



City of Muscatine

ZONING BOARD OF ADJUSTMENTS

Tuesday, October 3, 2023

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

To participate electronically in this meeting use the following link:

<https://us06web.zoom.us/j/86515865936?pwd=fSxUbgg3M9oxLt8tul13YWvzqtyFUT.1> or

Dial: + 1 (646) 558-8656

Meeting ID: 865-1586-593

Passcode: 249116

October 3, 2023, 5:30 PM

AGENDA

1. CALL TO ORDER/ROLL CALL

2. MISSION STATEMENT

3. APPROVAL OF MINUTES

A. August 1, 2023

4. VARIANCE APPEALS

A. 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) exceeds the maximum cumulative square footage of all accessory buildings and attached garages.

- B. ZBAV10-2023, filed by Heidemarie Kremer and Kaneshka Salehi to divide the lot located at 1202 E 4th St for the purpose of rehabilitating the structure at the location as well as adding a second 3D printed structure on the remaining half of the lot providing affordable housing. The two dwellings on the property doesn't meet City Code requirements. Per City Code 10-6-1 a single-family dwelling is a permissive use in a R3 – Single family residence.
- C. ZBAV11-2023, filed by Matthew Carter to construct a 40'x40' garage of the property at their residence located at 807 Hershey Ct. Per City Code Section 10-20-2 (B) (1) exceeds the maximum cumulative square footage of all accessory buildings and attached garages. The variance also requests to change the front lot setback from 25 feet to 4 feet and the side lot setback from 6 feet to 1 foot. Per City Code Section 10-6-3 (B)(C)(2) the proposed setbacks will not meet the requirements per R3 single family zoning district.
- D. ZBAV12-2023, filed by MPW Solar 1, LLC to not hard surface the existing driveway and internal roads located at 2600 Dick Drake Way. MPW Solar 1, LLC intends to build approximately 47,768 solar panels on roughly 140 acres of land in the wellfield. Per City Code Section 10-27-8 (A) all areas intended for vehicular use shall be hard surfaced.

5. **ADJOURNMENT**

MINUTES
August 1, 2023 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall – City Council Chambers

Present: Jodi Hansen, Nancy Jensen, Larry Murray and Julie Wolf
Excused: Robert McFadden - unexcused
Staff: April Limburg, Planner, Community Development

Chairperson Jodi Hansen opened the meeting at 5:35 p.m. and read the mission statement.

Minutes: Julie Wolf motioned to approve both the May and June minutes; seconded by Larry Murray. All ayes, motion carried.

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. Seth Koerner, 906 E 9th, was present to discuss the variance appeal. Mr. Koerner would like to convert the old barber shop into a studio apartment which is located at the rear of the property. He will be remodeling the entire building to install a kitchen as well as a bathroom. The goal is to improve the neighborhood. The location will have three parking spots to meet the off-street parking requirements.

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. Jessica with the Jesus Mission Church asked for the tenants not to use the dumpster or using the park in the passes used for the Jesus Mission Church.

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

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. Anabelia and Santos Flores, 103 Madison St, was present to discuss the variance appeal. The property currently has a garage on the property which will be demolished. Ms. Flores would like to build a 23x35 garage to park their vehicles in as well have an area for storage. The entrance would be from Park Ave into the alley. She would like to fence the remaining area for her pets. Ms. Limburg advises Ms. Flores of the steps regarding the demolition process for the old garage as well as the need for permits and continued discussions with Nick Morgan in the Building Department.

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

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. Bob Estabrook, 2461 Bobwhite Dr, was present to discuss the variance appeal located at 10 Byron Lane. Mr. Estabrook gave a brief background in regards to the proposed building and the building will be used as an indoor recreational area for his grandchildren. The location of the building will be downhill and inserted into the hillside. Jodi Hansen had concerns with the maximum square footage per City Code had already been excessed on this lot. Due to not having all five members of the Board, it was discussed to table the variance until the September meeting.

Larry Murray made a motion to table the variance until the September meeting; seconded by Jodi Hansen. Motion carried with three ayes and one nay.

Meeting adjourned at 6:15 p.m.

