

# City of Oskaloosa Boards and Commissions Orientation Packet



Board of Adjustment

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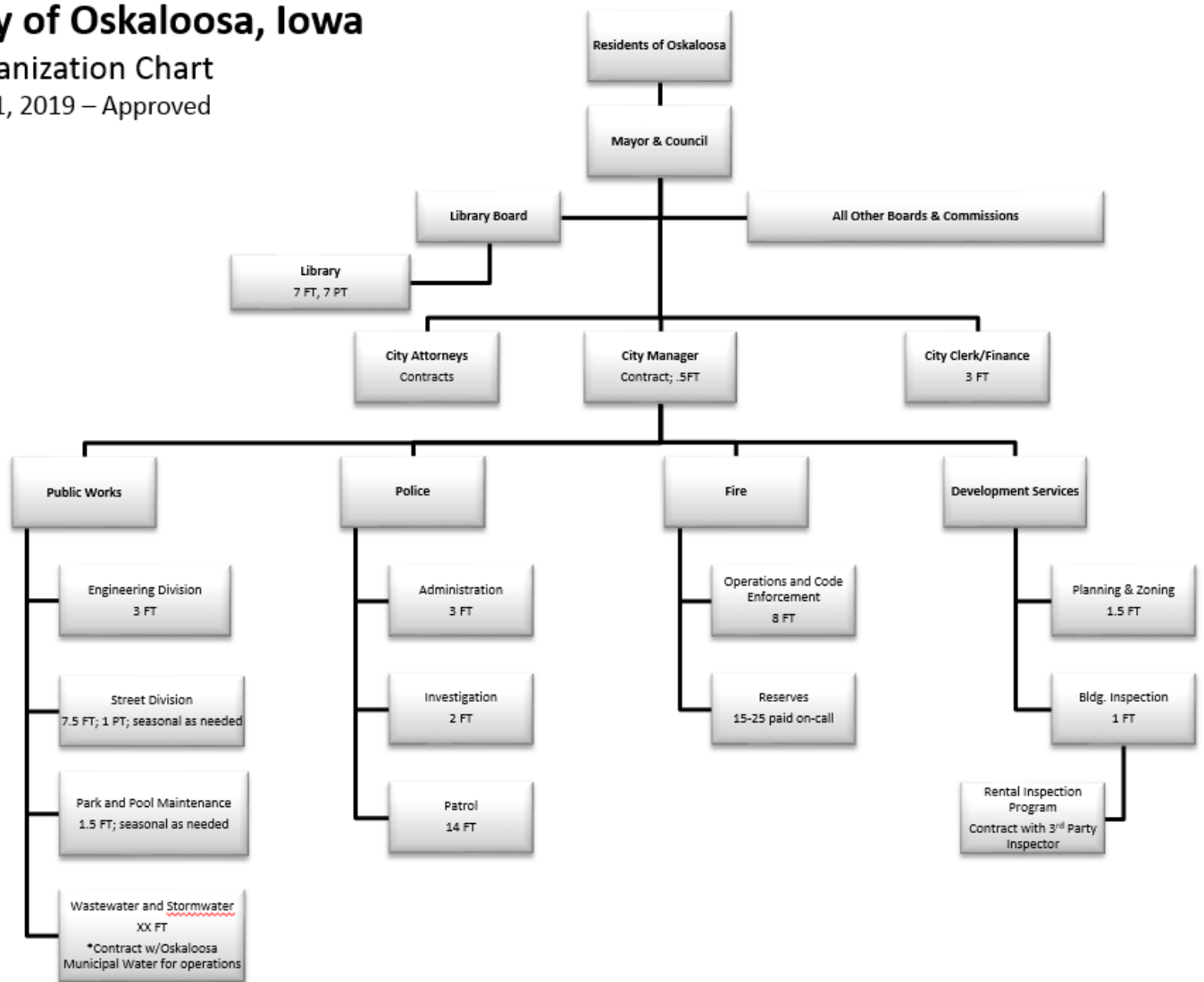
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## City of Oskaloosa, Iowa

