



North Liberty Board of Adjustment Information Packet

April 17, 2019

6:30 PM

**North Liberty 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@northlibertyiowa.org



**NORTH LIBERTY BOARD OF ADJUSTMENT
MEETING NOTICE AND AGENDA**

April 17, 6:30 PM

City Council Chambers, 1 Quail Creek Circle

- 1. Roll Call:** Reed; Ruttum; Erenberger; Murphy; Strickland
- 2. Public Comment** on any topic not on the agenda
- 3. VARIANCE REQUEST:** Application from Brad Klaes for a variance to the residential side yard setback requirement from 5' (required) to 7" (requested) to allow construction of a house addition at 215 N Front Street.

Legal: North Liberty Original Town, E 120' Lot 2 Block 3

- a. Staff Presentation
 - b. Applicants Presentation
 - c. Public Hearing & Public Comments
 - d. Board Discussion
 - e. Formal Action
- 4. Minutes of Previous Meeting** (September 2018)
 - 5. Old Business**
 - 6. New Business**
- Adjournment**

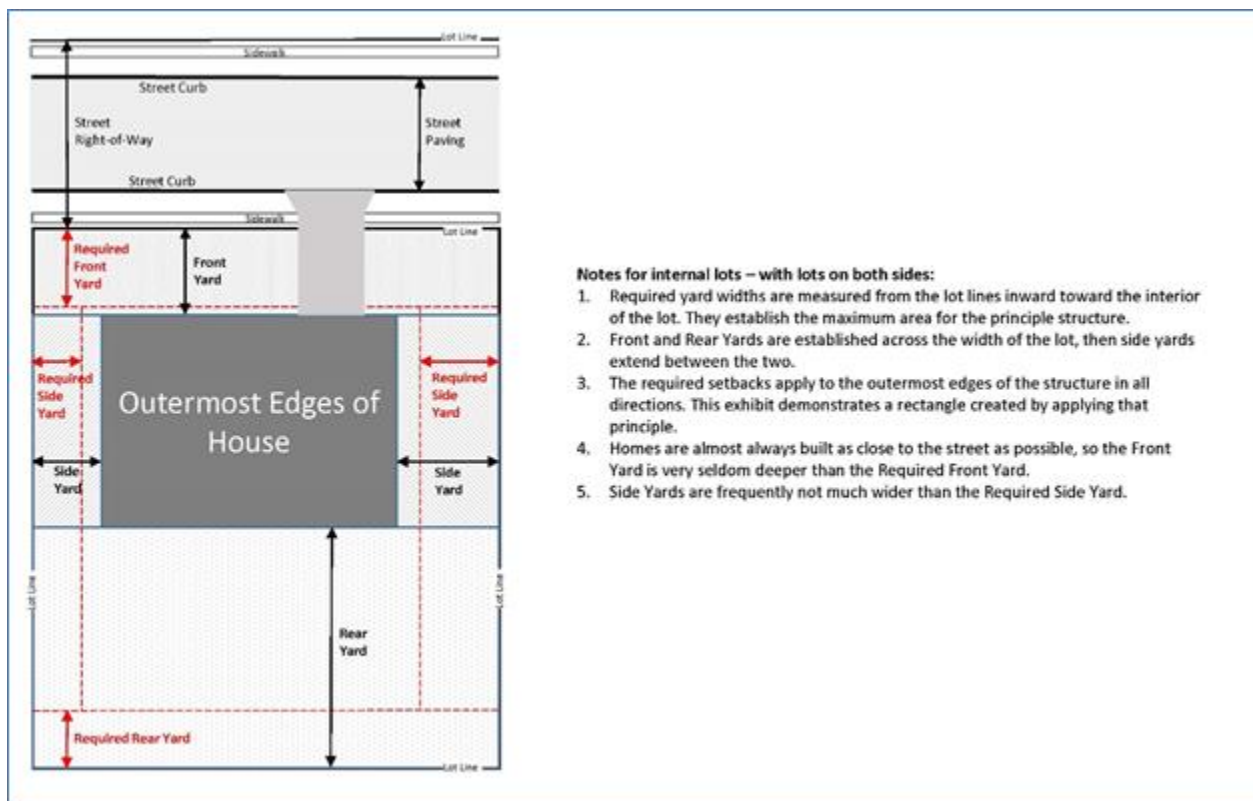


April 11, 2019

Staff Report

Klaes Variance Request

Every zoning ordinance establishes rules for development, and those rules can be very different from city to city. The requirement under consideration in the Klaes variance request is the side yard requirement, which prescribes the minimum distance the main structure on a lot must be from the side of the lot in the areas represented on the simplified exhibit below. In North Liberty, in the district in which this property is located (RS-7), the minimum required side yard is 5 feet for single-family lots. The request is to vary that requirement to allow construction to within 7 inches of the side lot line. Obviously this will create practical problems such as construction and maintenance of the building without being on the neighboring property, and if the variance is approved any construction permit would be contingent on the owner acquiring an easement from the neighbor to be on their property. Board of Adjustment members should read the application carefully to determine if the applicant has made a justifiable case that his situation is truly unique and that no other course of action is possible; otherwise, approval would simply be granting a special favor to an individual.