ATTEST:

Jodi Hansen, Chairperson
Zoning Board of Adjustment

Respectfully Submitted,

April Limburg, Secretary
Planner

COMMUNITY DEVELOPMENT

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

MEMORANDUM

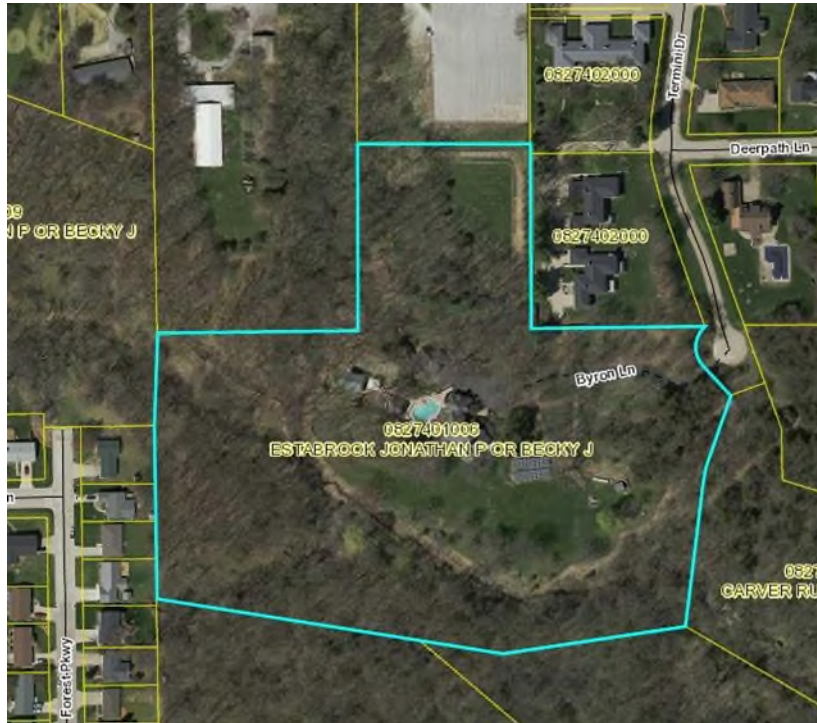
To: Zoning Board of Adjustments
From: April Limburg, Planner
Date: August 1, 2023
Re: Variance Appeal No. ZBAV07-2023

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.

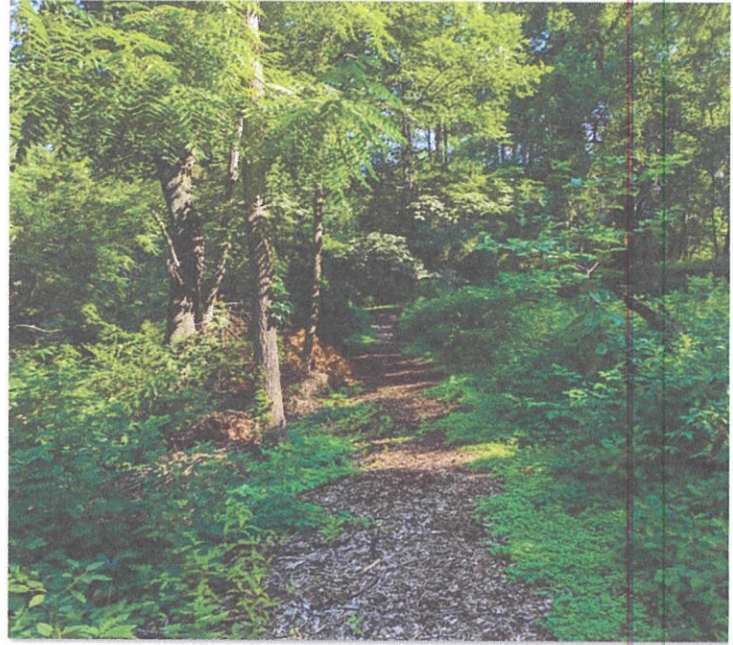
Site plan is attached.





