oklahoma
 Engineering 6254
 Nebraska
 Engineering CA2821

THE RESERVE AT IRONWOOD
 Oskaloosa, County, Iowa

Project: The Reserves at Iron
 Issue Date: June 15, 2014

Cover Sheet
 Construction Plans for:
 THE RESERVE AT IRONWOOD
 Oskaloosa, County, Iowa



Matthew J. Schlicht
 MO PE 2006019708
 KS PE 19071
 OK PE 25228
 NE PE E-14535
 IA PE 22229

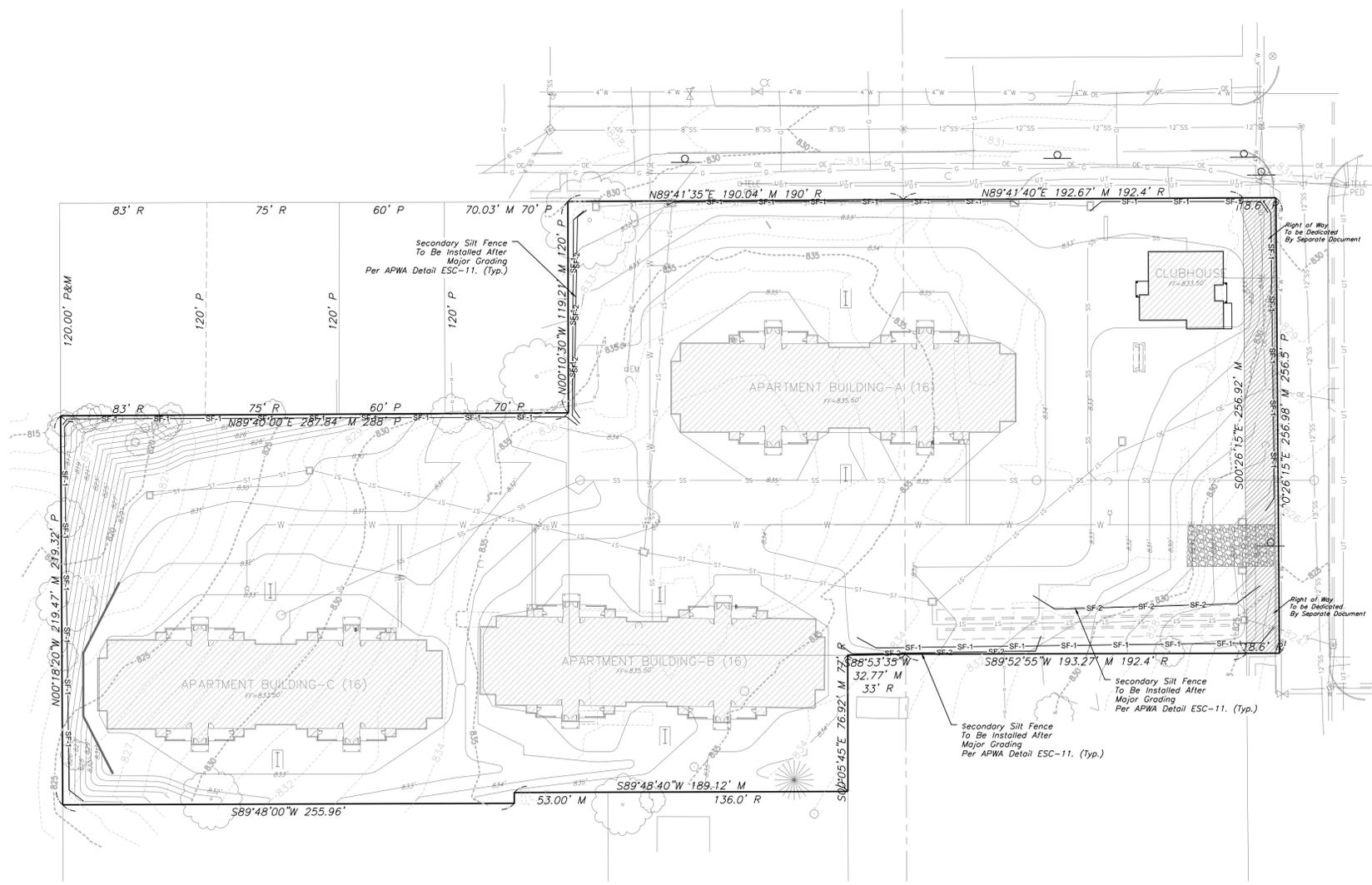
REVISIONS
 City Comments 8-19-14
 City Comments 8-29-14
 City Comments 9-3-14
 City Comments 9-9-14
 City Comments 9-17-14

THE UTILITIES AS SHOWN IN THESE DRAWINGS WERE DEVELOPED FROM THE INFORMATION AVAILABLE, IT IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE.


