

MINUTES
June 13, 2017 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall
City Council Chambers

Present: Seth Munier, Jodi Hansen, Larry Wolf, and Robert McFadden

Excused: Monica Gonzalez.

Staff: Andrew Fangman, City Planner, Community Development
Dave Gobin, Community Development Director, 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: Hansen motioned to approve the minutes submitted for the April 4, 2017 meeting; seconded by Munier. All ayes, motion carried.

Appeal Case #ZBA7-051217, filed by Mark Latta of 2115 W. Fulliam Avenue, to construct a 16'x20' garden shed. The proposed structure exceeds the maximum 2,500 sq. ft. allowed per City Code Section 10-20-2 (B)(1).

Mark and Marie Latta, 2115 W. Fulliam Avenue, were present to discuss their request. Mr. Latta advised they had approximately 14 acres of property and would like to add a garden shed. The proposed shed would be located halfway between the existing storage building and the house. McFadden asked if the proposed shed would be connected to any of the buildings. Mr. Latta replied it will be detached. He added that the structure will be built in the same manner as the existing storage building. Fangman noted that staff supports this request and have received an email in support as well. McFadden motioned to approve the conditional use request; seconded by Hansen. All ayes, motion carried.

Appeal Case #ZBAV8-053017, filed by Rodney Summy of 1503 Pine Ridge Ct., to construct a 40'x60' personal warehouse/garage. The proposed structure exceeds the maximum 2,500 sq. ft. allowed per City Code Section 10-20-2 (B)(1).

Rod and Deb Summy, 1503 Pine Ridge Court, were present to discuss their request. Mr. Summy explained that they purchased an extra lot and would like to construct a storage building on this lot to store campers, trailer, cars, etc. He advised that he was proposing a fairly tall building to accommodate a 12-foot door for the camper. He added that he would prefer to keep these items stored inside rather than on the street or sitting on the empty lot. They have approximately 1.5 acres with both lots. Fangman noted that the property owners would be required to legally tie the lots together prior to any construction should the Board approve the request.

Julia Neipert, 1221 Highway 22 East, spoke in opposition of the variance. Ms. Neipert stated that she did not want to see a large warehouse in the residential subdivision. She thought this would lower property values in the area. McFadden noted that he thought the wording of "personal warehouse" on the application may have been incorrect; this is a storage building. Ms. Neipert also cited concerns with the close proximity to Lot 3, a premier lot in the subdivision, and that the covenants don't allow buildings on an empty lot.

Gobin asked if the owners would be tying the aesthetics of the garage with the home. Mr. Summy replied that the proposed building would be post frame construction. They intend to color match the steel, add brick wainscoting to the front, have large windows, and have two levels. Gobin questioned if there would be screening. Summy answered that there are trees on-site and they just want to add a small driveway. Summy added that the proposed building and lot preparation will help with water runoff issues from property above. Summy noted that the location of the proposed structure will be tucked back and it will not be visible from the highway. He cited that he could move the structure back but he'd have to cut down more trees and would encounter more drainage issues. Summy showed Board members photos of the proposed building that he had on his phone.

Fangman noted that the size of a garage in a residential area is a case-by-case decision of the Board. Board members must consider the layout, character of the building, and setbacks. Neipert stated that covenants would need to be changed to accommodate this structure. Munier noted that subdivision covenants are a civil issue and could not be addressed by the Board. Neipert asked if the decision could be appealed. Fangman replied that any appeal to a decision rendered by the Board would need to be made to District Court.

McFadden motioned to approve the request as submitted; seconded by Munier. All ayes, motion carried.

Conditional Use Case #ZBACU7-053017, filed by Tara Schubick of 809 Whicher Street, to operate a hair salon from her home with one stylist. A barber or beauty shop is a conditional use in the R-3 Zoning District per City Code Section 10-5-2(M).

Jake and Tara Schubick, 809 Whicher Street, were present to discuss the request. Mr. Schubick stated that he plans to convert an existing recreational porch to a salon. He explained that there are currently two separate entrances – one with a zero (at grade) entry and the other has two steps. He added that they have four kids between them and it is simpler for Ms. Schubick to work from home. He noted that they have plenty of parking, more than 100 yards of concrete drive. Wolf asked if Ms. Schubick is a licensed stylist and the only one who will be on-site. Ms. Schubick replied she was licensed and would be the only stylist. Hansen asked Fangman if they had enough parking. Fangman replied that they had more than enough parking. Gobin asked if they had any signage plans. Ms. Schubick said they didn't have plans for signs yet. She stated that she has been a stylist for 12 years and has built up clientele. They will work mostly by word of mouth. Fangman stated that staff recommended approving the request. Hansen motioned to approve the conditional use 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

MINUTES
September 5, 2017 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall
City Council Chambers

Present: Seth Munier, Jodi Hansen, Monica Gonzalez, and Robert McFadden

Excused: Larry Wolf

Staff: Andrew Fangman, City Planner, Community Development Department

Vice- Chairperson Jodi Hansen opened the meeting at 5:30 p.m. and read the Mission Statement.

