

**CITY OF PELLA, IOWA
BOARD OF ADJUSTMENT MINUTES
MARCH 15, 2021**

CALL TO ORDER BY THE CHAIRPERSON AND ROLL CALL

Chairperson Vander Meiden called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Vince Nossaman (via phone), Jaci Nunnikhoven, Merlan Rolffs (via phone), Lyle Vander Meiden, and Corey Westra; absent: Kristi Kious, Susan Reiter, and Mike Vander Wert. Staff present: Assistant City Administrator Corey Goodenow, Code Enforcement Officer Jared Parker, and the Deputy City Clerk. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. Seven members of the public joined the conference call.

CHAIRPERSON’S COMMENTS

Approval of the Tentative Agenda

Motion by Nossaman, second by Rolffs to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES

Motion by Rolffs, second by Westra to approve the October 19, 2020 minutes. Motion carried 5-0.

PUBLIC HEARINGS

Consider a Variance Request to Construct a Building within the Required Minimum Setback of the Year Yard at 908 Roosevelt Road

The applicant, Kurt De Jong, is the owner of 908 Roosevelt Road. The applicant requests a variance from the rear yard setback requirement in Table 165.12-3 to accommodate the construction of a new building for his business. The zoning for the property in question is Light Industrial (M1), which requires a rear yard setback of 25 feet. The lot itself is triangular and presents a challenge to construct a building within the appropriate setbacks on the east side of the property. The applicant has requested a variance to construct a new building into the 25-foot rear yard setback, which, if approved, would create a new setback of 10 feet along the entire rear stretch of the property, as depicted in the application.

While staff believes the location and configuration of the lot may be unusual, the request does not appear to meet the requirements of criterion #4, which requires "...demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice." Additionally, staff does not believe the request meets the requirements of criterion #7, which states, "...the owner has been deprived of all beneficial or productive use of the land." Staff does recognize that there are severe limitations on the property due to its shape and the bulk

regulations affecting setbacks. However, it is the opinion of staff that this request fails to meet all seven criteria required in the City's zoning code and recommends denial of the variance.

Convened **Public Hearing** on the variance request. No written comments were received.

The applicant, Kurt De Jong, was present via phone to answer questions from the Board and to speak in favor of the variance. He explained his intent to construct a building on the east side of the lot, so that he would have room for potential future construction on the west side. The building would be used as a shop for De Jong Door Service. He also explained that the present locations of a light pole, fire hydrant, and utility box on the lot would make an alternate orientation of the building and driveway challenging.

Vander Meiden inquired whether there are any requirements for green space on the lot. Code Enforcement Officer Jared Parker replied that there is a requirement of 10 percent.

De Jong mentioned that the proposed orientation of his building would also allow for better signage visibility for his business from the road.

Motion by Westra, second by Nunnikhoven to close the **Public Hearing** as no further comments were received. Motion carried 5-0.

Motion by Westra, second by Rolffs to deny the variance request. On roll call the vote was ayes: Westra, Rolffs, Nunnikhoven; nays: Nossaman and Vander Meiden. The variance was denied.

Consider a Minor Modification Request to Reduce the Minimum Setback of the Side Yard at 2086 Idaho Drive

Rick Place has submitted a minor modification application to reduce the minimum setbacks of the side yard at the property located at 2086 Idaho Drive to replace a deck with an addition. The subject property is located within the Light Industrial (M1) zoning district. This request would reduce the side yard setback of the M1 zone from the standard minimum of 25 feet to eight feet. In this case, the applicant is requesting the following minor modification: "Allow an addition to an existing legal nonconforming structure to extend no closer to the property line than an adjoining portion of the existing structure (Sect. 165.43.3.H.1.d)."

Staff believes the requested minor modification will not have a negative impact on the subject property or neighboring properties and would not increase the amount of people or vehicles within the neighborhood. Staff also believes the proposal would maximize the owner's use of the property while still complying with City Code. For these reasons, staff believes the minor modification request should be granted and, therefore, is recommending approval of the proposal.

Convened **Public Hearing** on the minor modification request. No written comments were received.

The applicant, Rick Place, was present via phone to answer questions from the Board and to speak in favor of the minor modification request.

Assistant City Administrator Corey Goodenow explained that the existing deck is a legal non-conforming structure.

Motion by Nunnikhoven, second by Westra to close the **Public Hearing** as no further comments were received. Motion carried 5-0.

Motion by Nunnikhoven, second by Westra to approve the minor modification request as submitted. Motion carried 5-0.

Consider a Minor Modification Request to Increase the Maximum Height of an Accessory Structure at 1542 Shady Brook Ln.

Troy Seekamp, owner of 1542 Shady Brook Ln., has submitted a minor modification application to increase the maximum height of an accessory structure to store a camper and a boat. The subject property is zoned Low-Density Single-Family Residential (R1). The zoning code limits an accessory structure's height to a maximum of 15 feet. If the minor modification is approved, the maximum permitted height of the detached garage would become 20 feet. The applicant is requesting the following minor modification: "Increase the maximum height of a detached garage in the residential districts to 20 feet or the height of the principal structure, whichever is less, as measured at the midpoint of the roof slope halfway between the top of the sidewall and peak of the structure."

A minor modification to increase the maximum height of an accessory structure from 15 feet to 20 feet would not have a negative effect on the subject site or adjacent properties. The structure would be located well behind the primary structure and is on a significantly larger lot than the surrounding properties. As this should not adversely affect the neighborhood, adjacent properties, or the subject site, staff recommends approval of the minor modification.

Convened **Public Hearing** on the minor modification request. No written comments were received.

Motion by Westra, second by Nunnikhoven to close the **Public Hearing** as no further comments were received. Motion carried 5-0.

Motion by Rolffs, second by Westra to approve the minor modification request as submitted. Motion carried 5-0.

NEW BUSINESS

Election of Chairperson and Vice-Chairperson for 2021

On an annual basis, the Board of Adjustment is required to select a Chairperson and Vice-Chairperson from its membership. All members are eligible to serve in these roles. The

primary role of the Chairperson is to conduct the Board of Adjustment meetings in accordance with the Board of Adjustment's Procedural Rules. In the absence of the Chairperson, the Vice-Chairperson will serve as the Chairperson during the Board of Adjustment meetings. In addition to the above responsibilities, both positions will serve in liaison roles for staff.

The following member is the existing Chairperson:

- Lyle Vander Meiden

The following member is the existing Vice-Chairperson:

- Mike Vander Wert

Board members will be nominated from the floor. Both positions will be held for one year.

Motion by Nossaman, second by Rolffs to elect Westra as Chairperson for 2021. Motion carried 5-0.

Motion by Nossaman, second by Westra to elect Nunnikhoven as Vice-Chairperson for 2021. Motion carried 5-0.

OTHER BUSINESS/PUBLIC FORUM

Next Meeting Date

The next meeting is scheduled for April 19, 2021.

Adjourned at 7:05 p.m.