North Liberty Board of Adjustment

Information Packet

August 18, 2010

6:30 PM

City Council Chambers

If you would like additional information, larger-scale maps, or other information before the meeting, please contact Dean Wheatley at 626-5747 or at dwheatley@ci.north-liberty.ia.us

NORTH LIBERTY BOARD OF ADJUSTMENT
MEETING NOTICE AND AGENDA
August 18, 2010, 6:30 PM
City Council Chambers

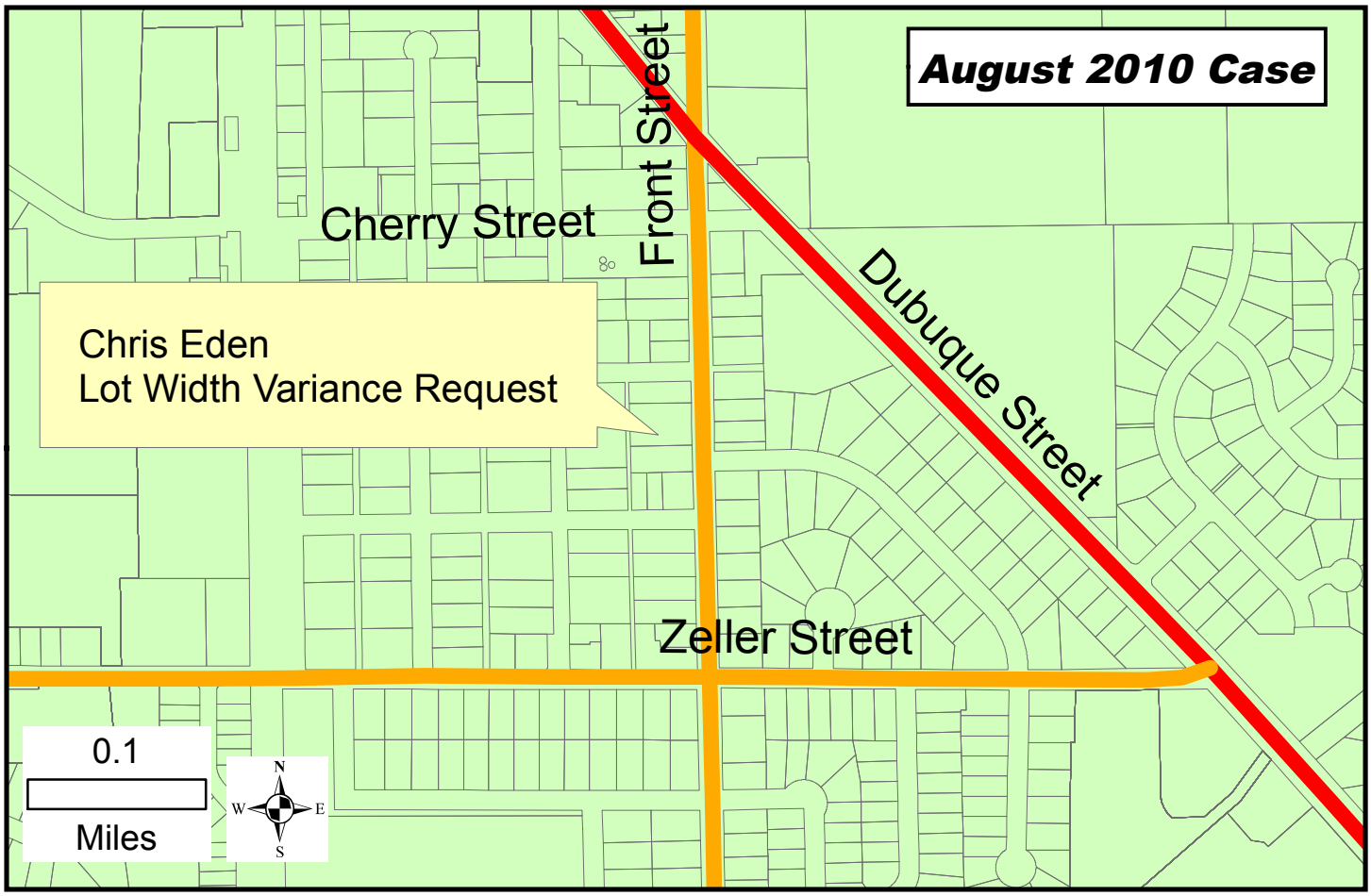
1. **Roll Call.**
2. **Public Comment.**
3. **Variance:** Request of Chris Eden to approve a variance from Zoning Ordinance requirements regarding lot width requirements for duplex zoning, at 145 North Front Street.

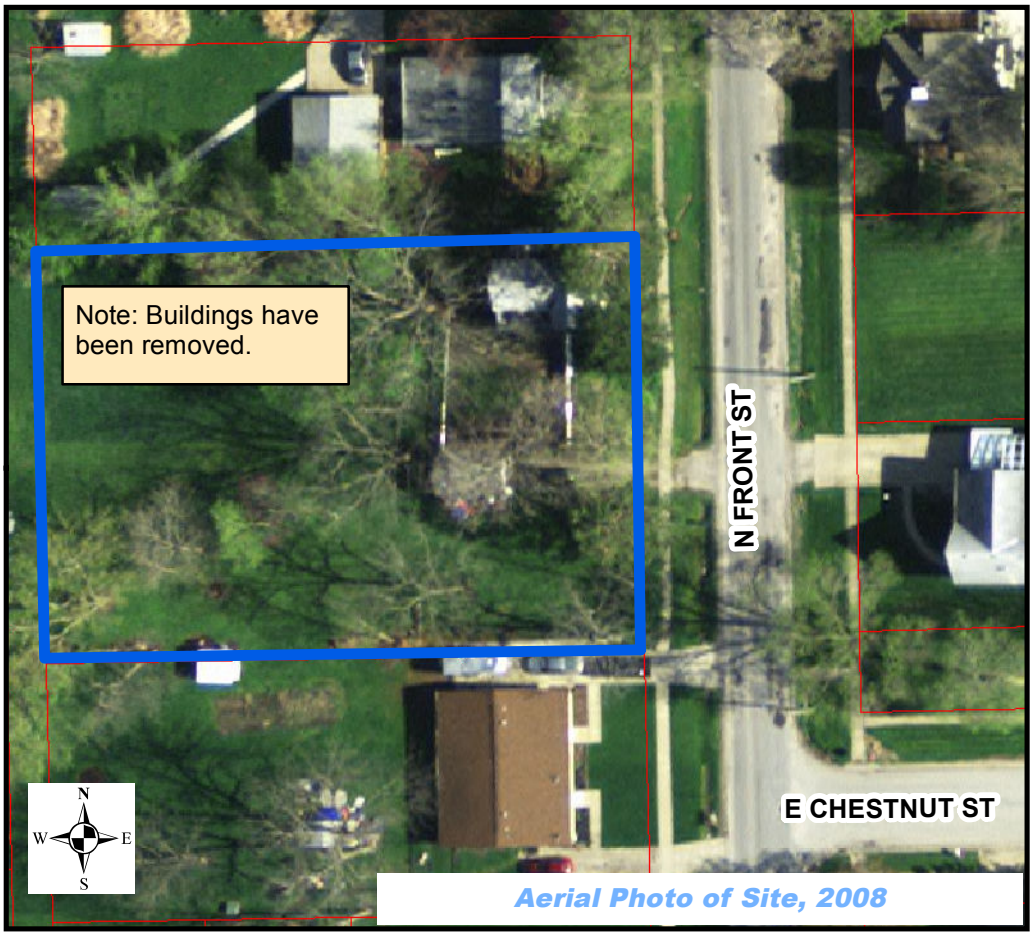
   (Lots 4 and 5, Block 2 Original Town of North Liberty)

   a. Staff Review
   b. Applicant's Presentation
   c. Public Hearing
   d. Questions and Comments
   e. Board Action
4. **Minutes of Previous Meetings (June 2010)**
5. **Old Business**
6. **New Business**

