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## **ZONING BOARD OF ADJUSTMENT**

**Monday, April 13, 2015 @ 3:00 PM**

**Third Floor Council Chamber**

**101 1<sup>st</sup> Street SE, Cedar Rapids IA 52401**

### **DECISION AND ORDER**

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**Members Present:** Chair Dave Lodge, Bill Vernon, Sue Lowder

**Member Absent:** Todd Barker and Nancy Lee Ziese

**Staff Present:** Joe Mailander, Dave Houg, Vern Zakostecky, Ruth Fuessley, Patricia A Pfiffner  
Development Services

**Others Present:** Phil Pankey re Broken Spoke, Sean Shay re S&J Homes, Aaron Vosmek and  
Max Nemer re CR Signs, Matt Skogman re Midwest Development/Premiere Homes,  
Joel Rathje

#### **New Business**

Chair, David Lodge called the April 13, 2015 Regular Board of Adjustment meeting to order at 3:00 PM. Attendance taken and a quorum declared. The Board of Adjustment is a Quasi-Judicial Board created by the City of Cedar Rapids. The Board is empowered to vary the regulations of the Zoning Ordinance in harmony with its general purpose and intent where the Board makes Finding of Fact that there are practical difficulties or unnecessary hardships in the way of carrying out the literal provisions of the Ordinance.

This Board reviews Conditional Use requests. When considering a Conditional Use, the Board will keep in mind the following: Is the requested use consistent with the intent and purpose of the Ordinance and with the Future Land Use policy plan; will the use have a substantial adverse effect upon adjacent property and the character of the neighborhood; and will the proposed use be compatible with the immediate neighborhood. This Board also reviews Variance requests. A Variance request should only be granted if the Petitioner establishes that an unnecessary hardship will result if the Zoning regulations are enforced. There are seven criteria for actions on a Variance which were to be addressed in your application. To review they are: Unique Circumstances, Not exclusively for financial gain, Hardship not self-created, Substantial rights denied, not special privilege, not detrimental and No other remedy. A general rule of thumb is that a Variance should prevent a hardship, not grant a special privilege not available to other landowners in similar situation.

Typically "Unnecessary Hardship" means: The land in question cannot yield a reasonable return if used only for the purpose allowed in that zone; the issue in question is due to unique circumstances and not to the central conditions of the neighborhood; the hardship must not be self-created; and the use authorized by the Variance will not alter the essential character of the locality.

We are an independent volunteer Board of citizens appointed by the Mayor and approved by the City Council. We are not part of the City Administration. We are governed by both City and State Codes and Ordinances. The Board is made up of five Board members. The Chair cannot make a motion but has a vote. There must be three (3) affirmative votes to pass. No motion made by the Board will be the same as a denial. Today we have 4 members present.

As a Board of the City, we welcome all testimony. We make our decisions based on the facts and evidence allowed under City Code, presented at this open meeting. While your case is being read by our Secretary we ask that the Petitioner comes forward so your testimony can be heard and recorded. Please give your name and address for the record. You will then be able to present your case. If the proceedings become lengthy, we may ask that testimony be focused on the new facts or evidence not already presented. We will then ask for any objectors. At that time objectors will come forward, state name and address for the record, and then state your objections. The Board will then give the City Staff an opportunity to present information for the case. I will then call for any Board questions or any Board discussion. Final summaries and additional comments may then take place. Based on a motion and a second the Chair will then call for a vote. If your Variance is approved, please understand that you may still have to comply with other regulations and codes, such as applicable Building Codes, to work within. Please visit with the Building Services Department Official for any clarifications. Today there are 4 Board Members present. You have the option to request your case be Tabled. We do have a quorum. Bill Vernon moved to approve the March 9, 2015 Board of Adjustment minutes, seconded by Sue Lowder, motion carried.

**No Petitioner Present.**

**COND-2015-15585:** A Public Hearing regarding an application submitted by Petitioner Hobart Historic Restoration for Mott Building Redevelopment hereby requesting approval of a Conditional Use for a dwelling unit on the ground floor of a property zoned C-4, Central Business Zone District. This project is a redevelopment of the Mott Building at 42 7<sup>th</sup> Avenue SW. Apartments and commercial space are proposed for the ground floor, along with additional apartments on the 2<sup>nd</sup> and 3<sup>rd</sup> floors on the property at 42 7<sup>th</sup> Avenue SW, proposed C-4 Central Business District.