Minutes: Gonzalez motioned to approve the minutes submitted for the June 13, 2017 meeting; seconded by McFadden. All ayes, motion carried.

Appeal Case #ZBAV-9, filed by Joshua J. Boyer, to construct a 60'x60' garage at 2507 Mulberry Avenue. The proposed structure exceeds the maximum size allowed per City Code Section 10-20-2 (B)(1).

Josh Boyer, 2507 Mulberry Avenue, was present to discuss his request. Mr. Boyer explained that he required a larger garage, a 60' by 60' garage is being proposed, in order to store a collection of cars and other personal items. Munier how far the proposed garage would be from the side yard line. Mr. Boyer replied it will be 10' to 15'. Hansen asked about the impact on neighbors views. Mr. Boyer response that in his opinion it would not, the proposed garage is being located in a wood area, that while some thinning of the trees would occur, that the impact of this would largely be offset by the planting of arbor vitiates along north and west property lines. Fangman noted that staff supports this request. Julie Thorn, 410 Hogan Court asked is the garage would exactly match the appearance of the image submitted by Mr. Boyer as part of his application, and if it would like a residential building, a commercial building, or a pole barn. Mr. Boyer responded that it would resemble the submitted pictures except that it would have more window, no brickwork, and would not have the pictured red bollards. Mr. Boyer added that the floor the proposed garage would be located 6' to 7' below the present grade, and such the lowered profile of the building would not be very visible from Mulberry Avenue. Ms. Thorn then brought up a concern about storm water that is currently washing mud a debris onto to the existing sidewalk along Mulberry Avenue. Mr. Boyer responded that her would look into this issue. Munier motioned to approve the variance request as presented; seconded by Gonzalez. All ayes, motion carried.

Conditional Use Case #ZBACU-8, filed by Mike Judge, to construct and operate a car wash on Lot 6 of the Muscatine Mall Addition. A car was is a conditional use in the C-1 Zoning District per City Code Section 10-11-2(A).

Mike Judge, Princeton, Illinois, was present to discuss the request. Mr. Judge stated that he plans to construct a tunnel style car wash at the corner of Lake Park Blvd. and Park Avenue. The location is currently a disused portion of the mall parking lot. Mr. Judge explained that with this type of car wash the customer does not exit the vehicle. He also explained that he built numerous other car washes of this design in other towns. He also stated that it would employ one full time manager and 4 to 6 part time staff. Julie Thorn, 410 Hogan Court, comment that type of business fulfils a community need. Fangman stated that staff recommended approving the request. Gonzalez motioned to approve the conditional use request; seconded by McFadden. All ayes, motion carried.

Meeting adjourned.

ATTEST:

Respectfully Submitted,

Larry Wolf, Chairperson
Zoning Board of Adjustment

Andrew Fangman, Secretary
City Planner

MINUTES
October 10, 2017 – 6:00 p.m.
Zoning Board of Adjustment
Muscatine City Hall
Lower Level Conference Room

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

Staff: Andrew Fangman, City Planner, Community Development Department

Chairperson Wolf opened the meeting at 6:00 p.m. and read the Mission Statement.

Minutes: Gonzalez motioned to approve the minutes submitted for the June 13, 2017 meeting; seconded by McFadden. All ayes, motion carried.

Appeal Case #ZBAV-10, filed by Stephanie Balagna, to construct a 6' high opaque fence in the front yard 825 Leroy Street. The proposed structure exceeds the maximum height for an opaque fence in the front yard allowed per City Code Section 10-22-2 (B)(4).