Adjournment

Agenda version: 8/11/2010





Aerial Photo of Site, 2008

August 11, 2010

Memo

To: North Liberty Board of Adjustment
From: Dean Wheatley, Planning Director
Subject: Variance Request: Lot Widths at Lots 4 and 5, Block 2 Original Town

Your North Liberty city staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:
Ryan Heiar, City Administrator
Tracey Mulcahey, Assistant City Administrator
Tom Palmer, City Building Official
Scott Peterson, City Attorney
Dean Wheatley, Planning Director

This request is to approve a variance from the Zoning Ordinance so that 2 duplex buildings can be built on 2 substandard adjacent vacant lots zoned RD-10 (duplex), where a single-family house was recently removed. The history of the duplex zoning on the site is unclear. The RD-10 lot width requirement is 80 feet, and this request would vary that requirement by 16.67 feet (20%) to 63.33 feet for each lot.

The Board of Adjustment is required by City Code to verify that a variance request satisfies seven specific criteria in granting a variance, and applicants are required to respond to those criteria in their applications. A copy of the applicant's application is attached for your reference. Staff comments regarding this case and those 7 criteria (as explained on the attached application) are:
Unique Circumstances: This may be the best-met of the 7 criteria, since the existing lot widths do not meet Zoning Ordinance requirements in effect for the lots.
Not Exclusively for Financial Gain: The request is obviously for financial gain, to maximize development potential, so this criterion cannot be met.
Hardship Not Self-Created: The applicant is a realtor/developer, and is aware of the width deficiency, so any hardship would be self-created. This criterion is not met.
Substantial Rights Denied: Lots not meeting Zoning Ordinance requirements are not allowed to be built on by any owner in North Liberty, and not just the applicant. This criterion is not met.
Not Special Privilege: If the variance was to be granted, it <u>would</u> be special privilege not enjoyed by other property owners because others are required to meet the lot width requirement. This criterion is not met.
Not Detrimental: The development proposed would place 2 duplex buildings with single-width drives and single-stall garages very close to each other and to surrounding properties. This development would likely result in more on-street parking or parking on the lawns, either of which would not be positive for the area. This criterion is not likely met.
No Other Remedy: There are other remedies. The property can be developed with one good-sized duplex. It can be rezoned to RS-7 to accommodate 2 single-family homes, or to another RS district to accommodate one single-family home. This criterion is not met.

All 7 criteria are not met as required by City Code. Varying "bulk requirements" (lot size, area, width, frontage) is generally discouraged by cities as it leads to overcrowding, and in this case sets a bad precedent. The sole justification for the request is to maximize profit, which is not a reasonable basis for any variance request. Staff strongly recommends denial.

Print Form

APPLICATION FOR NORTH LIBERTY ZONING ORDINANCE VARIANCE

Please print or type the following information. Use additional sheets, if necessary. Owner/agent must submit an accurate scaled plot plan indicating the request.

Property owner's name: Chris Eden, (I currently have it under contract to Purchase)

Property owner's address & phone: P.O. Box 646 North Liberty, IA. 52317

Owner's agent name & phone (if applicable): Chris Eden, 319-631-3865

Property legal description (lot, block, subdivision: Lots 4 & 5, Block 2, Original Town of North Liberty

Property current zoning and current use: Lot 4, RD-10 DUPLEX and Lot 5, RD-10 DUPLEX - (Two Buildings, 4-Total Units)

Variance request: Per Regulations, requires 80 ft. Width. Each Lot has 63.33 ft. and always has. Asking to allow Variance on WIDTH.

Please thoroughly read and complete the second page of this form, and be sure to include it in your submission. It outlines the criteria the City of North Liberty uses in reviewing and acting on variance requests.

Signature of owner: Chris Eden Chris Eden 7/9/10

This section for staff use only.

Application received by: _____ Date: _____

Date and time of Board of Adjustment meeting: _____

Board of Adjustment action: _____

☐ Request granted. Conditions of approval: _____

☐ Request denied. Reasons for denial: _____

_____
Chairperson, Board of Adjustment

Attest: _____

203.7.4 Decisions. The Zoning Ordinance is a document that lays out very specific requirements deemed to be in the best interest of the city by the Planning and Zoning Commission and the City Council. In most cases, those requirements must be met by property owners and developers; however, in some rare cases the enforcement of those requirements may be found to cause extreme hardship for an individual, and a variance may be granted. Variances shall not be granted by the Board of Adjustment simply because no one objects, or because it seems harmless in an isolated circumstance. Any variance granted shall reflect the spirit and intent of the code and shall not constitute the granting of a special privilege. The following variance criteria is utilized by the Board of Adjustment in hearing variance requests. No variance shall be granted by the Board unless affirmative findings can be made for each of the applicable following criteria:

1. Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of irregularity, narrowness, shallowness, substandard or marginal size; exceptional topographical features; or other extraordinary conditions peculiar to and inherent in the subject property and that relate to or arise out of the property rather than the personal situation of the current owner of the property; and that amount to more than a mere inconvenience to the owner.

Your comments: Duplex Zoning - (currently). Zoning requires 80' Front, Each Lot. Currently (and always have been) 63.33 ft.

2. Not Exclusively for Financial Gain. The purpose of the variance is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations applicable to it, or that it could be used more profitably if not subject to such regulations, should not in itself justify granting a variance.

Your comments: Just want to build on the Lots a property that fits the Zoning. (2-Lots, 4-units)

3. Hardship Not Self-Created. The unique or special condition referenced in subsection 1 above a. existed at the time of the enactment of the provisions of this Ordinance that affect it, or b. was the result of government action, other than adoption of this Ordinance, for which no compensation was paid, and has not been created by any persons presently having an interest in the property.

Your comments: Not sure how long property has been Zoned RD-10.

4. Substantial Rights Denied. Carrying out the strict letter of the provisions of the Zoning Ordinance would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.

