



City of Muscatine

ZONING BOARD OF ADJUSTMENTS

Tuesday, December 5, 2023

5:30 P.M. - City Hall Council Chambers 215 Sycamore St Muscatine, IA

December 5, 2023, 5:30 PM

AGENDA

1. CALL TO ORDER/ROLL CALL

2. APPROVAL OF MINUTES

A. November 7, 2023

3. VARIANCE APPEALS

- A. ZBAV14-2023, filed by Mike and Peggy Kline to construct a 40'x35' garage on the property located at 201 Gilbert St. The garage will be placed on a vacant lot due to the property owner not being able to combine the two parcels due to the alley between the parcels. Per City Code Section 10-20-1 (A) (B) no accessory building shall be used unless the main building on the lot is also being used or no accessory building shall be constructed upon a lot until the construction of the main building is commenced.
- B. ZBAV15-2023, filed by Lawrence and Catherine Bedenbender to construct a 12' wide carport on the driveway located at 215 Kindler Ave. The driveway is 18' wide and located right at the property line. The carport will be placed 2 feet from the house, leaving the setback to 4 feet from the property line. Per City

Code Section 10-6-3 (C)(1) the minimum side yard depth is 6 feet in the R-3 District.

4. ADJOURNMENT

MINUTES
November 7, 2023 – 5:30 p.m.
Zoning Board of Adjustment
Muscataine City Hall – City Council Chambers

Present: Jodi Hansen, Nancy Jensen, Larry Murray, Robert McFadden 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: Julie Wolf motioned to approve the October 3, 2023 minutes; seconded by Larry Murray. 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 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.

Jonathan Estabrook, 10 Byron Ln, was present to discuss the variance appeal and explained that after the previous variance requests were denied they decided to move the location of the proposed building to an area that will not be visible to the neighbors as it will be surrounded trees and a privacy fence that they are willing to alter if necessary.

Robert McFadden questioned if the Estabrook's have plans to construct any other buildings to which Mr. Estabrook responded they have no intentions to construct anything else.

Nancy Jensen inquired if the building would not be visible by the neighbors through all the different seasons and Mr. Estabrook clarified that it would be surrounded by a number of evergreens.

Joseph Schulz, 2611 Termini Dr, spoke on behalf of the Crest Commons One Condominium Association to share their opposition to the variance appeal. Mr. Schulz stated the property is already over the allowable maximum cumulative square footage for all accessory buildings and the addition of the proposed building would make the property two times over the maximum square footage. Mr. Schulz also claimed the variance appeal does not demonstrate hardship. Mr. Schulz added that the Board has already denied two similar variance appeals for 10 Byron Ln and the association does not see any difference in this variance appeal proposal for it to be approved.

April Limburg clarified that the location has changed which allowed variance appeal for the proposed building to be requested again.

Robert McFadden motioned to approve the variance appeal as is; seconded by Larry Murray.

Two ayes: Robert McFadden and Larry Murray, three nays: Jodi Hansen, Nancy Jensen and Julie Wolf, motion denied.

Jodi Hansen added three conditions to the variance appeal including:

1. The building must only be used for what it is being constructed for, for forever.
2. The building must be blocked from the neighbors' view.
3. The design of the building must be with cohesive with the other buildings on the property and the neighborhood.

Robert McFadden motioned to approve the variance appeal with the three conditions; seconded by Larry Murray.

Three ayes: Jodi Hansen, Robert McFadden and Larry Murray, two nays: Nancy Jensen and Julie Wolf, motion carried.

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. Heidemarie Kremer, resident of Florida, was present to discuss the variance appeal. Ms. Kremer explained the intent is to revitalize the existing house and divide the lot to add a 3D house to be used as an Airbnb.

The Board voiced concerns about constructing a 3D house as the ones currently in the construction progress within Muscatine are not going well and Ms. Kremer shared that her partner has built 3D houses in California so she is confident her partner would have the skills and knowledge to successfully construct a 3D house.

Max Kauffmann, 1609 Foster St, disclosed that he owns the property located at 1206 E 4th St and Mr. Kauffmann expressed that he, along with eight other neighbors, are in opposition of the variance appeal as the lot is already very small so does not believe splitting it into even smaller lots would be of interest to many. Mr. Kauffmann also noted the access to the proposed second building is not clear and access from the rear is often dependent on the weather.