### Organization Chart

July 1, 2019 – Approved



## Oskaloosa, Iowa

Oskaloosa is a diverse, micropolitan community offering big-city amenities. It is a “hot spot” for entrepreneurs thanks to public and private leaders who work to build strong infrastructure, communication, and transportation systems and have a vision of sustainable growth. It is a place businesses and workers want to call home. Our historic downtown district is a hub for live music, shopping, and dining. A high-speed fiber optic system delivers world-class communication solutions and can grow with technological changes and demands. With a current population of approximately 11,500 people, Oskaloosa continues to grow and change. The community is approximately 65 minutes from the state capital of Des Moines and just over an hour and a half away from Iowa City, home to the University of Iowa.



### Mission

Serve and protect the citizens of Oskaloosa to provide a positive environment which encourages desirable growth and enhances the quality of life in the community.

### Vision Statement

Make Oskaloosa an irresistible place to grow business so the quality of life is enhanced for the whole community.

## City Departments

- City Clerk's Office: City Hall, 220 South Market Street
  - Appointed by the City Council, the City Clerk attends all council meetings and is responsible for duties defined by the Code of Iowa and designated by the City Council. The City Clerk is the Finance Director and City Treasurer by Oskaloosa City Code. The staff from the City Clerk's Office is responsible for maintaining all public records, which consists of storage, retention and scanning of official records.
- City Manager's Office: City Hall, 220 South Market Street
  - Appointed by the City Council, the City Manager oversees all administrative tasks necessary for city operations, supervises city departments, maintains the city budget and represents the municipality in a variety of settings. The City Manager implements policy adopted by the City Council.
- Development Services: City Hall, 220 South Market Street
  - The Development Services Department has a variety of responsibilities all related to the development, improvement, and maintenance of real property in Oskaloosa. Development Services staff oversee: building permits and inspections, long and short-range planning, zoning administration and enforcement, historic preservation, site plan review, rental housing inspections, housing development.
- Fire Department: 220 South Market Street
  - The Fire Department provides emergency response services to residents within and around the city limits of Oskaloosa, three cities, and eight townships. The department also assists the building official with fire prevention inspections. The Fire Department oversees Code Enforcement to keep our community safe and attractive for residents and visitors alike.
- Oskaloosa Public Library: 220 South Market Street
  - The Oskaloosa Public Library exists to serve as a primary source of information, education, recreation, and personal fulfillment for all of the City of Oskaloosa and Mahaska County.
- Police Department: Mahaska Law Enforcement Center, 214 High Avenue
  - The City of Oskaloosa Police Department provides public safety services to the residents of Oskaloosa. The Department uses bicycle, foot and vehicle patrol to provide public safety services to the city's residents, across 7.98 square miles.
- Public Works: City Hall, 220 South Market Street
  - Engineering
    - The Engineering/GIS Department is responsible for the design and oversight of city infrastructure construction, the maintenance of city maps and plats, and providing general engineering assistance to a variety of city departments.
  - Parks and Recreation: 804 South D Street
    - The Oskaloosa Parks Department oversees Edmundson Park, the Downtown Park, Jaycee's Parks, and Vanderwilt Park. The Parks Department monitors and maintains the health of the city's urban forestry program. The Parks Department assists with downtown activities and oversees seven shelters.

- Streets
  - The Streets Department fills potholes, replaces damaged concrete panels, chip seals or seal coats certain streets, and performs crack sealing.
- Wastewater: 2632 Kent Avenue
  - The Wastewater Department oversees two treatment plants and seven lift stations and are responsible for the sanitary sewer and stormwater system. The plants that Wastewater monitors treat just under 2 million gallons of wastewater per day.
- Oskaloosa Municipal Water Department: 1208 South 7th Street
  - The Oskaloosa Municipal Water Department (OMWD) is responsible for providing clean drinkable water for the City of Oskaloosa. OMWD treatment plant is located north of Oskaloosa and relies on a series of wells to pull from the Skunk River watershed.