Your comments: Again, would like to simply build 4-units on 2-Lots, per RD-10 Zoning

5. Not Special Privilege. The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.

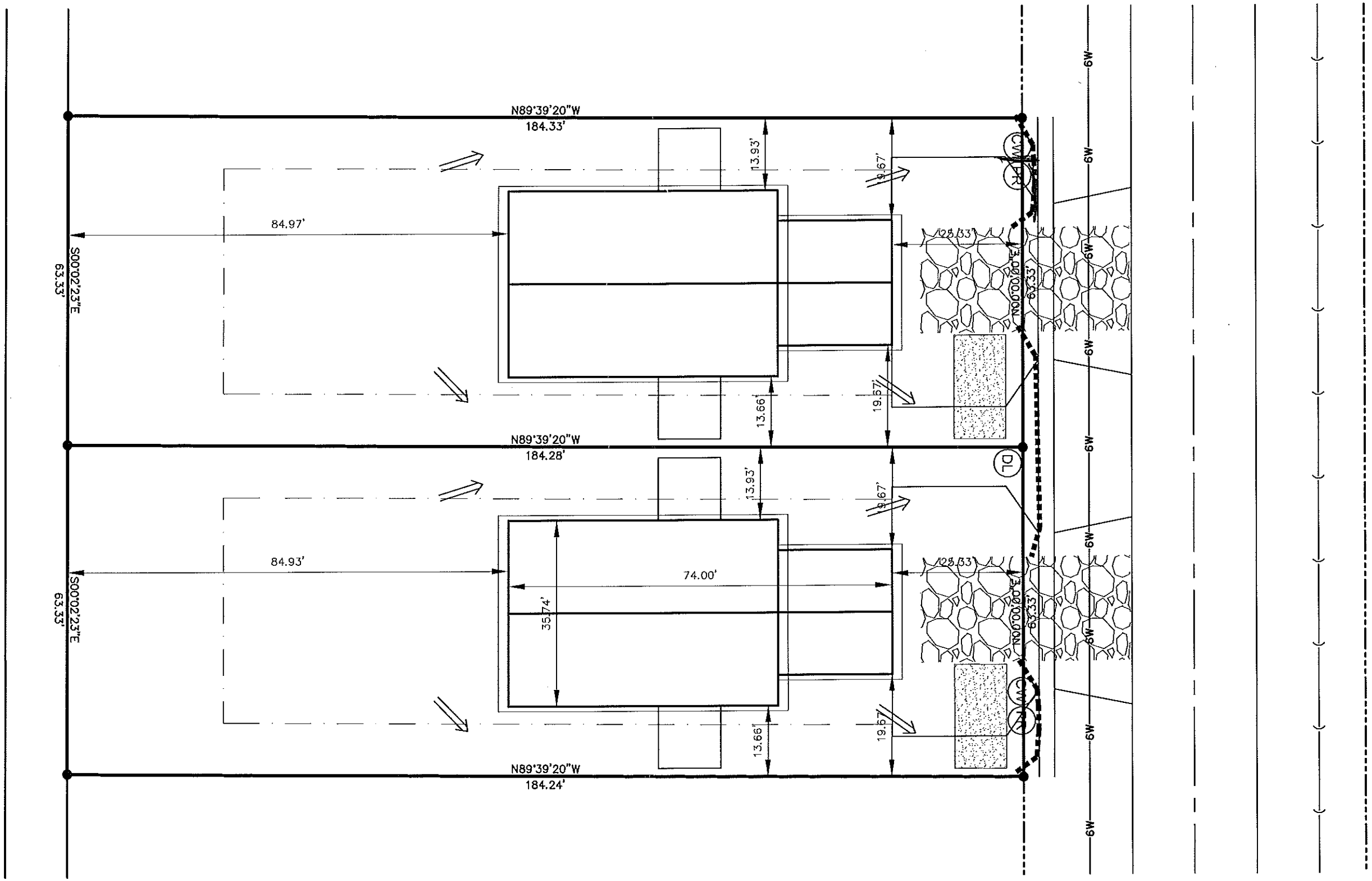
Your comments: No comment.

6. Not Detrimental. Granting the variance will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; would not materially impair an adequate supply of light and air to adjacent properties; would not substantially increase congestion in the public streets, nor increase the danger of flood or fire, or endanger the public safety, nor substantially diminish or impair property values in the vicinity.

Your comments: I don't think this is a factor, otherwise it would not be zoned for 4-homes

7. No Other Remedy. There are no means other than the requested variance by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

Your comments: Tried to fit all other requirements per Zoning Code. (see attached site plan - Blue print can be provided also, if requested.)