Stephanie Balagna, 825 Leroy, was present to discuss her request. Ms. Balagna explained that she constructed an opaque fence of 6' in height in her front yard at 825 Leroy Street, thinking that she was doing so in compliance with City Code. Ms. Balagna then detailed an ongoing conflict with an adjoin property which lead her to construct the fence in question. Mika & Linda Price, 885 Leroy Street object to the fence as a safety issue as it causes a visual obstruction making it hard to see cars coming out driveways and deer crossing the road. Sue George 827 Leroy Street, state that she has issues with Ms. Balagna and her husband, denied the issues raised by Ms. Balagna earlier in the hearing, and objected to the fence as a safety hazard. Fred George 827 Leroy Street objected to the fence as a safety issue. Ron Nichols 846 Leroy Street object to the fence as a safety issue. Ms. Balagna noted that the deer no longer cross at this location and that she feels that it is not a safety issue. Chairperson Wolf asked for a motion on this appeal. No motion was offered, as such the appeal was denied.

Meeting adjourned.

ATTEST:

Respectfully Submitted,

Larry Wolf, Chairperson
Zoning Board of Adjustment

Andrew Fangman, Secretary
City Planner

MINUTES
November 7, 2017 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall
City Council Chambers

Present: Jodi Hansen, Seth Munier, and Larry Wolf

Excused: Monica Gonzalez and Robert McFadden

Staff: Andrew Fangman, City Planner, Community Development
Christa Bailey, Office Coordinator, Community Development

Chairperson Larry Wolf opened the meeting at 5:30 p.m.

Minutes: Staff reported that the minutes from the previous meetings were incomplete and would be submitted at a future meeting.

Conditional Use Case #ZBACU9-110917, filed by Pastor Sharon Phillips of 216 Roselawn Ave, to operate an emergency shelter from the Jesus Mission Church. An emergency shelter qualifies as a conditional use in C-1 Zoning District per City Code Section 10-11-2(I).

Pastor Sharon Phillips, 216 Roselawn Avenue, was present to discuss the request. Pastor Phillips stated that she would like to open an emergency shelter in the Jesus Mission Church to shelter people during freezing temperatures. She explained that Jesus Mission Church works with MCSA but MCSA must adhere to city codes; therefore, has to turn some people away due to sex offender and background checks, no ID, or at full capacity. Pastor Phillips would like to provide shelter for these turned out people. Wolf noted that Pastor Phillips had mentioned this would be for short term situations, what does she consider short term? Pastor Phillips replied that it may only be one night or may last up to two weeks. Hansen asked how many people would the church house at a time? Pastor Phillips advised that the most would be ten people. Hansen then inquired who would be responsible if anything were to happen to someone who was staying as a shelter guest or do they have any protocols in place if such were to happen. Pastor Phillips stated that they do have protocols for certain situations. There is no paid staff but there are 50 volunteers and they have weekly meetings to discuss any issues. Fangman then addressed an email he had received from the Hyvee manager, Matt Schweizer, who had some questions he would like answered. Fangman stated that most of the questions had already been addressed but he would go over them again. First question, Schweizer was curious as to the need for a shelter with the MCSA in place? Pastor Phillips reiterated that it would be for the people who the MCSA cannot accept i.e. no ID, background checks, or breaking rules. Second question from Schweizer: will the shelter be staffed, structured, and will there be rules? Pastor Phillips advised that a volunteer or herself will always be there and there will be rules for the guests, including no smoking. Charlotte Schafer, 2709 Bidwell, of MCSA then spoke on Pastor Phillips' behalf to explain that they complete sex offender checks, background checks, and have ID requirements so they do have to turn some people away even if they try their best to house everyone so the Jesus Mission Church would be filling a gap. Hansen questioned whether anyone besides the Jesus Mission Church would be liable if anything were to happen? Fangman explained that it is private property and the church would be solely liable. Wolf motioned to approve the conditional use request; seconded by Hansen. All ayes, motion carried. Pastor Phillips then asked if they wanted to put a time limit for how long a person can stay. Hansen said that in her opinion an emergency shelter is one night. Munier stated that it takes longer than one day to find a place to stay. Pastor Phillips seconded this stating sometimes if someone is starting a new job it can take a few weeks to get back on their feet. Fangman explained that the Board need not put a condition of a time restraint on the approval if unwanted. Board agreed that there was no need for a condition on time.

Zoning Change Case #PZZ5-110717, filed by the Sino-U.S. People-to-People Exchange Center, to install an awning at 129 W 2nd St that will overhang public right-of-way. Per City Code Section 10-19-2 (H)(7) new signs that overhang public right-of-way shall be reviewed by the Zoning Board of Adjustment followed by City Council.

Fangman explained that the case required a recommendation from the Board before going to City Council. Wolf stated that it used to have an awning and all the neighbors have similar awnings so he sees no issue. Hansen motioned to approve the zoning change 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