



City of Muscatine

ZONING BOARD OF ADJUSTMENTS

Tuesday, August 1, 2023

The Zoning Board of Adjustments meets on the 1st Tuesday of each month at 5:30 p.m. in City Hall Council Chambers.

August 1, 2023, 5:30 PM

AGENDA

1. CALL TO ORDER/ROLL CALL

2. MISSION STATEMENT

3. APPROVAL OF MINUTES

A. May 2, 2023

B. June 6, 2023

4. VARIANCE APPEALS

A. ZBAV09-2023, filed by Seth Koerner (SDK IA, LLC) to allow the conversion and rehabilitation of a former business of a barber shop into two habitable units on the same parcel to be rent out, located at 906 E 9th St. Per City Code Section 10-6-1 (A)(1) single family dwelling is a permissive use under the R3- single family residence.

B. ZBAV08-2023, filed by Santos and Anabelia Flores to construct a 23'x35' 3 car garage in the back yard of the property at their residence located at 103

Madison. The garage would be setback 4 feet from the side property line and 18 feet from the rear property line. Per City Code Section 10-17-3 (C) (D) the addition doesn't meet the required setbacks of 20 feet from the rear and 6 feet from the side property line in the S-2 zoning district.

- C. ZBAV07-2023, filed by Jonathan and Becky Estabrook to construct a 40'x60' indoor playhouse in the back yard of the property at their residence located at 10 Bryon Lane. Per City Code Section 10-20-2 (B) (1) the building exceeds the maximum cumulative square footage of all accessory buildings and attached garages.

5. ADJOURNMENT

MINUTES
May 2, 2023 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall – City Council Chambers

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

Excused:

Staff: April Limburg, Planner, Community Development
Christa Bailey, Office Coordinator, Community Development

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

Minutes:

Robert McFadden motioned to approve the March 7, 2023 minutes; seconded by Larry Murray. All ayes, motion carried.

Variance Appeal No. ZBAV03-2023 filed by Tom Spread to build a 36'x48' pole building with a 6'x16' porch on the side located on the west side of the property located at 5312 67th Ave West. The variance is to appeal the setback requirements per City Code section 10-20-3 (F) and 10-20-3(D).

Tom Spread, 809 Mulberry Ave, was present to discuss the variance appeal request. Mr. Spread explained that his sister owns 5312 67th Ave West and she offered him the opportunity to construct a building on her property to store his boat and camper. Mr. Spread stated that he already spent a lot of money on the engineering plans for the proposed building and hopes the setbacks can be reduced rather than changing those plans. Mr. Spread shared that the proposed building is set at least 60 feet back from Cheryl St which is where it will be accessed from and that he added the side porch to make it look more residential. Mr. Spread expressed that if he is forced to make the building smaller to fit the setback requirements the building will no longer meet his needs and if he is made to move the building farther back to fit the setbacks requirements then a mature tree will have to be removed.

Robert McFadden questioned what the setback requirements are supposed to be for the proposed building. April Limburg replied the side yard setback is supposed to be 19 feet, which it does not meet, and the front setback is supposed to be at least 4 feet behind the front building line of the main building but Mr. Spread wants it to be in line so the variance appeal requests to reduce the side yard setback to 13 feet and remove the front setback completely.

Jodi Hansen asked April Limburg if she had been contacted by any of the neighboring properties with concerns or comments, to which Ms. Limburg responded no.

Robert McFadden motioned to approve the variance appeal; seconded by Julie Wolf. All ayes, motion carried.

Conditional Use No. ZBACU01-2023 filed by Muscatine Power and Water to allow the construction of a 48'x60' storage building for equipment at the West Hill substation. The property is located on Lucas St on parcel 0834376001. Per City Code Section 10-6-2 (G), the substation is allowed as a conditional use for the R3 – single family residence zoning district.

Brian Butler, 872 Newell Ave, an employee of Muscatine Power and Water was present to discuss the conditional use request. Mr. Butler explained that the Muscatine Power and Water is in need of storage for their equipment as a lot of equipment is currently stored outside where it is negatively impacted by the weather so if it can be stored inside the longevity of the equipment would be greatly improved.

Jodi Hansen inquired for details on how the building will look and Mr. Butler responded it will be a pole building with steel siding that will match the color of the reservoir with accent trim. Mr. Butler also shared they may plant evergreens trees to block the view for the neighboring property and plan to direct all water runoff to the drains located on Cook St.

