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## ZONING BOARD OF ADJUSTMENT

Monday, June 8, 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, Vice-Chair Bill Vernon, Sue Lowder, Todd Barker and Nancy Ziese

**Staff Present:** Joe Mailander, Vern Zakostelecky, Dave Houg, Kevin Ciabiatti, Justin Shields and Patricia Pfiffner

**Others Present:** Dan Schmidt Brain Engineering, Inc. re Continental Place, LLC, Sign Pro re Mob Associates, Keegan Gage re 4201 Orchard Dr NW, Sign Pro for HEDA Investments LLC dba Breakfast House Café, Summit Properties LLC Brad Daggy, Bart Woods Primus Construction re FC United, Erv Mussman Shive-Hattery re Harrison Elementary School

### **New Business**

Chair, David Lodge called the June 8, 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 5 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 5 Board Members present. We do have a quorum. Nancy Lee Ziese moved to approve the May 11, 2015 Board of Adjustment minutes, seconded by Todd Barker, motion carried.

**COND-2015-16331:** A Public Hearing regarding an application submitted by Applicant Brain Engineering, Inc., representing Continental Place, LLC (Water Rock LLC) whose address is 1200 Continental PI NE, Cedar Rapids, IA *Owner(s)/Titleholder(s)* hereby petitions the Board of Adjustment to authorize the issuance of a Certificate of Occupancy for Approval of a Revised Site Development Plan for a Conditional Use, which is listed and described as wholesaling & distribution in Subsection 32.04.020 of the Municipal Code, in a C-3 Zone District under the authority granted to the Board of Adjustment by Section 32.02.030.D of said Municipal Code.

**Findings of Fact:** The Board finds the applicant wishes to expand the existing contractors shop with additional outdoor storage area into adjacent property under a purchase agreement. The Board finds the proposed development consists of the original parcel 4.20 acres and an additional leased parcel 1.79 acres. This request is for an expansion of an existing contractor's shop with additional outdoor storage and fencing which includes an adjacent parcel to the north. The area consists of 2.5 acres of land, a fence will be installed for the outdoor storage. The lot to be hard surfaced with concrete. The Board finds that at its meeting held on May 21, 2015 the City Planning Commission recommended approval subject to conditions. The Board finds no objectors present. The Board finds no objectors present.

**Disposition:** By a vote of 5-0 the Board of Adjustment approved COND-2015-16331 an application submitted by Petitioner Brain Engineering, Inc., representing Continental Place, LLC (Water Rock LLC) whose address is 1200 Continental PI NE, Cedar Rapids, IA *Owner(s)/Titleholder(s)* hereby petitions the Board of Adjustment to authorize the issuance of a Certificate of Occupancy for Approval of a Revised Site Development Plan for a Conditional Use, which is listed and described as wholesaling & distribution in Subsection 32.04.020 of the Municipal Code, in a C-3 Zone District under the authority granted to the Board of Adjustment by Section 32.02.030.D of said Municipal Code. Sue Lowder moved for approval subject to conditions, seconded by Bill Vernon, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that COND-2015-16331 is hereby approved subject to conditions:

1. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, the applicant shall work with the City's Building Services Department to resolve the issue with construction of the chain link security fence beyond the northerly property line without the appropriate building permit(s).
2. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, the applicant shall work with the City's Building Services Department to resolve the issues with construction of the easterly most hoop structure adjacent to the north property line without the appropriate building permit(s), inspections or a certificate of occupancy.

3. No buildings or building overhangs shall encroach upon any portion of an easement without obtaining appropriate approval.
4. All parking, drives, and storage areas are to be surfaced per provisions of the Zoning Ordinance. Surfacing to include asphalt, concrete, brick or asphaltic macadam.
5. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, the property owner shall dedicate permanent sanitary sewer easements over the existing sanitary sewer main. Easement width shall be based on the depth of the sewer.
6. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit an agreement to dedicate easements or right-of-way for recreational trail access through the site on an alignment and width acceptable to the City.