## City of Oskaloosa’s Form of Government

The City of Oskaloosa has a Mayor-Council form of government with the City Council appointing a City Manager to serve at the discretion of the City Council. The City Council consists of seven Council Members, four elected by ward and three elected at large for overlapping terms of four years. The Mayor is elected for a two-year term. The Mayor is not a member of the City Council and does not vote. The City Council, Mayor, and city officers have such powers and shall perform such duties as are authorized by State law and by the ordinances, resolutions, rules, and regulations of the city.

## Board of Adjustment

The responsibility of the Board of Adjustment is to hear and decide appeals pertaining to zoning regulations related to: the location and sound-ness of structures; the interpretation of zoning maps; and whether a variance from zoning regulations should be granted.

The Board of Adjustment is composed of five members that serve five year terms. They typically meet the fourth Tuesday of the month at 5:00 pm in the City Council Chambers, as needed. Meetings are conducted under Robert’s Rules of Order. The staff contact for the Board of Adjustment is the Building Official.

Residents of Oskaloosa are appointed to the Board of Adjustment by the Oskaloosa City Council through an application process. Candidates may be required to interview as part of the appointment process.

## Training Opportunities

The City of Oskaloosa hosts annually a planning and zoning workshop for Planning and Zoning Commission members. The workshop also applies to the Board of Adjustment, Building Code Board of Appeals, and Historic Preservation Commission. There is no fee for commission members to attend this training that is offered in the evening.

## Additional Resources

Please refer to the following websites for additional resources:

- <https://www.municode.com/library/ia/oskaloosa>
  - This link provides access to Oskaloosa's Municipal Code
- [https://www.municode.com/library/ia/oskaloosa/codes/code\\_of\\_ordinances?nodeId=TIT17ZO](https://www.municode.com/library/ia/oskaloosa/codes/code_of_ordinances?nodeId=TIT17ZO)
  - This link provides access to Oskaloosa's Municipal Code on Zoning
- <https://beaconbeta.schneidercorp.com/?site=MahaskaCountyIA>
  - This link provides access to Beacon to view county and city information, public records and Geographical Information Systems (GIS) via an online portal.

## Powers Designated by Code

By code or by charter, the Board of Adjustment is granted specific powers and is assigned certain duties. The board has the authority to:

- Review administrative decisions related to Title 17.
- Interpret the Zoning Map.
- Grant variances to relieve hardships relating to property.

## Oskaloosa Municipal Code: Chapter 17.34.080-17.34.120

The enabling legislature for the Board of Adjustment is found in the Oskaloosa Municipal Code, Chapter 17.34.080-17.34.120. That information is provided below. Any changes to the below listed code may be found in the online version at <https://www.municode.com/library/ia/oskaloosa>.

- 17.34.080
  - A. Establishment
    1. A board of adjustment is established. The board shall consist of five regular members.
    2. Each member shall be appointed by the city council for terms as provided by Chapter 414, Code of Iowa and is removable for cause by the city council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
    3. The board of adjustment shall adopt rules and regulations as authorized or required by this title and the Code of Iowa. Meetings shall be held at the call of the Chairman and at such other times as the board may determine. Such chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The presence of three members of the board shall constitute a quorum for the transaction of business.
  - B. Procedure for Appeals.
    1. Appeals shall be made to the board of adjustment through the office of the zoning administrator in written form as determined by the zoning administrator. The board

shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the zoning administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.

2. The board shall provide a minimum of ten days' notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the city; and by written notice to the appealing party.
  3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of three out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.
  4. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board that a stay would, in his/her opinion, cause imminent danger to life, property, or the public safety. In such a case, the proceedings shall be stayed only by a restraining order granted by the board or by a court of record on application, on notice to the zoning administrator.
- 17.34.090 - Powers and duties.
    - A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the zoning administrator, or his/her designee in the enforcement of this title or any regulation relating to the location or soundness of structures.
    - B. Interpretation of Zoning Map. To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
    - C. Variances to Relieve Hardships Relating to Property. To authorize, upon appeal, variances from the strict application of this title where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.
      1. Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:
        - a. Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;
        - b. Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;
        - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;
        - d. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice;