 SILT FENCE PROTECTION
 TO BE MAINTAINED BY CONTRACTOR

LEGEND

PHASE 1 SILT FENCE  SF-1
 PHASE 2 SILT FENCE  SF-2



DURING ALL PHASES OF CONSTRUCTION, INACTIVE
 AREA STABILIZATION METHODS AS DESCRIBED IN APWA
 SECTION 5111.3 SHALL BE USED TO CONTROL EROSION
 AND SILTATION.

NOTES: The Land Disturbance Plans indicates the Final placement of
 erosion control devices. The contractor(s) may proceed with
 construction prior to the final placement of these devices by providing
 additional devices to control erosion on their items of work. These
 devices shall be maintained until the final devices are in place.

Professional Registration
 Missouri
 Engineering 2005002186-D
 Surveying 2005008319-D
 Kansas
 Engineering E-1685
 Surveying LS-218
 Oklahoma
 Engineering 6254
 Nebraska
 Engineering CA2821

THE RESERVE AT IRONWOOD
 Oskaloosa, County, Iowa

Project: The Reserves at Iron
 Issue Date: June 15, 2014

Site ESC Phase 2 Plan
 Construction Plans for:
THE RESERVE AT IRONWOOD
 Oskaloosa, County, Iowa



Matthew J. Schlicht
 MO PE 2006019708
 KS PE 19071
 OK PE 25226
 NE PE E-14335
 IA PE 22229

- REVISIONS
- City Comments 8-19-14
 - City Comments 8-29-14
 - City Comments 9-3-14
 - City Comments 9-9-14
 - City Comments 9-17-14

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT APPROVING A VARIANCE FOR THE PROPERTIES LOCATED AT 1302 & 1320 HIGH AVENUE WEST TO ALLOW THE BUILDING OF APARTMENT COMPLEX A TO BE 0 FEET FROM THE INTERIOR SIDE YARD ON BOTH LOTS

WHEREAS, the City of Oskaloosa Board of Adjustment at the regular meeting on February 24, 2015, held a public hearing to consider a request from the property owner to approve a variance request for the properties located at 1302 & 1320 to allow the building of apartment complex A to be 0 feet from the interior side yard on both lots; 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 building of apartment complex A to be 0 feet from the interior side yard on both lots.
3. The Public Works Department is hereby directed to issue a permit to said applicant for said purpose.
4. If this structure is destroyed due to a natural or manmade disaster, then the reconstruction shall comply with the City of Oskaloosa code.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Board of Adjustment of the City of Oskaloosa at a regular meeting held on February 24, 2015.

Chair of the Board of Adjustment

ATTEST: _____
Secretary Date

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

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

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: February 24, 2015
Requested By: Public Works Dept.

Item Title:

Consider a variance request for the property located at 912 6th Avenue West to allow to build a single family residential dwelling on a 60 foot wide lot and to allow the residential dwelling to be 13 feet from the street side yard property line along South I Street.

Explanation:

Mr. Patrick & Ms. Laura Russell have submitted a variance request application to build a single family residential dwelling on a 60 foot wide lot and 13 feet from the street side yard property line along South I Street, which is 2 feet less than the 15 feet requirement located at 912 6th Avenue West. The property is zoned Urban Family (R-2) District. This is a request for a variance of the Oskaloosa Municipal Code Table 17.08C Summary of Site Development Regulations. In an R-2 District, the minimum lot width shall be no less than 70 feet for a single family home. Also, in an R-2 district the minimum street side yard setback from the property line is 15 feet.

ACTIONS:

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

Budget Consideration:

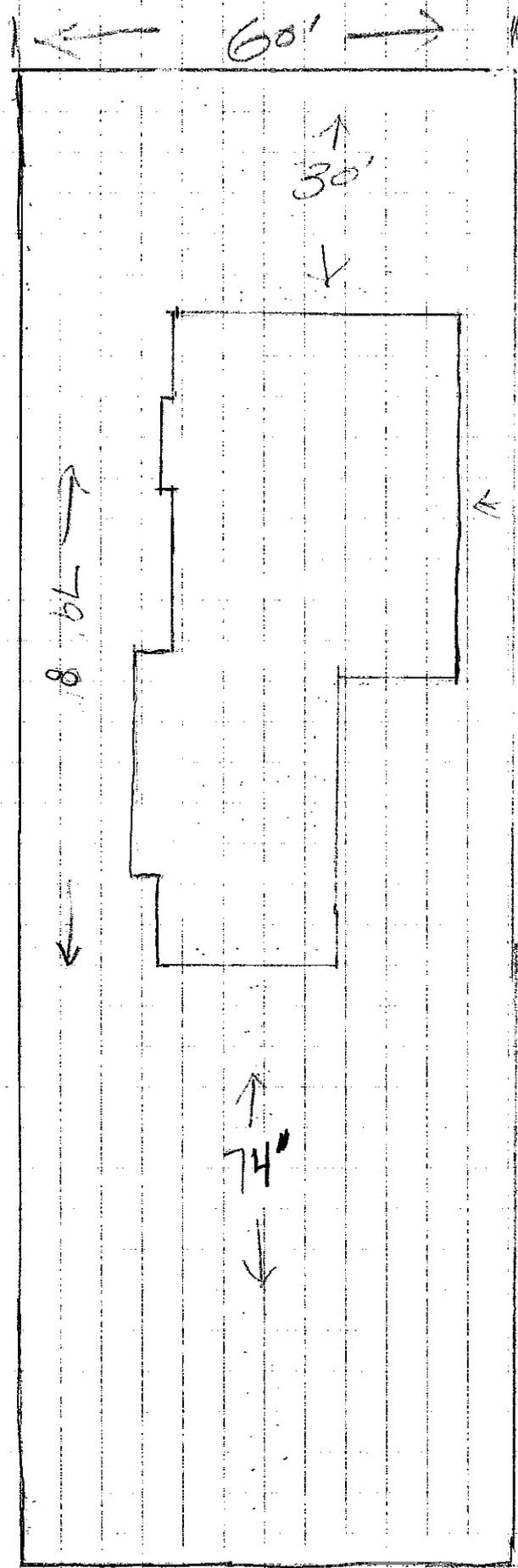
Application fees of \$100.00

Attachments:

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

6TH AVE WEST

N
60'



W

South St

13' →

← 79'

↓

↑ 30'

↓

↑ 74'

↓

← 7'

18'

←

↓

5

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 912 6TH AVENUE WEST TO BUILD A SINGLE FAMILY RESIDENTIAL DWELLING ON A 60 FOOT LOT WIDTH AND ALLOWING THE RESIDENTIAL DWELLING TO BE 13 FEET FROM THE STREET SIDE YARD PROPERTY LINE ALONG SOUTH I STREET

WHEREAS, the City of Oskaloosa Board of Adjustment at the regular meeting on February 24, 2015, held a public hearing to consider a request from the property owner to approve a variance request for the property located at 912 6th Avenue West to build a single family residential dwelling on a 60 foot lot width and allowing the residential dwelling to be 13 feet from the street side yard property line along South I Street; and

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

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

1. The resolution authorizing the variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.
2. The subject property shall be required to comply with all building and zoning code requirements, except the construction of a single family residential dwelling on a 60 foot lot width and allowing the residential dwelling to be 13 feet from the street side yard property line along South I Street.
3. The Public Works Department is hereby directed to issue a permit to said applicant for said purpose.
4. If this structure is destroyed due to a natural or manmade disaster, then the reconstruction shall comply with the City of Oskaloosa code.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Board of Adjustment of the City of Oskaloosa at a regular meeting held on February 24, 2015.

Chair of the Board of Adjustment

ATTEST: _____
Secretary Date

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

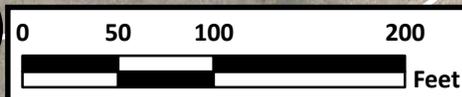
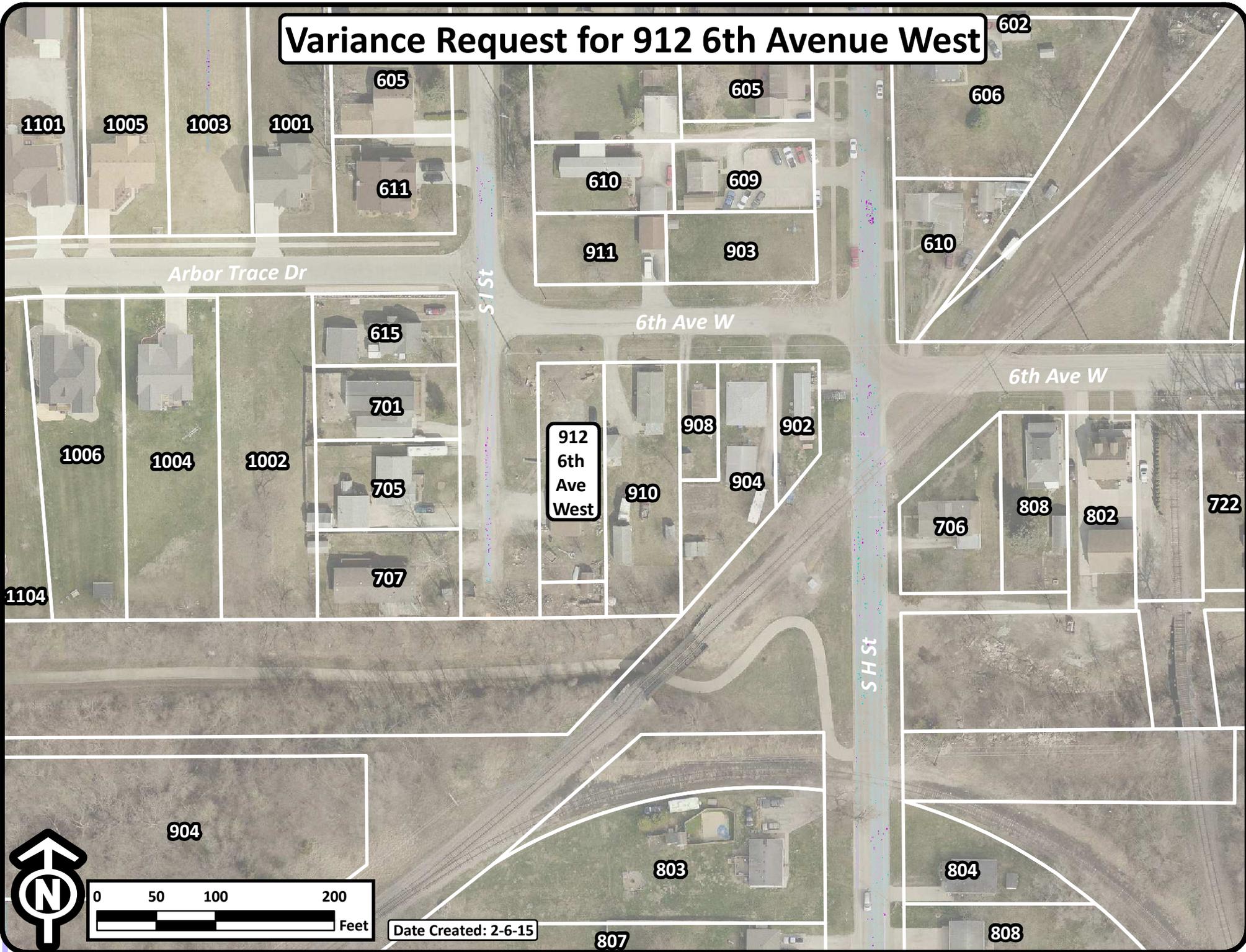
YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Variance Request for 912 6th Avenue West