**COND-2015-18530:** A Public Hearing regarding an application submitted by Applicant Cosme Miranda for Los Compadres representing Mob Associates (Titleholder/Owner) whose address is 3716 1<sup>st</sup> Avenue NE, Cedar Rapids, IA *Owner(s)/Titleholder(s)* hereby petitions the Board of Adjustment for approval of a Revised Site Development Plan for a Conditional Use which is listed and described as an Outdoor Service Area in Subsection 32.04.020 of the Municipal Code, for property located at 2825 6<sup>th</sup> street SW, Cedar Rapids, IA in a C-3 Zone District.

**Findings of Fact:** The Board acknowledges the Applicant was granted a Conditional Use (94-11-41) in 2011 for a Beer Garden. The area of the restaurant is 3, 852 s.f. The area of the proposed outdoor seating space is 749 s.f. Proposed parking space is 45 spaces. The Board acknowledges Petitioner's Site Development Plan expired and a new submittal was required for the Outdoor Service Area. The Board finds no objectors present.

**Disposition:** By a vote of 5-0 the Board of Adjustment approved COND-2015-18530 an application submitted by Petitioner Cosme Miranda for Los Compadres representing Mob Associates whose address is 3716 1<sup>st</sup> Avenue NE, Cedar Rapids, IA *Owner(s)/Titleholder(s)* hereby petitioning the Board of Adjustment for approval of a Revised Site Development Plan for a Conditional Use listed and described as an Outdoor Service Area in Subsection 32.04.020 of the Municipal Code, for property located at 2825 6<sup>th</sup> street SW, Cedar Rapids, IA in a C-3 Zone District. Nancylee Ziese moved for approval subject to the 7 stated conditions of 94-11-41. Todd Barked seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that COND-2015-18530 is hereby approved subject to stated conditions:

1. Said lots are to be combined so as to constitute a single tax parcel or evidence of shared access easement agreements shall be provided.
2. Effective screening shall be provided and maintained so as to screen more than 4 open parking spaces and the drive thereto where adjacent to a residential use per provisions of the Zoning Ordinance or a variance be obtained.
3. All lighting shall be of a type, design and placement, and also be shielded in a manner to minimize impact on adjacent residential properties.
4. Required off-street parking shall be provided per provisions of the Zoning Ordinance or a variance shall be obtained.
5. 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.
6. The beer garden must have fencing. The fencing requirements for a beer garden 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 a beer garden that is staffed full time during normal business hours, can vary some from the above requirements. For those beer gardens a specific fence design must be submitted and it will be evaluated on a case-by-case basis.

7. The Police Department shall re-inspect the beer garden PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

**V27-2015-18674:** A Public Hearing regarding an application submitted by Applicant Gage Keegan *Owner(s)/Titleholder(s)* hereby petitions the Board of Adjustment for approval of the issuance of a Building Permit for a new privacy fence 6 feet in height at zero setbacks in lieu of 15 feet required within the side required yard and therefore will not comply with the following provisions of the Municipal Code of the City of Cedar Rapids, IA on the property at 4201 Orchard DR NW.

