

b) The Zoning Regulations State:

The proposed Hospital addition would exceed the maximum 60-foot height exception by approximately 5 feet and exceed the maximum three story limit by one story. See Code of Ordinances Section 100.8.03.3.a and 100.21.03.2.a.

c) Interested Property Owners:

Neighboring property owner, Ron Matthias, spoke in favor of the request and stated that the effects of this project from his viewpoint would be totally negligible from what exists today. There were no other public comments.

d) Discussion:

Secretary Passmore began the discussion with a brief explanation on the necessity of the variance. Mr. Passmore discussed the definition of what a story is by code and in particular to the Hospital, that the basement level is considered a story. He also stated that this new top addition is considered a story which will total four stories when the code allows for three stories. Mr. Passmore mentioned that the existing structures on the roof top today are looked at as penthouses, mechanical rooms, etc. which are exceptions in the code for height considerations. Due to the fact that all these levels are considered stories, they also must be counted for the total height of the structure which will be exceeded by about five feet.

Brian Sanderman with InVision Architecture represented the Hospital and stated that the slope of the property creates this situation with varying heights and stories depending upon which side you are on. He stated that the site drops around thirty feet from west to east and it is on the east side only that the rooftop addition will be placed. He stated that the main entrance on the north side would technically be considered the third story and that the overall view height of the new rooftop addition will only be about 5 feet taller than the existing exempt structures on the roof. Mr. Sanderman mentioned that the rooftop addition will not occupy a significant amount of area on the roof and that the previous construction was designed to accommodate this additional story.

Member Foy asked how much of the grade was removed or altered during the previous expansion project. Mike Trachta, CEO of the Waverly Health Center, responded that at the current building location significant excavation was done, but the parking lot grade was not altered as it matches up with the street. Chairperson Lampe confirmed that the Hospital is located on a corner lot with two front yards. Member Shea asked about the need to have the addition as tall as proposed. Mr. Trachta stated that the proposed addition is to contain a garden and in order to allow sunlight into various areas they needed to be above existing penthouses. He further explained the intended use of the rooftop garden addition and mentioned that it could be used for

various civic events. Mr. Trachta also mentioned that if a variance is granted, the rooftop garden request will then go to the Planning and Zoning Commission for review as a special provisional use.

Mr. Sanderman mentioned that the zoning code does allow for the allowable height to be increased based on how far back a structure may sit from a property line, but that in this case where the Hospital sits so far away from the property lines, the allowances would be extreme and not likely the intent of the code. Mr. Lampe agreed with this assessment and further mentioned that as the zoning code addresses the height exceptions, it fails to consider additional stories when allowing taller structures. Mr. Passmore acknowledged this shortcoming with the zoning code height exceptions and intends to revise the language through an ordinance amendment.

Mrs. Shea asked how many future additions are planned for the rooftop and asked if the Board was to only consider this project or something more all encompassing. Mr. Trachta stated that at this time this is all that is being requested, although the Hospital continues to review all opportunities for future expansions. Mr. Lampe confirmed with Mr. Trachta that adequate parking facilities will accommodate this addition and the existing Hospital. Member Gidley expressed reservation about what the actual hardship would be in this situation. Member Brown stated that she views the lay of the land as a hardship. Mr. Foy stated that most people would look at the current structures on top of the roof and consider that a fourth story already exists.

e) Motion by the Board:

Motion By: Chris Foy

Seconded By: Pat Brown

Move that a variance to allow the proposed Hospital Tendrils Rooftop Garden addition, as presented in the request, to exceed the maximum 60-foot height exception by approximately 5 feet and exceed the maximum three story limit by one story at 312 9th St. SW be approved.

Yes: 4

No: 1

Absent: 0

Member Gidley cast the "No" vote.

2. Review of Case # 20061102, Community Based Services, 124 5th St. NE.

a) The Applicant's Requested Zoning Variance:

The applicant is requesting a variance to the zoning regulation governing the minimum front-yard setbacks in the R-2 Residential District.

b) The Zoning Regulations State:

The proposed front entryway would encroach into the required 25-foot front-yard setback by approximately 3.5 feet. See Code of Ordinances Section 100.7.03.2.

c) *Interested Property Owners:*

Secretary Passmore mentioned that he received a phone call from neighboring property owner, Donna Kay Oberheu, who was not in favor of the request. There were no other public comments.

d) *Discussion:*

Secretary Passmore began the discussion with a brief explanation on the necessity of the variance. He stated that a front-yard variance is all that is being requested as no other setbacks will be affected. Mr. Passmore mentioned that he analyzed the use of an average setback for the neighboring frontage, but that did not help the request, therefore the setback remained at a required 25 feet. He also stated that because the proposed entryway will be an enclosed area with a roof it is considered as part of the main structure.

Bill Reinke of Houses Inc. represented Community Based Services and stated that the property is a single-family residence that they desire to convert into a duplex. The total number of occupants will not drastically change but there will be two completely separate dwelling units. He stated that Community Based Services provides housing for the disabled and that converting this house into a duplex will make it less confusing for the tenants. Mr. Reinke mentioned that the new entryway will be needed to accommodate persons with disabilities to allow them to get in out of the weather before determining which unit to enter. Member Shea confirmed that this house was originally built for its current use by persons with disabilities. Mr. Reinke stated that the project will involve further remodel of the dwelling and that it might not be possible to make the duplex completely handicap accessible, however these improvements will make them more accessible.

Gaylord Hinderaker, Bremer County Supervisor, also represented Community Based Services and stated that this project would greatly enhance the mobility of the tenants and the visitors to the duplex. Chairperson Lampe clarified with Mr. Reinke that the existing stairways would not be moved and that the entryway would accommodate for them as they currently exist by increasing the landing size. Member Shea confirmed with Mr. Reinke that persons in wheelchairs would not be able to maneuver the access but that persons with other disabilities would benefit from the improvements. Mr. Lampe described the building codes that apply to landings from stairways and that these improvements would be required by code. Member Foy confirmed that major reconstruction would need to occur to the structure in order to relocate the main entryway. Members Shea and Brown both viewed the reason to grant this variance was to allow for a safer entryway for persons with disabilities or mobility issues. Member Gidley agreed that he viewed this request as meeting the hardship guidelines.

e) *Motion by the Board:*

Motion By: Karla Shea

Seconded By: Vern Gidley

Move that a variance to allow the proposed front entryway to encroach into the front-yard setback approximately 3.5 feet for 124 5th St. NE be approved.

Yes: 5

No: 0

Absent: 0

E. Old Business: None

F. New Business:

- The Board recommended that City staff and the Planning & Zoning Commission review an ordinance exception that currently relates to allowable heights but does not address additional stories.

G. Adjournment:

Motion By: Vern Gidley

Seconded By:

That the Board of Adjustment meeting be adjourned.

Yes: 5

No: 0

Absent: 0

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.