

**CITY OF PELLA, IOWA
BOARD OF ADJUSTMENT MINUTES
JUNE 19, 2023**

CALL TO ORDER BY THE CHAIRPERSON AND ROLL CALL

Chairperson Westra called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Vince Nossaman, Susan Reiter, Lyle Vander Meiden, Mike Vander Wert, and Corey Westra; absent: Kristi Kious and Jaci Nunnikhoven. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Seven members of the public attended the meeting.

CHAIRPERSON’S COMMENTS

Approval of the Tentative Agenda

Motion by Vander Wert, second by Reiter to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES

Motion by Nossaman, second by Vander Meiden to approve the minutes from May 15, 2023. Motion carried 5-0.

PUBLIC HEARINGS

Consider a Minor Modification Application to Reduce the Minimum Setbacks of the Rear Yard for the Property Located at 414 Oskaloosa St.

Justin Madsen submitted a minor modification application to reduce the minimum setback of the rear yard of the property located at 414 Oskaloosa St. to build an addition. The subject property is located within the Community Commercial (CC) zoning district. This request would reduce the minimum north rear yard setback of the CC zone to approximately three feet, which is the distance of the existing northern portion of the building from the property line.

Staff believes the requested minor modification will not have a negative impact on the subject property or neighboring properties and will not increase the amount of people or vehicles within the neighborhood. Staff also believes the proposal would maximize the owner’s use of the property while still complying with City Code. Staff received no objections to the minor modification. For these reasons, staff believes the minor modification request should be granted and, therefore, recommended approval of the proposal.

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

The applicant, Justin Madsen, was present to speak in favor of the minor modification and to answer questions from the Board. Vander Meiden expressed support for the aesthetic improvements Madsen plans to make to the property.

Motion by Reiter, second by Vander Wert to close the **Public Hearing** as no further comments were received. Motion carried 5-0.

Madsen stated he anticipates replacing the concrete in the parking lot that is in poor condition.

Motion by Vander Meiden, second by Reiter to approve the minor modification as submitted. Motion carried 5-0.

Consider a Variance Request to Construct an Accessory Structure in the Side Yard of the Property Located at 726 218th Pl.

St. Mary Catholic Church submitted a variance application for its property located at 726 218th Place. The applicant requested a variance to permit a detached structure in the side yard when City Code Section 165.30.3 (A) requires that all accessory structures be placed in the rear yard. The purpose of this request is to build a detached shelter.

While the property may present some unique features in the shape and size of its lot, staff does not believe the variance request meets all seven of the criteria required. Staff believes the request particularly fails to meet the requirements of criteria one, two, four, and seven. While staff does recognize that there are features of the property that make construction difficult, it is staff's opinion that this request fails to justify a hardship and meet all seven criteria required in the City's zoning code and, therefore, recommended denial of the variance.

Convened **Public Hearing** on the variance request. One written comment was received in support of the variance.

Motion by Reiter, second by Vander Wert to enter the written comment into the public record. Motion carried 5-0.

Ryan Huddle, Michael Fries, and Nathan Bierl were present to speak in favor of the variance and to answer questions from the Board. Jaron Vos also voiced his support for the variance.

Motion by Vander Meiden, second by Reiter to close the **Public Hearing** as no further comments were received. Motion carried 5-0.

Motion by Nossaman, second by Reiter to approve the variance request with the reasoning that the property is unique in that it is divided between the City of Pella and Marion County. Motion carried 5-0.

**Consider a Variance Request from Jaden Vos to Construct an Accessory Structure
Between the Front and Rear Building Lines of the Property Located at 1619 Black Creek
Ln.**

Jaden Vos submitted a variance application for his property located at 1619 Black Creek Ln. The applicant has requested a variance to permit a detached structure in the side yard when City Code Section 165.30.3 (A) requires that all accessory structures be placed in the rear yard. The purpose of this request is to build a detached garage.

While the property may present some unique features that are not normally present in more conventional lots, staff does not believe the variance request meets all seven of the criteria required. Staff believes the request particularly fails to meet the requirements of criteria one, two, four, and seven. While staff does recognize that there are features of the property that make construction difficult, it is staff's opinion that this request fails to justify a hardship and meet all seven criteria required in the City's zoning code and, therefore, recommended denial of the variance.

Convened **Public Hearing** on the variance request. One written comment was received in support of the variance.

Motion by Vander Meiden, second by Nossaman to enter the written comment into the public record. Motion carried 5-0.

The applicant's brother, Jaron Vos, was present to speak in favor of the variance and to answer questions from the Board.

Motion by Reiter, second by Vander Wert to close the **Public Hearing** as no further comments were received. Motion carried 5-0.

Motion by Nossaman, second by Reiter to approve the variance request due to the canting of the front property line in relation to the rear plane of the house with the condition that the building stay behind a line parallel with the front lot line that will run through the southeast corner of the house. Motion carried 5-0.

Planning and Zoning Director Gerald Buydos stated that staff will work with the applicant to ensure that the accessory structure is placed on the property in accordance with the Board's motion.

Next Meeting Date

The next meeting is scheduled for July 17, 2023.

Other

Nossaman stated that he and his wife are trying to sell their house and plan to move within the city limits of Pella, which would affect his eligibility to serve as the Marion County extraterritorial jurisdiction representative on the Board. Buydos stated that the date that

Nossaman moves into the city limits is the date that he would no longer be eligible to serve on the Board as a Marion County extraterritorial jurisdiction representative. Staff will notify Marion County of the upcoming vacancy.

Adjourned at 7:05 p.m.