



City of Muscatine

ZONING BOARD OF ADJUSTMENTS

Tuesday, November 7, 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/83391490260?pwd=TFzahbMJFiGAzD30GJipxvEnvWEbLL.1>

Meeting ID: 833 9149 0260

Passcode: 601230

November 7, 2023, 5:30 PM

AGENDA

1. **CALL TO ORDER/ROLL CALL**

2. **MISSION STATEMENT**

3. **APPROVAL OF MINUTES**

A. October 3, 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 Byron 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.

- 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. ZBAV13-2023, filed by Rachel Fernandez to keep a 20' shipping container on the property located at 1009 Kansas St. Per City Code section 10-20-5(c)(2)(a-e) the container setback requirements are 25' from the property lines, placed on a surface/foundation, removal of letters and painted a color to blend into the area to meet the current code requirements. Currently, the cargo container is not in compliance.

5. **ADJOURNMENT**

MINUTES
October 3, 2023 – 5:30 p.m.
Zoning Board of Adjustment
Muscatine City Hall – City Council Chambers

Present: Nancy Jensen, Larry Murray, Robert McFadden and Julie Wolf
Excused: Jodi Hansen
Staff: April Limburg, Planner, Community Development
Christa Bailey, Office Coordinator, Community Development

Vice Chairperson Julie Wolf opened the meeting at 5:30 p.m. and read the mission statement.

Minutes: Larry Murray motioned to approve the August 1, 2023 minutes; seconded by Robert McFadden. 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 and as not all five members of the Board were present Mr. Estabrook requested to delay the variance appeal until the next meeting which was granted.

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.
No representation was present so the Board did not discuss the variance appeal as it will be moved to the next meeting.

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.
Matthew Carter, 807 Hershey Ct, was present to discuss the variance appeal stating his original property only has so much useable ground due to the layout/ravines and he needs more storage so he purchased the lot next door to enlarge his parcel in hopes of adding an additional garage in that area.

Julie Wolf 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 questioned if Mr. Carter planned to demolish the current carport or garage, to which Mr. Carter responded no as the carport is moveable but he does plan to make the new garage match his current garage and house.

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

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.

Daniel Rogers, 2463 Kentucky Ave Minnesota, was present to discuss the variance appeal. Mr. Rogers explained the intended use of the facility is energy production and will not be occupied by staff but access is needed for maintenance checkups to be done several times throughout the year.

Robert McFadden inquired about the plans for the drive surface and emphasized that slag is not allowed. Mr. Rogers stated they plan to use crushed rock or gravel and agreed that slag will not be used.

Larry Murray 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 Nancy Jensen. All ayes, motion carried.

Meeting adjourned at 5:55 p.m.

ATTEST:

Julie Wolf, Vice 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

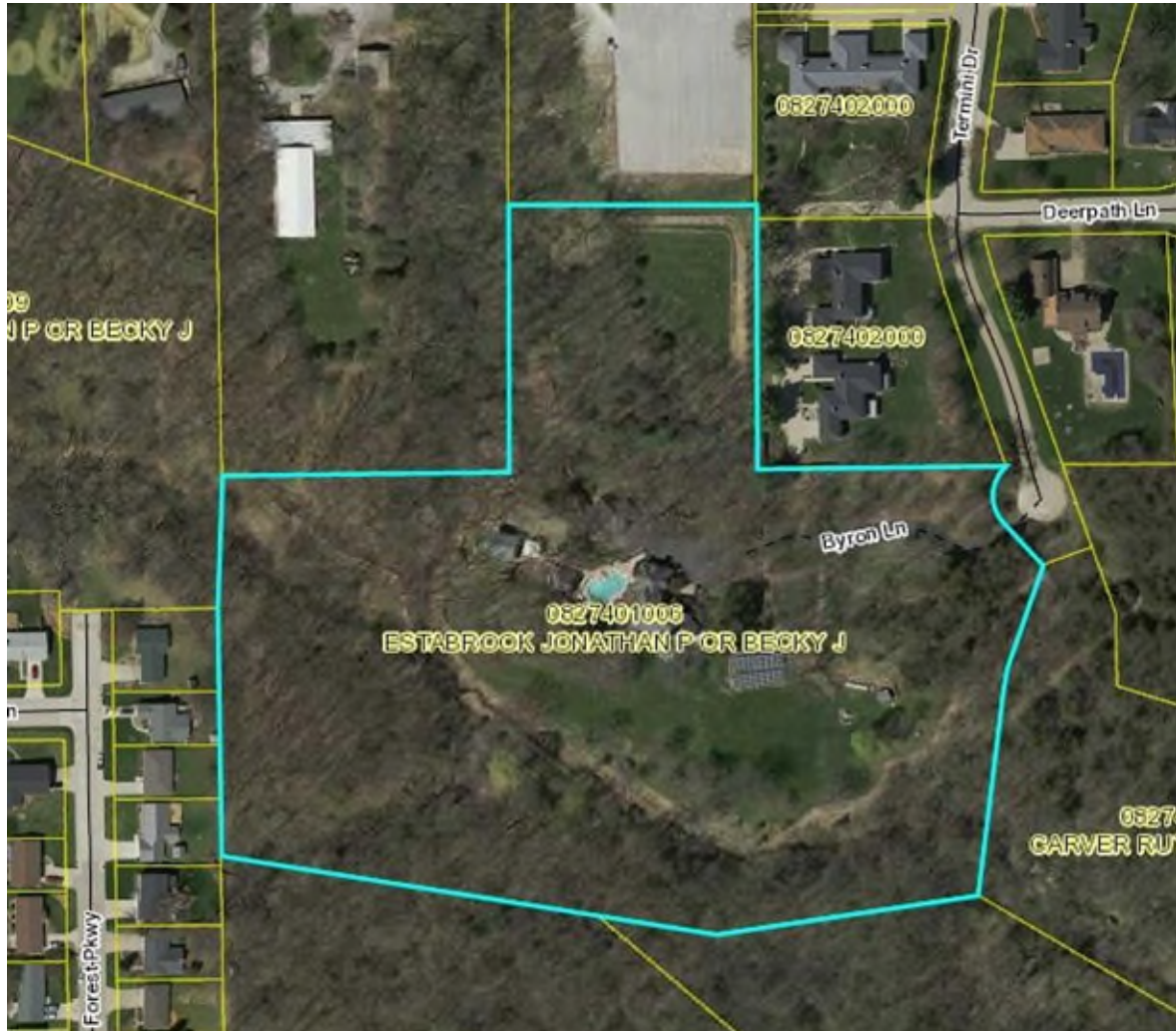
To: Zoning Board of Adjustments
From: April Limburg, Planner
Date: August 1, 2023
Re: Variance Appeal No. ZBAV07-2023

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 Byron 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 Byron 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.



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: 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

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

MEMORANDUM

To: Zoning Board of Adjustments
From: April Limburg, Planner
Date: October 23, 2023
Re: Variance Appeal No. ZBAV13-2023

INTRODUCTION: Variance Appeal No. ZBAV13-2023, to keep a 20' shipping container on the back portion of the parcel located at 1009 Kansas St.

BACKGROUND: An appeal was filed Variance Appeal ZBAV13-2023 filed by Rachel Fernandez to keep a 20' shipping container on the property located at 1009 Kansas St. Per City Code section 10-20-5(c)(2)(a-e) the container setback requirements are 25' from the property lines, placed on a surface/foundation, removal of letters and painted a color to blend into the area to meet the current code requirements. Currently the cargo container is not in compliances with new ordinance.

1009 Kansas is located in the R-3 single family residence district. The cargo container is used for storage and has been on the property since 2018.

Site plan is attached.