Date Created: 2-6-15

807

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

VARIANCE REVIEW AND DETERMINATION OF HARDSHIP
FOR BOARD OF ADJUSTMENT

APPLICANT: Pat Russell
 ADDRESS: 912 6th Ave West
 VARIANCE REQUESTED: 2' variance side yard
10' width on lot size

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

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

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

A) Is requested variance of this type common to others in area? ✓ —

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

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

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

- | | | |
|---|---|------------|
| A) Is requested variance common to others in the area? | ✓ | — |
| B) Has requested variance been denied to others in the same district? | — | <u>N/A</u> |

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

NOTICE OF APPEAL
And
APPLICATION FOR VARIATION

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

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

Legal Description: ~~00~~ Lot Three (3) of the Subdivision of
Lot Twenty-two (22) of Ninde, Williams and Company's
Addition to the City of Oskaloosa, Iowa
Street Address: 912 10th Avenue West, Oskaloosa, IA

do(es) hereby appeal from the denial by the Building Inspector of Oskaloosa, Iowa, of his/her application for a building permit filed with said Building Inspector on the 5th day of February, 2015, under which the undersigned seek(s) permission to:

Construct approx. 1400-1500 sq. ft
single family home w/ attached
garages

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

Said lot be 70' wide + 15' street side
yard setback

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

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

(explain) lot is plotted as 60' wide

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

(explain) Denial would restrict proposed use of lot

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

Date this 5th day of February, 2015.

Pat Russell
Laura Russell

General Information

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

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

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

RESOLUTION

A RESOLUTION OF THE CITY OF OSKALOOSA BOARD OF ADJUSTMENT DENYING A VARIANCE FOR THE PROPERTY LOCATED AT 912 6TH AVENUE WEST TO BUILD A SINGLE FAMILY RESIDENTIAL DWELLING ON A 60 FOOT LOT WIDTH AND ALLOWING THE RESIDENTIAL DWELLING TO BE 13 FEET FROM THE STREET SIDE YARD PROPERTY LINE ALONG SOUTH I STREET

WHEREAS, the City of Oskaloosa Board of Adjustment at the regular meeting on January 27, 2015, held a public hearing to consider a request from the property owner to deny a variance request for the property located at 912 6th Avenue West to build a single family residential dwelling on a 60 foot lot width and allowing the residential dwelling to be 13 feet from the street side yard property line along South I Street; 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 a regular meeting held on February 24, 2015.

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: February 24, 2015
Requested By: Public Works Dept.

Item Title:

Consider a variance request for the property located at 111 North I Street to allow an addition 4 feet 10 inches from the front yard property line along South I Street.

Explanation:

Mr. Tim Olson with Big Creek Design, Representative for Fellowship Bible Church has submitted a variance request application to allow the building of an addition 4 feet 10 inches from the front yard property line along south I Street, 20 feet 2 inches less than the minimum 25 foot setback requirement located at 111 North I Street. The addition is proposed to be 2,550 square feet. The property is zoned Urban Corridor District (UC/AV), with an A Avenue Commercial Corridor Overlay District. This is a request for a variance of the Oskaloosa Municipal Code Table 17.08C Summary of Site Development Regulations. In a UC District, the minimum front yard setback is 25 feet.

