



Agenda

Zoning Board of Adjustment
20 Second Avenue SW, Oelwein
6:00 PM

September 25, 2025
Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Matt Weber

Board Members: Warren Fisk, Cindy Noll, Gary Crawford, Jerry Bostian, Board Secretary: David Kral

Roll Call

Approve Minutes

- [1.](#) Approval of previous meeting minutes from December 17th, 2024

New Business

- [2.](#) Discuss HF 652

Variance Requests

- [3.](#) Variance request for Parcel 1821456011 - Tom Carrico

Old Business

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



Minutes

Zoning Board of Adjustment
20 Second Avenue SW, Oelwein
December 17, 2024 – 5:30 PM

Roll Call

In attendance: Fisk, Crawford, O'Connell, Kral

Absent: Noll

Also in attendance: Craig Schmitt of Hawkeye Telephone

Approve Previous Minutes

Motion by Fisk, 2nd by Crawford – Approved

Special Exception Requests

1. Special Exception Application for building new fiber optics hub at 208 8th Ave SE

-Discussion involved proper setbacks being met as well as does the building meet code for a special exception. Parcel is zoned P-1. All R-1 special exceptions apply to P-1 zone. Utility buildings are an allowable special exception type by code, this fiber hub would fall into that category. Discussed building size and finish style, noise level, and parking space needed. Building would be approx. 10'x16', steel and block on a cement pad. Building would not generate any noise. It would have an area graveled off for a parking space. Per discussion, the building did not seem to be out of character for the area, would not create any nuisance conditions, and fits all necessary setbacks and design standards needed.

-Motion to approve by Fisk, 2nd by Crawford. All vote Yes.

New business

-Kral made a statement to member Ginger O'Connell thanking her for her service to the board as this would be her last meeting with her term expiring at the end of the month.

Adjournment

-Motion to adjourn by Fisk, 2nd by Crawford. Meeting adjourned.

House File 652 - Enrolled

House File 652

AN ACT
CONCERNING COUNTY AND CITY REGULATION OF REAL PROPERTY AND THE
POWERS GRANTED TO A BOARD OF ADJUSTMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 335.15, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

Summary of HF 652 – Variance Authority for Zoning Boards

What the amendment does:

- Expands the authority of zoning boards of adjustment (on appeal) to grant **variances** from *area, dimensional, or numerical* zoning requirements.
- **Main change:** The law used to require a showing of “*hardship*.” The amendment now lowers the threshold to “*practical difficulties*.”
 - This is a significant difference because *hardship* typically meant the property could not be used at all without a variance (a very high bar).
 - *Practical difficulties* recognizes situations where strict enforcement would make it unreasonably difficult for an owner to make beneficial use of their property, even if use is still technically possible.

Types of Standards Covered:

Variances may apply to requirements like:

- Minimum lot size
- Setbacks
- Yard widths
- Height and bulk of structures
- Sidewalks
- Fencing
- Signage
- Off-street parking

Conditions That Must Be Met:

- The difficulties must be **unique to the property** (not common to the area or self-created).
- Granting the variance must **not significantly alter the essential character** of the neighborhood.
- The variance must still **uphold the spirit of the ordinance** and serve the **public interest**.

Plain-language takeaway:

This amendment makes it easier for zoning boards to grant relief in cases where rigid zoning enforcement creates **practical difficulties** for property owners. The shift from “*hardship*” to “*practical difficulties*” gives boards more flexibility to balance fairness, neighborhood character, and zoning intent.

FOR OFFICE USE ONLYAppeal No. 2025-Z-01

Date Received: _____

\$75 Fee Paid on: _____

Form Updated (12/23)



Variance Application

Filing Fee \$75

Tom Carrico

Applicant Name**Applicant Address**

PARCEL 1821456011

Property Address or Parcel Number

I-2 Light Industrial

Current Zoning of Property608-333-7665**Phone Number**tom@CARRICOAQUATICS.COM**Email Address**20 July 2025**Application Date**

VARIANCES

The Board of Adjustment has the power and duty to review variance applications as defined by the following City of Oelwein Code:

Appendix A – Section 104 – Definitions –

(77) Variance - A legal modification or variation of the provisions of this ordinance as applied to a specific piece of property.

Appendix A – Article VII - 705.3. Variances.

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that any of the following conditions exist:

(a) There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

(b) Literal interpretation of the ordinance would result in unjust financial hardship to a previously established business or industry.