carriage
edge
house

Proposed Location near back of carriage house



COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Zoning Board of Adjustments
From: April Limburg, Planner
Date: October 3, 2023
Re: Variance Appeal No. ZBAV10-2023

INTRODUCTION: Variance Appeal No. ZBAV10-2023, filed by Heidemarie Kremer and Kaneshka Salehi to divide the lot located at 1202 E 4th St for the purpose of rehabilitating the structure at the location as well as adding a second 3D printed structure on the remaining half of the lot providing affordable housing. The two dwellings on the property doesn't meet City Code requirements. Per City Code 10-6-1 a single family dwelling is a permissive use in a R3 – Single family residence

BACKGROUND: Variance Appeal No. ZBAV10-2023, filed by Heidemarie Kremer and Kaneshka Salehi to divide the lot located at 1202 E 4th St for the purpose of rehabilitating the structure at the location as well as adding a second 3D printed structure on the remaining half of the lot providing affordable housing.



COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Zoning Board of Adjustments
From: April Limburg, Planner
Date: October 3, 2023
Re: Variance Appeal No. ZBAV11-2023

INTRODUCTION: Variance Appeal No. ZBAV11-2023, filed by Matthew Carter to construct a 40'x40' garage of the property at their residence located at 807 Hershey Ct. 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 variance also requests to change the front lot setback from 25 feet to 4 feet and the side lot setback from 6 feet to 1 foot. Per City Code Section 10-6-3 (B)(C)(2) the proposed setbacks will not meet the requirements per R3 single family zoning district.

BACKGROUND: Variance Appeal No. ZBAV11-2023, filed by Matthew Carter to construct a 40'x40' garage of the property at their residence located at 807 Hershey Ct. 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 variance also requests to change the front lot setback from 25 feet to 4 feet and the side lot setback from 6 feet to 1 foot. Per City Code Section 10-6-3 (B)(C)(2) the proposed setbacks will not meet the requirements per R3 single family zoning district.

Due to the topography of the lot, the garage will be built on the only flat spot left on the property hence the reason for the setback change request. The property currently has a 720 sq garage. The proposed garage will exceed the accessory building allotment by 880 sq. The garage will be used for storage.

Site plan is attached.