**Findings of Fact:** The Board finds the following: the Site area: 1.41 acres, Structure size: 25,200 s.f. (3 stories), Proposed dwelling units: 16, Proposed commercial spaces: 2 - 3 tenants, Parking provided: 58 spaces. The City Planning Commission has examined the petition of Hobart Historic Restoration requesting a Conditional Use Approval for Ground Floor Dwelling Units in the C-4, Central Business District located at 42 7<sup>th</sup> Avenue SW. At its meeting held on February 26, 2015 the City Planning Commission recommended approval of this request, subject to the following conditions: Staff has no proposed conditions. No objectors present.

**Disposition:** By a vote of 3-0 the Board of Adjustment approved an application submitted by Petitioner Hobart Historic Restoration for Mott Building Redevelopment hereby requesting approval of a Conditional Use for a dwelling unit on the ground floor of a property zoned C-4, Central Business Zone District. This project is a redevelopment of the Mott Building at 42 7<sup>th</sup> Avenue SW. Apartments and commercial space are proposed for the ground floor, along with additional apartments on the 2<sup>nd</sup> and 3<sup>rd</sup> floors on the property at 42 7<sup>th</sup> Avenue SW, proposed C-4 Central Business District. Following discussion Bill Vernon moved for approval stating the project is compatible with the area. Sue Lowder seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that COND-2015-15585 is hereby approved as written.

**COND-2015-16503:** A Public Hearing regarding an application submitted by Petitioner The Broken Spoke hereby requesting a Conditional Use approval for an "Outdoor Service Area" for property owned by D & S Building Company at 2010 Sylvia Avenue NE and zoned C-3, Regional Commercial Zone District.

**Findings of Fact:** The Board finds a deck is being added to the rear of the building. Appellant is now requesting approval for the service of alcohol on this deck. The site plan submitted shows the following characteristics: Total area of building: 11,244 s. f., Total size of proposed outdoor service area: seating for 49, Total parking required: 70 off-street spaces, Total parking provided: 64 spaces and a shared parking agreement (which allows a 25% reduction in overall parking). The proposed use and development will be consistent with the intent and purpose of this Ordinance and with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.

Adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities. At its meeting held on April 9, 2015 the City Planning Commission recommended approval of this request, subject to conditions. The Board finds no objectors present.

**Disposition:** By a vote of 3-0 the Board of Adjustment approved an application submitted by Petitioner Broken Spoke hereby requesting a Conditional Use approval for an "Outdoor Service Area" for property at 2010 Sylvia Avenue NE and zoned C-3, Regional Commercial Zone District. Following discussion Bill Vernon moved for approval subject to stated conditions. Sue Lowder seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that COND-2015-16503 is hereby approved subject to conditions:

1. That the current project is not complete and fencing and a gate must still be installed. The gate must meet all Fire Department regulations related to entry/egress points. The gate shall be used only as an emergency entry/egress route unless the beer garden is staffed continually during normal business hours.
2. That the outdoor service area must have fencing. The fencing requirements, for an outdoor service area with limited staffing, must be of sufficient height to deter the passing of alcoholic beverages over the top of the fence. The fence must also be designed in such a manner as to prohibit the passing of alcoholic beverages through it. The fencing requirements, for an outdoor service area that is staffed full time during normal business hours, can vary some from the above requirements. For those outdoor service areas a specific fence design must be submitted and it will be evaluated on a case-by-case basis.
3. That the Police Department shall re-inspect the outdoor service area PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
4. The enclosure for the dumpsters will need be a full screen enclosure including the gates and preferably designed using the same building material as the principal building as per Subsection 32.05.030.A.7. of the Zoning Ordinance. Please note that chain link with privacy slats does not satisfy this requirement.
5. Sign permit applications must be submitted and approved and permits obtained prior to erection of signage (Subsection 32.06.020 & 32.06.030 is the sign regulation in the Zoning Ordinance).

**No Petitioner Present**

**COND-2015-16240:** A Public Hearing regarding an application submitted by Petitioner Kick Stand Pub & Grub requesting a Conditional Use approval for an "Outdoor Service Area" for property owned by West Side Wolf Pack, L.L.C. at 203 16<sup>th</sup> Avenue SE and zoned C-3, Regional Commercial Zone District.