N89°39'20"W
184.33'
13.93'
19.67'
84.97'
S00°02'23"E
63.33'
13.66'
19.67'
N89°39'20"W
184.28'
13.93'
19.67'
84.93'
74.00'
35.74'
S00°02'23"E
63.33'
13.66'
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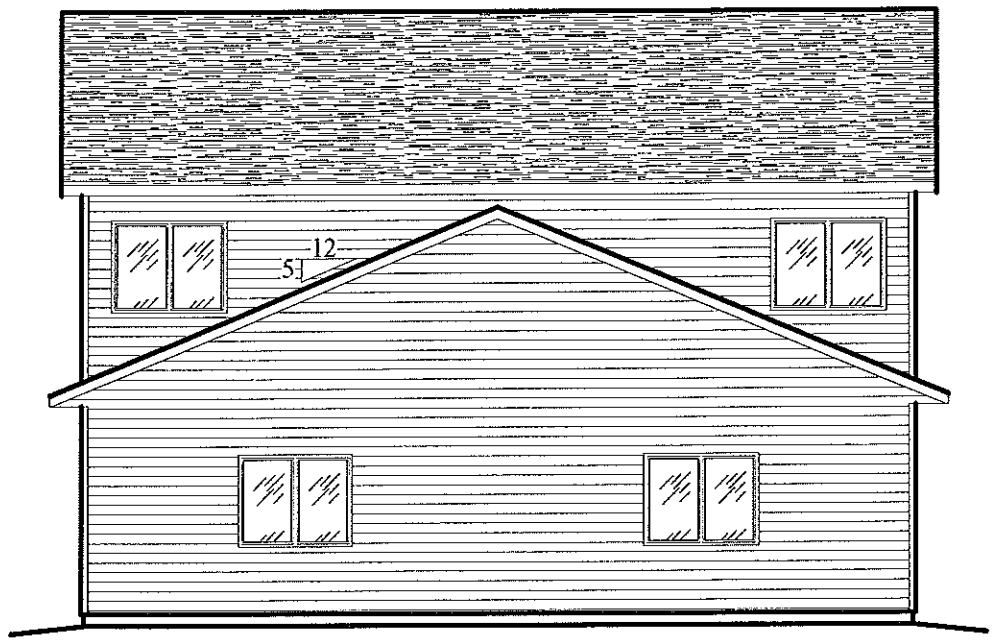
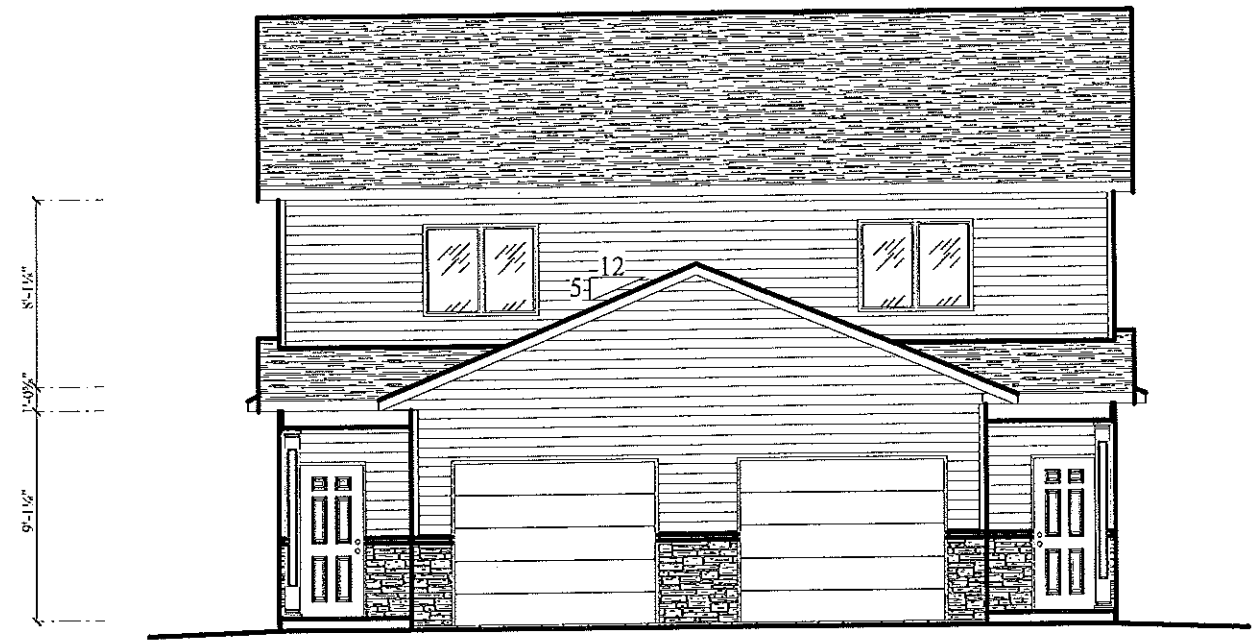
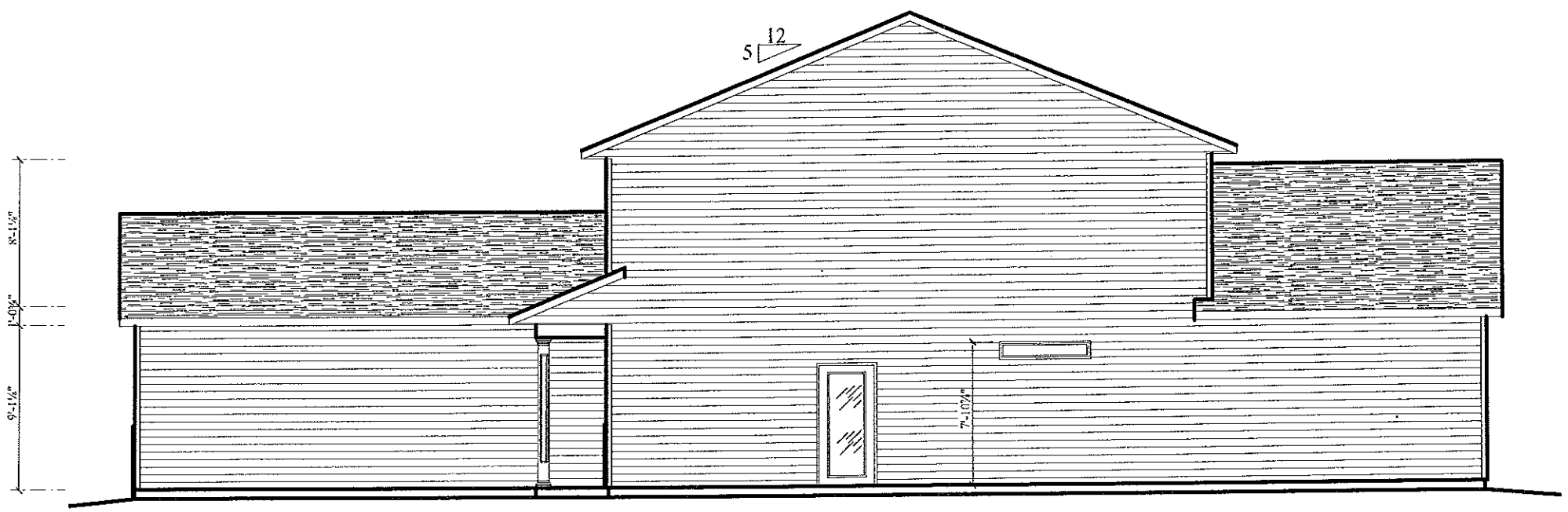
N89°39'20"W
184.24'
CW
DL
6W