- e. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this title;
  - f. The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.
2. Findings by board. The board of adjustment shall make findings that the requirements of this subsection have been met by the applicant for a variance.
  3. Conditions for Grant of Variance.
    - a. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under [Section 17.34.120](#);
    - b. Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district.
    - c. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- D. Board has Powers of Zoning Administrator on Appeals-Reversing Decisions of Zoning Administrator.
1. In exercising the above-mentioned powers, the board of adjustment may, so long as such action is in conformity with the terms of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the zoning administrator from whom the appeal is taken.
  2. The concurring vote of three members of the board shall be necessary to reverse any order, requirements, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in the application of this title.
- E. Conditional Use Permits. To hear and decide the approval of applications for conditional use permits, as provided by this title. Procedures for conditional use permits are established in [Section 17.34.030](#).
- 17.34.100 - Appeals from the board of adjustment. Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the board of adjustment may seek review of such decision by a court of record in the manner provided by the laws of the state and particularly by Chapter 414, Code of Iowa.
  - 17.34.110 - Complaints regarding violations. Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the zoning administrator. He/she shall record properly such complaint, and investigate and take action thereon within two weeks as provided by this title.
  - 17.34.120 - Penalties for violation.
    - A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this title, shall be guilty of a misdemeanor. Each day that a violation is permitted to exist constitutes a separate offense. (Refer to [Section 1.20.010](#) General Penalties).



- B. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
- C. All departments, officials, and employees of the city, who are vested with the duty or authority to issue permits or licenses, shall issue no such permit or license for any use, structure, or purpose that does not conform to the provisions of this title.

Table 17.34A

Criteria for Site Plan Review and Conditional Use Permits

_____			
		<u>Applications to</u>	
<u>Land Use Compatibility</u>	<u>Criteria</u>	<u>Site Plan Review</u>	<u>Conditional Use Permit</u>
_____			
Development density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
_____			
<u>Height and Scale</u>			
Height and bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variation should be justified by site or operating characteristics.	X	X
Building coverage	Building coverage should be similar to that surrounding development if possible. Higher	X	X

	coverage should be mitigated by landscaping or site amenities.		
_____			
<u>Site Development</u>			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and internal circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X

Table 17.34A

Criteria for Site Plan Review and Conditional Use Permits (Continued)

_____			
		<u>Applications to</u>	
<u>Land Use Compatibility</u>	<u>Criteria</u>	<u>Site Plan Review</u>	<u>Conditional Use Permit</u>
_____			
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X

_____			
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	X	X
_____			
<u>Building Design</u>	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
_____			
<u>Operating Characteristics</u>			
Traffic capacity	Project should not reduce the existing level of traffic service an adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External traffic effects	Project design should direct nonresidential traffic away from residential areas.	X	X
Operating hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X
Industrial access	Projects must provide direct access from major arterials without requiring travel through residential areas or along local, residential streets.	X	X

Table 17.34A

Criteria for Site Plan Review and Conditional Use Permits (Continued)

_____			
		<u>Applications to</u>	
<u>Land Use Compatibility</u>	<u>Criteria</u>	<u>Site Plan Review</u>	<u>Conditional Use Permit</u>
_____			
Hazardous effects	Projects must minimize external hazards to surrounding properties or, if hazardous materials are handles or stored, take measures to provide appropriate separations between the site and neighboring inhabited properties.	X	X
_____			
<u>Operating Characteristics</u>			
Outside storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
_____			
<u>Public Facilities</u>			
Sanitary waste disposal	Developments within 100 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X

	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm water management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities	X	X

Table 17.34A

Criteria for Site Plan Review and Conditional Use Permits (Continued)

_____			
		<u>Applications to</u>	
<u>Land Use Compatibility</u>	<u>Criteria</u>	<u>Site Plan Review</u>	<u>Conditional Use Permit</u>
_____			
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X

_____			
<u>Comprehensive Plan</u>	Projects should be consistent with city's comprehensive development plan.		X