**Findings of Fact:** The Board finds that this project involves the remodeling of a former service station for the "Kick Stand Pub & Grub." The 1959 building was known as the "Montague Brothers Service Station" and is listed on the National Register of Historic Places. Appellant requests approval for an outdoor service area where alcohol can be served. The site plan submitted shows the following characteristics:

- Total area of building: 1,249 s. f.
- Total size of proposed outdoor service area: seating for 80
- Total parking required: no additional (lies within the Core Area)
- Total parking provided: 6 off-street spaces

This is to certify that the City Planning Commission has examined the petition of Hayden Contracting requesting a Conditional Use for an Outdoor Service Area located at 203 16<sup>th</sup> Avenue SE and zoned C-3, Regional Commercial Zone District. At its meeting held on April 9, 2015 the City Planning Commission recommended approval of this request subject to conditions.

**Disposition:** By a vote of 3-0 the Board of Adjustment approved an application submitted by Petitioner Kick Stand Pub & Grub requesting a Conditional Use approval for an "Outdoor Service Area" for property owned by West Side Wolf Pack, L.L.C. at 203 16<sup>th</sup> Avenue SE and zoned C-3, Regional Commercial Zone District. Following discussion Sue Lowder moved for approval of COND-2015-16240, Bill Vernon seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that COND-2015-16240 is hereby approved subject to conditions:

1. That this site shall be developed in compliance with the provisions of the Flood Plain Management Ordinance.
2. Review of this proposal is required by the Czech Bohemia Overlay District Design Review Technical Advisory Committee.
3. The current project is not complete, and fencing and a gate must still be installed. The gate must meet all Fire Department regulations related to entry/egress points. The gate shall be used only as an emergency entry/egress route unless the outdoor service area is staffed continually during normal business hours.
4. The outdoor service area must have fencing. The fencing requirements, for an area with limited staffing, must be of sufficient height to deter the passing of alcoholic beverages over the top of the fence. The fence must also be designed in such a manner as to prohibit the passing of alcoholic beverages through it. The fencing requirements, for an outdoor service area that is staffed full time during normal business hours, can vary some from the above requirements. For those outdoor service areas, a specific fence design must be submitted and it will be evaluated on a case-by-case basis.
5. The Police Department shall re-inspect the outdoor service area prior to issuance of a certificate of occupancy.
6. The enclosure for the dumpster will need be a full screen enclosure including the gates and preferably designed using the same building material as the principal building as per Subsection 32.05.030.A.7. of the Zoning Ordinance. Please note that chain link with privacy slats does not satisfy this requirement.
7. Signage is not being reviewed at this time. Sign permit applications must be submitted and approved and permits obtained prior to erection of signage (Subsection 32.06.020 & 32.06.030 is the sign regulation in the Zoning Ordinance).

**V12-2015-16359:** A Public Hearing regarding an application submitted by Petitioner S & J Homes for Raymond Taber hereby requesting that the Board of Adjustment authorize the issuance of a Building Permit to construct a new 4 feet by 8 feet open deck/landing with possible steps to grade that would be as close as 1 foot 6 inches from the interior side property line in lieu of the minimum 3 feet required setback on the property at 800 G Avenue NW, RMF-2 Residential Multi Family and Core District.

**Findings of Fact:** The Board finds that Subsection 32.05.010.B.1. Table 32.05-1 requires a minimum 3 feet single interior side yard setback. The Board finds that the appellant submitted the required criteria sheet indicating unique circumstances and a hardship that is not self-created as the property is a very narrow corner lot that has been used as infill/redevelopment for a Root Program house. The deck is not for financial gain and is not detrimental as it is not highly visible from the public and will provide a second code compliant access/exit which is not a special privilege. States no other remedy as the door opening is existing. The Board acknowledges the subject lot is a small/narrow corner lot located in a well-established residential neighborhood within the core area of the City. This subject site is the former location of a church that was built in 1918 and demolished post 2008 flood. The former church site (formerly two lots) was then acquired by the City, rezoned to R-TN which afforded reduced setbacks for infill/redevelopment and offered as part of the Roots Program. Two new single family dwellings have been constructed on this site as part of the Roots Program. (800 & 804 G Avenue NW). The Board finds no objectors present.

