



Agenda

Planning and Zoning Commission
20 Second Avenue SW, Oelwein
5:30 PM

January 16, 2023
Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Lynda Payne

Commission Members: Savannah DeJong, Dave Gearhart, Peggy Sherrets, Roger Boylen, Carol Tousley, Terry Hull

Roll Call

Approve Minutes

1. Consideration of a motion to approve minutes from the December 20, 2022, meeting.

Variance Requests

2. Consideration of a special exception application to permit a former hair salon to be converted into multi-family housing.

Old Business

New Business

3. Consideration of a front yard setback, primarily when considering existing construction and accessory structure additions.
4. Consideration of a motion updating the language on the current code on fencing setback requirements.

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

Planning and Zoning Commission
20 Second Avenue SW, Oelwein
December 20, 2022 - 5:30 PM

Roll Call

Present: Dave Gearhart, Savannah DeJong, Roger Boylen, Carol Tousley, , David Kral

Approve Minutes

1. Consideration of a motion to approve minutes from the November 21, 2022, meeting.
-Motion by Boylen, 2nd by Tousley

Variance Requests

2. Consideration of a variance application to authorize truck parking on property zoned R1 Residential Single Family. Item was tabled on 11/21/2022.

Discussion about what is considered to be a parking space and proper usage of a R-1 zoned property. Property owner described setting a large gravel U-shaped driveway space on property to park semi with trailer attached, 3 at most, to pickup and drop off shipments from industrial business that is across the street. Parking vehicles in driveway is within R-1 ability but if it is a for profit endeavor it is a business and outside of R-1 zoning. Discussion that it would very rarely be used as a for profit business and the semi's typically would not be parked with a full loaded trailer.

Motion to approve by DeJong, 2nd by Boylen. All approved. Shall proceed to ZBoA for final approval.

3. Consideration of a variance application to authorize reduced setback of required 60' for construction of accessory structure.

Discussion to build a detached garage on property with a reduced setback. Current home is setback less than 25' from property line and owner wants to build a detached garage at that same setback distance. Discussion about building at the 60' setback is difficult due to slope of property and entry into floodplain.

Motion to approve by Dejong, 2nd by Gearhart. All approved. Shall proceed to ZBoA for final approval.

Old business

New Business

New discussion about fencing setbacks for solid fences 6' tall on side yard, why the 2' setback exists. Kral proposed removing that 2' setback on side yard requirement for 6' privacy fencing. All agreed that new language should be presented. Kral said he will create language to be discussed at the next meeting.

Adjournment

Dejong motioned and Gearhart seconded. All were in favor.

CITY OF OELWEIN

Office of

BUILDING AND ZONING INSPECTOR

NOTICE TO INTERESTED PROPERTY OWNERS

BOARD OF ADJUSTMENT

Refer to Appeal No. 23-Z-01

Date 12/20/2022

Dear Property Owner:

An application for an appeal from the City of Oelwein Zoning Ordinance has been filed with the Board of Adjustment by Michael Lewis. The property is situated in the C-1 Central Business District Zoning district and is located at 215 E. Charles. The request, if approved, would authorize conversion of a hair salon to an apartment to convert entire property to a multi-family dwelling.

The Zoning Administrator was required, under the provision of the Zoning Ordinance, to deny the request because it requires a special exception. 206.3.Special exception uses and structures. 1.Multi-family dwellings/apartments.

However, the Board of Adjustment, under certain conditions and safeguards, may have the authority to grant the request. A public hearing will be held by the Board of Adjustment on January 26, 2023 at 5:30 P.M. in/at Oelwein City Council Chamber, at which time you may submit your views on the matter in person, by writing, or by representative.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing.

