



City of Muscatine

ZONING BOARD OF ADJUSTMENTS

Tuesday, March 7, 2023

5:30 p.m. - City Hall Council Chambers 215 Sycamore St Muscatine, IA

AGENDA

1. CALL TO ORDER/ROLL CALL

2. MISSION STATEMENT

3. APPROVAL OF MINUTES

A. February 21, 2023

4. VARIANCE APPEALS

A. ZBAV02-2023 filed by Jesse Wetzel to not hard surface the existing driveway located at 2306 Lucas St. Mr. Wetzel intends to build a 28x36x14 or 12 building sitting 8 to 10 feet from the rear property line. With the new construction, the current gravel driveway from the sidewalk to the garage would need to be hard surfaced. Per City Code Section 10-27-8 (A) all areas intended for vehicular use shall be hard surfaced.

B. ZBAV0001-2023 filed by MSCA requested several variances for the following properties: 601 E 6th St, 609 Orange St, and the West Half of Lot Two (2) of Block One Hundred Sixteen (116). A new 21-unit permanent housing development instead of 15 units is being proposed on the three lots. The new building will have three floors with accessible dwelling units and facility support spaces. The applicant would like to change the building height limitation from 35' to 47.5'. Per City Code 10-8-3 (A) the maximum structure height is 35 feet, except for as

provided for in Title 10, Chapter 26. Per City Code 10-26-1(A) also requires qualifying structures built above the zoning district height limit (35'), to be set back at least 1' from every foot that zoning district height limit is exceeded by. The building setback would need to be at least 12.5' from all property lines.

The three combined parcels will be approximately 12,740 sq ft which is short of the required 21,000 sq ft for multifamily residence per City Code 10-8-3(G). This will allow for the 21 units to be placed on the smaller parcel to allow for the home at 605 6th St to remain.

They are requesting a 62% reduction in the amount of required parking spots. The current zoning requires twenty-one onsite parking spaces. Given the proximity to downtown Muscatine and the community amenities, a request has been made to reduce the parking spots from twenty-one to eight due to access to bike, bus, and walking opportunities. The ZBA per Section 10-31-2 (C) (3B) can reduce the onsite requirements. Parking would be for a maximum of 4-6 employees on site at any given time.

5. **ADJOURNMENT**

MINUTES
February 21, 2023 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall – City Council Chambers

Present: Jodi Hansen, Nancy Jensen, Larry Murray, Robert McFadden, and Julie Wolf

Excused:

Staff: April Limburg, Planner, Community Development

Chairperson Jodi Hansen opened the meeting at 5:30 p.m. and read the mission statement.

Minutes:

Wolf motioned to approve the January 3, 2023 minutes; seconded by Murray. All ayes, motion carried.

Variance Appeals:

Variance Appeal ZBAV0006-2022 filed by Mike Harapat to allow access that will be passable by wheeled vehicles during the base flood located on parcel 0836230011 on Spillway Lane by Section 10-4-5 (D) (h) of City Code.

Mike Harapat purchased the parcel to build a 860 sq ft raised cabin which will be 1 foot above high flood per FEMA. To have access to the property during a flood, Harapat needed to apply for the variance.

Limburg had not been contacted by any of the neighboring properties with concerns or comments.

Wolf motioned to approve the conditional use request; seconded by McFadden. All ayes, motion carried.

Variance Appeal ZBAV0001-2023 filed by Muscatine County Social Action (MCSA) requested several variances for the following properties: 601 E 6th St, 609 Orange St, and the West Half of Lot Two (2) of Block One Hundred Sixteen (116). A 21-unit permanent housing development instead of 15 units is being proposed on the three lots. The new building will have three floors with accessible dwelling units and facility support spaces. Entry will be from the alley to the east of Orange St. The applicant would like to change the building height limitation from 35' to 47.5'. Per City Code 10-8-3 (A) the maximum structure height is 35 feet, except for as provided for in Title 10, Chapter 26. Per City Code 10-26-1(A) also requires qualifying structures built above the zoning district height limit (35'), to be set back at least 1' from every foot that zoning district height limit is exceeded by. The building setback would need to be at least 12.5' from all property lines.