(c) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

(d) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

- (e) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to, or alter the essential character of the neighborhood and the general welfare.
- (f) The special circumstances are not the result of the actions of the applicant.
- (g) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
- (h) The variance is not a request to permits a use of land, building, or structure which is not permitted in the district involved.
- (i) The variance shall be void after six months unless a building permit is secured.

List specific code section(s) for exception being requested:

SEE ATTACHED

Please describe your request in detail and include any relevant data and drawings as applicable. If necessary, attach your documents to the application.

[Signature]
Applicant Signature
7/12/25
Date

[Signature]
Applicant Signature
7/20/25
Date

REQUEST FOR VARIANCE FROM CITY OF OELWEIN'S BOARD OF ADJUSTMENT

Application Date: 20 July 2025

Applicant Names: SANDTOCAR LLC By Tom and Sandy Carrico

Applicant Address: 1406 Outer Road, Oelwein Iowa 50662

Applicant Phone: 608-333-7665

Applicant Email: tom@carricoaquatics.com

Parcel Number: 1821456011

Property Address: 420 Rock Island Road, Oelwein Iowa

Current Zoning: I-2

VARIANCE REQUEST

We are requesting a variance to allow the construction of up to additional 40 feet of warehousing on the southeast portion of our existing building. This would restore the building to its existing foot print as constructed in 1968. The concern is this additional area would be in violation of the 25 foot set back of the property line. However, when the building was constructed in 1968 it was in violation of this set back. We are unable to do construction on any other portion of the property due to restrictions placed on Alliant Energy by the Iowa DNR for ground contamination. Alliant Energy is required to complete the clean up contaminate soils on the site, however at this time there is no known time table as to when the clean up will begin or when it must be completed by.

BACKGROUND

Sandtocar LLC, owner of property since 2009, rents the property to Carrico Aquatic Resources, Inc, an Iowa Corporation , for the purpose of providing products, supplies and services to Iowa, Minnesota, Nebraska and western Wisconsin commercial aquatic venues. Carrico Aquatics currently has ten team members working out of the Oelwein facility. In the five years Carrico Aquatics has worked out of the Oelwein facility the company has grown at a rate of 20%

per years and is projected to grow another 40% in 2026 with a projected revenue of 5.5 million dollars. This growth will add additional team members as well as bringing more aquatic facility operators to Oelwein to purchase equipment and supplies for their pools. Currently we have had pools from as far away as Iowa Falls, Cedar Rapids, Waterloo/Cedar Falls, Prairie du Chein and Decorah at our facility.

Problem: We have outgrown of this facility and need to expand our physical space to handle growth of more product, increase service area to work on clients robotic equipment as well as provide safe and secure storage for hazardous materials away from the public and severe weather conditions. Some of our pH adjustment chemicals and their containers can be used to make meth.

History of Parcel 18214556011 aka 420 Rock Island Road:

This parcel was the original power plant for the City of Oelwein. When first put into operation coal was used to generate electricity. The goal was dump and stored on the ground from rail cars. Over time the ground became contaminated with Benzene and Naphthalene Plumes.(Exhibit C-1 and C-2) as Noted by Black and Veatch for the Iowa DNR.

In 1968 the original building was destroyed by the Oelwein tornado and new building was erected for Iowa Electric Light & Gas Company to serve as the main shop for the Oelwein community till about year 2000. This building was 36' X 116" x 12'.

In 1986 the new four lane Rock Island Road or 4 lane highway 150 was dedicated with an entrance to the IE building from the new highway. The building was now part of Interstate Power and the original size of 36x116x12 was in place. I would suggest that a variance was given to Interstate Power to allow the existing building to be in violation of the set back requirement though I don't know this for fact.

Circa late 1990 the Iowa DNR proclaimed the property at 420 Rock Island Road had containment soils and require Interstate Power to begin cleaning up the site.

About 2001 Interstate Power began phase one of the clean up by removing 41 feet of the SE corner of the building and digging out 9.5 feet of containment soils and replacing with new soil. The 41' of building was never rebuild as Interstate Power or as we know it became Alliant Energy build a new facility in Oelwein.

Interstate Power now Alliant Energy is still responsible to clean up several areas of the property which prohibits us from blacktopping parking lots or expanding the footprint of the building to the Northwest and west. The only area we can

expand on is to the original building SE corner where clean up has occurred. We could clean up the NW part of the property BUT at our expense and we would be far better to just move. From Exhibit B provided by the DNR and Alliant Energy when we purchased the property one can see where and depth of excavation can occur.