COMMUNITY DEVELOPMENT

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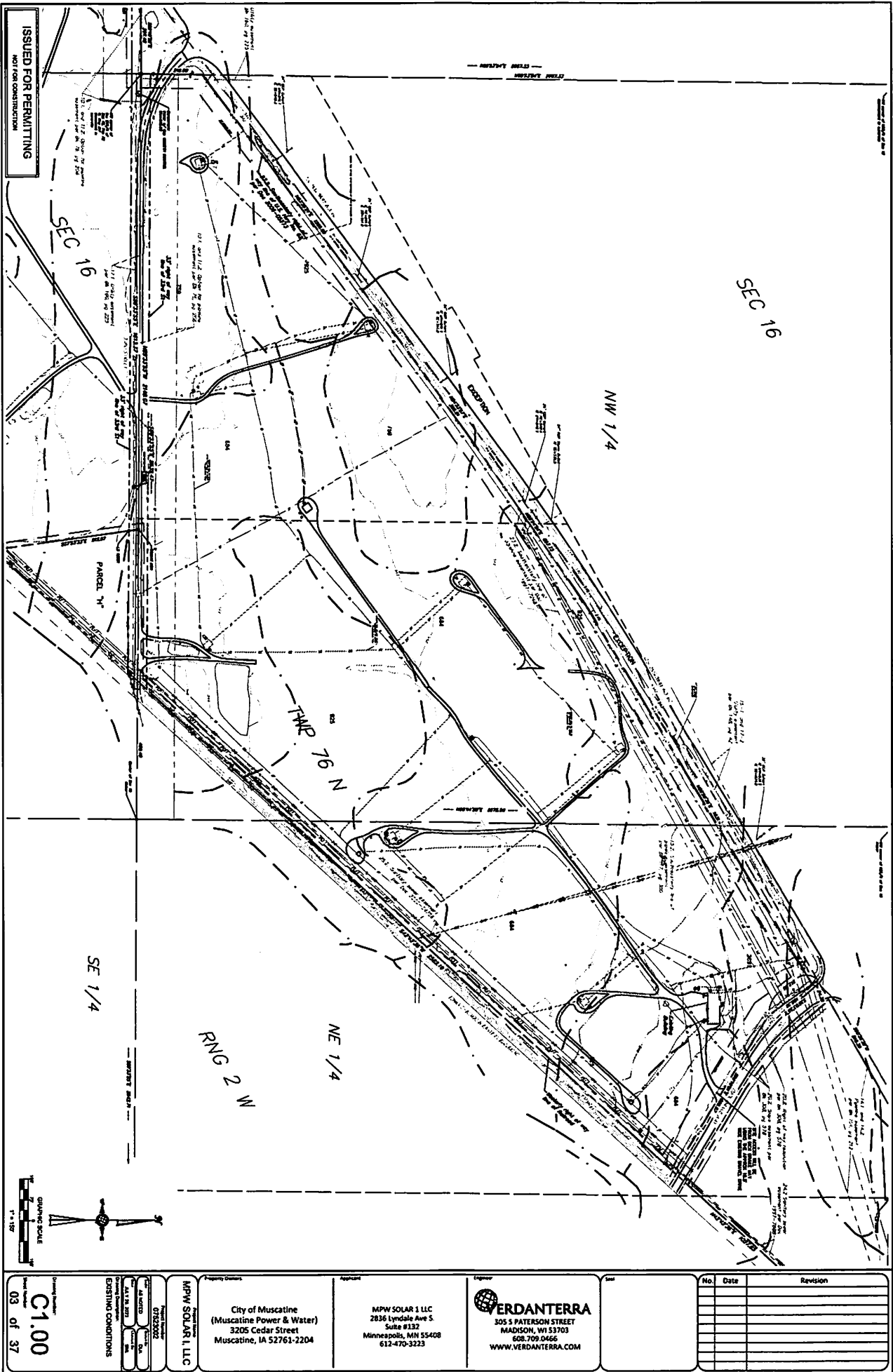
To: Zoning Board of Adjustments
From: April Limburg, Planner
Date: October 3, 2023
Re: Variance Appeal No. ZBAV12-2023

