

Minutes of Meeting Zoning Board of Adjustment Regular Meeting

December 14, 2022

ROLL CALL: Board members present: Birkenholz, Otto, Rossow
 Board members absent: Billingsley, Hanson

STAFF PRESENT: Brian Dunkelberger, City Planner

A quorum being present, Chair Rossow called the meeting to order at 4:30 PM

In accordance with the Americans with Disabilities Act, Chair Rossow asked if there was anyone present that may require special assistance in being able to participate in this public meeting: No response.

Minutes

The Board reviewed the minutes of the previous meeting from November 9, 2022. **Motion** by Otto, **seconded** by Birkenholz to approve the minutes as written. **Voice vote**: approved, 3-0.

Public Hearing

- A. CU22-6: Conditional Use Permit for enclosed storage yard associated with office at 1217 1st Ave. E. (located in a C-A: Arterial Commercial zoning district). Golden Hammer Contractors, applicant.

Dunkelberger reviewed the prepared staff report and shared maps and images of the subject property. He also offered an update from the applicant about the property and how they planned to move all materials and equipment next spring. Dunkelberger shared an email received from Frank Liebl, Executive Director of Newton Development Corporation, expressing concerns about the storage yard being adjacent to prime real estate ready for development. In his email, he shared that some form of screening, such as trees, could serve as an aesthetically pleasing barrier between the two properties. No other comments or questions were submitted.

Frank Liebl, Newton Development Corporation, thanked staff for sharing and expanded on his original email. He stated that the adjacent property is primed and ready for a mixed-use redevelopment after the recent demolition of the small house. Liebl described challenges associated with redevelopment in that area considering the floodplain, restrictive covenants on some of the land, and other economic conditions. He clarified that NDC's concerns would be addressed considering the update from the applicant about the outdoor storage being removed after a short amount of time.

Hearing no additional questions or comments, Chair Rossow called for a motion to close the public hearing. **Motion** by Otto, **seconded** by Birkenholz. **Voice vote**: Approved 3-0.

Otto stated that she appreciated staff's suggestions and report, then described her position on the application. She expressed support for the work the applicant provides the community as a home builder, but also supported a sunset/expiration if the Board approved the permit. If plans changed for whatever reason, they could then come back to the Board for another review if necessary. Birkenholz agreed and felt that the application met the four required criteria for granting a conditional use permit. Rossow stated that the one-year expiration was flexible and asked about the suggested conditions. Otto shared that she was disinclined to require an employee on-site even on a part-time basis knowing they would be moving everything out next spring. She suggested an alternative of requiring contact information be posted at the property so that someone could be physically available if needed.

Motion by Otto to approve CU22-6 with the following conditions:

1. all equipment and material shall be stored interior to the existing rear yard fenced area and only brought outside of said area if it is arriving to or leaving from the property;
2. the storage yard shall be maintained in an organized and visually appealing manner;
3. contact information shall be posted on site to ensure an employee can be readily available on site if needed;
4. the conditional use permit shall expire after one year.

Seconded by Birkenholz. **Roll call vote:** Approved 3-0.

New Business

Dunkelberger shared details relating to changes to be expected on future meeting agendas.

Old Business

None.

Motion by Birkenholz to adjourn the meeting, **seconded** by Otto. **Voice Vote:** approved, 3-0. The meeting was adjourned at 4:49 PM.