

AGENDA

WATERLOO BOARD OF ADJUSTMENT Regular Meeting - 4:00 P.M. Tuesday, April 25, 2023 Harold E. Getty Council Chambers – City Hall

General Rules for Public Participation

1. The presentation order for all new or old business agenda items shall be as follows: a) Staff report, b) Board questions, c) Applicant's presentation, d) Opinions of interested citizens, e) Applicant's rebuttal, f) Board discussion.
2. Interested citizens may address any item on the agenda by stepping to the podium. After recognition by the chair, the individuals state their name, address and group affiliation (if applicable) and speak clearly into the microphone.
3. Interested citizens may speak one (1) time per item. Please limit your comments to approximately five (5) minutes. Although generally discouraged, at the discretion of the Chair, interested citizens may be allowed to speak more than once per item.
4. Keep comments germane and refrain from personal, impertinent or slanderous remarks and repetitious information.
5. All comments and requests for information shall be directed towards the chair, and not towards individuals in the audience. All comments shall be in keeping with proper and courteous conduct.
6. If handouts are to be provided, you are encouraged to deliver them to the Planning and Zoning Department at least 24 hours prior to the meeting to be distributed to Board members. If not possible to be pre-delivered, you are encouraged to bring six (6) sets of all handouts for Board members and staff. A minimum of **one (1)** copy of **any** handout (including original pictures) must be retained by staff for the official record of the request.