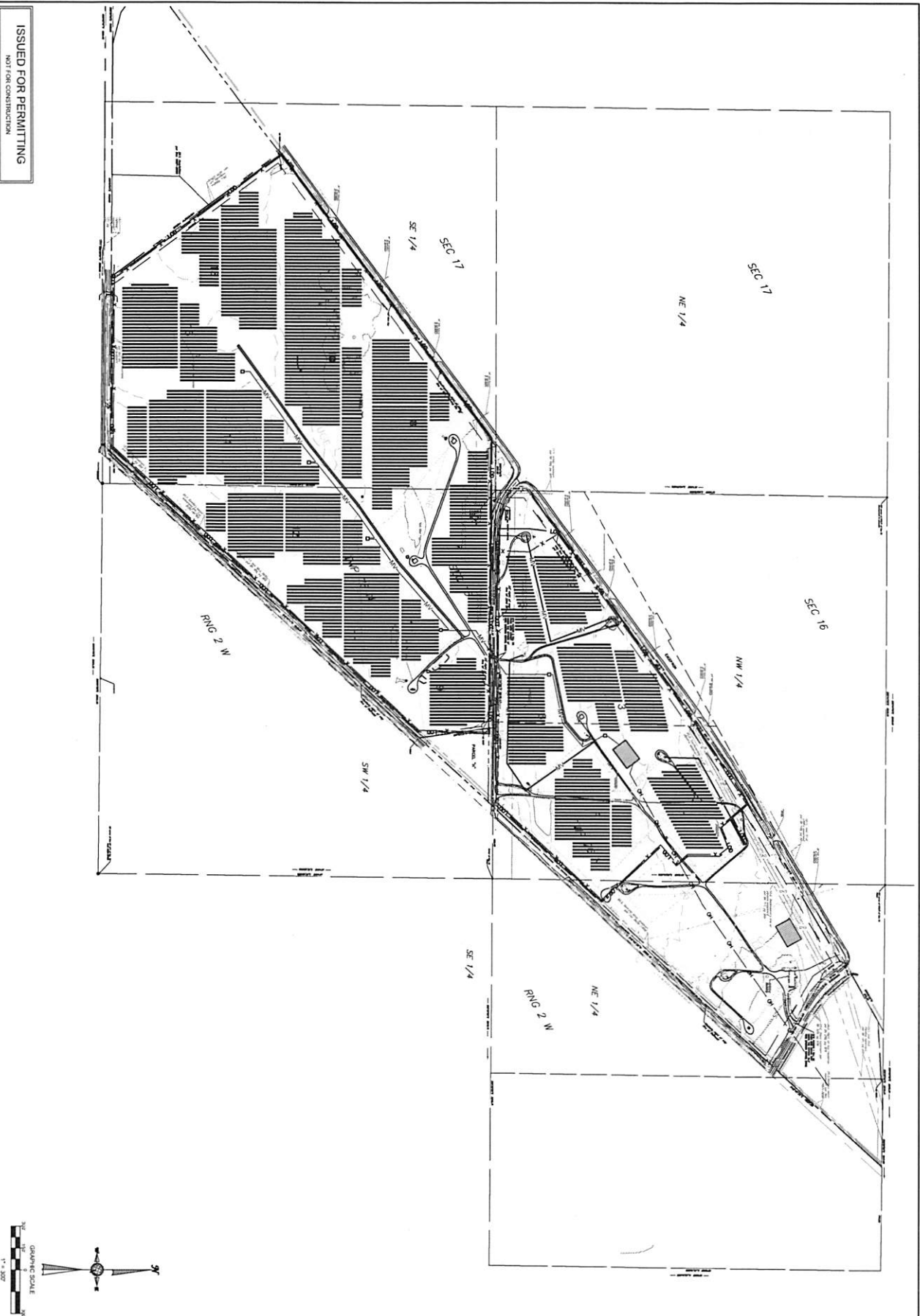
INTRODUCTION: Variance Appeal No. ZBAV12-2023 filed by MPW Solar 1, LLC to not hard surface the existing driveway and internal roads located at 2600 Dick Drake Way. MPW Solar 1, LLC intends to build approximately 47,768 solar panels on roughly 140 acres of land in the wellfield. Per City Code Section 10-27-8 (A) all areas intended for vehicular use shall be hard surfaced.

BACKGROUND: Variance Appeal No. ZBAV12-2023 filed by MPW Solar 1, LLC to not hard surface the existing driveway and internal roads located at 2600 Dick Drake Way. MPW Solar 1, LLC intends to build approximately 47,768 solar panels on roughly 140 acres of land in the wellfield. Per City Code Section 10-27-8 (A) all areas intended for vehicular use shall be hard surfaced. The project will be located on both sides of 33rd St, to the north and south. The existing driveway and roads on the property are gravel.

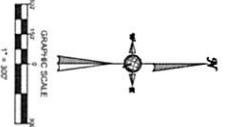
The solar arrays are expected to operate on the property for the interim of 35 years. The solar project consists of steel driven posts embedded into the ground, with solar modules attached to the top of the posts, tracking the sun throughout the day. The project utilizes silicon based solar panels with an anti-glare coating. The arrays will be enclosed with a 7-foot-tall fence to restrict access to the system from unqualified personnel.

Site plan is attached. The project has been before the site plan committee. There are a few items that need to be corrected before approval of the site plan.





ISSUED FOR PERMITTING
NOT FOR CONSTRUCTION



C2.00 05 of 37	MPW SOLAR 1, LLC 3205 Cedar Street Muscatine, IA 52761-2204	MPW SOLAR 1, LLC 2836 Lyndale Ave S. Suite #132 Minneapolis, MN 55408 612-470-3223	VERDANTERRA 305 S PATERSON STREET MADISON, WI 53703 608.709.0466 WWW.VERDANTERRA.COM	No. Date Revision	
				(Empty table for revisions)	