

MINUTES
December 6, 2016 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall
City Council Chambers

Present: Larry Wolf, Seth Munier, Jodi Hansen, and Monica Gonzalez.

Excused: Robert McFadden.

Staff: Andrew Fangman, City Planner, Community Development
Stephanie Oien, Office Coordinator, Community Development

Chairperson Larry Wolf opened the meeting at 5:30 p.m. and read the Mission Statement.

Minutes: Staff advised that minutes from the September 6 and October 4, 2016 meetings were incomplete and would be submitted at the next meeting.

Appeal Case No. 960, filed by Ralph Hearn to construct a 32'x48' addition to the south side of the existing accessory structure at 5900 67th Avenue West. The proposed addition exceeds the 1,440 square foot of accessory building space allowed by City Code 10-19-11 (B) (2).

Ralph Hearn was present to discuss the request. Mr. Hearn submitted photos of the site and vehicles. He stated that he wants to store these vehicles in the proposed addition. Wolf asked how many vehicles would be stored. Hearn replied there were five vehicles, a utility tractor, and a boat. Munier asked staff if the size of this building could constitute a business. Fangman replied that this was not a business and the property was not zoned for commercial use. That use would not be permitted. Hansen asked if the existing building was too small to house vehicles. Hearn explained that the existing building is a recreational building and is used for indoor softball practice. He added that the building is large enough to store his items but would like to keep them away from girls practicing softball. He indicated that there were 2-3 teams using the building for practice.

Bryan Freyermuth, 5812 67th Avenue West, stated that he was opposed to the previous request for a separate building and opposes this request as well. Mr. Freyermuth added that the existing building was not built as presented originally. He said the doors were supposed to be on the east side and they ended up on the north side of the building. He was displeased that the entrances were on the north side where he shares a property line. He also advised that photos and drawings submitted were skewed and there was not as much concrete as shown. He said the practice shed is much larger than anything else on the property. He claimed that he would have fought the original request if he'd known about the softball use versus storage. He advised that there are softball practices a minimum of 2-3 times a week with lots of traffic. Vehicles do not park on the concrete. He complained that the existing structure, along with the proposed addition, would be way over the 1,440 square feet allowed. He added that people don't want a large pole building in a residential area. He believes the existing facility should be used for storage. He noted that he would have no objection to an additional building being built on the far west part of the property. He also stated that a diamond had been built on the property closer than 200 feet from the property line. He thinks this building poorly affects property values. He also noted that he didn't think extending the building is a hardship as cited from City Code section about the Zoning Board of Adjustment. He also complained that the lights on the property spill over to his property.

Connie Bellinger, 5901 67th Avenue West, stated she had the same concerns as Mr. Freyermuth. She echoed his concerns about the original request (for the existing building) were about a garage not softball practice area. She added that, according to the documents from the original request (for the existing building), the building was to be a 60'x40' structure and a 64'x48' structure was constructed. She also voiced concerns about the privacy fence being incomplete.

Bill Brockert, 101 Evergreen Lane, Fruitland, stated that he was present as the meeting for the variance for the existing building. Mr. Brockert noted that, at that meeting, it was presented that the building would be used half and half for storage and pitching practice. He said that Mr. Hearn didn't end up with enough storage space after the softball area was set up. Brockert advised that before Mr. Hearn purchased the property everyone in the neighborhood used the

vacant land to ride their 4-wheelers, go-carts, planted gardens, etc. He added that he mowed the property for the Realtor prior to the sale and received negative feedback from the neighbors. He stated that traffic shouldn't increase with the proposed addition as the softball area is already built. He didn't believe noise should be an issue as there are people in the neighborhood who own and work on stock cars at their properties. He said, if the City would permit it, he would allow Hearn access from his property (west corner) to access the building.

Wolf verified with Mr. Freyermuth that he was OK with the building if it was moved. Mr. Freyermuth acknowledged that he was. Wolf asked Mr. Hearn if he'd be willing to move the building. Jeff Huber of Greiner Buildings, Washington, Iowa asked if they would have to concrete the access if the building was relocated. Mr. Huber cited the large amount of concrete already poured to service the existing buildings. Some discussion ensued about the possibility of a gravel drive being permitted with a variance. Fangman stated that was not option for a gravel or sand driveway. He noted that the only time the Board has looked favorably on not requiring a hard surface drive was when a building was to be used for storage only and traffic would be very low. Traffic would need to be so low that turf could be maintained. He added that this option would require a separate appeal. Freyermuth stated that he does not want a drive to along his property line. He stated that he wanted a building placed in the west side of the property and use the south side to get there.

Gonzalez mentioned that traffic will still be present even if the building is moved. Freyermuth replied that this went beyond the traffic issues. He understood that he couldn't oppose what was already approved. He reiterated that he was opposed to this addition. Gonzalez noted that Freyermuth mentioned increased traffic a number of times in his opposition. Freyermuth responded that this is an R-1 Zoning District and there were already two teams practicing at the site with the possibility of the L-M junior varsity and varsity teams using the facility. This, he believes, will increase the traffic. He stated that he was compromising by letting Mr. Hearn build elsewhere on the property. Gonzalez asked if an extension to the west would be OK. Freyermuth answered that he wanted a separate building to be built in the back to the west.

Hansen asked if there was a charge for usage. Hearn replied there were no fees. Hansen asked if a privacy fence was required. Fangman replied it was not. Hansen questioned if the existing 64'x48' building was supposed to be a 60'x40' per the variance granted. Fangman stated he did not have the file with him to look that up. Mrs. Bellinger presented a copy of the notice she received from the first meeting.

Chairperson Wolf called for a motion. With no motion or second being made, Chairperson Wolf declared the request denied.

Appeal Case No. 962, filed by Jonathan and Becky Estabrook, to construct a 24'x30' detached garage with basement at 10 Byron Lane. The proposed structure, when combined with existing accessory structures, exceeds the 1,440 square foot of accessory building space allowed by City Code 10-19-11 (B) (2).

Esteban Bolivar of Bolivar Construction, 1412 King Avenue, was present to discuss the request. He is the contractor for the project. Mr. Bolivar advised at the Estabrooks wish to construct a 24'x30' detached garage with basement. He noted they have around 12 acres of property. Munier clarified that with the existing accessory space this proposed structure would exceed the 1,440 square foot of accessory building space allowed by City Code. Fangman confirmed this was the case. Gary Carlson, 104 Deerpath Lane, spoke in favor of the request. Mr. Carlson stated that you can't see the house from the street. He added the Estabrooks were great neighbors and took good care of their property. Larry Claussen, 2517 Forest Pkwy., asked if the garage would be place on the Termini Lane side of the trees. Mr. Bolivar showed the placement on the proposed garage on a map from MAGIC. Mr. Claussen asked how many trees would be taken down. Bolivar estimated 10 small trees would be removed. Claussen noted that his concern was about the negative impact on the trees and wanted the wooded area to remain. He indicated that he likes his privacy. Bolivar responded that the owner was very concerned about leaving as many trees alone as possible. He added that the owner enjoyed the privacy offered by the trees as well. Hansen motioned to approve the request; seconded by Munier. All ayes, motion carried.

Meeting adjourned.

ATTEST:

Respectfully Submitted,

Larry Wolf, Chairperson
Zoning Board of Adjustment

Andrew Fangman, Secretary
City Planner