

BOARD OF ADJUSTMENT & APPEALS

Council Chambers

September 13, 2017

Present: Charles Block, Larry Wright, Donna Amandus, Tim Wondra, Mike Pulis

Absent:

Staff: Doug Krogmeier, Emily Britton

Visitors: Sal Gonzales, Pebbles (Glenda) Schneider, TJ Widbin, Melissa Cerventes

**Charles Block called the meeting to order at 6:00.** A quorum was declared with five members present.

**Minutes from the August 9, 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 17-12: Special Use Permit to allow for Drive-up Coffee Shop at 909 48<sup>th</sup> St.**

Staff reviewed report.

**Block opened public hearing at 6:03pm.**

Amandus asked the hours of operation and TJ Widbin explained it would be open Monday-Saturday from 6am to 7pm but they were still deciding about possible Sunday hours. Wright asked the average time to serve a customer, Widbin said it depends on what is ordered but average wait is 2-3 minutes. However, that estimate is with 1 employee and 1 espresso machine whereas this location will have 2 employees and 2 machines running during busy hours. He went on to explain that about 60% of their business at another location happens before 10AM. Wright asked how many cars are usually in line when busy and Widbin said the max he had seen at his Burlington location was 5 vehicles and typically others just drive by and don't stop when there is a line already. Wright asked if he had considered any other locations within that parking lot and Widbin explained they chose the location so they could be closest to 48<sup>th</sup> St with easy entry and exit points so patrons could come through easily without disturbing the rest of the lot so no other areas of the lot made sense. Wright asked about the grassy area on the property and Widbin explained that was too close to the property line to make it work with both sides having drive-through windows. Block asked what zoning was and Krogmeier said it is B2. Block asked if the property owner was okay with giving up the parking spaces and the agreement was explained as they were okay with it as long as everything was restored back to the original look

**Block closed the public hearing at 6:10 pm.**

Amandus asked if the parking lot was typically full. Krogmeier explained he had seen it full only twice but he was also aware of an agreement with the middle school and church next door to use their parking lots if necessary.

Completion of Finding of Fact.

**Amandus moved, seconded by Block, to approve the Special Use Permit to allow for Drive-up Coffee Shop at 909 48<sup>th</sup> St.**

**Vote: 5-yes, 0-no. Motion passed.**

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**Case File 17-13: Special Use Permit to allow an expired nonconforming use to be converted to a special use for Salvador Gonzales to operate an event center, catering business, part time restaurant, and potentially reuse of the apartments at 3525 Ave Q.**

Staff reviewed report.

**Block opened public hearing at 6:16pm.**

Sal Gonzales spoke in favor and explained he plans to use the facility only 12 days a year for Mexican Fiesta and possibly some fundraisers. The fundraisers would be like a flea market with food sales but he said his main reason

for the Special Use Permit is to serve food during Mexican Fiesta for 3-4 days. During Fiesta he said he would have a set up where patrons could walk up, get food, and take it with them so he does not believe this will create any parking issues. Wondra asked about the potential reuse of apartments and Gonzales said he may do so in the future but does not have an immediate plan for the apartments. Wright asked if they approve 12 days per year if there would be a limit on when they could be or if several would be used together. Gonzales said he does plan to use several consecutively for Mexican Fiesta but does not have plans for the rest yet. Amandus asked if fundraisers have been held there already. Gonzales said yes, but he would like to do it right this time and get a Special Use Permit in place before holding any more. Amandus asked what happened last year when this same request was denied. Gonzales said that is in the past and has nothing to do with the request now. Krogmeier explained that at the time of review previously there was a zoning code violation at this location and at that time Planning and Zoning Commission recommended approval on the condition that the zoning violation be removed prior to approval of the Special Use Permit. Since that did not happen Board of Adjustment denied the request. However, that issue has since been resolved and is no longer a concern. Wright asked if there are intentions of ever turning it into a full time restaurant. Gonzales said he does not plan to make it a restaurant as he is not interested in the restaurant business. Amandus asked about health inspections and Gonzales said his kitchen is inspected and passes every year. Block and Wright asked about the limitation on number of days and Krogmeier explained there are limitations on liquor licenses where dates must be specified so it is not that unusual but the Board can decide what they want to allow in regard to any limitations.

**Block closed the public hearing at 6:27 pm.**

Board discussed adding stipulations Review of Finding of Fact.

**Wright moved, seconded by Wondra, to approve the Special Use Permit for 12 days per year to allow an expired nonconforming use to be converted to a special use for Salvador Gonzales to operate an event center, catering business, part time restaurant, and potentially reuse of the apartments at 3525 Ave Q.**

**Vote: 5-yes, 0-no. Motion passed.**

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**Case File 17-14: Variance to exceed the maximum allowable height of a residential accessory structure.**

Staff reviewed report.

**Block opened public hearing at 6:33 pm.**

Wondra asked if there are any similar structures nearby and Krogmeier said yes there is one that was approved previously not far from this location. Amandus asked if the height would be used to add storage and the applicant, Pebbles (Glenda) Schneider, explained it is not for storage but to allow room for a lift if they want to work on vehicles.

**Block closed the public hearing at 6:35 pm.**

Completion of Finding of Fact.

**Block moved, seconded by Pulis, to approve the Variance to exceed the maximum allowable height of a residential accessory structure.**

**Vote: 5-yes, 0-no. Motion passed.**

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**Case File 17-15: Variance to reduce required front yard setback.**

Staff reviewed report.

**Block opened public hearing at 6:40 pm.**

Huey explained he intends to build an addition onto his garage that extends past the front of the house so he can add a bigger garage door and a passthrough door. He explained he needed a larger garage door to accommodate his Chevy Silverado without hitting the mirrors or having to pull them in ever time. Block asked about the pass through

door and he said he simply wants to be able to take his bike out without having to open and close the whole garage door each time.

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

Completion of Finding of Fact.

**Pulis moved, seconded by Amandus, to approve the Variance to reduce required front yard setback.**

**Vote: 5-yes, 0-no. Motion passed.**

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**Old Business:** none

**Other/New Business:** None

**Amandus moved, seconded by Wright, to adjourn the meeting.**

**Vote: 5-yes, 0-no.**

**Meeting adjourned at 6:52 PM.**

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**Charles Block**