**Findings of Fact:** The Board finds that 1) **Subsection 32.05.010.B.1** – Dimensional Standards for Residential District Table The minimum corner side yard setback for the R-2 District is 15 feet. The Board finds that 2) **Subsection 32.05.010.D.2.b.iv** – Height in Corner Side Yard In all districts, a visual barrier such as an opaque fence, wall, dense shrubs, or combination thereof shall not be located within any required corner side yard that is adjacent to the principal permitted structure on a corner lot in a residential district. If such visual barrier is located within the rear twenty-five (25) feet of a lot that abuts the front yard of an adjacent lot, a Visual Clearance Area, as described in Sec. 32.05.010.D.3, shall be provided. In this case, the intersection from which the clearance area is calculated shall be the intersection of the rear lot line of the reverse corner lot with the front line of the adjacent standard residential lot. The Visual Clearance Area shall not be required if: (1) an existing driveway on the adjacent property is located at least twenty (20) feet from the nearest edge of the proposed fence, wall, or dense shrubs, or (2) it is not possible to locate a future driveway on an adjacent property within twenty (20) feet of the nearest edge of the proposed fence, wall, or dense shrubs. The Board finds that 3) **Subsection 32.09.020**. Ord. No. 15-10 – Definitions A yard between the side lot line and a principal building on a lot and extending from the front most line of a principal building to the rear most line of the building. The Board finds the Appellant submitted the required criteria sheet indicating the fence improvement is not for financial gain and not a hardship self-created. Further, the fence improvement will provide the ability to protect and secure the property in a commonly enjoyed right which will not provide the owner a special privilege or additional right. Granting the variance will not be detrimental to the public. By installing a new fence, they would like to create privacy and a buffer between the street and their back yard. There is no other method that would provide an instant relief, create a well-desired privacy and a buffer between busy traffic and the back yard. The Board acknowledges the single family dwelling was built in 1979 and it is located on reverse corner lot next to the T-intersection of the Wiley Boulevard NW and Orchard Dr. NW. This lot is located at one of the four entry points for the neighborhood that consists of approximately 200 households. While a house positioned at a 45 degree angle had a great impact on the nice curb appeal, it creates an unconventional back yard and reduces usable space. A public sidewalk is located along the East and South side of this property. A new fence will provide an instant buffer from the traffic and desired privacy for this family. The Board finds the property owner requested a new building permit for a privacy fence to be installed from the front East corner of the house around the back yard to the West rear corner of the house. They obtained notarized and recorded easement agreement for the portion of the fence that will be installed along the South lot line. The Board acknowledges the current Zoning Ordinance allows no less than 65% open fence, as defined by the Building Code to be installed at zero setback. The Board acknowledges that the existing driveway serving adjacent property to the South is over 40 feet away from the proposed fence. A proposed fence will not impact their visual clearance. A back yard at 606 Wiley Boulevard NW is fenced in with 4 feet high chain link fence. Adjacent property on the West side of 4201 Orchard Dr NW has tall hedges along East and South lot line providing privacy to their back yard. This is not a safety hazard. The Board acknowledges that Traffic Engineering has no objections to this request and that Zoning received no inquiries or objections to the request. The Board finds no objectors present.

**Disposition:** By a vote of 5-0 the Board of Adjustment approved V27-2015-18674 an application submitted by Petitioner Gage Keegan hereby petitions the Board of Adjustment for approval of the issuance of a Building Permit for a new privacy fence 6 feet in height at zero setbacks in lieu of 15 feet required within the side required and therefore will not comply with the following provisions of the Municipal Code of the City of Cedar Rapids, IA on the property at 4201 Orchard DR NW. Sue Lowder moved for approval citing not detrimental. Todd Barker

seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that V27-2015-18674 is hereby approved as written.

**V28-2015-18686:** A Public Hearing regarding an application submitted by Applicant Sign Pro for HEDA Investments LLC dba Breakfast House Café. The appellant hereby requests that the Board of Adjustment authorize the issuance of Sign Permits (3) to install 90 square feet of wall signage that combined with the existing wall signs displayed on the primary occupancy frontage (east elevation facing 6<sup>th</sup> Street SW) that would have an aggregate total of 181 square feet in lieu of the maximum 32 square feet permitted. The appellant seeks further relief asking that the Board authorize future wall sign permit requests, including but not limited to window vinyl and banners based on the size of wall signage permitted in the C-2 Zoning District on the property at 808 – 824 6<sup>th</sup> Street SW, C-1 Zone District and Core Area.

