

BOARD OF ADJUSTMENT & APPEALS

Council Chambers

August 9, 2017

Present: Charles Block, Donna Amandus, Tim Wondra, Mike Pulis  
Absent: Larry Wright  
Staff: Doug Krogmeier, Emily Britton  
Visitors: Lavern Prough, Sue Hentzel, Henry Hentzel, Roger Frietag, Bill Harry, Teresa Peitz

**Charles Block called the meeting to order at 6:02.** A quorum was declared with four members present.

**Minutes from the July 12, 2017, meeting were approved as written on a motion by Wondra; seconded by Pulis. Approval was unanimous.**

**NON-AGENDA ITEMS: none**

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**Case File 17-06: Special Use Permit to allow for LCD/Message Board sign at Holy Trinity High School at 2600 Ave A facing west.**

Staff reviewed report.

**Block opened public hearing at 6:04pm.**

Wondra explained some of the findings of the on-site demonstration of the sign. He explained that it did not seem to be intrusive and did not shine onto the road or neighboring properties. Block asked for clarification on the dimming options which can be set to automatic and dim down to 3%. Pulis mentioned that even at 20% when dark outside it did not seem to be intrusive to the neighborhood. Block suggested putting a stipulation to dim down to 5% from midnight to 7am and Pulis didn't believe that would be necessary as it was fine at 20% in the demo, however he recommended putting a stipulation to check back again and revisit the Special Use Permit if there are any problems.

**Block closed the public hearing at 6:11 pm.**

Completion of Finding of Fact.

**Amandus moved, seconded by Wondra, to approve the Special Use Permit to allow for LCD/Message Board sign at Holy Trinity High School at 2600 Ave A facing west contingent on the auto-dim settings at a maximum of 20% from dusk to dawn.**

**Vote: 4-yes, 0-no. Motion passed.**

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**Case File 17-10: Variance to reduce required side yard setback (add additional row of storage units to the south).**

Staff reviewed report.

**Block opened public hearing at 6:13pm.**

Krogmeier shared an email from the applicant explaining he was unable to make it to this meeting and that he believed the planned PORT trail to the south of his property made it a unique lot as there would not be any structures built there along the property line. Roger Frietag voiced concerns about the structure interfering with the PORT trail and people accessing the back storage units through the EAGLES Club property. Amandus pointed out there was discussion on requiring a fence at the last meeting and that would cut down on people trying to access units through the neighboring property. Block asked if the Fire Department would have adequate access to the fire hydrant located there and Krogmeier explained the hydrant is on city right of way so they would still be able to access it through the EAGLES Club property. Bill Harry asked if there would be doors for units located on the south side and Krogmeier said that is a question they wanted to ask the applicant but did not get a chance but there is no proposed walk way on that side. Block suggested making it a contingency of approval that there not be doors along the south side. He also showed concern about being so close to the lot line but mentioned a precedence with Matt's

Greenhouse being allowed to build right up to the property line. Block asked if the city had an opinion on the matter and Krogmeier said he had not received any comments after sending a memo out. Krogmeier explained the variance would have to meet all the criteria of the finding of fact and he was not sure how it could be considered not to be for financial gain. Block asked if that would be reason to deny and Krogmeier urged them to review the code which is clear on the criteria. Amandus suggested most variances are for financial gain in some form and pointed out the respiratory care store on Ave L and their sign, but Krogmeier pointed out that was a Special Use Permit for use of the property, not a variance. He continued to explain that it can be argued any variance for a commercial property is for financial gain, however most of them, particularly downtown, also have a unique lot whether it be small or oddly shaped whereas this lot is not unique. Wondra pointed out there is plenty of room on the lot and he should have planned his current structures out better. Block also pointed out the building is still a possibility at 30ft wide instead of the proposed 35ft.

**Block closed the public hearing at 6:30 pm.**

Review of Finding of Fact.

**Block moved, seconded by Pulis, to deny the variance to reduce required side yard setback (add additional storage units to south)**

**Vote: 4-yes, 0-no. Motion passed.**

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**\*Board Member Donna Amandus excused herself at 6:31PM from the board and took a seat in the audience to be a petitioner for the next agenda item.**

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**Case File 17-11: Special Use Permit for Cottage Business (pet grooming) at 412 24<sup>th</sup> St.**

Staff reviewed report.

**Block opened public hearing at 6:31 pm.**

Teresa Peitz spoke in favor saying she lives across the street and said she has no problems with the proposed business. She explained it seems to be well planned out with parking available in the back and she fully supports it. Lavern Prough, who lives just to the south, also spoke in favor saying the basement location will eliminate any issues of hearing dogs barking and he supports the special use permit. Amandus also spoke in favor saying there is plenty of parking in back and she only expects one person at a time as it is appointment only and people just pick up/drop off. She said she heard some neighbor concerns about speeding in the alley but if her clients are known to be an issue she intends to address the issue but she does not expect there to be a problem. Pulis pointed out her sign is too large for the residential neighborhood as it can only be 1sq ft. She said she will take it down for now but would like to bring up the possibility of a code change to allow a bigger sign.

**Block closed the public hearing at 6:44 pm.**

Completion of Finding of Fact.

**Wondra moved, seconded by Pulis, to approve the Special Use Permit for a Cottage Business (pet grooming) at 412 24<sup>th</sup> St.**

**Vote: 3-yes, 0-no. Motion passed.**

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**\*Board Member Donna Amandus rejoined the board at 6:48PM.**

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**Old Business:** Block pointed out that Wright had mentioned addressing the other LED signs that may be too bright. Krogmeier explained that if they are under a Special Use Permit they can be reviewed and even pulled. He recommended requesting they be dimmed and address them if they don't comply.

**Other/New Business:** None

**Block moved, seconded by Wondra, to adjourn the meeting.**

**Vote: 3-yes, 0-no.**

**Meeting adjourned at 6:50PM.**

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**Charles Block**