Jodi Hansen asked April Limburg if she had been contacted by any of the neighboring properties with concerns or comments, to which Ms. Limburg responded no.

Nancy Jensen commented on the fact that according to the plans a tree will need to be removed to construct the storage building and requested more trees to be planted on the property, to which Mr. Butler stated Muscatine Power and Water is willing to do.

Julie Wolf motioned to approve the conditional use; seconded by Nancy Jensen. All ayes, motion carried.

Variance Appeal No. ZBAV04-2023 filed by Muscatine Power and Water to allow for the construction of a storage building for equipment located on parcel 0834376001 on Lucas St. The variance is to appeal the setback requirements per City Code Section 10-6-3 (D).

Brian Butler, 872 Newell Ave, an employee of Muscatine Power and Water was present to discuss the variance appeal request to reduce the rear yard setback requirement of 25 feet to 15 feet.

Jim Edmond, 205 Cook St, shared that his property is the first house to the north of the property and MPW has been the best neighbors but he has some reservations about the project unless conditions can be established within the variance to protect his property and interests. April Limburg explained the Board is capable of establishing such conditions which the applicant must agree to uphold for the Board to approve variance appeal.

Mr. Edmond requested to establish a condition which restricts Muscatine and Power from storing anything between the building and the rear yard setback. Mr. Butler stated that should be possible.

Mr. Edmond commented the plan shows the building will be setback 20 feet from the tank and requested to establish a condition which adjusts the rear yard setback to 20 feet with the building to be setback 15 feet from the tank. Mr. Butler explained that they typically want as much room as possible if they need to do maintenance on the tank but proposed setback adjustments are acceptable.

Mr. Edmond shared that Muscatine Power and Water built a berm to reduce the water runoff into his and his neighbor's backyard and he does not want to lose this protection so he requested to establish a condition which requires the berm to always be in place. Mr. Butler agreed.

Mr. Edmond requested to establish a condition which requires at least 4 evergreen trees with at least a 1-inch diameter to be planted at the north side. Mr. Butler consented to the evergreen trees and added that some form of landscaping will be planted at the front.

Jodi Hansen asked April Limburg if she had been contacted by any of the neighboring properties with concerns or comments, to which Ms. Limburg responded no.

Julie Wolf motioned to approve the variance appeal with the aforementioned conditions; seconded by Robert McFadden. All ayes, motion carried.

Meeting adjourned at 6:00 p.m.

ATTEST:

Jodi Hansen, Chairperson
Zoning Board of Adjustment

Respectfully Submitted,

April Limburg, Secretary
Planner I

MINUTES
June 6, 2023 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall – City Council Chambers

Present: Jodi Hansen, Nancy Jensen, Robert McFadden, Larry Murray 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.

Variance Appeal No. ZBAV05-2023 filed by Gregory Johnston to allow a cargo container for storage purposes to be located at 1111 Mulberry Ave. Per City Code Section 10-20-5 (B)(1) cargo containers are not permitted in a R4 zoning district. Per City Code Section 10-20-5 (C)(2)(C)(a,b) of setback requirements of 25' from the property line and 50' from the dwelling unit on a different parcel.

Greg Johnston, 3241 Mulberry Ave, was present to discuss the variance appeal. The property had a garage on it and was demolished several years ago. The cargo container was placed on the property for storage of lawn equipment and various other household items. Mr. Johnston discussed with the ZBA members how the cargo container could be moved to meet the required setbacks as well as painting it a reasonable color as well as trying to blend it into the neighborhood. It was also discussed on why not just remove the cargo container and place a shed in its location. Mr. Johnston placed the container there as it's safer and can be locked up better than a shed. Mr. Johnston is willing to comply with the ordinance and will do whatever he needs to do to be in compliance.

Jodi Hansen asked April Limburg if she had been contacted by any of the neighboring properties with concerns or comments, to which Ms. Limburg responded yes. An adjacent property owner on Orange St doesn't care to look at the container, would like it to fit more into the neighborhood, and doesn't want it to stick out like a sore thumb. A Council member received an email from an adjacent property owner who asked for the exception not to be granted for the placement of the container. The Council member also doesn't want the exception to set them up for loose ordinances. The City of Muscatine asked for the denial of the container due to it not meeting the required setbacks, zoning district, and not being painted or the lettering removed.

Larry Murray requested the cargo container to meet the setback requirements of 25 feet from all property lines, 50 feet from the dwelling unit on another lot, to be painted a reasonable color after the verbiage and letters are removed, and have a reasonable screening to block it from the neighbors and street view. The conditions are to be met in 90 days.