I. Approval of April 25, 2023 Agenda

II. Approval of March 28, 2023 Minutes.

III. Decision Items:

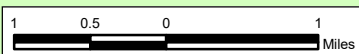
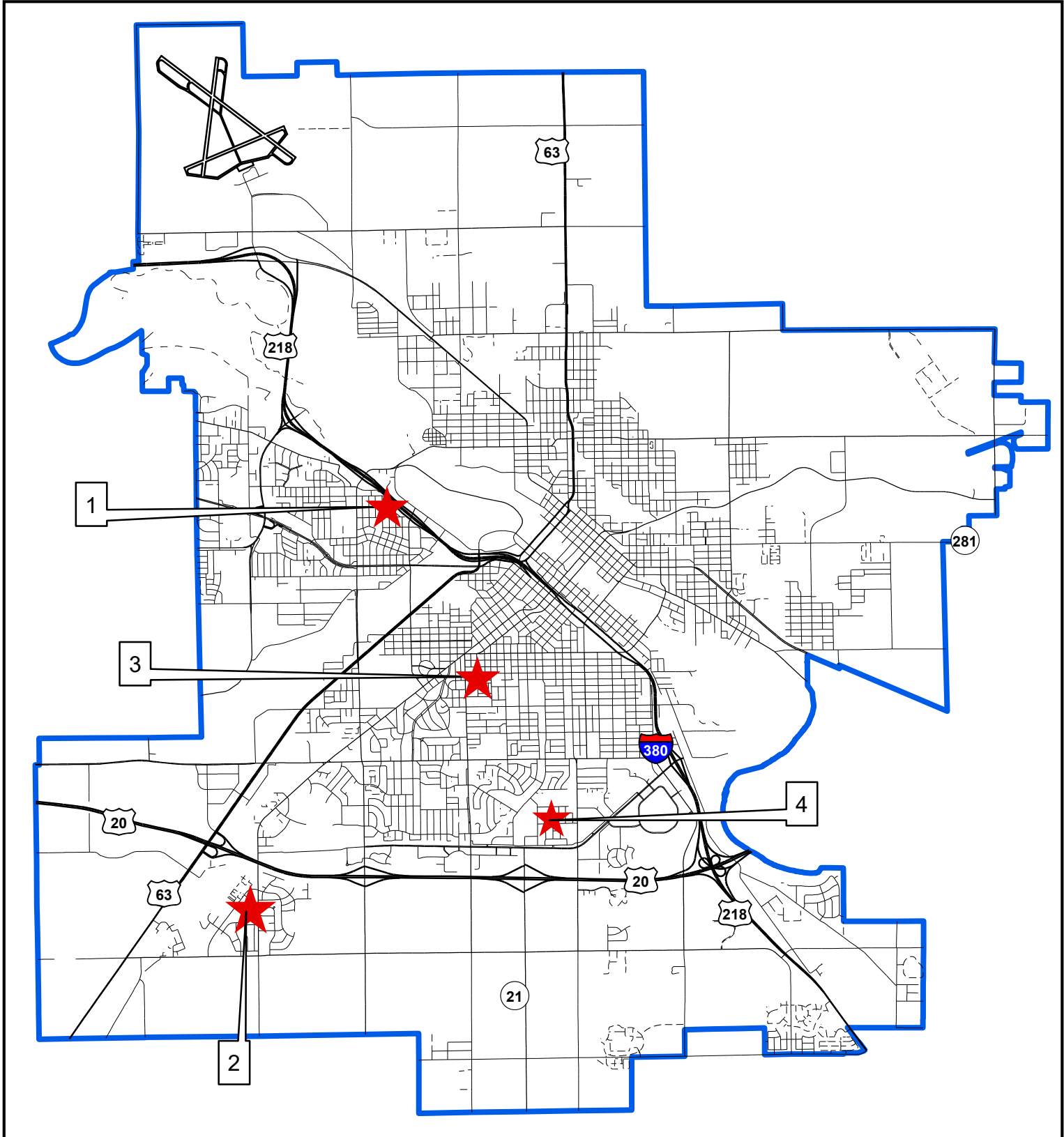
1. Request by JMZ Rentals for a variance to the minimum accessory structure size limit to allow for two attached accessory structures to be 12.75 feet wide each, 1.25 feet less than the minimum 14 feet required in conjunction with the construction of two single-family homes on 40' wide lots in the "R-2" One and Two Family Residence District located south of 606 Wallgate Avenue. **(Pages 6 – 13)**
2. Request by Fager Construction DBA Deckworks Cedar Valley on behalf of Eric Bertch for a variance to the side yard setback requirement to allow for a side yard setback of 6.5 feet, 2 feet less than the 8.5 feet required in the "R-1" One and Two Family Residence District located at 4662 Hoff Road. **(Pages 14 – 20)**
3. Request by David Krueger for a variance to the accessory structure setback requirement to allow for a setback of 10 inches, 2 feet 2 inches less than the minimum 3 feet required to allow for construction of a new 16' X 20' 320 square foot detached accessory structure in the "R-2" One and Two Family Residence District located at 129 Byron Avenue. **(Pages 21 – 29)**

4. Request by CGA on behalf of Babic Properties, LLC for a variance to the rear yard setback requirement to allow for an 8 foot rear yard setback, 12 feet less than the 20 feet required for the purpose of constructing a new 4-plex in the “R-3” Multiple Residence District located south of 3633 Ravenwood Circle. **(Pages 30 – 43)**

IV. Discussion

V. Adjournment

**Board of Adjustment
April 25, 2023**



Agenda Map

**CITY OF WATERLOO, IOWA
BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING - 4:00 P.M. MARCH 28, 2023**

The regular meeting of the City of Waterloo Board of Adjustment was called to order by Vice-Chairperson Thornsberry at 4:00 p.m. via zoom and in-person in the Harold E. Getty Council Chambers at Waterloo City Hall.

Members present were: Craig Holdiman, Carole Gustafson, and John Beckman.

Members present electronically were: Jerry Thornsberry.

Members absent were: Brad Condon.

Others present were: Lexi Blank, Aric Schroeder, & John Dornoff – Planning Department, and two citizens.

Others present electronically were: Dave Boesen – City Council Liaison.

I. Approval of the Agenda

It was moved by Gustafson and seconded by Beckman to approve the agenda. Motion carried unanimously.

II. Approval of the Minutes from the regular meetings on February 28, 2023.

It was moved by Gustafson, seconded by Holdiman, to approve the minutes of the February 28, 2023, meeting. Motion carried unanimously.