**Disposition:** By a vote of 3-0 the Board of Adjustment approved an application submitted by Petitioner S & J Homes for Raymond Taber hereby requesting that the Board of Adjustment authorize the issuance of a Building Permit to construct a new 4 feet by 8 feet open deck/landing with possible steps to grade that would be as close as 1 foot 6 inches from the interior side property line in lieu of the minimum 3 feet required setback on the property at 800 G Avenue NW, RMF-2 Residential Multi Family District. Sue Lowder moved for approval citing not detrimental subject to conditions. Bill Vernon seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that V12-2015-16359 is hereby approved subject to conditions:

1. Structure not to be enclosed.
2. Structure not to be roofed.

**V14-2015-16400:** A Public Hearing regarding an application submitted by Petitioner CR Signs, Inc. for Jim Aossey 3356 Center Point Rd NE (Business owner represented by sign) and Assad A Gebran (Property Owner) of 3358 Center Point Rd NE hereby requesting that the Board of Adjustment authorize the issuance of a Sign

Permit to construct a new/improved (replacement) 24 square foot double-faced illuminated free-standing pole sign (single pole type) that would be 55 feet from an existing free-standing sign on the same lot in lieu of the minimum required 100 feet separation on the property at 3358 Center Point Rd NE, C-2 Community Commercial District.

**Findings of Fact:** The Board finds that *Subsection 32.06.030.C.(Table 32.06-1 On-Premise Signs)* states free-standing signs:

- Shall be permitted – 2 square feet per foot of lineal foot of primary lot frontage to a maximum of 400 square feet. Secondary lot frontage(s) shall permit 1 square foot per lineal foot not exceeding 50% of the area allowed for the primary lot frontage.
- The total of all free-standing and roof signs cannot exceed the maximum allowed.
- Free-standing signs shall be setback a minimum of 5 feet from the property line; subject to required sight lines per the Traffic Engineering Department.
- Signs may not exceed 45 feet in height.
- Illumination is permitted.
- No limit on free-standing signs – however, must provide a minimum 100 feet separation between free-standing signs on the same lot.

*Subsection 32.06.040.C.2. Off-Premise Directional Signs Content* states:

- Off-premise directional signs may display the name, address, and logo of the business or organization being advertised.

*Subsection 32.07.060.A.* states any legally established off-premise or on-premise sign that by the adoption of this Ordinance is made nonconforming as to location, size, height, area, or spacing, shall be allowed to continue, but shall not be altered or reconstructed unless such action is in compliance with the requirements of this Ordinance and Chapter 32.06 Signs, and does not increase the degree of any nonconformity, and value of such alteration or reconstruction does not exceed sixty-five percent (65%) of its market value of the sign. For the purpose of this Section, the term "altered or reconstructed" shall not include:

- Changes of sign copy;
- Routine maintenance;
- Minor repairs;
- Painting;
- Landscaping around the sign; or the replacement of bulbs, letters, figures, characters or posters, or other embellishments that do not increase the size of the sign or the degree of its nonconformity.

## B. EXCEPTIONS

However, exceptions to the continuation of legal non-conforming off-premise signs are as follows.

1. Any off-premise advertising sign that comes under the provisions of Section 32.06.020.G.2.
2. Any nonconforming off-premise advertising sign that suffers damage exceeding sixty-five percent (65%) of its market value shall not be rebuilt unless brought into compliance with the provisions of this Ordinance.

*Subsection 32.05.010.A.1.g.* Setbacks states:

- i. Setbacks are measured between the lot line and the closed projection of a building or structure along a line at right angles to the lot line, and must remain unobstructed from the ground to the sky except as otherwise specifically allowed in this Ordinance.
- ii. If the Cedar Rapids Major Street Rights-of-Way Resolution No. 2276-12-93 (adopted on December 22, 1993) shows or lists a proposed street right-of-way line that differs from the current right-of-way line, street frontage setback shall be measured from the proposed street right-of-way line if determined by the City of Cedar Rapids said right-of-way is required.

The Board acknowledges the existing nonconforming sign was severely damaged due to an auto accident. The only change during this sign improvement is the height to help prevent a repeat incident. The Board finds

Development Services has reviewed the request and has no objection to the sign replacement in the same location of the same size based on the existing right-of-way/lot line subject to an Acceptance of Conditions form being signed by both parties that the sign shall be relocated at the owners expense at any time deemed necessary by the City due to right-of-way improvements. The Board finds that the Building Services Department has received no inquiries or objections to the request and Staff has no objection to the request as conditioned.