BOARD OF ADJUSTMENT

BY _____
David Kral, Secretary

NUMBER 23 Z 01

APPEAL TO BOARD OF ADJUSTMENT
CITY OF OELWEIN

APPLICANT Michael Lewis
ADDRESS 215 E. Charles
LOT DESCRIPTION _____

ZONE C-1 Central Business District

DATE 12/20/2022
FILING FEE \$ \$75 PAID

LETTER STATING NATURE OF APPEAL ATTACHED
1/16/2023 DATE REFERRED TO PLANNING COMMISSION

ADMINISTRATIVE OFFICER'S REVIEW ATTACHED

SHOW LOT DIMENSIONS

LOCATION AND SIZE
OF BUILDING

ADJOINING PROPERTY OWNERS NAMES AND ADDRESSES

DATE OF HEARING January 26, 2023

DATE PLAN COMMISSION'S
RECOMMENDATION RECEIVED
January 17, 2023 ATTACHED _____

RISE, Ltd, 106 Rainbow Drive, Elkader, IA 52043

Reed, Steve & Reed, Dennis & Reed, Ron Trust & Medina, Gail Trust
218 E Charles St., Oelwein, IA 50662

DATE OF PUBLICATION NOTICE
January 20, 2023

Nguyen, C.D.H. Properties, LLC, c/o Dana Properties, LLC
1019 23rd St., West Des Moines, IA 50266

Hurley, Jayme R. & Hurley, James M., 2036 Wapsi Access Blvd
Independence, IA 50644

REMARKS:

Performance Rehab 2, LLC, 204 E Charles, Oelwein, IA 50662

Ritter, Jason R., 125 Front St., Westgate, IA 50681

Peyton, Jessica, 14 3rd Ave NE, Oelwein, IA 50662

BuildingAdmin

From: mike lewis <lewygolf@hotmail.com>
Sent: Friday, December 16, 2022 10:35 AM
To: BuildingAdmin
Subject: 215 East Charles, Oelwein, IA

Importance: High

To whom it may concern:

This email is sent to request a special exception for 215 East Charles Street, Oelwein, IA 50662. The current main level is a hair salon and my intention is to renovate it into a 1- or 2-bedroom apartment, multi-family housing.
Multi-family Dwelling within C-2 Commercial District

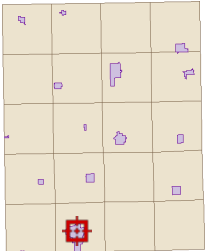
Thank you for the consideration for this special exception on this project.

Michael J Lewis
1511B Outer Road
Oelwein, IA 50662
563-422-0377







215 E Charles



Overview



Legend

-  Corporate Limits
-  Parcels
- Major Highways**
-  County Highway
-  Federal Highway
-  State Highway
-  Roads

Parcel ID	1821262005	Alternate ID	n/a	Owner Address	Cardin Management Trust
Sec/Twp/Rng	21-91-9	Class	C		Rabroker, Toni Lynn as Trustee
Property Address	215 E. CHARLES	Acreage	n/a		2409 Vista Glen Lane
	OELWEIN				Carrollton, TX 75007
District	OELWEIN OELWEIN INC				
Brief Tax Description	LOT 7 BLK 2				
	PAIGNS 2ND ADD				
	(Note: Not to be used on legal documents)				

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Developed by 

Front yard setbacks discussion – primarily when considering existing construction and accessory structure additions.

Current code:

4. A detached building shall be located a minimum of four feet from the principal structure, and 60 feet from the front property line.

203.4. Minimum Lot Area and Width Height	Minimum Yard Requirements	Maximum
Single-family dwellings	Front: 25 feet	45 feet
Area: 7,000 square feet	Rear: 25 feet	Accessory buildings shall not exceed 15 feet in height to peak.
Width: 60 feet	Side: 8 feet	

1.

Accessory use. A use or building naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings. Accessory buildings shall not be larger than the main or principal building, and shall not intrude into the minimum front yard requirement. Earth satellite dishes shall be considered an accessory structure.

The 60' setback for detached structures, why do we have a 60' setback? Should it be reduced? Should it be phrased as no detached structures allowed in front yard space? Both (this would be similar to surrounding towns) Should language exist for considering existing construction setbacks?

Many surrounding towns don't have setbacks for detached structures other than nothing is allowed in the front yard space or is the same as the primary setback.

Potential solution language for averaging setback:

Exception: If a greater or less than a 25-foot front yard has been established on any block, then no single-family dwelling shall be nearer the front property line than a general average of the setback distance in such block, as determined by the City Building Official or Planning & Zoning Commission

Scenario 8th st sw:

Existing homes set 10-15' back. We would require a new home on the lot 25' setback.



Scenario

3rd ave NW



Varying setbacks, smaller lots, some detached structures back near 60'.
Rebuilding a garage would have to be setback even further? SE corner of picture
many varying setbacks.