III. Decision Items

1. Request by Nagle Signs on behalf of the Black Hawk County Health Department for a variance to the sign regulations to allow for a 67.6 square foot monument sign, 3.6 square feet more than the 64 square feet permitted, and variance to allow for a flashing digital message center in the “R-3” Multiple Residence District located at 1407 Independence Avenue.

Blank read the staff report recommending approval of the request.

Brian Buss, Nagle Signs, stated he was available to answer questions.

Holdiman asked the size of the current sign to which Buss responded about 42 square feet.

It was moved by Holdiman, seconded by Beckman, to approve the request by Nagle Signs on behalf of the Black Hawk County Health Department for a variance to the sign regulations to allow for a 67.6 square foot monument sign, 3.6 square feet more than the 64 square feet permitted, and variance to allow for a flashing digital message center in the “R-3” Multiple Residence District located at 1407 Independence Avenue. Motion carried unanimously.

IV. Discussion

The next meeting of the Board of Adjustment will be on April 25, 2023

V. Adjournment

It was moved by Beckman, seconded by Holdiman, to adjourn the meeting at 4:10 p.m. Motion carried unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Dornoff", written in a cursive style.

John Dornoff,
Planner II

REQUEST:	Request by JMZ Rentals for a variance to the minimum accessory structure size limits to allow for two attached accessory structures to be 12.75 feet wide each, 1.25 feet less than the minimum 14 feet required in conjunction with the construction of two single-family homes on 40' wide lots in the "R-2" One and Two Family Residence District located south of 606 Wallgate Avenue.
GENERAL DESCRIPTION:	The applicant is requesting a variance to the minimum accessory structure size limit to allow for two attached garages to be less than the minimum 14 foot width required at two separate single family homes that would be constructed on the two 40' wide vacant lots.
LOCATION, CURRENT ZONING, AND ZONING HISTORY:	The property is located east of Wallgate Avenue and south of Stratford Avenue. The property is zoned "R-2" One and Two Family Residence District, and has been zoned as such since the adoption of the Zoning Ordinance in 1969.
IMPACT ON NEIGHBORHOOD & SURROUNDING LAND USES:	The request would not appear to have a negative impact on the neighborhood, as the garage would still be wide enough to fit a vehicle.
TRAFFIC CONDITIONS:	The request would not appear to have a negative impact on traffic conditions in the area.
RELATIONSHIP TO COMPREHENSIVE PLAN:	The request would be in conformance with the Comprehensive Plan as the area is designated as Low Density Residential on the Future Land Use Map.
STAFF COMMENTS:	<p>Sections of the Zoning Ordinance that pertain to the request:</p> <p><u>Chapter 5 General Regulations, 10-5-1 (E-1) Residential Accessory Structures</u></p> <p>After July 1, 2015, no single family dwelling shall be constructed or moved onto a property without a minimum of a 14' wide by 20' deep accessory structure enclosed on 4 sides, attached or detached, being constructed and maintained.</p> <p>The single family homes will be located on 40' wide properties, which makes it difficult to construct 14' wide garages while still providing living space for the homes. The dwellings are proposed to be 30' wide leaving the minimum required side yard setbacks of 5' on each side. Most of the homes in the neighborhood have detached garages rather than attached garages, but the applicant would prefer to build attached and the narrow lots make it difficult to build them any wider.</p>

Criteria

1. Lack of reasonable return - There would not appear to be a lack of reasonable return. The applicant could build a 14' wide attached or detached garage.
2. Uniqueness - There would appear to be uniqueness to the request, as the lot is 40' wide with 5' side yard setbacks required making the buildable width is only 30'.
3. Public Considerations - The request would not appear to have a negative impact on the neighborhood as staff has heard no objections.



Picture 1: Looking west at the two lots.



Picture 2: 606 Wallgate Avenue with driveway for the new home on the left.



Picture 3: Looking east from the alley toward Wallgate Avenue.