The three combined parcels will be approximately 12,740 sq ft which is short of the required 21,000 sq ft for multifamily residence per City Code 10-8-3(G). This will allow for the 21 units to be placed on the smaller parcel to allow for the home at 605 6th St to remain.

They are requesting a 62% reduction in the amount of required parking spots. The current zoning requires twenty-one onsite parking spaces. Given the proximity to downtown Muscatine and the community amenities, a request has been made to reduce the parking spots from twenty-one to eight due to access to bike, bus, and walking opportunities. The ZBA per Section 10-31-2 (C) (3B) can reduce the onsite requirements. Parking would be for a maximum of 4-6 employees on site at any given time.

Scott Dahlke with MCSA was present to discuss the appeal. MCSA would like to provide a 21 unit permanent supportive housing and along with 8 parking spots for staff. The units would be efficient and in the center of the building would be an office with 24 hr staffing. The residents would have to meet income requirements as will have to sign a lease. Each unit will be a single unit and the exits will be monitored. Due to delays with the State Historic office and the cost of supplies,

MCSA needed to have additional funding from the State. To cover the cost, a third floor was added to the design plan changing the initial supportive housing from 15 units to 21 units.

Jensen had concerns with staff in regards to the parking needs. Dahlke advised the Board, staff would be off set and not there all at once. The main office is only big enough to staff 2 people at a time.

Murray also had concerns with lack of parking along with loitering. Murray also asked where the utilities if a transformer would be located along with where the trash collection site would be considering this area would need to be fenced in.

Dahlke let the Board know there will be 24 hr surveillance. The units will be non-smoking units but there will be an areas 25 feet from the building in a common area for those to smoke. He also discussed 2 areas in which trash collection could be located.

The Board discussed in great depth the concerns for the lack of parking for staff and people coming to visit those living in the units. The Board also discussed several options to place the additional parking. It was discussed demolishing the house located at 601 E 6th to ensure more room for the building due to the setbacks as well as parking.

Dahlke advised the Board, the home located at 601 E 6th will not be demolished as there have been several donors who donated to ensure the foundation was fixed and to make the home habitable. The home will be rented out in the next month.

Murray would like to see an additional 5 parking spots to ensure there would be enough parking for staff and visitors. The Board agreed.

Dahlke would like to have the Board table the discussion to relook at the parking concerns as well as the placement of the trash collection.

Murray motioned to table the variance request for further information; seconded by Wolf. All ayes, motion carried.

Meeting adjourned at 6:40 p.m.

ATTEST:

Respectfully Submitted,

Jodi Hansen, Chairperson
Zoning Board of Adjustment

April Limburg, Secretary
Planner

COMMUNITY DEVELOPMENT

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

MEMORANDUM

To: Zoning Board of Adjustments
From: April Limburg, Planner
Date: February 21, 2023
Re: Variance Appeal No. ZBAV02-2023

INTRODUCTION: Variance Appeal No. ZBAV02-2023 to not hard surface the existing driveway located at 2306 Lucas St.

BACKGROUND: Variance Appeal No. ZBAV02-2023 filed by Jesse Wetzel to not hard surface the existing driveway located at 2306 Lucas St. Mr. Wetzel intends to build a 28x36x14 or 12 building sitting 8 to 10 feet from the rear property line. With the new construction, the current gravel driveway from the sidewalk to the garage would need to be hard surfaced. Per City Code Section 10-27-8 (A) all areas intended for vehicular use shall be hard surfaced.

The area is roughly 178 ft by 10ft to be hard surfaced. With the cost to hard surface the area would be over \$10,000. Mr. Wetzel is asking for the variance to not hard surface the area due it would create a financial hardship and he wouldn't be able to construct the new garage.