STAFF RECOMMENDATION:

Staff recommends that the Board of Adjustment DENY the variance request

ALTERNATIVE ACTIONS:

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

Budget Consideration:

\$200.00 for application fees

Attachments:

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

VARIANCE REVIEW AND DETERMINATION OF HARDSHIP
FOR BOARD OF ADJUSTMENT

APPLICANT: Fellowship Bible Church

ADDRESS: 1000 A Avenue, Oskaloosa, Iowa

VARIANCE REQUESTED: The Church is requesting a variance to the City's 25' setback requirement, to allow them to add a Nursery in the NE Corner of their site. The new Nursery is an important need for the Church as their old Nursery space is overcrowded and they need more space. They are unable to expand their building to the West or to the South due to constraints with Parking to the West, and site utilities in the Alley to the South. Due to this hardship for additional space the Church is requesting a variance to the 25' setback requirement.

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

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

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

A) Is requested variance of this type common to others in area? X

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

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

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

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

D) Was a variance granted for original structure? X

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

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

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

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

NOTICE OF APPEAL
And
APPLICATION FOR VARIATION

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

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

Legal Description: LOTS 1-5 BLK 1 MARKS 2N D ADD. Parcel ID's, 1013354005, 1013354006, 1013354007, 1013354008, 1013354010.

Street Address: 1000 A Avenue West, Oskaloosa, Iowa 52577

do(es) hereby appeal from the denial by the Building Inspector of Oskaloosa, Iowa, of his/her application for a building permit filed with said Building Inspector on the 4th day of February, 2015, under which the undersigned seek(s) permission to:

Fellowship Bible Church respectfully requests a variance to the 25' setback requirement for new construction, to allow the Church to create a building addition on the Northeast Corner of their existing building. This building addition would accommodate a new Nursery for a growing congregation, an elevator to make the lower level of their facility wheel chair accessible, and it would provide a connection between two basements, and code compliant exits from both basement spaces.

The existing building sits right on the East property line. We are asking to build an addition that sits 4'-10" back from the property line.

See attached drawings.

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

25' setback requirement for new construction.

The existing building already sits directly ON East the property line. This proposal for a building addition shows proposed new construction 4'-10" back from the East property line. The proposed additional also allows for a 45' vision triangle at the Intersection. The City requirement is for a 40' vision triangle.

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

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

(explain)

The Church has limited opportunities for Building Expansion. At the present time the Church has a need for about 2500 sf additional space, which would allow them to move their Nursery from the basement to the main level, and create a larger nursery space that will be 3 to 4 times larger than their existing Nursery. It will also locate the Nursery close to the Worship Space. Expansion to the South would involve additional expense to relocate utilities. An expansion to the South should be done at a future date and accommodate a much larger expansion.

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

(explain)

Fellowship Bible Church owns the entire City Block, but the entire site is occupied with Buildings and parking (and room for parking expansion). The East half of the block is occupied with existing facilities and the Church does not have a lot of space to expand their building. The area south of the Church building (the Alley and south) should be saved for some future expansion of their worship space. The Church's ministry is limited by the physical space they have available. The Church needs more space for a Nursery, an elevator and a connection between their basement spaces.

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

Date this 4th day of February, 2015.

Tim Olson, Architect
Big Creek Design Group, Inc. on behalf of

General Information

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

CONTRACTOR

SEAL / LOGO

PROJECT NAME:
**ADDITION FOR:
FELLOWSHIP BIBLE CHURCH**
1000 A AVENUE WEST
OSKALOOSA, IA 52577

DRAWING ISSUE INFORMATION:
ISSUE FOR: SITE MEASUREMENTS
ISSUE DATE: 11.25.2014

MARK	DATE	DESCRIPTION

MANAGEMENT INFORMATION:

BCDG PROJECT NO: 2014.139

CAD DWG FILE:

PRINCIPAL IN CHARGE: TIM OLSON PROJECT ARCHITECT: TIM OLSON

DRAWN BY: HRC CHECKED BY: TIM OLSON

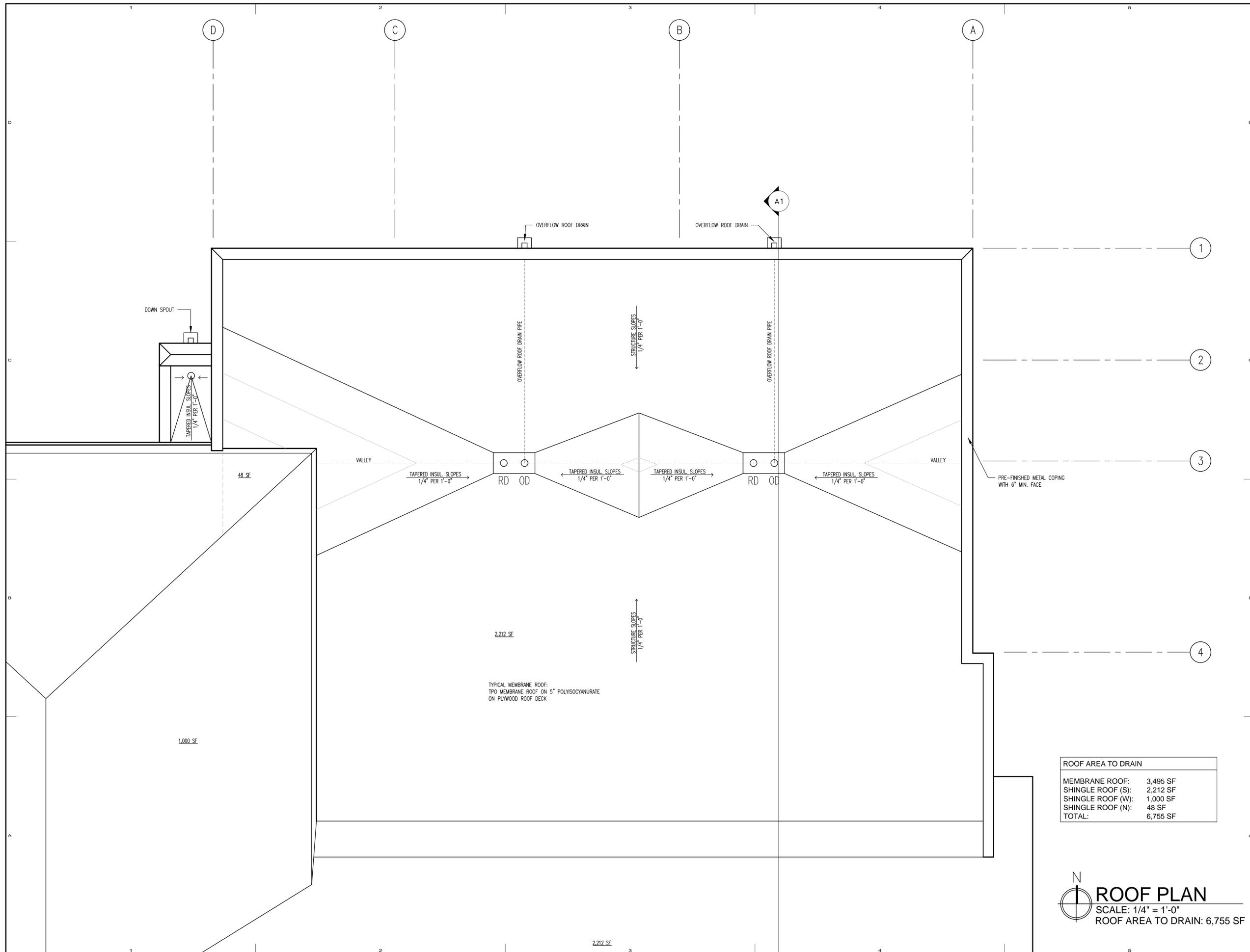
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SHEET TITLE:

ROOF PLAN

SHEET NO.

A102



ROOF AREA TO DRAIN	
MEMBRANE ROOF:	3,495 SF
SHINGLE ROOF (S):	2,212 SF
SHINGLE ROOF (W):	1,000 SF
SHINGLE ROOF (N):	48 SF
TOTAL:	6,755 SF