Ames code:

(7) Requirements for Private Garages and Other Accessory Buildings.

(a) The following requirements apply to private garages and accessory buildings in Agricultural, Residential and Hospital/Medical districts:

(i) Location Within Setbacks.

(a) No detached garage or accessory building is allowed in the front yard, or within the side yard setback adjacent to public right-of-way in the case of corner lots.

(b) Side Yards.

(i) Interior Lot. A detached garage or accessory building wholly or partially within the side yard shall meet all the same side setbacks as required for the principal building.

(ii) Corner Lot. A garage or accessory building may be placed within 3 feet of the side lot lines, provided the garage is set back a minimum of 25 feet from the abutting streets.

Boone code:

4. Accessory Structures. No accessory structure shall be erected in any required court, or in a front yard except as provided hereinafter. Accessory structures shall be a distance of at least 2 feet to roof overhang, from alley lot lines, and from lot lines of adjoining lots which are in an "R" district. On a corner lot they shall conform to the setback regulations of a main building from the side street. Accessory structures may be erected as a part of the principal buildings, or may be connected thereto by a breezeway or similar structure; provided all yard requirements for a principal building are complied with. An accessory structure which is not a part of the main building shall not exceed 16 feet in height; however, this regulation shall not be interpreted to prohibit the construction of a 440-square-foot garage on a minimum rear yard. It is the intent of this chapter that no accessory structure shall be constructed upon a lot until the main building has been actually commenced and no accessory structure should be used unless the main building on the lot is also being used or occupied, in the case of a residential structure, except in cases where the vacant lot is adjacent to and abuts the lot where the main building exists. An accessory structure shall not exceed 15 percent of the gross lot area. Unattached earth satellite dishes, unattached solar panels, and WECS shall be considered accessory structures.

Waterloo:

E. Accessory Structures. No accessory structure shall be erected until after the Principal Permitted Use is erected and shall not be erected in any front yard, except for temporary or seasonal use accessory structures to a commercial use. Accessory structures shall be a distance of at least five (5) feet from alley lines; at least five (5) feet from lot lines of adjoining lots; and at least three (3) feet from the Principal Permitted Use on said lot, except that accessory structures in the rear sixty (60) percent of the lot may be erected three (3) feet from any interior lot line, and on corner lots they shall conform to the setback regulations for corner lots as provided in 10-5-1(F).

Decorah:

17.16.050 - Front yard.

In all residential districts, there shall be a minimum front yard required as stated in the bulk regulations for that particular district; provided, however, that where lots comprising thirty percent or more of the frontage within two hundred feet of either side lot line are developed with buildings at a greater or lesser setback, the front

yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed fifty feet in any case.

- **17.16.020 - Street frontage required.**

Except as permitted in [Chapter 17.40](#) of this title, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty-five feet on at least one public street.

(Ord. 952 (part), 1993)

- **17.16.030 - Accessory building.**

A.

No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings in rear yards shall be at least five feet from alley lines and at least five feet from lot lines of adjoining lots which are in any "R" district, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty percent of the rear yard and shall not exceed fourteen feet in height; however, this regulation shall not be interpreted to prohibit the construction of a five hundred fifty-square-foot garage on a minimum rear yard.

B.

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

Fencing setback discussion points:

Discussion on language of current code on fencing setback requirements.

Current code:

401.1.

No solid construction **fence** or any form of shrubbery on a lot line or within **two feet** of said lot line shall exceed the following specific requirements:

(a)

Front lot line: Maximum height shall not exceed three feet above the ground level.

(b)

Side lot line: Maximum height **shall not exceed four feet above the ground** level Unless the portion which exceeds four feet is 65 percent or more open.

(c)

Rear lot line: Maximum height shall not exceed six feet above the ground level.

The way we have interpreted this code is that if you want to build a six foot tall solid privacy fence you have to be at least two feet off of your side lot line. This would end up creating a four foot gap between two yards that both have a privacy fence. Also a chain-link fence could be put on the lot line which would create a nearly unmanageable two foot yard gap between the chain-link and the privacy fence.

Why do we have this code?

Should the side yard two foot gap be removed? The rear lot line is still six foot. The side setback doesn't seem to have been upheld much throughout fence construction of the past.