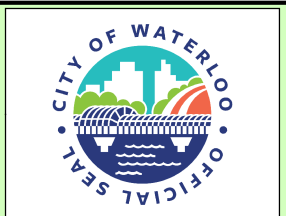
Picture 4: Looking southwest from the alley toward home at 616 Wallgate Avenue.

STAFF
RECOMMENDATIONS:

Therefore, staff recommends that the request by JMZ Rentals for a variance to the minimum accessory structure size limits to allow for two attached accessory structures to be 12.75 feet wide each, 1.25 feet less than the minimum 14 feet required in conjunction with the construction of two single-family homes on 40' wide lots in the "R-2" One and Two Family Residence District located south of 606 Wallgate Avenue, be approved for the following reasons.

1. The request would not appear to have a negative impact on the neighborhood, as the garage would still be wide enough to fit a vehicle.
2. There would appear to be uniqueness to the request, as the lot is 40' wide with 5' side yard setbacks required making the buildable width only 30'.
3. The request would not appear to have a negative impact on the neighborhood as staff has heard no objections.

**City of Waterloo Board of Adjustment
April 25, 2023**



**South of 606 Wallgate
Accessory Structure Variance
JMZ Rentals, LLC**

No.	Description	Date
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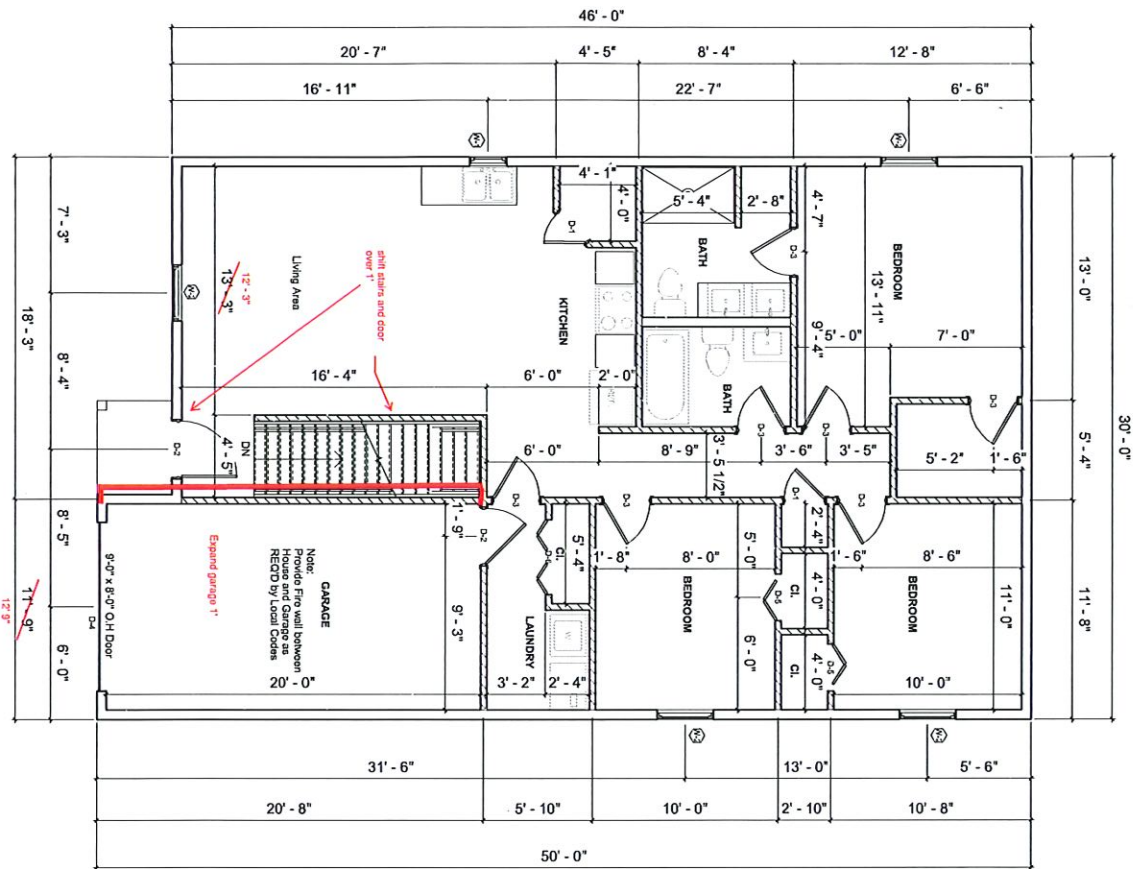
Trial	Control	MCI	AD
1	85	75	65
2	80	70	60
3	78	68	58
4	76	66	56
5	75	65	55