ROOF PLAN
SCALE: 1/4" = 1'-0"
ROOF AREA TO DRAIN: 6,755 SF

TYPICAL MEMBRANE ROOF:
TPO MEMBRANE ROOF ON 5" POLYISOCYANURATE
ON PLYWOOD ROOF DECK

PRE-FINISHED METAL COPING
WITH 6" MIN. FACE

2,212 SF

1,000 SF

48 SF



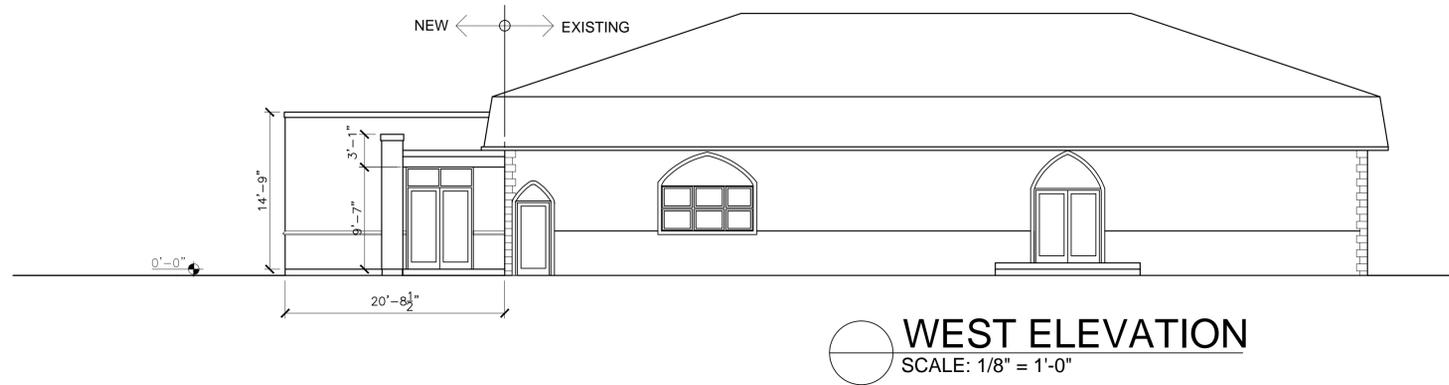
EXISTING BUILDING



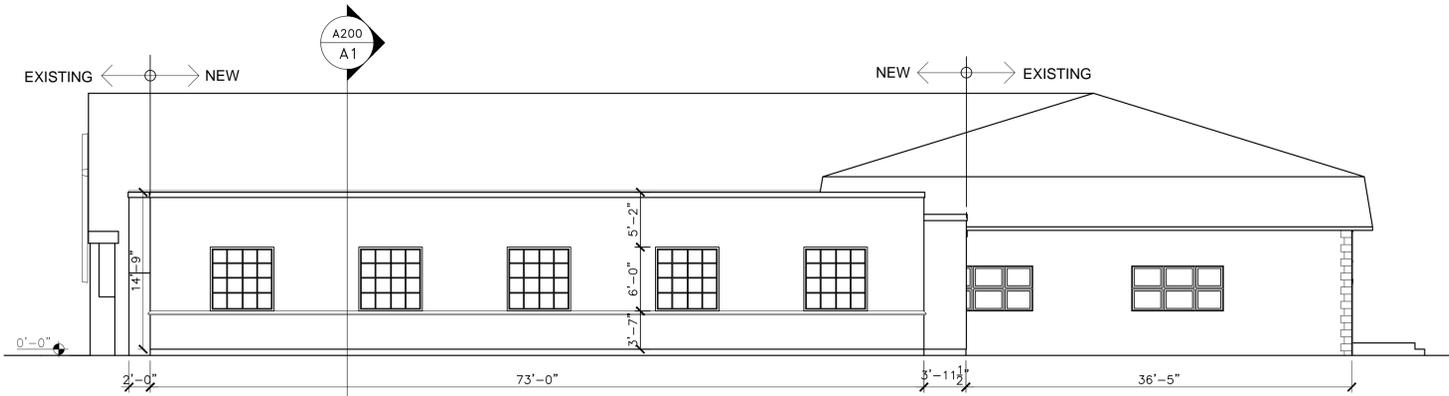
PROPOSED ADDITION



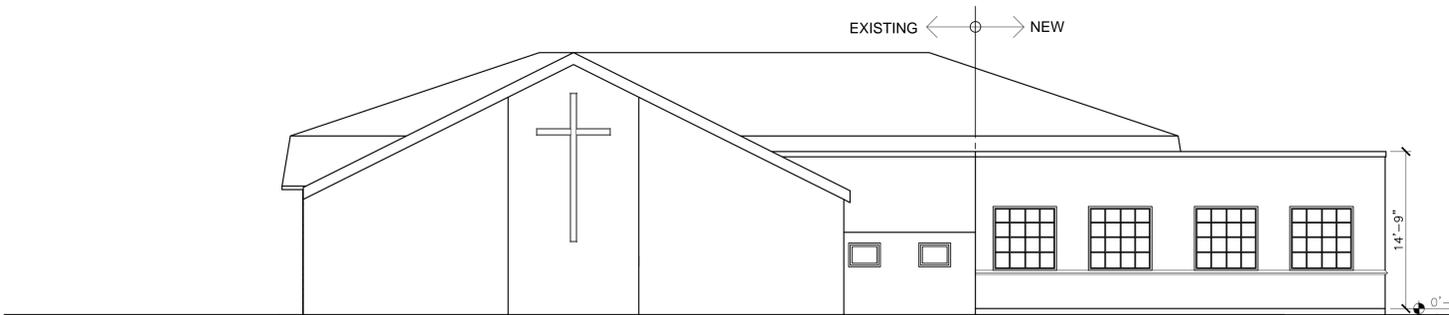
PROPOSED ADDITION



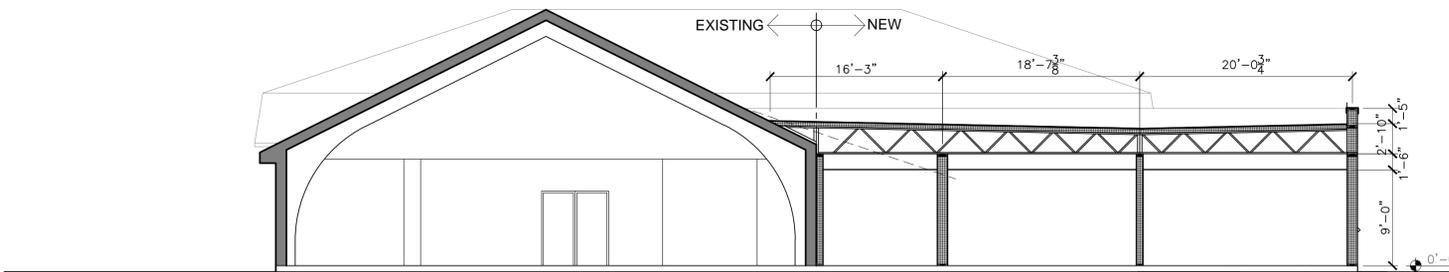
WEST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