**Findings of Fact:** The Board finds that **Subsection 32.06.030.C.** (*Table 32.06-1 On-Premise Signs – C-1 Zoning District*) states wall sign(s) on the primary building occupancy frontage may be provided at .5 square foot per foot of frontage to a maximum 32 square feet and .5 square foot per foot of occupancy frontage not exceeding 75 percent of the area allowed for the primary occupancy frontage. The Board finds that **Subsection 32.06.030.C.**(*Table 32.06-1 On-Premise Signs C-2 Zoning District*) states wall sign(s) on the primary building occupancy frontage may be provided at up to 2 square feet per foot of occupancy frontage; secondary occupancy frontage(s) 2 square feet per foot of occupancy up to 50% of the area allowed for the primary occupancy frontage. The Board acknowledges that Appellant indicated unique circumstances as the building is older and has been part of a neighborhood for many years providing mixed use with tenants that include a laundromat, grocery store, massage therapy and café/restaurant. The Variance will not weaken the general purpose of existing rules nor the essential character of the district as the current signage has exceeded the C-1 district limitations for years. The Variance will not substantially or permanently impair the appropriate use of adjacent conforming property or impair or create unsafe conditions for traffic. The Board finds the property is a corner lot with a 10,615 square foot strip mall/neighborhood shopping center type use(s) that was built in 1974. Allowing signage based on the C-2 district regulations is preferred/supported vs rezoning to a C-2 district which affects permitted uses/conditional uses. The request for relief will allow for additional wall signage including but not limited to window vinyl, temporary banners for special events, sales, etc. The Board acknowledges that allowing signage based on the C-2 district regulations is preferred/supported vs rezoning to a C-2 district which affects permitted uses. Rezoning has been requested in the past and not supported by the City. The Variance will allow for additional signage, including but not limited to window vinyl, temporary banners for special events, sales, etc.

The subject request is limited to permitting wall signage - size only. Wall signs shall not exceed the top edge of the wall to which the sign is attached. The existing Breakfast House Sign is significantly being reduced in overall size from 96 square feet to 30 square feet proposed. The Board has recently approved a similar request for another C-1 Zoned property at 1901-1917 Mt Vernon Road SE per Docket 23-2015 on May 11, 2015. The Board finds the Appellant has complied with the required posting of the public notification signs. The Building Services Department has received no inquiries or objections to the request. Staff has no objection to the request to allow for wall signage to exceed the maximum allowable square feet imposed by the C-1 District whereas subject to the limitations per the C-2 Zoning District. The Board finds no objectors present.

**Disposition:** By a vote of 5-0 the Board of Adjustment approved V28-2015-18686 an application submitted by Petitioner Sign Pro for HEDA Investments LLC dba Breakfast House Café. The appellant hereby requests that the Board of Adjustment authorize the issuance of Sign Permits (3) to install 90 square feet of wall signage that combined with the existing wall signs displayed on the primary occupancy frontage (east elevation facing 6<sup>th</sup> Street SW) that would have an aggregate total of 181 square feet in lieu of the maximum 32 square feet permitted. The appellant seeks further relief asking that the Board authorize future wall sign permit requests, including but not limited to window vinyl and banners based on the size of wall signage permitted in the C-2 Zoning District on the property at 808 – 824 6<sup>th</sup> Street SW, C-1 Zone District and Core Area. Sue Lowder moved for approval citing unique circumstances, Nancy Lee Ziese seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that V28-2015-18686 is hereby approved as written.

**V29-2015-18724:** A Public Hearing regarding an application submitted by Applicant Summit Properties, LLC hereby requesting that the Board of Adjustment authorize the issuance of a Building Permit to construct a new

15 feet by 20 feet single story addition to an existing detached accessory structure (residential garage) with 1 foot overhang that would be 1 foot from the rear lot line in lieu of minimum 3 feet rear yard required and the overhang at zero lot line in lieu of 2 feet minimum required. The proposed location of the detached accessory structure (residential garage) does not comply with the following provisions of the Municipal Code of the City of Cedar Rapids, IA on the property at 1033 Oakland Rd NE, R-3 Single Family Residential District.