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION

SHEET DESCRIPTION
ELEVATIONS

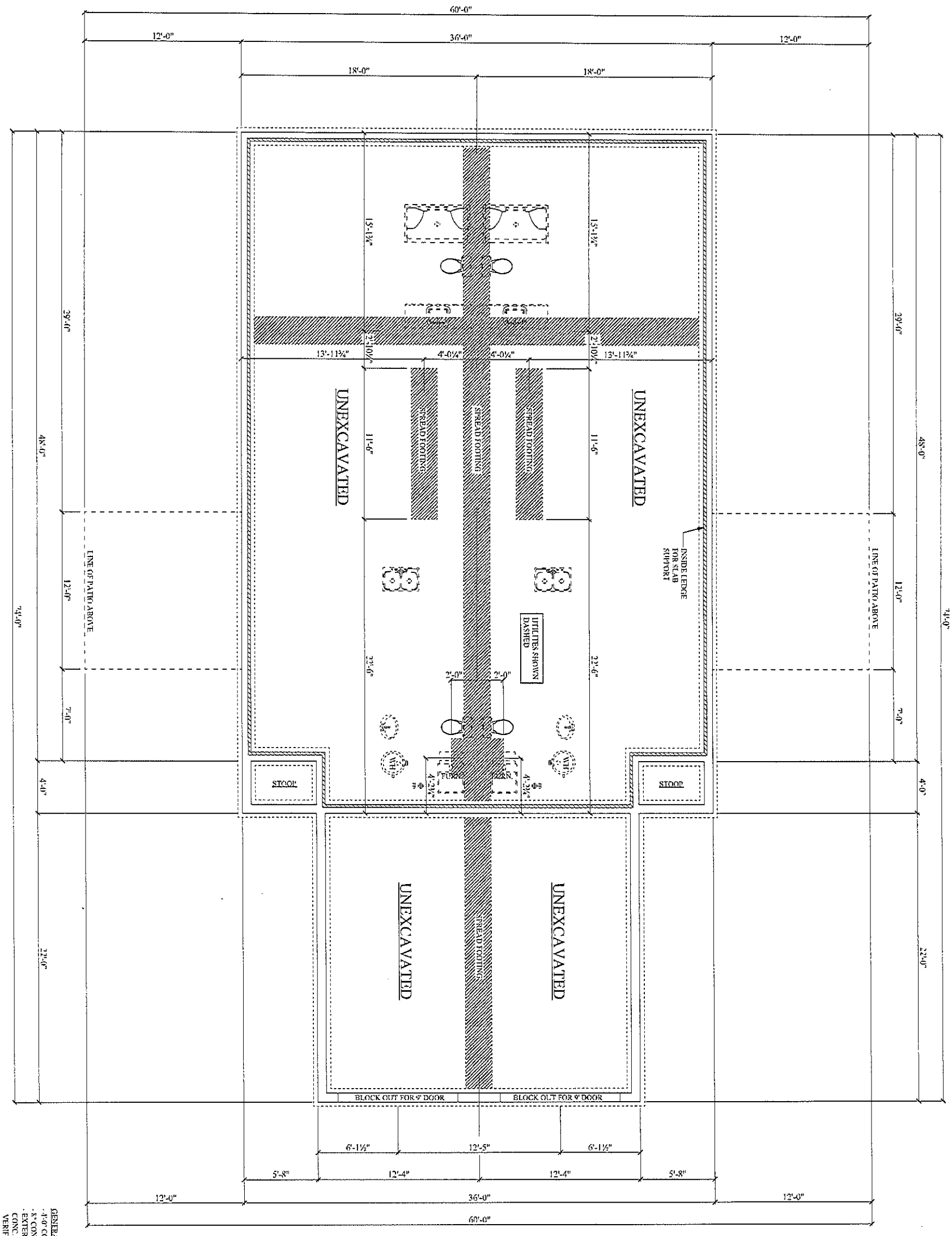
DROJECT NAME
EDEN - 145 N. FRONT STREET

JOB #
639-0610

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

June 24, 2010

SHEET #
1



GENERAL NOTES: UNLESS OTHERWISE NOTED
- 4'-0" CONC. WALL HEIGHT
- 8" CONCRETE EXTERIOR WALLS
- EXTERIOR DIMENSIONS TO OUTSIDE OF CONCRETE CONC. WALLS, PADS & FOOTINGS TO BE VERIFIED BY CONTRACTOR
- FROST PROTECTED FOOTINGS

SHEET #	JOB #	PROJECT NAME	SHEET DESCRIPTION
2	639-0610 SCALE: 1/8"=1'-0" June 29, 2010	EDEN - 145 N. FRONT STREET	FOUNDATION PLAN

SHEET #
3

JOB #
639-0610

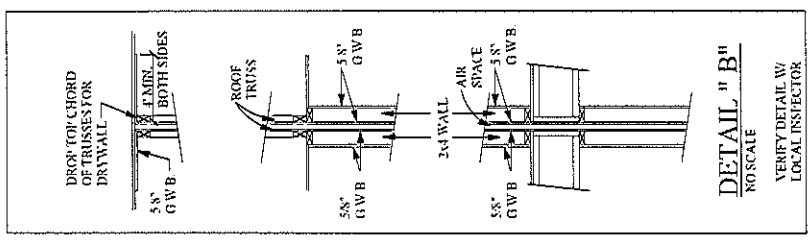
SCALE: 1/8"=1'-0"

June 29, 2010

PROJECT NAME
EDEN - 145 N. FRONT STREET

SHEET DESCRIPTION
MAIN FLOOR PLAN

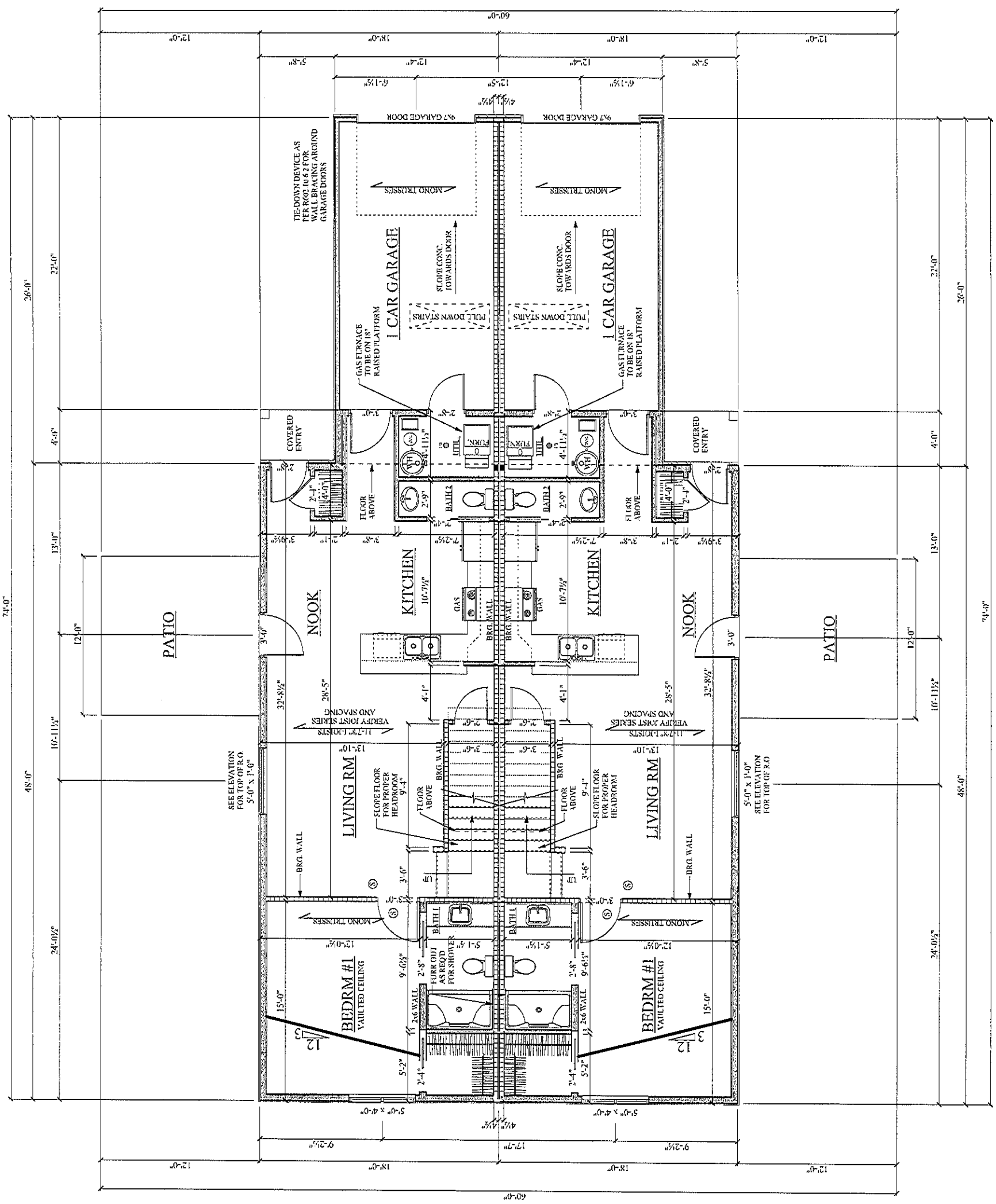
FIN. AREA
EACH UNIT
913 SQ. FT.