The DNR comes 3-4 times each year to monitor the different wells in order to determine when the next clean up by Alliant Energy must happen.

Our request for variance falls under Appendix A- Article VII-705.3 (a);(b);(e);(f); (h)

(A): We have extraordinary conditions because of the shape, size and hazardous ground contamination that has to be remediate which prevent the use of the majority of the property

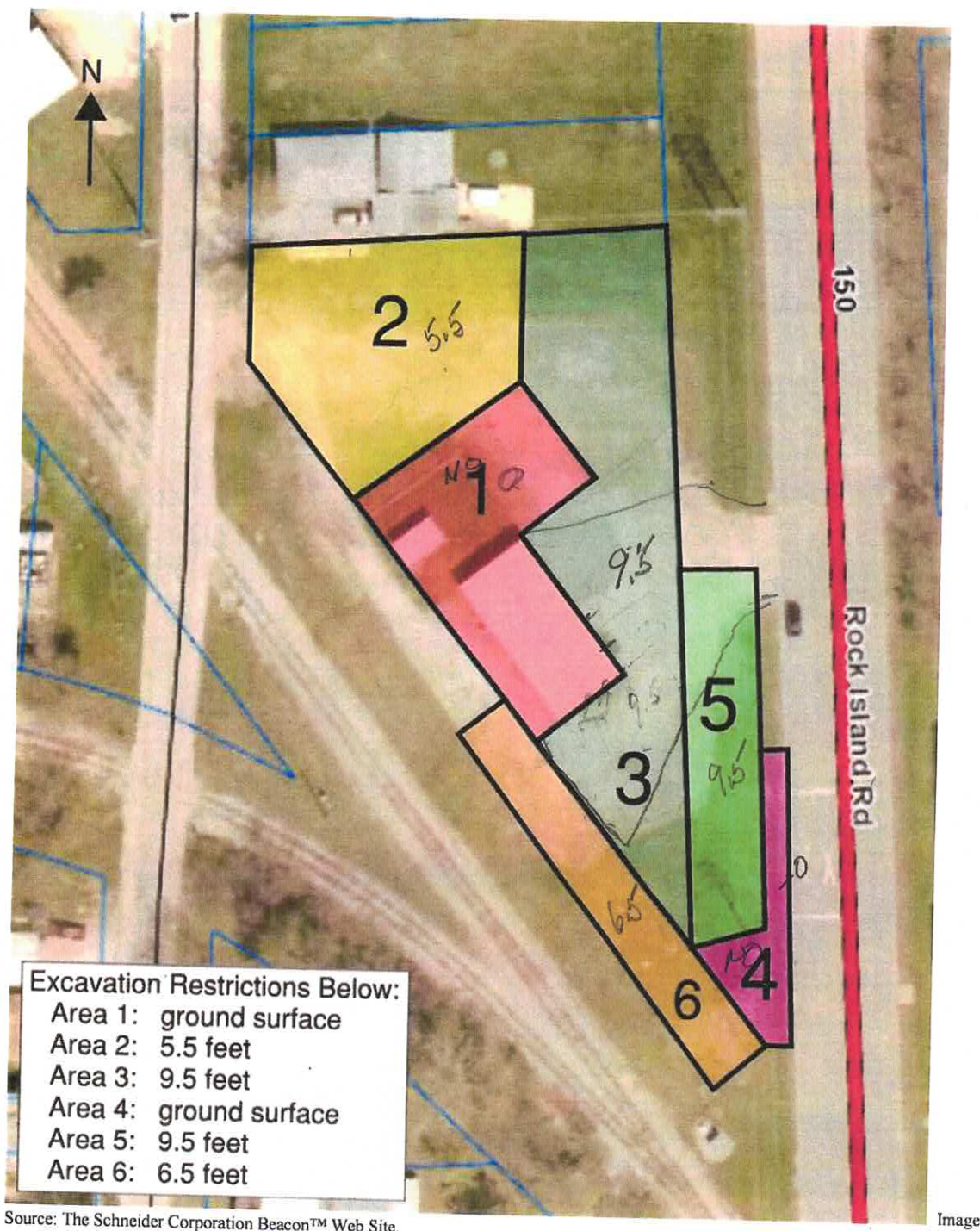
(B). If we had to clean up the North end of the building (ZONE 2 on exhibit B) this would be a major financial hardship on Sandtocar and relieve Alliant Energy of their obligation to finish the clean up of the site.

(E) This property is Zone I-2 and with the reconstruction of southeast portion of the building would bring it back to the same foot print as in 2001.

