



ZONING BOARD OF ADJUSTMENT

Monday, November 9, 2015 @ 3:00 PM

Third Floor Council Chamber

101 1st Street SE, Cedar Rapids IA 52401

BOARD MEETING MINUTES

Members Present: Chair Todd Barker, Vice-Chair Bill Vernon, Sue Lowder, Nancylee Ziese and Jim Vancura

Staff Present: Joe Mailander, Vern Zakostelecky, Dave Houg, Johnny Alcivar, and Ruth Fuessley

Others Present: Robert Butschi JABAM, LLC, Attorney Jonathan Schmidt re Curtis Belden, Todd Phillip re Daniel Feuerbach, William E & Rena Pranger, Joni Heitman, Betty Nezerka, Travis Armstrong Media Quest re HF Investments, LLC, LMC Custom Homes Lon Cooper

CALL TO ORDER

Chair Todd Barker called the November 9, 2015 Regular Board of Adjustment meeting to order at 3:00 PM. Attendance taken and a quorum declared.

APPROVAL OF MINUTES

Vernon moved to approve the October 12, 2015 Board of Adjustment minutes, seconded by Lowder, motion carried.

COND-022045-2015 A Public Hearing regarding an application submitted by (Titleholder) JABAM, LLC for a Conditional Use described as dwelling units located on ground floor which is to be located upon the premises at 1005 3rd Avenue SW and 328 Rockford Road SW, located in the C-2 Community Commercial Zone District.

Disposition: By a vote of 5-0 the Board of Adjustment approved COND-022045-2015. Petitioner has no objections to the recommended conditions. Following discussion Ziese moved for approval subject to conditions. Vancura seconded, motion carried.

V-50-021332-2015: A Public Hearing regarding an application submitted by (Petitioner) Curtis L. Belden for a Certificate of Occupancy to maintain an existing 576 square feet single-story detached accessory structure (residential garage) that is a stand-alone structure/use on the lot without a principal structure or use on the lot on the property at 909 Hull Avenue SE, R-3D Two Family Residence Zone District.

Disposition: By a vote of 5-0 the Board of Adjustment Tabled V-50-021332-2015. Vernon moved to Table. Ziese seconded, motion carried.

V-68-022102-2015: A Public Hearing regarding an application submitted by (Petitioner) Todd Philipp representing Daniel Feuerbach (*Titleholder*) hereby requests that the Board of Adjustment authorize the issuance of a Building Permit for a fence over 3' in height within a required front yard that provides no street front landscaping in lieu of the required 15 foot street front landscaped setback. Appellant also requests a waiver from tree mitigation requirements in an I-1 Light Industrial Zone District on the property at 9900 6th Street SW.

Disposition: By a vote of 5-0 the Board of Adjustment approved V68-022102-2015 regarding the existing fence and front yard landscaping. The Board of Adjustment denied the request for waiver from tree mitigation requirements. Vernon moved for approval citing Unique Circumstances subject to conditions. Lowder seconded, motion carried.

V-69-022153-2015: A Public Hearing regarding an application submitted by (Petitioner) William & Rena Pranger hereby requests that the Board of Adjustment authorize the issuance of a Building Permit to construct a new 24 feet by 21 feet single story free-standing metal carport that when combined with existing detached accessory structures on the lot would have an aggregate 2,336 total square feet in lieu of the maximum 900 square feet permitted and be constructed of material different from the primary structure.

Disposition: By a vote of 5-0 the Board of Adjustment approved V69-022153-2015. Following discussion Ziese moved to approve V69-022153-20105 citing Not Detrimental subject to conditions. Vernon seconded, motion carried.

V-70-022192-2015: A Public Hearing regarding an application submitted by (Petitioner) Leon & Joni Heitman hereby requests the Board of Adjustment to authorize issuance of a Building Permit to construct a new / replacement 13 feet by 17 feet open deck that would be approximately 4 feet above grade at 1623 26th St NW, R-2 Single Family Residence Zone District, that will be 14 feet from the rear lot line in lieu of the 25 feet rear yard setback required.

Disposition: By a vote of 5-0 the Board of Adjustment approved V70-022192-2015. Following discussion Lowder moved to approve V70-022192-2015 subject to condition. Vancura seconded, motion carried.

V-71-022194-2015: A Public Hearing regarding an application submitted by (Petitioner) Betty Nezerka hereby requests that the Board authorize the issuance of a Building Permit to install a new 8 feet high (privacy type) fence in the required side and rear yards that would exceed 7 feet in height and would be at zero setback in lieu of the 5 feet side yard setback required and at zero setback in lieu of 25 feet rear yard setback required on the property at 2321 18th Street NW, R-2 Single Family Residence Zone District.

Disposition: By a vote of 5-0 the Board of Adjustment approved V71-022194-2015. Following discussion Ziese moved to approve V71-022194-2015 citing Unique Circumstances. Lowder seconded, motion carried.

V72-022232-2015: A Public Hearing regarding an application submitted by (Petitioner) Media Quest Signs for HF Investments, LLC (Titleholder) hereby requesting that the Board authorize the issuance of Sign Permits to install new wall signage that would exceed the maximum allowable size/square feet based on 63 feet primacy occupancy frontage. The signage on the primary occupancy frontage/north wall elevation would be up to 170 square feet in lieu of the maximum allowable 126 square feet and the signage on the secondary occupancy frontage/east wall elevation would be 135 square feet in lieu of the maximum allowable 63 square feet.

Disposition: By a vote of 5-0 the Board of Adjustment approved V72-022232-2015. Following discussion Lowder moved to approve V72-022232-2015 citing Unique Circumstances subject to conditions. Vernon seconded, motion carried.

Old Business

A Public Hearing regarding an application submitted by (Petitioner) LMC Custom Homes, Lon Cooper hereby requesting that the Board authorize the issuance of a Building Permits to construct a new 18 feet by 18 feet single story detached accessory structure (residential garage – no overhang) at 330 Crescent Street SE that would be as close as 1 foot to the side and rear property lines in lieu of the minimum 3 feet required setbacks.

Disposition: By a vote of 5-0 the Board of Adjustment approved 022207-2015 (V70-2006). Following discussion Ziese moved to approve 022207-2015 (V70-2006) citing Not Detrimental. Lowder seconded, motion carried.

Motion to Adjourn at 3:55 PM, motion carried.

Prepared by Patricia A Pfiffner
Recording Secretary Board of Adjustment