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: Brad Klaes

Property owner's address & phone: 215 N Front St - Home: 319-665-4742 Cell: 319-321-5259

bklaes@mccomasglacina.com

Owner's agent name & phone (if applicable):

Property legal description (lot, block, subdivision): NORTH LIBERTY (ORIGINAL TOWN) E 120' LOT 2 BLK 3

Property current zoning and current use: RS-7

Variance request: allow construction of garage with reduced setback at north property line

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: 

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: This condition is unique as my lot is located in original section of town and my house was constructed in 1914. I have owned the lot since 1999. I currently have an existing garage +/-1' from the property line with my neighbor's also closer than current guidelines.

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: We would like an attached garage for our continued residence. This would be a more convenient function and more useful than our current garage.

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: During the course of ownership, zoning of this section of town has changed. I believe at the time of purchase, the lot was in an area zoned for 2 family occupancy.

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: Without a variance, this improvement will not be able to proceed as other property owners would be able to. With current restrictions, a two car attached garage does not fit.

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: New homes and houses being renovated have, or are able to construct an attached garage. There are examples of new construction and previously constructed homes down Front St and throughout the original town of North Liberty.

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: This addition would not negatively impact the neighborhood in any way as the structure is behind the existing house.

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: there is inadequate room for a double stall garage door in any configuration that leaves the existing house in place



FRONT STREET

DIMENSIONS NOTED ARE TO THE NEAREST INCH AND FOR DESIGN REVIEW PURPOSES ONLY. EXACT DIMENSIONS WILL BE NOTED ON THE CONSTRUCTION DOCUMENTS AND MAY BE SLIGHTLY DIFFERENT.

SITE

SCALE: 1/16" = 1'-0"