**Findings of Fact:** The Board finds that **Subsection 32.05.010.A.4.iv.** (ORD. No. 027-14) states that detached accessory structure shall not be located closer than three (3) feet to any interior side or rear lot line. The roof overhang of any accessory structure shall not be located closer than two (2) feet to any interior side or rear lot line. The Board finds that the Appellant submitted the required criteria sheet indicating the proposed addition is not for financial gain and not a hardship self-created. This parcel is 11,492 square feet in size. An existing detached accessory structure (residential garage) was built at the back of the property. Further, the proposed addition will provide the property owner additional parking and storage space. The Board finds the single family dwelling was built in 1912. The Board finds that an existing detached accessory structure (residential garage) was built in 1949. As per information available through Assessor's Office it seems that previous detached accessory structures combined provided 1,048 square feet of storage and parking space. As per applicant, the only remaining detached accessory structure is 17 feet by 20 feet in size. By constructing an addition 15 feet by 20 feet in size, parking and storage area will be almost doubled from what is currently provided on this property. The Board acknowledges that the proposed 15 feet by 20 feet addition to detached accessory structure (residential garage) would be 1 foot away from the West lot line and 6 feet away from the North lot line. The 12 inch overhang at the back of the structure will be at zero lot line. The Board acknowledges that the subject parcel allows for two off-street parking spaces with or without the proposed addition. The Board acknowledges that a detached accessory structure is in dilapidated condition. The Building Official inspected the site and informed that an existing structure will require a substantial improvement in order to meet the Building Code requirements. The Board acknowledges that one way to remedy this situation is to move an existing structure forward to provide 3 feet minimum required setback and then construct a desired addition, subject to all applicable Building and Fire Codes. When asked what method was utilized to locate the property lines and if adjacent neighbors are informing about their intentions, Mr. Brad Daggy, Summit Properties, LLC, e-mailed the following information: "With the use of a metal detector I was able to locate both lot pins on the front property line. I measured back 170 feet and determined that the rear lot pins were past the existing garage foundation and very close to the chain link fences belonging to the owners of properties 1030 Daniels St NE and 1038 Daniels St NE. Due to debris, vegetation, and the close proximity of the metal fences I was not able to locate the back pins with the metal detector. 2) I have spoken to Pat Pike at 1034 Daniels St NE and made her aware of my request. She did not have any issues with my proposal. She currently has a 6 ft. privacy fence across the back of her property that is approximately 6 feet behind my garage which leaves approximately 5 feet of her lot on my side of the fence." The Board acknowledges that Staff supports this request. It will be a functional 2-stall garage with storage space. The Board acknowledges that Zoning received no inquiries or objections to the request. The Board finds no objectors present.

**Disposition:** By a vote of 5-0 the Board of Adjustment approved V29-2015-18724 an application submitted by Petitioner Summit Properties, LLC hereby requesting that the Board of Adjustment authorize the issuance of a Building Permit to construct a new 15 feet by 20 feet single story addition to an existing detached accessory structure (residential garage) with 1 foot overhang that would be 1 foot from the rear lot line in lieu of minimum 3 feet rear yard required and the overhang at zero lot line in lieu of 2 feet minimum required. The proposed location of the detached accessory structure (residential garage) does not comply with provisions of the Municipal Code of the City of Cedar Rapids, IA on the property at 1033 Oakland Rd NE, R-3 Single Family Residential District. Nancy Lee Ziese moved for approval citing unique circumstances subject to condition. Todd Barker seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that V29-2015-18724 is hereby approved subject to condition:

1. For residential use only, not commercial.

**V30-2015-18775:** A Public Hearing regarding an application submitted by Applicant Bart Woods, Primus Construction for F.C. United hereby requesting a waiver of the design standards for a proposed 20,000 sf structure which will not provide façade articulation, four-sided design or acceptable exterior materials on the property located at 8620 Milburn Road NE, A district.

**Findings of Fact:** The Board finds that **Subsection 32.05.030.C.3.** Design Standards and Guidelines

a. Building Facades i. Articulation Building facades from 76 feet to 300 feet long shall be broken up into intervals no longer than 75 feet. Vertical treatments shall include variations in façade materials or building wall offsets of at least 3 feet.

ii. Four-Sided Design

Architectural features and treatments shall not be restricted to a single facade of any primary structure. Any facade viewable from a residential use, public or private street shall be designed to meet the requirements of this code.

iii. Materials

Acceptable exterior wall materials are brick, stone, and split face block masonry, cementations siding, EIFS, glass, metal (flat, perforated, composite, or ribbed less than 8" OC), architectural paneling, or other similar high quality materials.

