



North Liberty Board of Adjustment Information Packet

February 16, 2011

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
February 16, 2011, 6:30 PM**

1. Roll Call.
 2. Public Comment.
 3. **CONDITIONAL USE:** Request of Matt Neumiller to approve a conditional use for outside storage at property generally located at the northeast corner of the intersection of 240th Street and North Jones Boulevard.
(Legal: Lot 18, Deerfield 4th Addition)
 - a. Staff Review
 - b. Public Hearing
 - c. Applicants Presentation
 - d. Public Comment
 - e. Questions and Comments
 - f. Board Action
 4. Minutes of Previous Meeting (August 2010)
 5. Old Business
 6. New Business
- Adjournment



January 21, 2011

Memo

To: North Liberty Planning Commission
From: Dean Wheatley, Planning Director
Subject: Outside Storage Conditional Use Request for Neumiller Electric.
(Legal: Lot 18, Deerfield 4th Addition)

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
Kevin Trom, City Engineer
Dean Wheatley, Planning Director

This request is to allow outside storage of business material at the existing Neumiller electric business located at the northeast corner of intersection of 240th Street and North Jones Boulevard. The Neumiller property, as well as properties to the north, east and south are zoned Industrial and developed with industrial uses. Property west of the site, across North Jones Boulevard, is zoned for and developed with multi-family residential uses.

The Zoning Ordinance specifically requires the screening of outside storage from adjoining *residential uses or zoning districts* through the use of fencing, dense planting, or both; however, the city's policy has been to require screening of such storage *regardless of the adjoining uses*. In this case, the storage area is large and visible from both 238th Street and from 240th Street.

The owner, working with city staff, proposes to screen the storage from view with a 6' wooden fence along the 240th Street side of the lot, and with additional plantings of upright evergreens along the 238th Street side.

The conditional use is recommended for approval.

Recommended for approval by City Planning Commission 2/1/2011, with the condition that several additional trees be located at the northwest corner of the parking lot.

**Neumiller Conditional Use Site Plan
As Recommended by Planning Commission**

238th Street

N Jones Boulevard

Upright Evergreens

6' Wood Fence

240th Street



1 inch = 50 feet





MINUTES OF THE NORTH LIBERTY BOARD OF ADJUSTMENT
AUGUST 18, 2010

Members Present: Wayne Grell, Art Chipman, Jim Sayre, Brian White, Alison Werner-Smith

Members Absent: None

Staff Present: Dean Wheatley

Others: NLTV, Norma Drexler and others

The board convened at 6:30 pm. Roll call was held and the board welcomed new member Jim Sayre. Public comment period was opened, then closed for lack of comments. The only agenda item was a request for a variance from Chris Eden for property zoned RD-10, requesting a variance of the width requirements in order to erect two (2), 2-unit duplexes on two lots in old town North Liberty. (See Agenda for application for variance and site plans, etc.)

Staff review of the application recommended denial based on a failure to make an affirmative showing with regard to the seven mandatory criteria for the issuance of the variance. Staff's position was that the primary reason for the request was financial gain, would create special treatment and that the applicant had other remedies and his substantial rights were not prejudiced. See Staff memo dated August 11, 2010.

The applicant Chris Eden was present and made his presentation. He provided some additional schematics regarding the variance. He conceded certain aspects of the request were in fact for financial gain, but felt that the variance rules were too rigid to allow for a complete answer to all seven criteria. He noted that the combination of RD-10 zoning and the lot/building requirements created a unique result wherein no duplexes could lawfully be built on the RD-10 (duplex zone) lots.

Public comment was held; the current owner of the lots provided background regarding the history of the lots and the benefits of allowing the variance. Chairperson Smith read one email and one letter submitted by nearby property owners opposing the request for variance on several different grounds, including concerns about the trees, the character of the neighborhood and the density of development. Neighbor Norma Drexler also spoke and expressed concern about the proposal.

The board discussed the request. There was concern regarding the conflict of the zoning and the building laws that create the non-buildable (for duplexes) lots that carry an RD-10 zoning. The board recommends the city council or other appropriate city entities revisit or analyze this situation to determine what action, if any, should be taken with respect to the problem. Board member Brian White expressed a concern about setting a precedent with this variance that might affect other requests in the future. White indicated he felt some of the seven criteria had not

been met, particularly the “financial gain” and “special privilege” criteria. Smith inquired as to the existence of other remedies (ie build a single family home, etc.).

After additional discussion and an opportunity for Mr. Eden to respond, a motion was made by White to deny the variance. A second was made by Mr. Sayre. Upon a roll call, the vote was Aye: Chipman, Sayre, White. Nay: Grell, Smith. The motion to deny carried by a 3-2 vote.

The minutes of the June meeting were approved. Having no new or old business to attend to, the meeting was adjourned at about 7:35 pm.

Submitted,
Alison W. Smith, Chair

DRAFT

155 N. Front

Bd. of Adjusters,

I live at 155 N. Front St. next door to the property involved. My concerns are as follows.

1st Water drainage - Since most of the lot will be covered with housing & concrete, where is the runoff water going? Would it be drained off properly or allowed to pool between the properties? This is not O.K. with me.

2nd Concern #2 are the trees on the lot. There are many people in N.L. who understand the value of trees but it seems like the developers are not in this group. Whenever there is development the 1st thing to go are the chain saws & there go the trees. This is deplorable.

3rd Since this is ~~not~~ part of the original town I feel we should preserve and bring diversity & imagination to our town.

I recommend that the variance be denied.

Sincerely

Kathleen A. MacToggast

Dean Wheatley

From: SSemken [steve@southslope.net]
Sent: Monday, August 16, 2010 4:09 PM
To: Dean Wheatley
Subject: Front Street Variance Request

Hi, I hope the NL Board of Adjustment on August 18th will refuse to permit the zoning variance request being made by Chris Eden for 145 N. Front Street in North Liberty to construct two duplexes. The space at 145 N. Front is hardly large enough to support four units of residence and still maintain a housing value for the neighborhood. Not to mention the increase in traffic and noise that would result. I think this would establish a poor precedent for the city to move ahead in. There are plenty of areas to build new houses in our city, but precious little "old" space in town. It would seem that if someone really wanted to construct two duplex buildings (four units) that they would choose a more reasonable spot to begin with. As well, I suspect that these units will be rentals rather than lived in by local resident owners which again, lessens the quality of life in this old town area. Thanks for asking us for our thoughts,
Steve Semken