PROPOSED FLOOR
PLAN

Project number	LEO - 18
Date	MM/DD/YYYY
Drawn by	Nurman
Checked by	Nurman

A104

Scale	As indicated
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DOOR SCHEDULE 02

DOOR SCHEDULE 02					
TYPE MARK	Empty	WIDTH	HEIGHT	COUNT	
D-1	Door-Inset-Single-2_Panels Wood	2'-2"	6'-8"	2	
D-2	Door-Extender-Single-Entry-Hall Acacia-Extender-Wood_Clar	3'-0"	6'-8"	1	
D-3	Door-Inset-Single-2_Panels Wood	2'-6"	6'-8"	11	
D-4	panate door	6'-8"	8'-0"	1	
D-5	panate door	2'-6"	7'-0"	1	
D-6	Bifold-4_Panels	4'-0"	7'-0"	1	

WINDOW SCHEDULE 02

WINDOW SCHEDULE 02					
TYPE MARK	Family	WIDTH	HEIGHT	SILL HEIGHT	Count
W-1	Window-Double-Hung	2'-0"	2'-8"	3'-0"	1
W-2	Window-Double-Hung	3'-0"	3'-0"		4

2 basement egress windows. RO 60" x 46"

① LEVEL 01 - PROPOSED
3/8" = 1'-0"

April 7th 2023

City of Waterloo
Board of Adjustment
715 Mulberry St.
Waterloo, IA 50703

To whom it may concern,

Attached to this letter you will find our application and floor plan. After being notified that our floor plan does not meet city code, we have made some modification. We are requesting a variance on section 10-5-1-E1. This section addresses residential accessory buildings. While we have provided a single car garage, it does not meet the minimum standard of being 14' wide. On the floor plan you will see how we are suggesting expanding the garage 1' to better meet the standards but still fall short.

By expanding the garage we are eliminating the living room space. We are able to eliminate some living space but we feel if we expand the garage all the way to 14', the living room will feel much more constricted. We are not able to expand the overall footprint of the building due to these homes being built on 40' wide infill lots.

We hope that this design change will be acceptable to your board. Please reach out if you have any questions.

Sincerely,



Mike Hayworth
JMZ Rentals LLC
319-984-4998
mikeh@rosemontcompanies.com

**City of Waterloo
Planning & Zoning Department
715 Mulberry Street Waterloo, Iowa 50703
319-291-4366**

BOARD OF ADJUSTMENT – APPLICATION TO APPEAL

The Request is a (CHECK ONE)

☐ It is an Appeal for an Interpretation of the Ordinance or Map.

☒ It is a request for a variance relating to the use, area, frontage, setback or height

SITE ADDRESS: 608 & 610 Wallgate Ave.

LEGAL DESCRIPTION: Lots 124 and 125 in Galloway Addition to the City of Waterloo, Black Hawk County, Iowa

APPLICANT: (Business Name if Applicable) JMZ Rentals LLC

Address: 531 Commercial St. Suite 612, Waterloo, IA, 50701

Telephone #: 319-984-4998

Email Address: mikeh@rosemontcompanies.com

PROPERTY OWNER (if different than applicant): _____

Address: _____

Telephone #: _____

Pursuant to the provision of Ordinance No. 2479, as amended – appeal is hereby made to vary or modify the order, requirement, decision or ruling of the Zoning Official of the City of Waterloo, Iowa.