COMMUNITY DEVELOPMENTPlanning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement**MEMORANDUM**

To: Zoning Board of Adjustments

From: April Limburg, Planner

Date: March 1, 2023

Re: Variance Appeal ZBAV0001-2023

INTRODUCTION: Variance Appeal ZBAV0001-2023, filed by MCSA (Muscatine Housing Solutions) requested several variances for the following properties: 601 E 6th St, 609 Orange St, and the West Half of Lot Two (2) of Block One Hundred Sixteen (116). A 21-unit permanent housing development instead of 15 units is being proposed on the three lots. The new building will have three floors with accessible dwelling units and facility support spaces. Entry will be from the alley to the east of Orange St.

BACKGROUND: MCSA requested several variances for the following properties: 601 E 6th St, 609 Orange St, and the West Half of Lot Two (2) of Block One Hundred Sixteen (116). A new 21-unit permanent housing development instead of 15 units is being proposed on the three lots. The new building will have three floors with accessible dwelling units and facility support spaces

The applicant would like to change the building height limitation from 35' to 47.5'. Per City Code 10-8-3 (A) the maximum structure height is 35 feet, except for as provided for in Title 10, Chapter 26. Per City Code 10-26-1(A) also requires qualifying structures built above the zoning district height limit (35'), to be set back at least 1' from every foot that zoning district height limit is exceeded by. The building setback would need to be at least 12.5' from all property lines.

The three combined parcels will be approximately 12,740 sq ft which is short of the required 21,000 sq ft for multifamily residence per City Code 10-8-3(G). The variance is asking to allow for the 21 units to be placed on the smaller parcel to allow for the home at 605 6th St to remain.

They are requesting a 62% reduction in the amount of required parking spots. The current zoning requires twenty-one onsite parking spaces. Given the proximity to downtown Muscatine and the community amenities, a request has been made to reduce the parking spots from twenty-one to eight due to access to bike, bus, and walking opportunities. The ZBA per Section 10-31-2 (C) (3B) can reduce the onsite requirements. Parking would be for a maximum of 4-6 employees on site at any given time.

****Per Code** - The minimum number of off-street parking spaces may be reduced by up to 50% when the applicant for a development can demonstrate, to the satisfaction of the Site Plan Review Committee, that the use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, user, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to off-street parking space requirements contained in Section 10-27-2 and such a reduction in the number of required off street parking spaces will not adversely impact the surrounding area.

*******Just a reminder parking is required for residents and not visitors. You also need consider looking at the possibility of others parking in a lot and being used as a common area. The area needs to be looked at as a whole especially when Hy-Vee has the garden center or large sales in the current parking lot and the employees are to find alternative parking which may be side street parking or parking in open lots

Attached is the application, site plan, and aerial of the property.



APPEAL TO THE BOARD OF ADJUSTMENT FOR A VARIANCE:

This notice of a Variance appeal to the Muscatine County Board of Adjustment is from the decision of the determination made by the Muscatine County Zoning Administrator for Muscatine County.

Facts in this case are as follows:

The premises affected is zoned: R-5 MULTI-FAMILY RESIDENTIAL

Containing approximately: 12,740 S.F.

Located in parts of the: MUSCATINE COUNTY, IOWA

Parcel #/District: PARCEL ID #0835426019

Address of Property affected: 601 E 6TH ST. MUSCATINE, IA, 52761

That said Zoning Administrator denied or refused to issue a Variance request for the reason that it was a matter, which in their opinion, should properly come before the Muscatine County Board of Adjustment. (I) (We), therefore, request that a Variance be granted as follows:

1. We are requesting a 62% reduction in the amount of required parking - 21 parking spaces reduced to 8 spaces.
2. We are requesting a change to city code 10-26-1(A) - 35' zoning district height limit increased to 47.5'.

and that the Muscatine County Zoning Administrator be authorized and instructed to issue a Variance for this use, and (I) (We) contend you have such authority as set out in Article XVIII, Section 3, after your Board has held a public hearing and approved the Variance.

That attached, hereto, is our non-refundable fee in the amount of \$150.00 per request made payable to the Muscatine County Treasurer, Zoning Office Receipt # _____.

Respectfully submitted on this date: _____ and signed by: _____

The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Muscatine County, Iowa, assuring the information provided herein is true and correct. By signing below, I hereby give my consent for the Muscatine County Zoning Office to conduct a site visit and photograph the subject property.