GENERAL NOTES: UNLESS OTHERWISE NOTED
1. 9'-1 1/8" HOUSE WALL HEIGHT
2. VERIFY WINDOW & DOOR ROUGH OPENINGS
3. 2x6 EXTERIOR WALLS @ 16" O.C.
4. 2x4 GARAGE WALLS @ 16" O.C.
5. 2x4 INTERIOR WALLS @ 16" O.C.
6. EXTERIOR DIMENSIONS TO OUTSIDE OF STUD
7. INTERIOR DIMENSIONS TO EDGE OF STUD
8. SMOKE DETECTOR IN EACH SLEEPING AREA AND IN ADJACENT CORRIDORS
9. EACH BATHROOM TO HAVE AN EXHAUST FAN
10. TEMPERED GLASS AS REQUIRED BY CODE
11. BEAMS TO BE SIZED & VERIFIED BY SUPPLIER
12. 20 MINUTE FIRE DOOR BETWEEN GARAGE AND HOUSE
13. VERIFY LOCATION OF ATTIC ACCESS
14. 2x6 PLUMBING WALLS AS REQ'D
Ⓢ = SMOKE DETECTORS

- ALL EXTERIOR WINDOW & DOORS HEADERS TO BE DBL-2x12 HEADERS
- ALL GARAGE DOOR HEADERS TO BE DBL - 11-7/8" LVL HEADERS W. 'SIMPSON' HES
- ALL DECK BEAMS TO BE DBL-2x12 TREATED

R602.10 Wall bracing. All exterior walls shall be braced in accordance with this section. In addition, interior braced wall lines shall be provided in accordance with Section R602.10.1.1. For buildings in Seismic Design Categories D0, D1 and D2, walls shall be constructed in accordance with the additional requirements of Sections R602.10.9, R602.10.11, and R602.11.



R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m2).
Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m2).
R310.1.2 Minimum opening height. The minimum net clear opening height shall be 24 inches (610 mm).
R310.1.3 Minimum opening width. The minimum net clear opening width shall be 20 inches (508 mm).
R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

R313.2 Location. Smoke alarms shall be installed in the following locations:
1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will actuate all of the alarms in the individual unit.

R807.1 Attic access. Buildings with combustible ceiling or roof construction shall have an attic access opening to attic areas that exceed 30 square feet (2.8 m2) and have a vertical height of 30 inches (762 mm) or more.
The rough-framed opening shall not be less than 22 inches by 30 inches (559 mm by 762 mm) and shall be located in a hallway or other readily accessible location. A 30-inch (762 mm) minimum unobstructed headroom in the attic space shall be provided at some point above the access opening. See Section M1305.1.3 for access requirements where mechanical equipment is located in attics.

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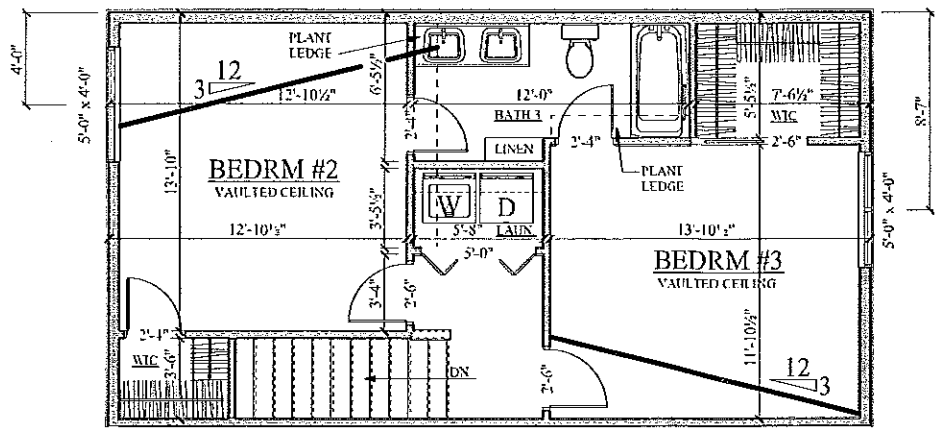
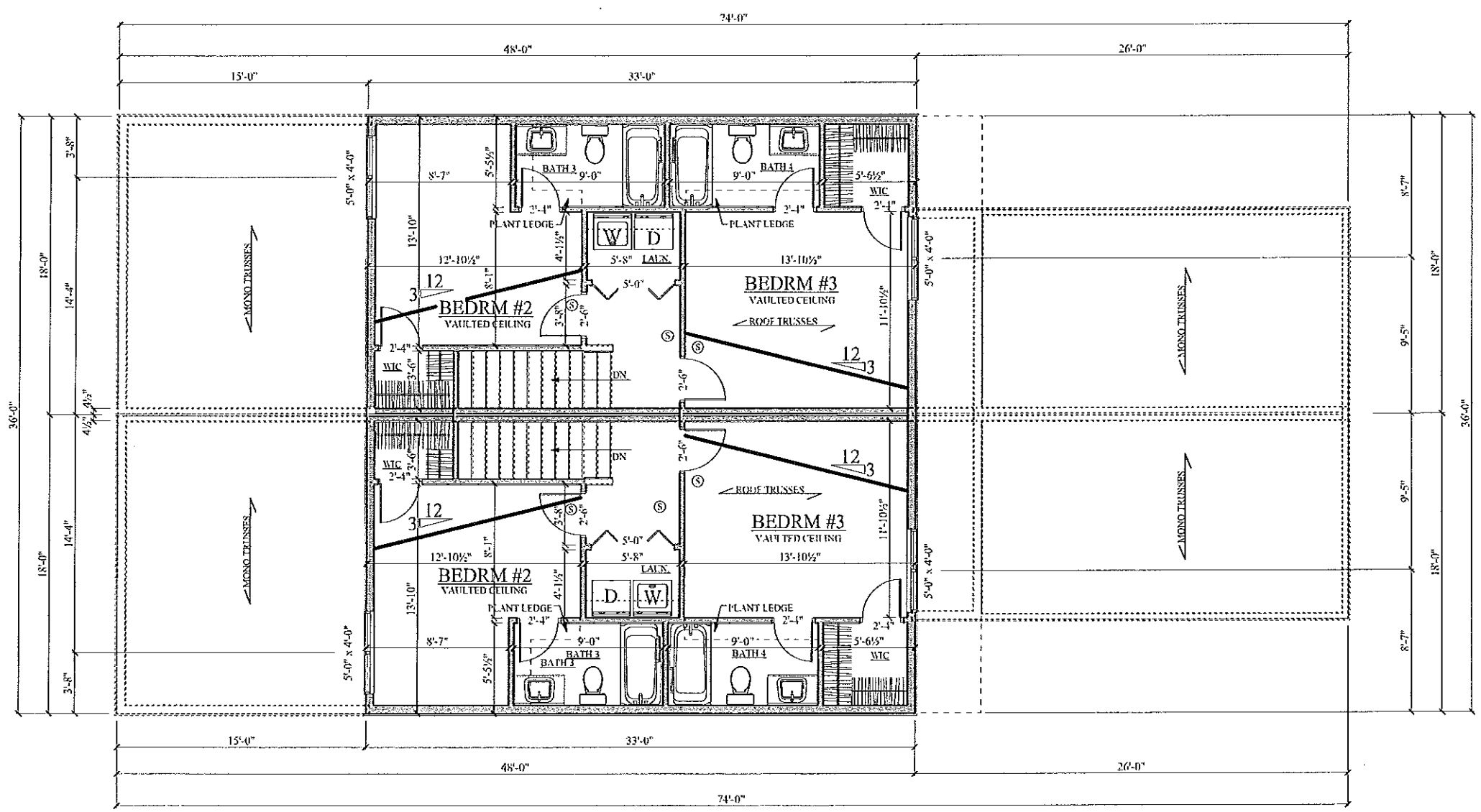