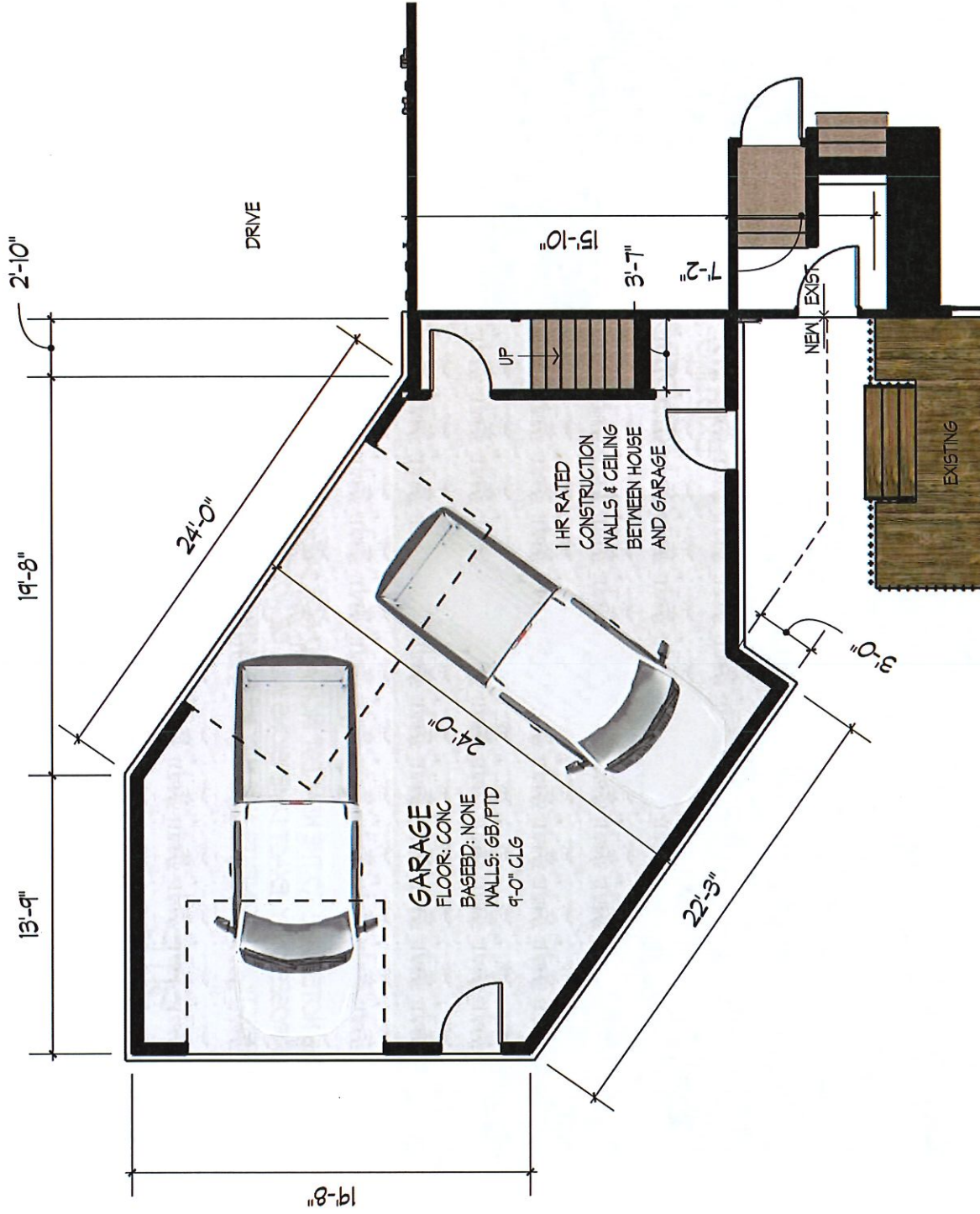
Klaes Residence

215 N. Front St
North Liberty, IA 52317

March 30, 2019

SITE PLAN

01 OF 06



Klaes Residence

215 N. Front St
North Liberty, IA 52317

March 30, 2019

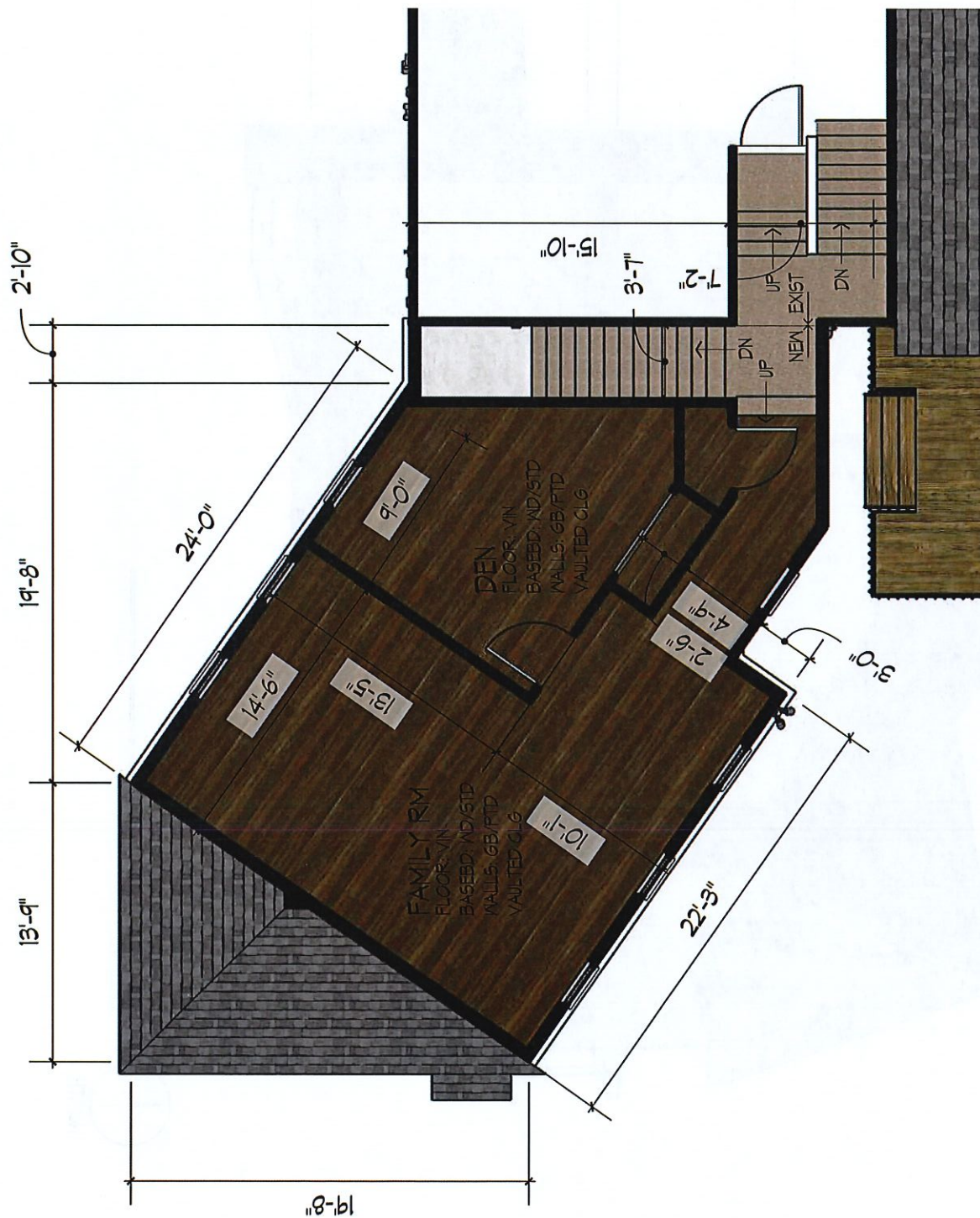
GROUND FLOOR

02 OF 06

GROUND FLOOR

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





Klaes Residence

215 N. Front St

North Liberty, IA 52317

March 30, 2019

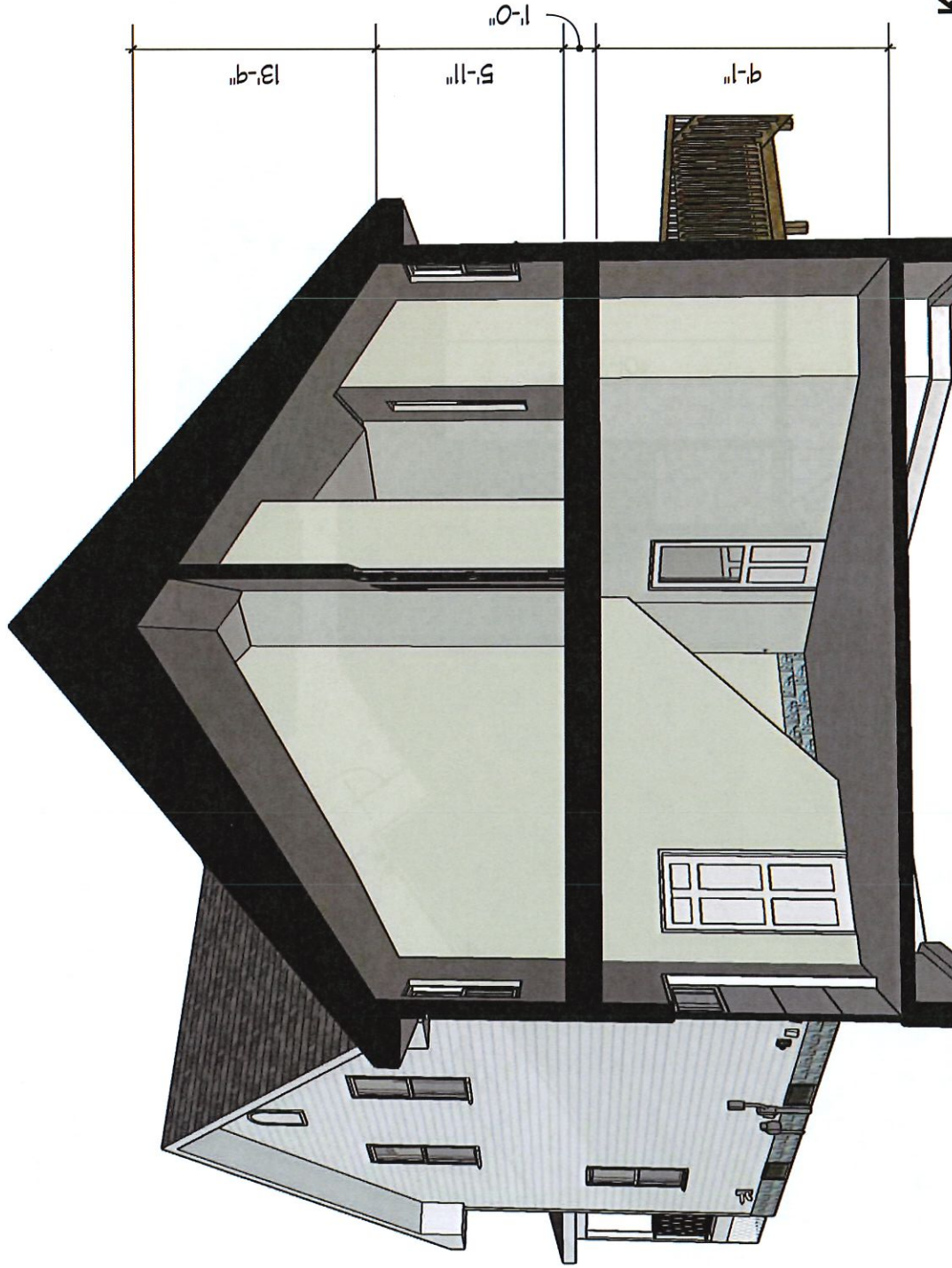
UPPER FLOOR

03 OF 06

UPPER FLOOR

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





Klaes Residence

215 N. Front St
North Liberty, IA 52317

March 30, 2019

SECTION

04 OF 06

SECTION

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





Klaes Residence
215 N. Front St
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ELEVATIONS
05 OF 06

ELEVATIONS
SCALE: 3/32" = 1'-0"



GENERAL NOTES:

- 9'-1 1/8" WALL HEIGHT UNLESS NOTED
- SINGLEHUNG WINDOWS TO BE USED UNLESS NOTED - VERIFY SIZES
- ALL DIMENSIONS ARE FRAME TO FRAME
- ROOF TRUSSES ARE TO BE DESIGNED AND CERTIFIED BY AN ENGINEER LICENSED IN THE STATE OF CONSTRUCTION
