

**CITY OF PELLA, IOWA  
BOARD OF ADJUSTMENT MINUTES  
APRIL 20, 2020**

**CALL TO ORDER BY THE CHAIRPERSON AND ROLL CALL**

Chairperson Vander Meiden called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Jim Corbett (via phone), Vince Nossaman (via phone), Susan Reiter (via phone), Merlan Rolffs (via phone), Lyle Vander Meiden (in person), Mike Vander Wert (in person), and Corey Westra (via phone). Absent: none. Staff present: Finance Director Corey Goodenow and Deputy City Clerk Cynthia Vaske. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. One member of the public was in attendance in person and three members of the public attended the conference call.

**CHAIRPERSON’S COMMENTS**

**Approval of the Tentative Agenda**

**Motion** by Reiter, second by Vander Wert to approve the tentative agenda. Motion carried 7-0.

**APPROVAL OF MINUTES**

**Motion** by Reiter, second by Vander Wert to approve the February 11, 2020 minutes. Motion carried 7-0.

**NEW BUSINESS/PUBLIC HEARINGS**

**Consider a Special Use Permit Application to Operate a General Day Care Service at the Property Located at 308 SE 9th Street**

Josh Visser has submitted a Special Use Permit (SUP) application to relocate a General Day Care Service, De Kinderen Huis, to 308 SE 9th Street. It is important to note that the Board of Adjustment approved a SUP for the applicant’s existing daycare in 2017. Therefore, the purpose of this request is to relocate the applicant’s existing daycare to the proposed location.

The proposed land use is defined in code as “[the] classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six (6) children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses, but excludes public and private primary and secondary educational facilities.”

Staff finds that the proposed use is in compliance with the standards and regulations of the zoning code. In addition, the Comprehensive Plan indicates the use is compatible with surrounding properties. That said, staff recommends the SUP request to relocate the proposed daycare be approved as submitted.

Convened **Public Hearing** on the SUP request. No written comments were received.

**Motion** by Reiter, second by Vander Wert to close the **Public Hearing** as no further comments were received. Motion carried 7-0.

**Motion** by Corbett, second by Reiter to approve the SUP request as submitted. Motion carried 7-0.

**Consider a Variance Application for the Property Located at 969 202nd Avenue to Decrease the Required Street Side Yard for the Construction of an Attached Garage**

The applicants, Paul and Vicki Jones, are the owners of 969 202nd Street. This single-family detached residence sits on a 0.29-acre lot and is zoned R1, Single-Family Residential. This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of the infrastructure. The applicant is requesting a variance from Table 165.12-3 of the City's zoning ordinance to allow for the construction of a third garage stall on the north side of an existing structure. Table 165.12-3 requires a street side yard of 20 feet. The applicant is requesting a reduction of the minimum street side yard to nine feet.

Staff believes the request does not meet the required criteria to receive approval of the variance. While staff is sympathetic to the owner's desire, the requested nine-foot interior yard setback far exceeds the minimum standards of the City's zoning code. Additionally, staff believes that if a minor modification was sought and approved by the applicant, the applicant could construct an additional 10 feet to the north to support for the garage addition. For these reasons, staff recommends the Board deny the variance application.

Convened **Public Hearing** on the variance request. One written comment was received in support of the variance request and included in the meeting packet. Vander Meiden read the written comment aloud at Reiter's request.

Paul Jones, the applicant, was present to speak in favor of the variance request and answer questions from the Board. After discussion with the Board, P. Jones indicated he was okay with a seven-foot variance instead of his original variance request.

**Motion** by Reiter, second by Corbett to close the **Public Hearing** as no further comments were received. Motion carried 7-0.

**Motion** by Nossaman, second by Vander Wert to approve a seven-foot variance. Motion carried 7-0.

**NEW BUSINESS**

None.

**OTHER BUSINESS/PUBLIC FORUM**

The next meeting is scheduled for May 18, 2020.

Adjourned at 7:13 p.m.