

NORWALK BOARD OF ADJUSTMENT MEETING 4-6-11

The Board of Adjustment meeting was held April 6, 2011 at Norwalk Easter Public Library, 1051 North Avenue, Norwalk, Iowa. Chairperson Joe Smith called the meeting to order at 6:00 pm. Members present at roll call were: Joe Smith, Christin Grant, and Steven Davidson. Absent: Chad Stevens.

City Staff present were Chris Nosbisch, Development Services Director and Shelley Heisdorffer, Development Services Clerk.

11-01 – Motion by Davidson and seconded by Grant to approve the agenda after switching the order of Items 1 and 2. Approved 4-0.

11-02 – Motion by Davidson and seconded by Grant to approve the minutes from the November 22, 2010 meeting. Approved 4-0.

The guests were welcomed and with no one wishing to speak the business portion of the meeting was opened.

At 6:02 pm Chad Stevens arrived at the meeting.

The first item on the agenda was Dimensional (Setback) Variance Request at 1219 Richard George Drive.

The City received an application from Domonick Cimino requesting a setback variance for his property at 1219 Richard George Drive. Mr. Cimino was present and spoke regarding this matter. Mr. Cimino wishes to add 10 feet onto his garage to the east yard so he has more room in his garage. He does not feel that this will hamper the character of the locality. He also feels the five foot retaining wall on the east side of his property helps the matter. Mr. Cimino does not feel that the visibility would be impaired on the corner from the street with this addition, as he would still have a 25 foot setback on the East 13th Street side.

Mr. Nosbisch explained to the Board that this property is unique in that it is a corner lot. Corner lots have what equates to two separate front yards off of each street frontage. The homes current front yard setback facing both Richard George Drive and East 13th Street are approximately 35 feet. Mr. Cimino desires to construct a 10' additional to the garage towards East 13th Street. The single family residential zoning district (R-1(80)) requires a front yard setback of 35 feet, a side yard setback of 8 feet on the least width side, and a rear yard setback of 35 feet. The existing homes front hard setbacks appear to be compliant with current zoning code requirements. The proposed variance would encroach on the front yard setback facing East 13th Street approximately 10 feet, therefore leaving approximately 25 feet of setback.

Mr. Nosbisch explained that according to Iowa State Code this is not considered a hardship, which is the only reason to grant a variance on setback, leading staff to not recommend approval of this application.

The meeting was closed at 6:22 pm for discussion of the Board.

The meeting was opened back up at 6:30 pm.

Mr. Smith suggested to staff that they look into corner lot setbacks and consider having Planning and Zoning and City Council revise the zoning code. Mr. Nosbisch said he would make that suggestion.

11-03 – Motion by Stevens and seconded by Grant to approve Dimensional (Setback) Variance Request at 1219 Richard George Drive due to no change in character of the locality, there is a five foot elevation on the east side of property, and no visibility issues from the street. Approved 3-1.

The next item on the agenda was Special Use Permit Request – Communications Tower – Colonial Circle.

Wireless Site Acquisition representing AT&T has officially requested Special use approval from the Norwalk Board of Adjustment to construct a communications tower on Hubbell property located in the center of Colonial Circle. The tower as proposed would be 120' tall and include an accessory structure to house all electrical and computer equipment. A site plan was presented to the Board. The tower would be owned or leased by Hubbell.

Mr. Nosbisch explained to the Board that if they chose to approve this request he suggested they included specific reason why they ruled as such in case the item would be taken to court.

Dan Dunn, 2611 south 117th Street, Omaha, spoke on behalf of AT&T. He answered the Board's questions and commented that if approved, AT&T would need to get permit information so they can build a temporary road or sidewalk as an access to the middle of Colonial Circle to build the cell tower.

11-04 – Motion by Davidson and seconded by Stevens to approve the Special Use Permit Request – Communications Tower – Colonial Circle per submitted documents and the requirement that if any changes are made to the plan item will need to be brought before the Board again. Approved 4-0.

11-05 – Motion by Grant and seconded by Stevens to adjourn meeting at 6:45 p.m.

Joe Smith, Chairperson

Chris Nosbisch, Development Services Director