ATTACHED HERETO AS PART OF THIS APPEAL, WE SUBMIT THE FOLLOWING: (Note: These papers and the filing fee **must be submitted** with the appeal in order for your request to be processed.)

1. A reference to the proper part and section of the Zoning Ordinance on which the variance is requested.

10-5-1-E.1 Residential Accessory Structures

2. A scale drawing and/ or other graphic documentation of all relevant details.
3. A brief narration setting forth the specific grounds for appeal.
4. A check in the amount of two hundred twenty five dollars (\$225), payable to the City of Waterloo.
Note: This is a filing fee and is non-refundable, even if the request is denied.
5. A petition of approval by surrounding or affected adjacent property owners (recommended).

We the undersigned hereby depose and say that all of the above statements contained in the papers submitted herewith are true, and authorize City Zoning Officials to enter the property in question in regards to the request.


Applicant Signature

4/7/23
Date

Owner Signature

Date

DO NOT WRITE BELOW THIS LINE

Received by: _____ Date: _____ Fee Paid: Y ___ N ___

Mailed to Chairman on: _____

Hearing Date: _____

REQUEST:	Request by Fager Construction DBA Deckworks Cedar Valley on behalf of Eric Bertch for a variance to the side yard setback requirement to allow for a side yard setback of 6.5 feet, 2 feet less than the 8.5 feet required in the “R-1” One and Two Family Residence District located at 4662 Hoff Road.
GENERAL DESCRIPTION:	The applicant is requesting a variance to the side yard setback to allow for the construction of a 10’ x 24’ (240 square foot) deck in the side yard.
LOCATION, CURRENT ZONING, AND ZONING HISTORY:	The property is located along Hoff Road Avenue and north of Teton Drive. The property in question is zoned “R-1” One and Two-Family Residence District and has been zoned as such since the adoption of the zoning ordinance in 1969.
IMPACT ON NEIGHBORHOOD & SURROUNDING LAND USES:	The request would not appear to have a negative impact upon the surrounding neighborhood and land use in the area as the applicant is proposing an open deck.
TRAFFIC CONDITIONS:	The request would not appear to have a negative impact on traffic conditions in the area. The property is served by Hoff Avenue which is a minor arterial street.
RELATIONSHIP TO COMPREHENSIVE PLAN:	The proposed request would be in conformance with the classification of this area as Low Density Residential on the Future Land Use Map within the City of Waterloo Comprehensive Plan adopted February 3, 2003.
STAFF COMMENTS:	<p>Sections of the Zoning Ordinance that pertain to the request: <u>Chapter 8, “R-1” One and Two Residence District, 10-8-3 Bulk Regulations</u></p> <p>The “R-1” District requires a side yard setback of 10% of the lot width, but is not required to exceed 10’. The lot in question is 85’ wide at the building line, requiring a side yard setback of 8.5’.</p> <p>The applicant is requesting to construct a 10’ x 24’ (240 square foot) deck in the required side yard at 4662 Hoff Rd. The new deck will extend 2.5 feet into the 8.5 foot required setback on the north side of the home.</p> <p>Similar requests have come before the Board of Adjustment in the past. On June 28, 2011, the Board of Adjustment approved a request for a deck to be built with a 0’ side yard setback 8.5’ less than the requirement at 171 Lovejoy Avenue. On August 26, 2008, the Board of Adjustment approved a request for a freestanding deck to be built with a 0’ rear yard and side yard setback at 3398 Mt. Vernon Drive.</p>



Picture 1: 4662 Hoff Road.



Picture 2: Looking toward side yard where deck will be installed.



Picture 3: Looking at distance from 4662 Hoff Road toward the neighboring home.

Criteria

1. Lack of reasonable return- There would not appear to be a lack of reasonable return to the request as the applicant could construct a deck that would meet the side yard setback requirements.
2. Uniqueness- There would appear to be a uniqueness to the request as the deck will not be covered or enclosed and the house to the north is approximately 30 feet from the property line.