**Disposition:** By a vote of 3-0 the Board of Adjustment approved an application submitted by Petitioner CR Signs, Inc. for Jim Aosse, 3356 Center Point Rd NE (Business owner represented by sign) and Assad A Gebran (Property Owner) of 3358 Center Point Rd NE hereby requesting that the Board of Adjustment authorize the issuance of a Sign Permit to construct a new/improved (replacement) 24 square feet double-faced illuminated free-standing pole sign (single pole type) that would be 55 feet from an existing free-standing sign on the same lot in lieu of the minimum required 100 feet separation on the property at 3358 Center Point Rd NE, C-2 Community Commercial District. Following discussion Bill Vernon moved for approval citing not detrimental subject to conditions. Sue Lowder seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that V14-2015-16400 is hereby approved subject to conditions:

1. A sign permit shall be obtained prior to commencing work.
2. Any directional off-premise sign display content shall remain in compliance with provisions of the Ordinance (name, address and logo).
3. A signed, notarized, recorded Acceptance of Conditions form provided by the City that the subject sign shall be relocated at the owner's expense at any time deemed necessary by the City due to right-of-way improvements.

**V18-2015-16971:** A Public Hearing regarding an application submitted by Petitioner Midwest Development hereby requesting that the Board of Adjustment authorize the issuance of a Building Permit to construct a new ranch style single family dwelling with a two stall detached accessory structure / garage (with up to 2 feet overhang including gutters) that would provide 10 feet combined side yard setback, in lieu of 14 feet required on the property at 808 3<sup>rd</sup> Avenue SW, RFM-2 Residential Multi-Family District.

**Findings of Fact:** The Board finds that Subsection 32.05.010.B.1. (Table 32.05-1) Dimensional Standards for Residential Districts requires a minimum, 14 feet combined side yard setback and 5 feet minimum on single interior side yard setback. The Board finds that Subsection 32.05.010.D.2.a. Table 32.05-3 states architectural features (ie., sills, eaves, and cornices), gutters and downspouts shall encroach no more than 2 feet into the yard, as measured from the building; except when the yard is 9 feet or more in depth they may encroach no more than 3 feet. The Board finds that the Petitioner submitted the required criteria sheet indicating unique circumstances and not for financial gain as the property is 40 feet x 140 feet in size, a Roots Home centered on the lot. The Petitioner further states that the variance request is not a special privilege as it is similar to others that have been granted in the past. The new building will meet all Building and Fire Codes and it will not be detrimental to neighbors. The Board finds that the Petitioner Premiere Homes is interested in redeveloping this property. The lot is 40 feet wide by 140 feet long with alley access. The proposed single family dwelling is 30 feet wide (with up to 2 feet overhang including gutters). The proposed structure will provide 10 feet combined side yards, in lieu of 14 feet required by RMF-2 district regulations. Site plan has been reviewed and approved by the Building Plan Reviewer. Another way to address this situation would be for the property to be re-zoned from RMF-2 into R-TN (Traditional Neighborhood Residence). RTN district allows for 8 feet combined side yard setback. This property is part of the Residential Property Disposition Program.

**Objector:** Roger Steichen, 810 3<sup>rd</sup> Avenue SW appeared to testify. He stated with a 7-plex on one side of him and now with the proposed new development on the other side of him he objects. Too much trash/garbage now, concern for water run-off, possible water in his basement and on street parking is another issue, shortage of parking. He feels this request should be denied by Board of Adjustment.

**Disposition:** By a vote of 3-0 the Board of Adjustment approved an application submitted by Petitioner Midwest Development hereby requesting that the Board of Adjustment authorizes the issuance of a Building

Permit to construct a new ranch style single family dwelling with a two stall detached accessory structure / garage (with up to 2 feet overhang including gutters) that would provide 10 feet combined side yard setback, in lieu of 14 feet required on the property at 808 3<sup>rd</sup> Avenue SW, RFM-2 Residential Multi-Family District. Following discussion Bill Vernon moved for approval citing not detrimental and compatible with the area. Sue Lowder seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that V18-2015-16971 is hereby approved as written.

**V19-2015-17051:** A Public Hearing regarding an application submitted by Petitioner Joel & Andrea Rathje hereby requesting that the Board of Adjustment authorizes the issuance of a Building Permit for an existing prefabricated 12 feet by 30 feet, 360 square feet, single story detached accessory structure, which combined with existing detached accessory structures the aggregate total exceeds 900 square feet without meeting all required criteria. Detached accessory structure provides steel roof in lieu of shingles found on the principle structure and thereby will not comply with the following provisions of the Cedar Rapids Municipal Code on the property at 1640 34<sup>th</sup> Street SE, R-1 Single Family Residence District.