A1 SECTION
SCALE: 1/8" = 1'-0"

Big Creek Design Group
design | planning | project management

119 Second Street PO Box 169 Polk City, IA 50226
o: 515.984.3077
www.BigCreekDesignGroup.com

CONTRACTOR

SEAL / LOGO

PROJECT NAME:
ADDITION FOR:
FELLOWSHIP BIBLE CHURCH
1000 A AVENUE WEST
OSKALOOSA, IA 52577

DRAWING ISSUE INFORMATION:
ISSUE FOR: SITE MEASUREMENTS
ISSUE DATE: 11.25.2014

MARK DATE DESCRIPTION

MANAGEMENT INFORMATION:

BCDG PROJECT NO: 2014.139

CAD DWG FILE:

PRINCIPAL IN CHARGE: TIM OLSON PROJECT ARCHITECT: TIM OLSON

DRAWN BY: HRC CHECKED BY: TIM OLSON

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SHEET TITLE:

ELEVATIONS AND IMAGES

SHEET NO.

A200

CONTRACTOR

SEAL / LOGO

PROJECT NAME:
 ADDITION FOR:
FELLOWSHIP BIBLE CHURCH
 1000 A AVENUE WEST
 OSKALOOSA, IA 52577

DRAWING ISSUE INFORMATION:
 ISSUE FOR: SITE MEASUREMENTS
 ISSUE DATE: 11.25.2014

MARK	DATE	DESCRIPTION

MANAGEMENT INFORMATION:

BCDG PROJECT NO: 2014.139
 CAD DWG FILE:
 PRINCIPAL IN CHARGE: TIM OLSON PROJECT ARCHITECT: TIM OLSON
 DRAWN BY: HRC CHECKED BY: TIM OLSON

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SHEET TITLE:
RENDERED ELEVATIONS

SHEET NO.:

A201



 **WEST ELEVATION**
 SCALE: 1/8" = 1'-0"



 **NORTH ELEVATION**
 SCALE: 1/8" = 1'-0"



 **EAST ELEVATION**
 SCALE: 1/8" = 1'-0"

Table 17.08C Summary of Site Development Regulations (Continued)

<i>Regulator</i>	<i>UC</i>	<i>LC*</i>	<i>CC*</i>	<i>DC</i>	<i>GC*</i>	<i>HC*</i>
Minimum lot area (square feet)				none	6,000	6,000
One-family	6,000	7,200	10,000			
Duplex, townhouses	7,200	8,400	6,000			
Multi-family	10,000	10,000				
Other permitted uses	8,000	6,000				
Minimum lot width (feet)				none	50	50
One-family	60	60	80			150
Duplex	60	70	50			
Townhouses	20	20				
Multi-family	80	80				
Other permitted uses	80	60				
Mobile home park						
Site area per housing unit (square feet) by type of residential						
Single-family	6,000	7,200	2,000	2,000	NA	
Two-family, duplex	3,600	4,200		600		
Townhouse	2,500	2,500				
Multi-family	2,000	2,000				
Minimum yards (feet)						
Front yard	Note 3	25	25	0	25	25
Street side yard	15	15	15	0	15	0
Interior side yard (Note 2)						
1 to 1.5 stories	7	7	0	0	0	0
2-3 stories	10	10	0	0	0	0
More than 3 stories	13	10	0	0	0	0
Rear yard	25	25	25 (Note 4)	0	25 (Note 4)	25 (Note 4)
Maximum height (feet)	45	45	50	50	50	45
Maximum building coverage	50%	50%	60%	100%	70%	70%
Maximum impervious coverage	70%	80%	80%	100%	90%	85%
Floor area ratio	1	0.5	1	no limit	1	1
Maximum amount of total parking located in street yard						
Residential	NA	NA	NA	NA	NA	NA
Other uses	35%	50%	NA	35%	NA	NA

- Notes to Table 17.08C:

1. See [Section 17.22.030](#) for supplemental regulations governing single-family attached and townhouse residential use types.

2. One foot of height may be added to each additional one foot provided in front, rear, and side yard setbacks beyond the required minimum.

3. Normal minimum setback is twenty-five feet. Front yard setback may be reduced to fifteen feet if:

- a. No parking is placed within the street yard;

- b. The entire street yard area is landscaped, with the exception of driveways to parking areas or pedestrian accesses to the principal building on the site.

4. Required rear yard may be reduced one foot for every one foot of front yard provided in excess of the minimum requirement. No rear yard may be less than ten feet.

* Uses in the R-4, LC, CC, GC, HC, LI, and GI districts are subject to landscape and screening provisions contained in [Chapter 17.26](#).