

BOARD OF ADJUSTMENT & APPEALS

Council Chambers

April 14, 2021

Present: Charles Block, Tim Wondra, Jerry Hamelton, Larry Wright (via phone)

Absent:

Staff: Doug Krogmeier, Emily Britton

Visitors: Joe Bowen, Allen McMillen, Bill Streets

Chuck Block called the meeting to order at 6:00. A quorum was declared with four members present.

Minutes from the January 13, 2021 meeting were approved as written on a motion by Wondra; seconded by Hamelton. Approval was unanimous.

NON-AGENDA ITEMS: none

Case File #21-01: Special Use Permit request to operate a pharmacy services facility with two drive-through windows at 2426 Ave L contingent on rezoning to B-4.

Staff reviewed the report. Krogmeier explained that both requests are contingent on rezoning the parcels from B-2 to B-4 (which requires a Special Use Permit for every use). The rezoning is on the agenda for the next Planning and Zoning Commission meeting then will be presented to City Council for approval. Both the Special Use permit and Variance request will be null and void if the rezoning request is denied. He added that the proposed plan is an expansion of the pharmacy services business located next to this parcel. For the Variance request, the intention is to allow more parking in front, off Ave L, for customers by placing the structure closer to the alley. Block asked if it would be combined with the existing building and Krogmeier answered that it would be two separate structures and the parcels would remain separate too even though both properties have the same owner. Wright asked if this use lines up with the Comprehensive Plan and Krogmeier said it does.

Block opened the public hearing at 6:11 pm.

Allen McMillen, 2413 Ave M, asked about the rear yard setback and how it might affect his property value. The Board admitted they do not know what affect this would have on property values and recommended he check with a realtor to get a better answer on that. Wondra pointed out that the alley right of way would stay the same so it should not affect access to his property. McMillen's garage, which is located on the property line with the parcel that is proposed to become a parking lot, has access from both sides and Block said the reduced rear yard setback should not affect his access to that garage. Wondra pointed out it would be paved and potentially allow more room for him to pull in and out of the garage. McMillen also had concerns regarding increased traffic and noise as well as headlights pointing toward his home. Krogmeier said typically zoning code requires a privacy fencing when a business is right next to a residential parcel to help avoid some of those issues. McMillen then asked if they would have to put a fence on the property line which is located in the middle of his driveway to the garage. Krogmeier guessed the plan would be to keep the fence in line with the side of the garage and pointed out that it would make no sense for either owner to have a fence on that property line. Hamelton asked who maintains the yard around the garage now and McMillen said they both maintain their own property and he was just concerned about how this would affect him as the most immediate neighbor. The Board reviewed the site plan. The traffic through the alley was discussed and the fact that the plan was to pave the alley. Wondra then pointed out that according to the site plan the headlights would be parallel to McMillen's property so in theory would not be pointed at his house. Block asked about the likelihood of Planning and Zoning Commission recommending the rezoning of the three parcels to the south to City Council. Krogmeier said it would not create a true spot-zone so they they could approve it and those parcels are already B-2, however he can not speak for them and they will take everything in to consideration before making a decision.

Bill Streets, representative for the project, went over the existing site and the proposed site plan. Block asked if the previous building was closer to the rear setback than what is proposed. Krogmeier said yes, the previous building was actually closer to the alley than what is being proposed, so it is actually an improvement from what was there before. Streets explained that his client had already condensed the new facility as much as possible to make it fit and have put a

lot of effort in to limiting how much they would need to ask for the variance. He went on to say the new facility would have about 40 employees and it will have limited retail so most of the use will be pharmacy preparations and delivery. The new structure will be an extension of the current business, but the building will be designed to stand on it's own too. Hamelton said he has an issue with the current use of one of the residential lots for parking. Krogmeier pointed out that would be a zoning issue so Planning and Zoning Commission would make that determination and decision. This Board just needs to decide if the use is reasonable for the location as well as decide whether or not to allow the variance.

Block closed the public hearing at 6:41 pm.

Board reviewed finding of fact.

Wondra moved, seconded by Wright, to approve the Special Use Permit to operate a pharmacy services facility with two drive-through windows at 2426 Ave L contingent on rezoning to B-4.

Vote: 4-yes, 0-no.

Motion passed.

Case File #21-02: Variance request to reduce rear yard setback from 20 feet to 10 feet for a proposed pharmacy services facility at 2426 Ave L contingent on rezoning.

Staff reviewed previously with discussion.

Block opened the public hearing at 6:55

No public comment.

Block closed the public hearing at 6:56.

Board reviewed finding of fact.

Wondra moved, seconded by Hamelton, to approve the variance request to reduce rear yard setback from 20 feet to 10 feet for a proposed pharmacy services facility at 2426 Ave L contingent on rezoning.

Vote: 4-yes, 0-no.

Motion passed.

Meeting adjourned at 6:57 pm.

Chuck Block