Applicant's Signature
(if different than Record Owner)

☒ Scott Dahlke
Record Owner Signature

Print Applicant's Name
(if different than Record Owner)

Scott Dahlke
Print Record Owner's Name

Print Applicant's Address
(if different than Record Owner)

312 Iowa Ave, Muscatine IA 52761
Print Record Owner's Address

Print Applicant's Telephone #
(if different than Record Owner)

563 - 264 - 3278
Print Record Owner's Telephone #

Print Applicant's Email Address
(if different than Record Owner)

sdahlke@mcsc Iowa.org
Print Record Owner's Email Address

LEGAL STANDARDS FOR VARIANCES

As a potential applicant for a variance, you need to be aware of the legal standards under which variance applications are to be evaluated by the Board of Adjustment. A variance is not to be granted as a convenience to a property owner. Iowa courts have stated that variances are not to be granted routinely. To do so would defeat the purpose of having a zoning ordinance. Zoning ordinances are created for purpose of promoting health, safety, morals, or general welfare of the community. The courts have also stated that it is the burden of the application that meets the required standards.

In order to justify the granting of a variance, the applicant must show that an unnecessary hardship exists, that there is a unique property limitation, and that the variance would not be contrary to the public interest.

The following points are all drawn from Iowa case law, and are the standards under which a variance action would be reviewed by the courts:

Unnecessary Hardship

What constitutes a hardship is to be determined from the facts and circumstances of each individual case. An applicant for a variance has the burden of showing all of the following:

1. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone. Lack of a reasonable return may be shown by proof that the owner has been deprived of all beneficial use of his land. All beneficial use is said to have been lost where the land is not suitable for any use permitted by the zoning ordinance.
2. The plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood, which may reflect the unreasonableness of the zoning ordinance itself.
3. The use to be authorized by the variance will not alter the essential character of the locality. (Iowa Code Section 414.12(3))

Unique Property Limitation

Unique physical characteristics of the property, not the desires of, or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. Such limitations may arise due to steep slopes, wetlands, or parcel shape that limits the reasonable use of property.

Protection of the Public Interest

Granting a variance must neither harm the public interest nor undermine the purposes of the ordinance. In granting a variance, the Board may attach special conditions to ensure that the public welfare will not be damaged. Such conditions must relate reasonably to the purpose and intent of the ordinance. Also, any variance granted should include only the minimum relief necessary to allow reasonable use of property.

The Board of Adjustment shall determine:

- That it will not impair an adequate supply of light and air to adjacent property.
- That it will not unreasonably increase congestion and traffic hazards on public roads.
- That it will not unreasonably diminish or impair established property values within the surrounding areas.
- That it will not in any other respect impair the public health, comfort, safety, morals or welfare of the inhabitants of the county.
- That it will not impair the general purpose and intent of the regulations and provisions contained in the Muscatine County Zoning Ordinance and Comprehensive Plan.

Items Not Grounds for Hardship

- Loss of profit or financial hardship is not in and of itself grounds for a variance.
- Self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or a former owner, the hardship is self-imposed.

The Board of Adjustment has authority to determine whether exceptions to an ordinance are to be allowed. It cannot amend or change an ordinance or declare an ordinance unconstitutional. The zoning commission and the Board of Supervisors have the power to change the zoning restrictions.

SECTION 7. BOARD OF SUPERVISORS REVIEW

The Board of Supervisors reviews variances granted by the Board of Adjustment, usually within two weeks of the Board of Adjustment's decision. The Board of Supervisors may remand a decision to grant a variance to the Board of Adjustment for further study. If remanded, the effective date of the variance is delayed for thirty days from the date of the remand.

VARIANCE QUESTIONNAIRE

(Some questions may not apply – just mark n/a if that is the case)

1. What do you feel is the unnecessary hardship?

N/A

2. Will the granting of this Variance impair an adequate supply of light and air to adjacent property?

Light and air supply to adjacent properties will not change from the previous height of the building prior to the granting of this Variance.

