

Board of Adjustment  
Meeting Minutes  
February 22, 2011

1.) Chairman Mike Vander Wert called the meeting of the Board of Adjustment to order at 6:00 p.m.

2.) Roll Call.

Members Present: Jim Corbett, Larry Lautenbach, Vince Nossaman, Merlan Rolffs, Lyle Vander Meiden, Mike Vander Wert, James Vande Voort.  
Members Absent: Kraig Downs, John Van Den Berg.  
Others Present: Jerry Byers, George Wesselhoft.

3.) Approval of Agenda.

The Agenda was approved as submitted.

4.) Approval of Minutes.

The minutes for the January 25, 2011 meeting were approved as submitted.

5.) Public Hearing on Special Use Permit Application by Brom Auto Sales Inc. concerning a proposed Used Car Sales at 202 Main Street.

Chairman Vander Wert asked if any written comments had been received.

Jerry Byers, secretary to the Board, stated that no written comments had been received.

Chairman Vander Wert opened the floor to discussion.

Lyle Vander Meiden asked that staff provide history on the process that the property has been through to get to Board of Adjustment.

George Wesselhoft, Director of Planning and Zoning, explained to the Board that Mr. Brom's initial request was for a text amendment to allow used car sales in a CUC District. This request went to the Planning and Zoning Commission and the Commission did not want to see a used car lot in the CUC District. The Commission then made a recommendation to City Council to extend the CC District one block west to include the property on the corner since the boundary was Oskaloosa and E. 1<sup>st</sup> Street. City Council

then rezoned the block and grandfathered the existing buildings on the block on the setbacks. This allowed for Mr. Brom to ask for a Special Use Permit for used car sales.

There was discussion about a Special Use Permit staying with the land and who could ask for a Special Use Permit.

Mr. Wesselhoft went on to state that the City Attorney said that the Board could place reasonable conditions or stipulations on the granting of a Special Use Permit.

Larry Lautenbach asked if a stipulation could be placed for a specific individual.

Mr. Wesselhoft stated that he was pretty sure the City Attorney would say no.

Mr. Vander Meiden asked about a ten year time limit for a Special Use Permit?

Staff had never had this question before and the City Attorney was called to get an official opinion to the question.

Mr. Wesselhoft stated that the City Attorney said there was no stipulation in the Code that would allow a ten year deadline. The Attorney also advised against placing a time limit on the property.

Mr. Wesselhoft continued by addressing a earlier question by Vince Nossaman, concerning City liability in the site triangle, that anyone can be sued according to the City Attorney, but that Mr. Brom would carry the liability if the City was addressing any cars being parked in the Right-of-Way.

Discussion continued about public parking on Huber Street and the availability of parking on the property. The public hearing was closed.

6.) Special Use Permit Application by Brom Auto Sales Inc. concerning a proposed Used Car Sales at 202 Main Street.

Larry Lautenbach made a motion to approve, based on that the project will not be detrimental to the neighborhood and that the use is consistent with what has always been at the location. James Vander Voort seconded the motion. Upon vote, motion passed 7 to 0.

7.) Other Business. Mr. Byers stated that the next meeting would be on March 8, 2011.

8.) The meeting adjourned at 6:25 p.m.

Respectfully submitted,  
Jerry Byers  
Building Official