OPTION

FIN. AREA
EACH UNIT
594 SQ. FT.



GENERAL NOTES: UNLESS OTHERWISE NOTED
1. 8'-1 1/8" HOUSE WALL HEIGHT
2. VERIFY WINDOW & DOOR ROUGH OPENINGS
3. 2x6 EXTERIOR WALLS @ 16" O.C.
4. 2x4 INTERIOR WALLS @ 16" O.C.
5. EXTERIOR DIMENSIONS TO OUTSIDE OF STUD
6. INTERIOR DIMENSIONS TO EDGE OF STUD
7. SMOKE DETECTOR IN EACH SLEEPING AREA AND IN ADJACENT CORRIDORS
8. EACH BATHROOM TO HAVE AN EXHAUST FAN
9. TEMPERED GLASS AS REQUIRED BY CODE
10. BEAMS TO BE SIZED & VERIFIED BY SUPPLIER
11. PROVIDE FIRE WALLS WHERE REQ'D

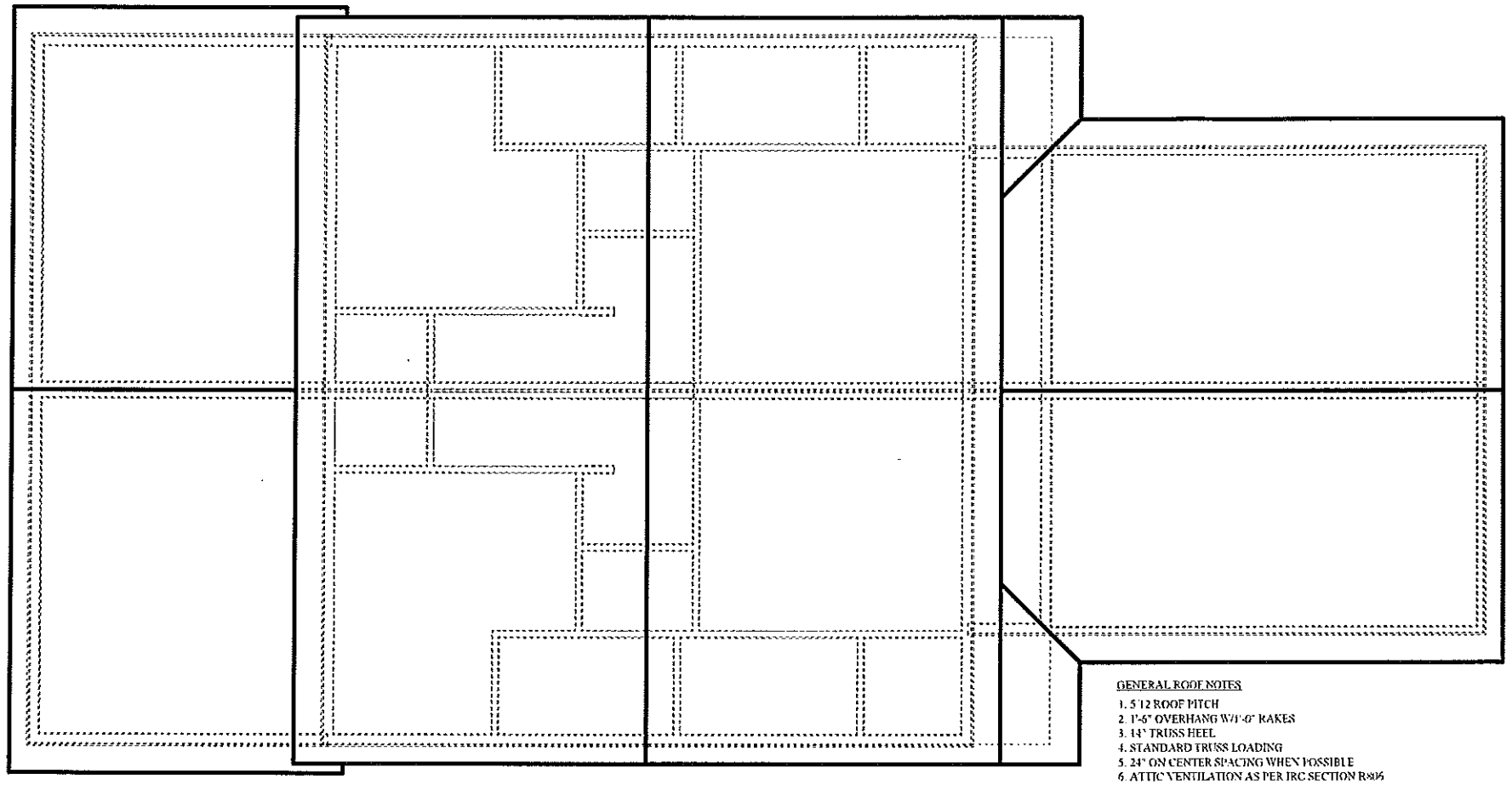
Ⓢ = SMOKE DETECTORS

SHEET DESCRIPTION
2ND FLOOR PLAN

PROJECT NAME
EDEN - 145 N. FRONT STREET

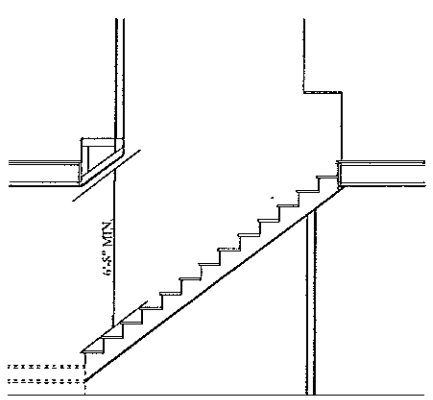
JOB #
639-0610
SCALE: 1/8"=1'-0"
June 24, 2010