- EXTERIOR WALLS ARE 2X6'S AT 16" O.C.
- INTERIOR WALLS ARE 2X4'S AT 16" O.C.
- GARAGE WALLS ARE 2X6'S AT 16" O.C.
- FLOOR JOISTS AND BEAMS SIZES ARE TO BE DETERMINED BY SUPPLIER
- 2X6 PLUMBING WALLS AS REQUIRED
- ESCAPE WINDOW MIN NET CLEAR OPENING OF 5.7 SQUARE FEET (5 SQ FT @ GRADE). MIN OPENING HEIGHT: 2'-0". MINIMUM OPENING WIDTH: 1'-10". SILL HEIGHT MAX: 3'-8" AFF.
- STAIRS - MIN. RUN 10" - MAX RISE 7 3/4"
- LOCATION OF ATTIC ACCESS TO BE DETERMINED BY CONTRACTOR
- SMOKE AND CARBON MONOXIDE DETECTORS ARE TO BE INSTALLED IN ALL BEDROOMS, HALLWAYS, AND ALL STAIRWELLS PER CODE
- ALL EXTERIOR & BEARING WALL OPENINGS TO HAVE 2 PLY 2X12 HEADERS AS REQUIRED UNLESS SPECIFIED BY ENGINEER
- RADON CONTROL METHOD AS REQUIRED
- ALL FOUNDATION WALLS ARE 8" THICK UNLESS NOTED
- ALL FOOTINGS UNDER WALLS 16"X8" UNLESS NOTED
- PADS SIZES - 12" THICK W/ #5 BAR 1' O/C UNLESS NOTED

Klaes Residence

215 N. Front St
North Liberty, IA 52317

March 30, 2019

NOTES

06 OF 06



**NORTH LIBERTY BOARD OF ADJUSTMENT
MEETING MINUTES
September 12, 2018, 6:30 PM
City Council Chambers, 1 Quail Creek Circle**

Members: Marissa Reed, Chair
Eric Ruttum
Krystin Erenberger
Lance Murphy
Robert Strickland

Roll Call: The meeting was called to order by Chairperson Reed at 6:30 p.m. All Board of Adjustment members were present.

Others present: Applicant Ivan Armendariz.

Public comment on items not on the agenda: None.

Conditional Use Request: Application for an outside eating conditional use at El Cactus restaurant, located just east of 965/Ranshaw Way on Jordan Street. (Legal: Lots 1-3 Corridor Commercial Part 1A)

Staff reported on the case details, and reported that the Planning Commission has recommended approval. The petitioner was in attendance. Ruttum moved for approval of the conditional use. Erenberger seconded the motion, which was approved unanimously by roll call vote of all members present.

Minutes from Previous Meeting. Strickland moved to approve the minutes of the July 2018 meeting as presented. Murphy seconded the motion, which passed unanimously.

Old Business: None.

New Business: None.

Adjournment: The Chair declared the meeting adjourned at 6:45 PM.

Dean Wheatley, Planning Director