Larry Murry motioned to approve the variance appeal with the aforementioned conditions; seconded by Julie Wolf. Four ayes and One nay, motion carried.

Variance Appeal No. ZBAV06-2023 filed by Pamela and Joseph Miller to construct a 12'x18' four-season room at their residence located at 1101 Westwood Lane. Per City Code Section 10-6-3 (D) the addition doesn't meet the required setbacks of 25 feet from the rear property line in the R2 zoning district.

Joseph Miller, 1101 Westwood, was present to discuss the variance appeal request.

Robert McFadden motioned to approve the variance appeal; seconded by Nancy Jensen. All ayes, motion carried.

Meeting adjourned at 6:00 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: August 1, 2023
Re: Variance Appeal No. ZBAV06-2023

INTRODUCTION: Variance Appeal No. ZBAV09-2023, filed by Seth Koerner (SDK IA, LLC) to allow the conversion and rehabilitation of a former business of a barber shop into two habitable units on the same parcel to be rent out located at 906 E 9th St. Per City Code Section 10-6-1 (A)(1) single family dwelling is a permissive use under the R3- single family residence.

BACKGROUND: Variance Appeal No. ZBAV09-2023, filed by Seth Koerner (SDK IA, LLC) to allow the conversion and rehabilitation of a former business of a barber shop into two habitable units on the same parcel to be rent out located at 906 E 9th St. Per City Code Section 10-6-1 (A)(1) single family dwelling is a permissive use under the R3- single family residence.

The barber shop building is 240 sq ft. Due to the it being a former barber shop a variance is needed to convert the former shop into a one bedroom and one bath room unit. The property also has a three bedroom and 1 bathroom. The main structure will not be rehabilitated.

There will need to be a minimum of three off street parking spots. Two spots for the single-family dwelling on the parcel and one spot for the one-bedroom unit being proposed.

Mr. Koerner has supplied in detail the intentions of the rehabilitation project. He is also working with Seth in the Building Department for the pre-planning process.



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: August 1, 2023
Re: Variance Appeal No. ZBAV08-2023

INTRODUCTION: Variance Appeal No. ZBAV08-2023, filed by Santos and Anabelia Flores to construct a 23'x35' 3 car garage in the back yard of the property at their residence located at 103 Madison. The garage would be setback 4 feet from the side property line and 18 feet from the rear property line. Per City Code Section 10-17-3 (C) (D) the addition doesn't meet the required setbacks of 20 feet from the rear and the 6 feet from the side property line in the S-2 zoning district.

BACKGROUND: Variance Appeal No. ZBAV08-2023, filed by Santos and Anabelia Flores to construct a 23'x35' 3 car garage in the back yard of the property at their residence located at 103 Madison. The garage would be setback 4 feet from the side property line and 18 feet from the rear property line. Per City Code Section 10-17-3 (C) (D) the addition doesn't meet the required setbacks of 20 feet from the rear and the 6 feet from the side property line in the S-2 zoning district.

The property has a 240 sq ft detached garage currently on the property. The garage will need to be removed with the proper permits to before the construction of the new garage occurs.

They have been in contact with Nick from the Building Dept



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: August 1, 2023
Re: Variance Appeal No. ZBAV07-2023

INTRODUCTION: Variance Appeal No. ZBAV07-2023, filed by Jonathan and Becky Estabrook to construct a 40'x60' indoor playhouse in the back yard of the property at their residence located at 10 Bryon Lane. Per City Code Section 10-20-2 (B) (1) the building exceeding the maximum cumulative square footage of all accessory buildings and attached garages.

BACKGROUND: Variance Appeal No. ZBAV07-2023, filed by Jonathan and Becky Estabrook to construct a 40'x60' indoor playhouse in the back yard of the property at their residence located at 10 Bryon Lane. Per City Code Section 10-20-2 (B) (1) the building exceeding the maximum cumulative square footage of all accessory buildings and attached garages.

The property is currently 524,462 SF (12.04 acres). He currently has a 1020 SF, attached garage along with a detached garage of 1020 SF along with a 720 SF detached frame with a basement. The dimensions of the proposed building is 40'x60'. Per Section 10-20-1 (B)(2) of City Code, the buildings currently exceed the allotted square footage by 360 SF. Adding an additional 2400 SF, would exceed the allotted square footage by a total of 2760 SF.

Site plan is attached.