**Findings of Fact:** The Board finds that Subsection 32.05.010.A.4.c. ii- Ord. No. 027-14 - Exceptions to Size of Structure . The nine hundred (900) square foot (or 200%) for the Agricultural District) limit may be exceeded if all the following criteria, i-vi below are met (for the proposed accessory structure)

- i. The height shall not exceed the height of the primary structure on the lot.
- ii. The accessory structure shall be constructed of materials similar to that of the primary structure.
- iii. Structures may have no more than three (3) vehicle doors facing the primary street. All other doors shall not face the primary street. Doors for exclusive use of a person shall be excluded.
- iv. The accessory structure shall be setback no less than the primary structure on the lot.
- v. Shall not be placed in a required side yard as required in Section 32.05.010.B.1 of the Municipal Code.
- vi. Aggregate square footage of the all structures on the lot shall not exceed the Maximum Lot Coverage set forth in 32.05.010.B.1 of the Municipal Code.
- vii. In the Agricultural District, accessory structures exceeding two hundred percent (200%) of the gross floor area of the principal residential structure on the lot shall be exempt from requirements of 32.05.010.A.4.c.i, 32.05.010.A.4.c.ii, 32.05.010.A.4.c.iii and 32.05.010.A.4.c.iv (i-iv above).

The Board finds the Petitioner submitted the required criteria sheet indicating that a shed will not be utilized for vehicle parking and that a new shed is not detrimental to neighbors. The appellants informed us that the structure will not be for financial gain but will be used for their personal storage needs. The applicants stated that the structure is approximately 400 feet away from the street and at least 80 feet away from the nearest lot line. The Board acknowledges the property is unique due to the size in that it is 4.84 acres. It has four existing detached structures (including the one they are requesting a Variance for) they currently use for their storage needs (no vehicle parking/storing). The appellants also cite hardship not self-created as it would be difficult to maintain existing land without adequate storage space. The Board acknowledges previously submitted Variance request Docket No. 28-2011 for a detached accessory structure exceeding 900 square feet in size was approved in 2011. City records indicate the subject single family dwelling was built in 1927. There are currently three existing detached accessory structures: 624 square feet, 1,200 square feet and a small shed. The lot area covers 4.84 acres. It is approximately 330 feet by x 630 feet. The house has blue wooden siding with dark colored shingles, while a new detached accessory structure has brown wooden siding and steel roof. The prefabricated detached accessory structure was transported and placed onto 1640 34<sup>th</sup> St SE without a building permit. A City staff person shall continue to work on any/all outstanding zoning violations.

The applicants have submitted a recorded affidavit stating that the proposed detached accessory structure is intended to be used for residential storage and is not going to be used to park vehicles. They stated that they are planning to remodel the house sometime in the future. Their intent is to replace roof and siding. The Board acknowledges that the Development Services Department has not received any complaints or concerns regarding the scope of work listed for the proposed detached accessory structure. The variance request has been sent to Community Development Department for further review/comment. The Board finds no objectors present.

**Disposition:** By a vote of 3-0 the Board of Adjustment approved an application submitted by Petitioner Joel & Andrea Rathje hereby requesting that the Board of Adjustment authorize the issuance of a Building Permit for an existing prefabricated 12 feet by 30 feet, 360 square feet, single story detached accessory structure, which combined with existing detached accessory structures the aggregate total exceeds 900 square feet without meeting all require criteria. Detached accessory structure provides steel roof in lieu of shingles found on the principle structure and thereby will not comply with the following provisions of the Cedar Rapids Municipal Code on the property at 1640 34<sup>th</sup> Street SE, R-1 Single Family Residence District. Following discussion Sue Lowder moved for approval subject to conditions. Bill Vernon seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that V19-2015-17051 is hereby approved subject to conditions:

1. A Building Permit must be obtained and all inspections and approvals granted prior to occupancy of the structure.
2. For residential use only.
3. Not to be used for vehicle storage, unless a compliant hard surfaced driveway is provided.

**V-20-2015-17183:** The Petitioner, Hunter Construction for Berthel Fisher, hereby requests that the Board authorize the issuance of a Building Permit for a 27,000 s.f. 3-story commercial structure that will not provide a required off-street loading berth on the property at 4201 42<sup>nd</sup> Street NE, C-2 Community Commercial Zone District. Request to table for 30 days.

Motion to adjourn at 3:45 PM, motion carried.

Prepared by Patricia A Pfiffner  
Recording Secretary Board of Adjustment