(F): While we knew of the DNR restriction on the property when purchased all public records from the county showed the building was 4,400 square feet which we felt was large enough for our business with room to grow. It wasn't until we took occupancy that we discovered that the 36 x 116 X12 foot building had been reduced to 36X75X 12 feet. Forty One feet of the warehouse had been removed to clean up contaminated soil. Since Carrico Aquatics has experienced rapid growth the additional space is necessary.

(H): We do not believe this variance is request the use of the land for use out side of the current zoning

EXHIBIT B
LOCATION OF EXCAVATION RESTRICTIONS



Source: The Schneider Corporation Beacon™ Web Site.

EXHIBIT C-1 **BENZENE AND NAPHTHALENE PLUMES IN UNCONSOLIDATED UNIT (SHALLOW GROUNDWATER)**

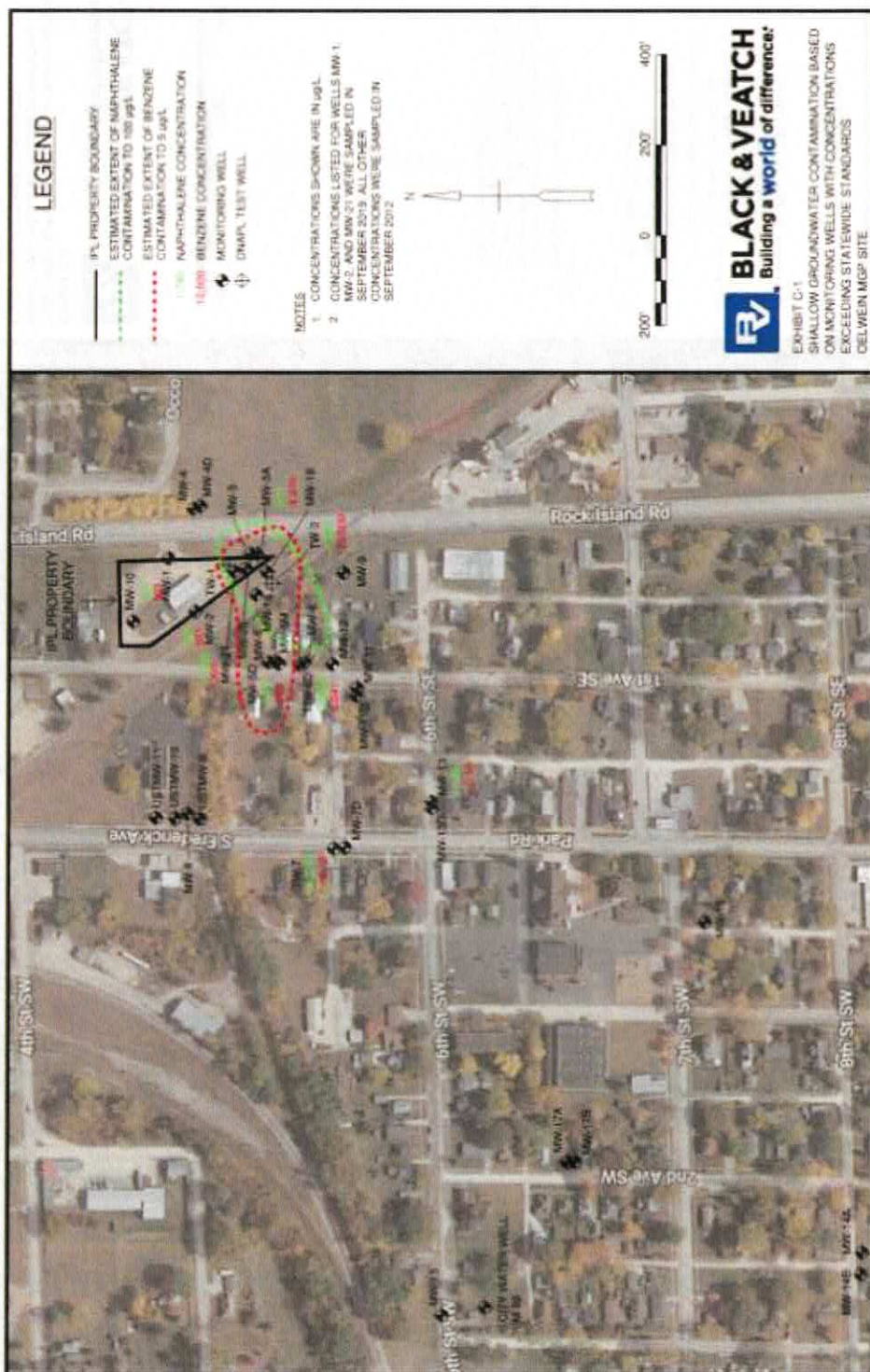


Image Source: Google Earth.