SHEET #
4



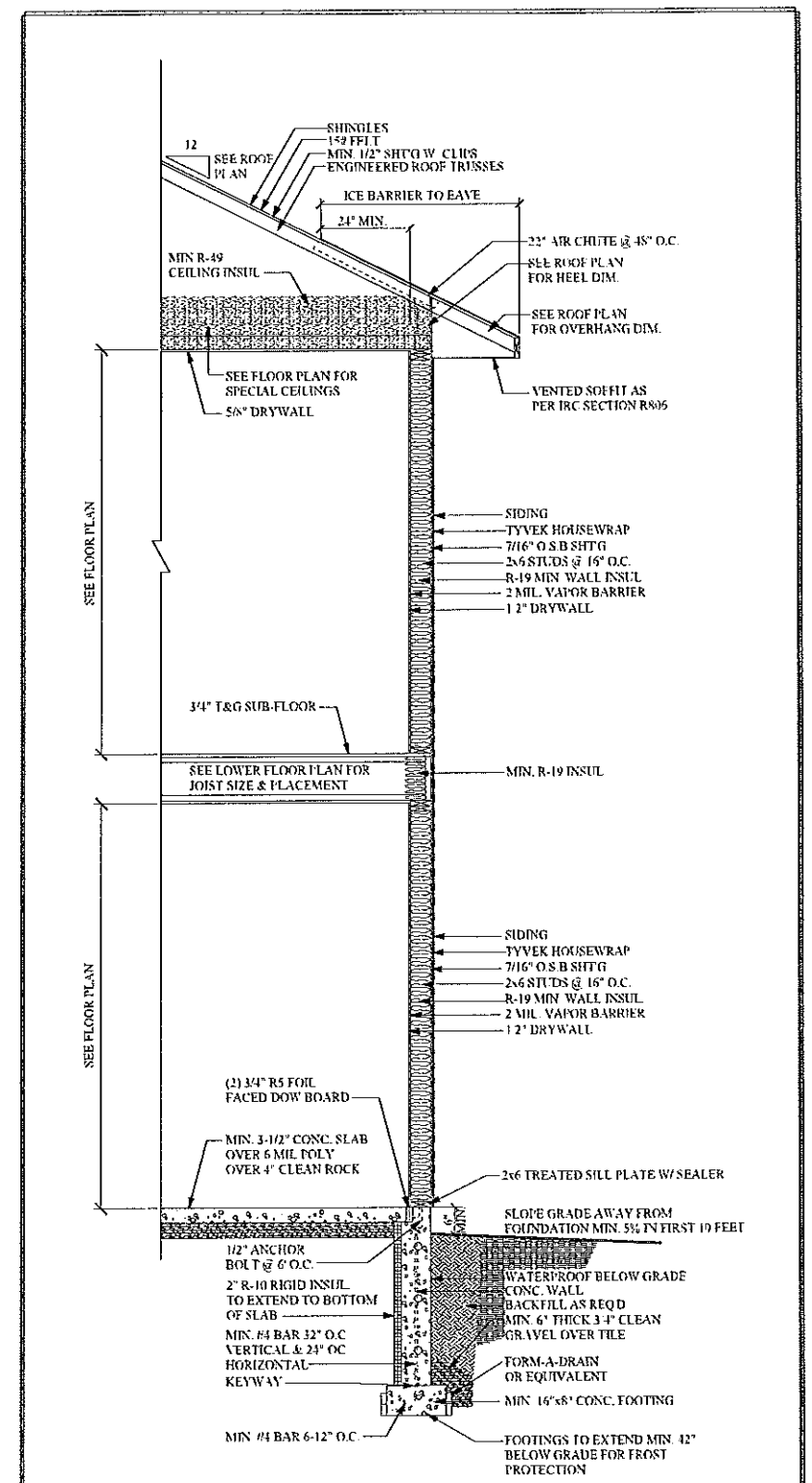
GENERAL ROOF NOTES

1. 5/12 ROOF PITCH
2. 1'-6" OVERHANG W/1'-0" RAKES
3. 14" TRUSS HEEL
4. STANDARD TRUSS LOADING
5. 24" ON CENTER SPACING WHEN POSSIBLE
6. ATTIC VENTILATION AS PER IRC SECTION R806
7. SEE MAIN FLOOR PLAN FOR SPECIAL CEILINGS
8. ATTIC ACCESS AS PER IRC R807.1



STAIR SECTION
NO SCALE

R311.5.6 Handrails. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.
R311.5.6.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 34 inches (864 mm)and not more than 38 inches (965 mm)
R311.5.6.2 Continuity. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals Handrails adjacent to a wall shall have a space of not less than 1 1/2 inch (38 mm) between the wall and the handrails.
Exceptions:
1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.
R312.1 Guards. Porches, balconies, ramps or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade belowshall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads
Porches and decks which are enclosed with insect screening shall be equipped with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below



TYPICAL WALL SECTION
NO SCALE

SHEET DESCRIPTION
ROOF PLAN & WALL & STAIR SECTIONS

PROJECT NAME
EDEN - 145 N. FRONT STREET

JOB # 639-0610
SCALE: 1/8"=1'-0"
June 24, 2010

SHEET # 5

Minutes
North Liberty Board of Adjustment
June 16, 2010, 6:30 P.M.
City Council Chambers

Members Present: Wayne Grell, Art Chipman, Merle Kelly, Brian White
Members Absent: Alison Werner-Smith.
Staff Present: Dean Wheatley
Others: NLTV

1. Vice-Chair Art Chipman called the meeting to order at 6:30 P.M.
2. No public comments were received.
3. CONDITIONAL USE PERMIT APPLICATION: Request of Olney Rentals to approve a conditional use application for outside storage at a new shop development on 236th Street between Progress Street and North Jones Boulevard (Auditor's Parcel #2005035).

   Staff briefed the Board on this case, which is recommended for approval by the Planning Commission with no conditions. A site plan shows the location of the intended storage area to be screened from any residential zoning or development by the new shop building.

   A public hearing was held. No comments were heard at this time and the public hearing was closed.

   After discussion, Wayne Grell moved to approve the conditional use. Merle Kelly seconded the motion, which passed unanimously.
4. Minutes
   Brian White moved for approval of the minutes as mailed. Merle Kelly seconded the motion, which passed unanimously.
5. Old Business

   None noted.
6. New Business
   None noted.
7. Wayne Grell moved to adjourn the meeting at about 7:05 P.M. Merle Kelly seconded the motion, which passed unanimously.