

**CITY OF PELLA, IOWA  
BOARD OF ADJUSTMENT MINUTES  
APRIL 19, 2021**

**CALL TO ORDER BY THE CHAIRPERSON AND ROLL CALL**

Chairperson Westra called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Kristi Kious, Vince Nossaman (via phone), Jaci Nunnikhoven, Susan Reiter (via phone), Merlan Rolffs (via phone), Lyle Vander Meiden, Mike Vander Wert, and Corey Westra; absent: none. 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. Three members of the public attended the meeting in person and three members of the public joined the conference call.

**CHAIRPERSON'S COMMENTS**

**Approval of the Tentative Agenda**

**Motion** by Reiter, second by Vander Meiden to approve the tentative agenda. Motion carried 8-0.

**APPROVAL OF MINUTES**

**Motion** by Kious, second by Nunnikhoven to approve the March 15, 2021 minutes. Motion carried 8-0.

**PUBLIC HEARINGS**

**Consider a Variance Request to Reduce the Side Yard Setback at 501 Columbus St.**

Hans Kelpke has submitted a variance application to reduce the street side yard setback on his property at 501 Columbus St. He requests relief from the requirement of Table 165.12-3, which establishes a 10-foot street side yard setback. He is seeking to construct a porch in his street side yard (along East Second Street) which would extend seven feet into the required street side yard setback. If approved, this would create a street side yard setback of three feet.

The City's zoning code requires a variance request to meet all seven of the required conditions for approval. While staff finds that the proposed porch would likely be an improvement to the site, staff does not believe request meets all seven requirements, particularly criterion #4, which requires "...demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice" and 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 the lot size/layout with regards to 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. Two written comments were received stating no objections to the proposed variance and were included in the meeting packet.

The applicant, Hans Kelppe, was present to answer questions from the Board and spoke in favor of the variance.

**Motion** by Vander Wert, second by Reiter to close the **Public Hearing** as no further comments were received. Motion carried 8-0.

**Motion** by Nossaman, second by Nunnikhoven to approve the variance request due the unique placement of the house on the lot. Motion carried 8-0.

**Consider a Variance Request to Construct an Accessory Structure in the Side and Front Yard of the Property Located at 632 228<sup>th</sup> Pl.**

Mark Van Gorp has submitted a variance application for his property located at 632 228<sup>th</sup> Pl. The applicant has requested a variance to permit a detached structure in the side and front yard when City Code Sections 165.30.3 (A) and (B) require that all accessory structures be placed in the rear yard. The purpose of the accessory structure is to store the applicant's work vehicles in an enclosed structure out of the elements.

While the property presents some unique features that are not normally present in the nearby lots, staff does not believe the variance request meets all seven of the required criteria. Staff believes the request particularly fails to meet the requirements of criterion #4, which requires "...demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice" and criterion #7, which states, "...the owner has been deprived of all beneficial or productive use of the land." While staff does recognize that there are unique features of the property due to its shape in relation to the bulk regulations affecting setbacks, it is staff's opinion that this request fails to meet all seven criteria required in the City's zoning code and, therefore, recommends denial of the variance.

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

The applicant, Mark Van Gorp, was present to answer questions from the Board and spoke in favor of the variance.

**Motion** by Vander Meiden, second by Reiter to close the **Public Hearing** as no further comments were received. Motion carried 8-0.

**Motion** by Vander Meiden, second by Nossaman to approve the variance request due to the extreme uniqueness of the property and with the condition that the accessory structure has a 10-foot minimum setback from the property line along parcels 1370500000 and 137000000. Motion carried 8-0.

**Consider a Minor Modification Request to Increase the Maximum Height of an Accessory Structure at 632 228<sup>th</sup> Pl.**

Mark Van Gorp, owner of 632 228<sup>th</sup> Pl., has submitted a minor modification application to increase the maximum mean height of an accessory structure to store tall vehicles. The subject property is zoned Low-Density Single-Family Residential (R1) and Community Commercial (CC). The zoning code limits an accessory structure's mean height to a maximum of 15 feet. If the minor modification is approved, the maximum permitted mean height of the detached garage would become 20 feet. The applicant's purpose for seeking the increased height is to accommodate his work vehicles' height by having a 12-foot garage door and a roof with a pitch suitable for Iowa winters.

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 allow for vehicles presently parked outside to be parked inside a structure. 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.

Van Gorp was present to answer questions from the Board and to speak in favor of the minor modification request.

**Motion** by Reiter, second by Nunnikhoven to close the **Public Hearing** as no further comments were received. Motion carried 8-0.

**Motion** by Reiter, second by Rolffs to approve the minor modification request as presented. Motion carried 8-0.

**Consider a Minor Modification Request to Increase the Maximum Height of an Accessory Structure at 804 197<sup>th</sup> Pl.**

Mike Thomson, owner of 804 197<sup>th</sup> Pl., has submitted a minor modification application to increase the maximum height of an accessory structure. The subject property is zoned Rural Residential (RR). The zoning code limits an accessory structure's mean height to a maximum of 15 feet. If the minor modification is approved, the maximum permitted mean height of the detached garage would become 20 feet. The applicant would like to build an accessory structure with an approximately 16-foot mean height. The existing structure that is located on the site will be demolished to allow for the requested accessory structure, which will be built according to the City's accessory structure code.

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 large lot. 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 Vander Wert, second by Vander Meiden to close the **Public Hearing** as no further comments were received. Motion carried 8-0.

**Motion** by Reiter, second by Rolffs to approve the minor modification request as presented. Motion carried 8-0.

### **NEW BUSINESS**

None.

### **OTHER BUSINESS/PUBLIC FORUM**

#### **Next Meeting Date**

The next meeting is scheduled for May 17, 2021.

Adjourned at 7:13 p.m.