A regularly scheduled meeting of the Board of Adjustment for the City of Oskaloosa was called to order at 5:03 P.M. on Tuesday, August 25, 2020 by Chairman, Tim Murry. The Commission met via electronic meeting to restrict physical access in accordance with the March 2020 Iowa Public Health Emergency Proclamation signed by Governor Kim Reynolds.

COMMISSION MEMBERS ABSENT: None
CITY STAFF PRESENT: Mike Flahive & Shawn Christ.
OTHERS PRESENT: Mike Sereg, Brian Booy, Nick Den Hartog, Sheila Densberger, Chad Cresson, Jeff Ridenour, Kaylynn Hatting, Josh Plank, and several others.

Approval of minutes from the July 28, 2020 meeting.
It was moved by Campbell, seconded by Moore to approve the July 28, 2020 Board of Adjustment Commission minutes. All Ayes, motion carried unanimously.

Citizens to be heard.
None

Consider a request for a variance to waive the public sidewalk installation requirement for the property located at 1327 9th Ave East.
Mike Sereg is building a new duplex at 1327 9th Ave East and has submitted a variance request to waive the public sidewalk installation requirement. Per OMC Table 17.08.120, public sidewalks are required for all new developments in all zoning districts, including projects requiring a site plan review, changes in property use type, and all new primary residential structures. The property is zoned Urban Family Residential (R2). Board members discussed the sidewalk locations along 9th Avenue and also 7th Avenue. Mike Sereg explained the reasoning behind his application, including topography and lack of connections. Campbell and Spoelstra identified a topography issue along 7th Avenue which does not exist on 9th Avenue, and that the City Council has appropriated funds for connectivity. Chairman Murry asked about future plans to build sidewalks in the neighborhood. Shawn Christ referenced the city’s Active Transportation Plan and map which shows sidewalk extensions and connections around this property. It was moved by Spoelstra, seconded by Campbell, to grant a variance to waive the sidewalk requirement along 7th Avenue, and that a sidewalk will be required along 9th Avenue. All Ayes, motion carried unanimously.

Consider a request for a variance from the allowed minimum front yard setback for the property located at 401 South B Street.
Brian Booy is building a duplex on this property and is proposing a 10’x16’ sunroom on the east side of the building, which is considered the front yard in this case. He has submitted a variance request for a reduction in the allowed minimum front yard setback from 20’ to 10’. The property is zoned Urban Family Residential (R-2) District. Mike Flahive explained the lot coverage has been maxed out, and the front yard setback has already been reduced from 25’ to 20’ as an exception allowed in chapter 17.24.030(C)(1) of the zoning code. On a corner lot, the front yard is normally defined as the yard along
the blockface to which a greater number of structures are oriented; or the yard along the street that has the smaller horizontal dimension. Chairman Murry said his primary concern is visibility. A board member mentioned the home would be 10 feet closer to the sidewalk than any other building along the street and asked what the hardship is for the property. Brian Booy said buyers want sunrooms and he has already sold the unit to a buyer with the sunroom included. Additional discussion followed. It was moved by Campbell, seconded by Landgrebe, to deny the variance request. All Ayes, motion carried unanimously.

Consider a request for a variance to waive the max building coverage of an accessory structure in a rear yard for the property located at 317 North I.

The property owner, Nick Den Hartog, is building a skateboard and BMX ramp in the back yard of his property. This is a 1472 square foot structure that has already been framed up and is approximately 70% complete. The structure exceeds the max building coverage of an accessory structure in a rear yard, therefore, needs to be reduced to meet local zoning codes. The applicant’s letter of hardship states this will be used by local skateboard and BMX enthusiasts, and also riders from other cities and states. This could be considered a Commercial Recreation use, which is a non-permitted use in a R2 (Urban Family Residential) zoned district. Applicant Nick Den Hartog clarified his intent is for private friends to use the ramps, not the general public, and they won’t be used for profit. Mike Flahive stated Nick’s dad Kevin contacted him in April with an inquiry to build a portable ramp and the size was compared to a swingset or trampoline, so there was early miscommunication on the size and lot coverage requirements were not discussed at the time. Campbell stated it’s a large ramp system which exceeds the footprint of the house and asked how portable it is. Den Hartog stated it can be disassembled but would be problematic and would damage the wood, and is intended to be permanent. Murry mentioned the lot is wide open, difficult to police, could attract kids who could get hurt, and could cause additional traffic. Den Hartog said he typically rides with one or two others at most and wants to erect a fence. He has also looked into liability insurance.

Nick Den Hartog asked for a few individuals to speak on his behalf. Sheila Denberger spoke to Nick’s character. Chad Cresson discussed the fence and requirements in the St. Louis area, neighbor discussions, and work he and others have put into it. Chairman Murry said the primary issues are the size of the structure and safety issues, and acknowledged letters they received. Campbell said there is a 16’ x 68’ alley behind the home which could be purchased, added his lot, and reduce his lot coverage percentage in his back yard. Campbell suggested the item be tabled if Mr. Den Hartog were interested in pursuing this option. Den Hartog said that is a great option and he would like to pursue that to allow him to keep some of what he has and continue his hobby. Campbell said he may still need to remove several hundred square feet of the ramp to comply. Moore asked about fire separation between structures, adjustments may be needed. Neighbor Jeff Ridenour, 315 North I, said he and his family have no problems with Nick or the ramp. Neighbors Kaylinn Hatting and Josh Plank, 318 North I, stated concerns including liability, activities and traffic blocking the street and her driveway, problems selling her house with a skate park across the street, and no communication from the applicant. They said Nick is asking for the neighborhood to pay for his dreams; this isn’t a job interview and they should hear what value this adds to the neighborhood. Chairman Murry said David Pfeifer, 325 North I, was also in opposition. Mike Flahive acknowledged Mr. Pfeifer, was not in attendance but did call in opposition of the ramp. Chairman Murry called for any other comments with a maximum 2 minutes each. Landgrebe asked for comments from Angie Meyer; someone named Billy and friend of Nick described his own ramp structure and access limitations by outside riders.
Campbell said it appears the applicant is in favor of tabling the item to find another solution, and it may not be necessary to hear additional comments if the lot coverage issue can be resolved and the need for the variance eliminated. It was moved by Campbell to table the item to allow the applicant to find a legal justification or opportunity to do what he wants to do within the confines of the code. Seconded by Moore. All Ayes, motion carried unanimously.

With no further business, Campbell made a motion, seconded by Moore, to adjourn the meeting at 6:25 P.M.

Minutes by Shawn Christ