Jennifer Calcott, 402 Lee St, shared that the current building is extremely small and has been vacant for around 10 years with no maintenance performed during that time. Ms. Calcott remarked that she has seen construction dumpsters at the property twice but otherwise she has not witnessed much work being done. Ms. Calcott stated that street parking is already limited in that area so she is opposed to the houses being used as Airbnbs.

Ms. Kremer reported that they are actively working on the remodel of the existing house but they are focusing on the interior at the moment. Ms. Kremer added that they intend to initially use both buildings as Airbnbs but plan to sell the properties and reinvest the money in the long run.

Larry Murray questioned the access for the second building and Ms. Kremer explained they plan to purchase two adjacent lots from the City at the rear of the property. Mr. Murray queried if the purchase of those lots would solve the right of way access issue and April Limburg that the access would have to be approved the Public Works Right of Way Inspector, Matt Whitlow, after the purchase is complete. Mr. Murray stated he believes the access issue needs to be resolved before the Board can approve or disapprove the variance appeal and Robert McFadden voiced his agreement.

John Logel, 2120 Schley Ave, spoke on behalf of his daughter who resides at 1200 ½ E 4th St to share her opposition as the area is already congested and splitting the lot would only cause more congestion problems.

Larry Murray motioned to table the variance appeal until the right of way access issue is resolved; Julie Wolf seconded. All ayes, motion carried.

Variance Appeal No. 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 areas to meet the current code requirements. Currently, the cargo container is not in compliance.

Rachel Fernandez, 2051 Mississippi View Dr, was present to discuss the variance appeal stating the property is an empty lot with a garage and her parents used to own the adjacent lot prior to their passing. Ms. Fernandez shared the shipping container is filled with their belongings, which she cannot put in the garage as it is in disrepair, so she would like to keep the shipping container for storage purposes.

Julie Wolf questioned why they wanted to keep the shipping container on this lot when they live elsewhere. Ms. Fernandez responded they already owned this lot so they are comfortable with this area and would like to enlarge the garage eventually. Ms. Fernandez further added that she feels the items are safe in the shipping container both from stealing and the weather.

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 with the painting to be done by December 1, 2023 and the rest of the code requirements to be met by May 1, 2024; seconded by Larry Murray. All ayes, motion carried.

Meeting adjourned at 6:45 p.m.

ATTEST:

Jodi Hansen, Chairperson
Zoning Board of Adjustment

Respectfully Submitted,

April Limburg, Secretary
Planner

DRAFT

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: November 13, 2023
Re: Variance Appeal No. ZBAV14-2023

INTRODUCTION: Variance Appeal No. ZBAV14-2023, filed by Mike and Peggy Kline to construct a 40'x35' garage on the property located at 201 Gilbert St. The garage will be placed on a vacant lot due to the property owner not being able to combine the two parcels due to the alley between the parcels. Per City Code Section 10-20-1 (A) (B) no accessory building shall be used unless the main building on the lot is also being used or no accessory building shall be constructed upon a lot until the construction of the main building is commenced.

BACKGROUND: Variance Appeal No. ZBAV14-2023, filed by Mike and Peggy Kline to construct a 40'x35' garage on the property located at 201 Gilbert St. The garage will be placed on a vacant lot due to the property owner not being able to combine the two parcels due to the alley between the parcels. Per City Code Section 10-20-1 (A) (B) no accessory building shall be used unless the main building on the lot is also being used or no accessory building shall be constructed upon a lot until the construction of the main building is commenced. The required setbacks will be met and the property is 8,400 sf.

The Kline's own the property located at 210 Pond St and 201 Gilbert St which an alley runs between the two parcels. The garage would be built for storage of a motorhome and personal property.

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: November 16, 2023
Re: Variance Appeal No. ZBAV15-2023

INTRODUCTION: Variance Appeal No. ZBAV15-2023, to construct a 12' wide carport on the driveway located at 215 Kindler Ave.

BACKGROUND: An appeal was filed Variance Appeal ZBAV15-2023 filed by Lawrence and Catherine Bedenbender to construct a 12' wide carport on the driveway located at 215 Kindler Ave. The driveway is 18' wide and located right at the property line. The carport will be placed 2 feet from the house leaving the setback to 4 feet from the property line. Per City Code Section 10-6-3 (C)(1) the minimum side yard depth is 6 feet in the R-3 District.

Site plan is attached.