EXHIBIT C-2
BENZENE AND NAPHTHALENE PLUMES IN BEDROCK UNIT (DEEP GROUNDWATER)

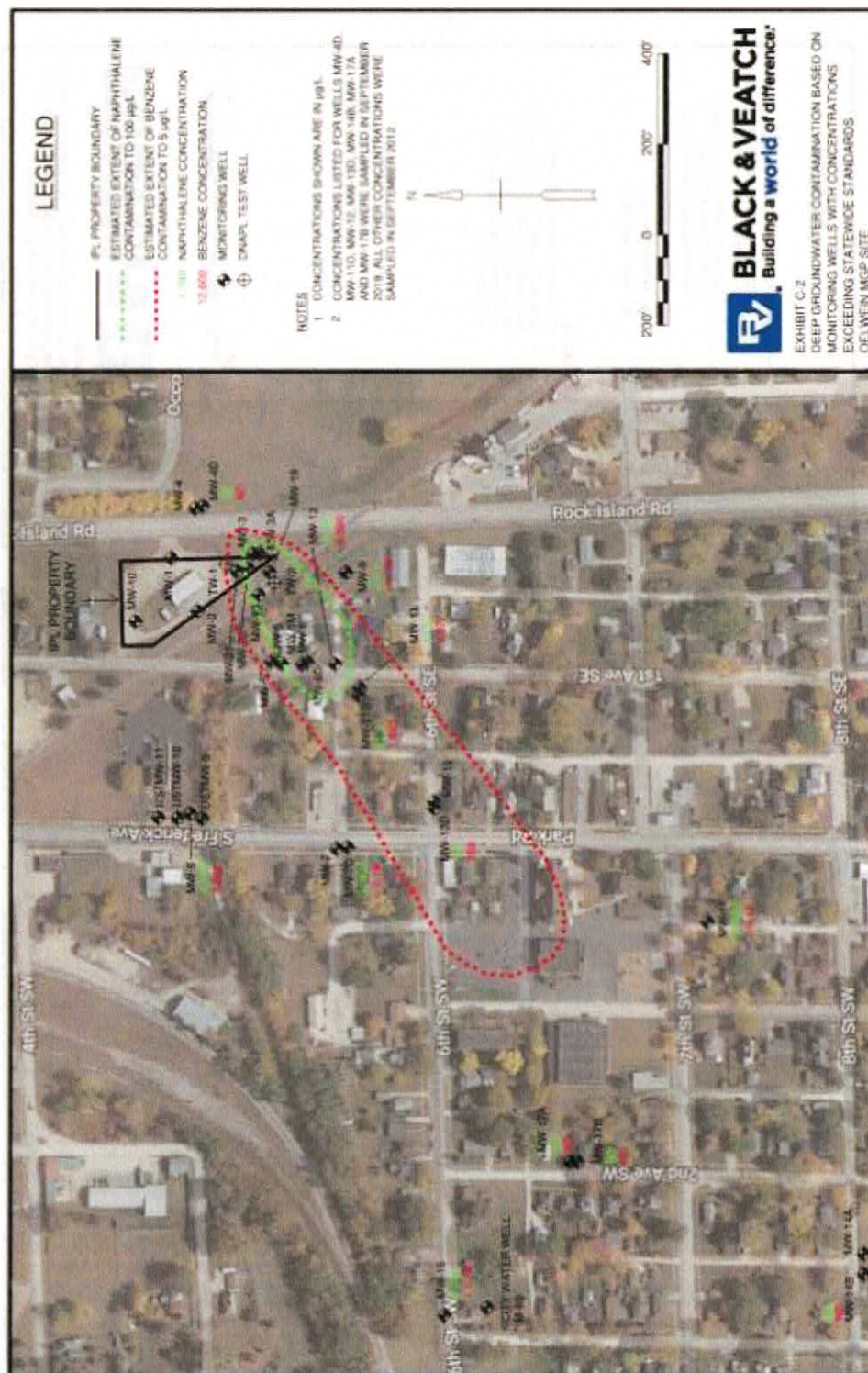


Image Source: Google Earth.

SINCE MAY 15, 1900...

Item 3.



IOWA ELECTRIC'S 36' x 116' x 12' GAS PLANT