Board acknowledges that the proposed use is an indoor soccer training facility with adjacent outdoor soccer fields. The community will benefit from this development and as a non-profit entity, cost reduction is critical to the viability of the project. The Board acknowledges that Development Services has reviewed this request and recommends that this structure meet the City's Commercial Design Standards. This project was allowed to proceed without rezoning to a commercial district due to its nonprofit nature; however the Future Land Use Map designates this area as "Urban Medium Intensity". Anticipated future commercial development could be compromised by a poor precedent set by the granting of this variance. It is noted that a recently-approved development for "Twisters", a gymnastics facility is located within this vicinity and complies with the City's design standards. It should also be noted that the City Planning Commission reviewed and approved the Preliminary Site Development Plan and recommended the Commercial Design Standards should be complied with. Board acknowledges Petitioner stated this is an Agriculture District and Code does not apply. The Board finds no objectors present.

**Disposition:** By a vote of 5-0 the Board of Adjustment Tabled V30-2015-18775 an application submitted by Petitioner Bart Woods, Primus Construction for F.C. United hereby requesting a waiver of the design standards for a proposed 20,000 sf structure which will not provide façade articulation, four-sided design or acceptable exterior materials on the property located at 8620 Milburn Road NE, A district. Todd Barker moved to Table until the next scheduled meeting. Nancy Ziese seconded, motion carried. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that V30-2015-18775 is hereby Tabled.

**V31-2015-19002:** A Public Hearing regarding an application submitted by Applicant Shive-Hattery Erv Mussman re Harrison Elementary School hereby requesting that the Board authorize the issuance of a Building Permit for an approximately 29,000 s.f. parking lot that provides no street front landscaping area for the side yard in lieu of the minimum 10 foot street front landscape setback; this is also a request to waive the required screening of the parking area from the adjacent street on the property at 1310 11<sup>th</sup> Street NW, R-2 Zone District.

**Findings of Fact:** The Board finds that **Subsection 32.05.030.5.c.** which requires street front landscaping of an average depth of 10' in a side yard. The Board finds that **Subsection 32.05.030.A.6.d.ii.** requires all open vehicular parking areas containing 4 or more spaces to be effectively screened on each side adjoining a public or private street, by a wall or by the use of continuous plantings that effectively screen headlights of cars. The Board acknowledges the applicant noted that this parking lot was necessitated by the City's construction of a recreational facility on the north side of this site. The School District wishes to minimize the loss of playground/open space by locating this parking lot as far south as possible. Screening of the parking lot is considered to be a safety hazard due to the busy traffic and potential visibility impairment. The Board finds that The Development Services Division has reviewed the plan and has no objection to the request. It is noted that the adjacent portion of "L" Avenue NW serves only the school and may be vacated to these properties in the future. Meth-Wick Community, Inc. is planning construction of a 4-level multi-family development across "L" Avenue NW and will be installing a 6-foot high solid screen fence along "L" Ave. across from the schools new parking lot. The Board finds no objectors present.

**Disposition:** By a vote of 5-0 the Board of Adjustment approved V31-2015-19002 an application submitted by

Applicant Shive-Hattery Erv Mussman re Harrison Elementary School hereby requesting that the Board of Adjustment authorize the issuance of a Building Permit for an approximately 29,000 s.f. parking lot that provides no street front landscaping area for the side yard in lieu of the minimum 10 foot street front landscape setback; this is also a request to waive the required screening of the parking area from the adjacent street on the property at 1310 11th Street NW, R-2 Zone District. Therefore, be it resolved by the Board of Adjustment of the City of Cedar Rapids, Iowa that V31-2015-19002 is hereby approved as written.

Motion to adjourn at 4:00 PM, motion carried.

Prepared by Patricia A Pfiffner  
Recording Secretary Board of Adjustment