3. What is the unique property limitation?

The existing limitation we face is city code 10-26-1(A) zoning district building height limit of 35'.

4. Will the proposed use alter the character of this property in any way?

the proposed use will not alter the character of this property as the finish grade will reflect the existing grade.

5. Will the proposed use unreasonably increase congestion and traffic hazards on public roads?

The proposed use will not increase congestion and traffic hazards on public roads.

6. Will the proposed use unreasonably diminish or impair established property values within the surrounding areas?

The proposed use will not impair property values within the surrounding areas.

7. Will the proposed use impair the public health, comfort, safety, morals or welfare of the inhabitants of the county?

Inhabitants of the county will not be impaired.

8. Will the proposed use impair the general purpose and intent of the regulations and provisions contained in the Muscatine County Zoning Ordinance and Comprehensive Plan?

The proposed use will not impair the regulation and provisions in the Comprehensive Plan.

9. What are the proposed days and hours of operation?

Proposed days and hours of operation will be a 24hr on site staff member, 7 days of the week.

10. What type of county, state and/or federal permits will be needed to conduct the business?
-

11. How many employees will be coming to the site?

There will be a maximum of 4-6 employees on site at any given time within a 24hr day.

12. What type of traffic will be generated by the proposed use?

The type of traffic generated by the proposed use will most commonly be foot traffic.

13. Estimate the water and sewage demands created by the proposed use.

N/A

14. Describe the amount and types of equipment and/or materials to be stored on site.

General construct equipment and vehicles will be stored on site during construction.

15. Will there be any offensive odors, noise or fumes created by the proposed use?

N/A



**NEW PERMANENT SUPPORTIVE
HOUSING FOR MCSA**

601 EAST 6TH STREET
MUSCATINE, IA 52761

[illegible]

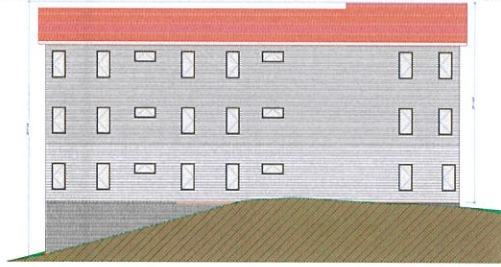
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DATE:	1/24/2023
DRAWN BY:	MSN

SHEET TITLE

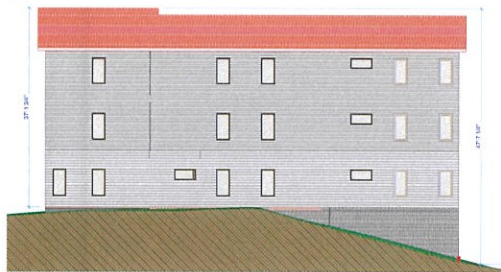
FLOOR PLANS

SD-1

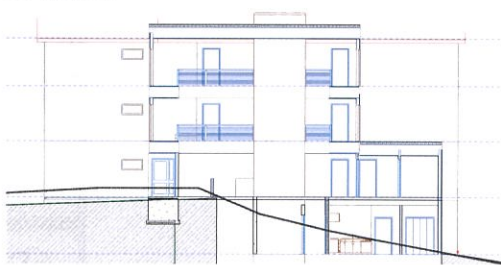
C:\Users\luna.Mitchell\Documents\Architectural\Michael Nolan - Projects\General Projects\022-006 MCSA New Build\1 - Model and Design\PCSA Supportive Housing.dgn



1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 BUILDING AND SITE SECTION
SCALE: 1/8" = 1'-0"



4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



5 WEST ELEVATION
SCALE: 1/8" = 1'-0"

SCHEMATIC DESIGN - NOT FOR CONSTRUCTION



NEW PERMANENT SUPPORTIVE
HOUSING FOR MCSA

601 EAST 4TH STREET
MUSCATINE, IA 52751

PROJECT NO: 2023-006
DATE: 1/24/2023
DRAWN BY: MSN
COPYRIGHT

SHEET TITLE
ELEVATIONS

SD-2