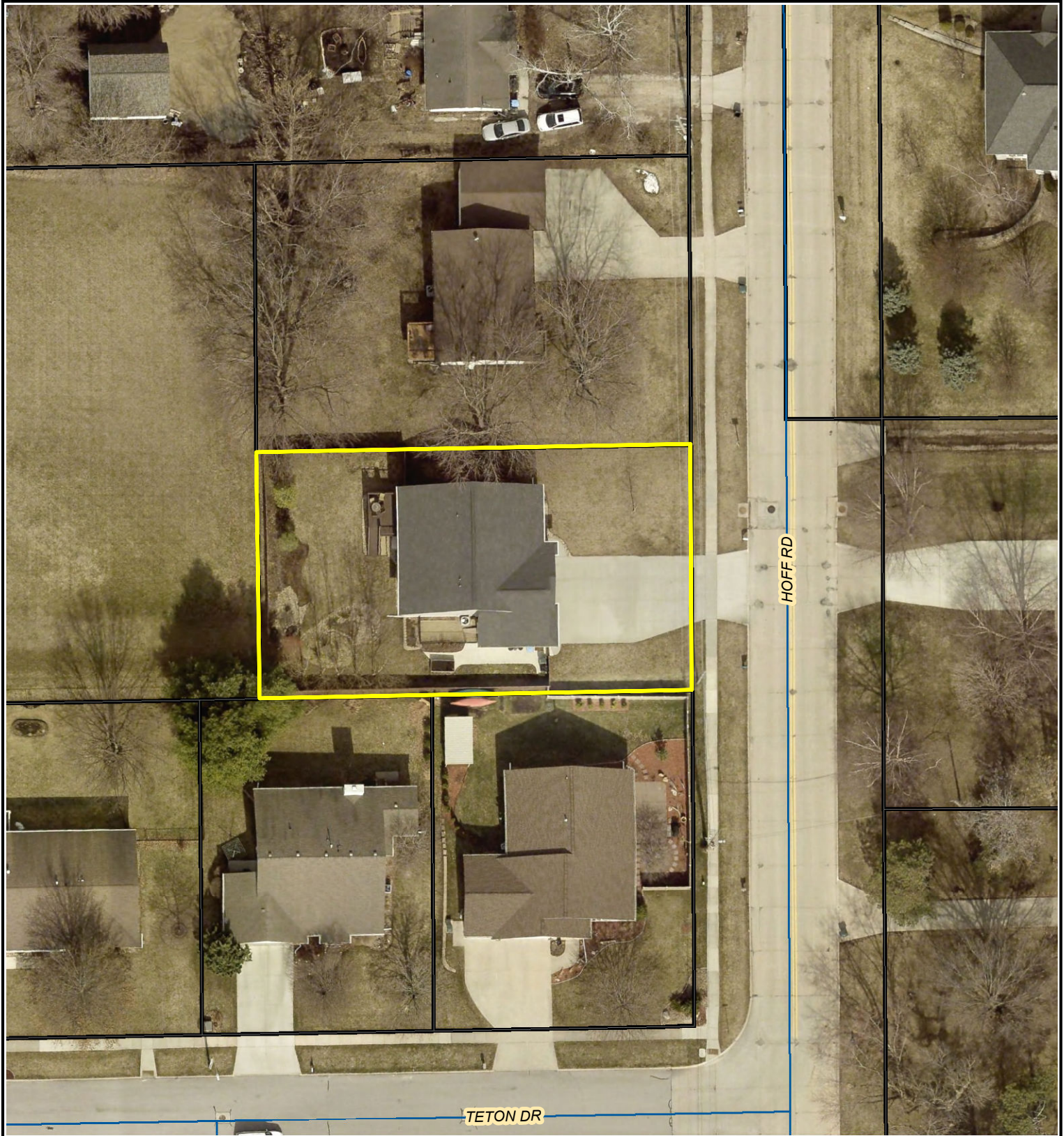
3. Public Considerations- There has been no opposition to the request.

STAFF
RECOMMENDATIO
NS:

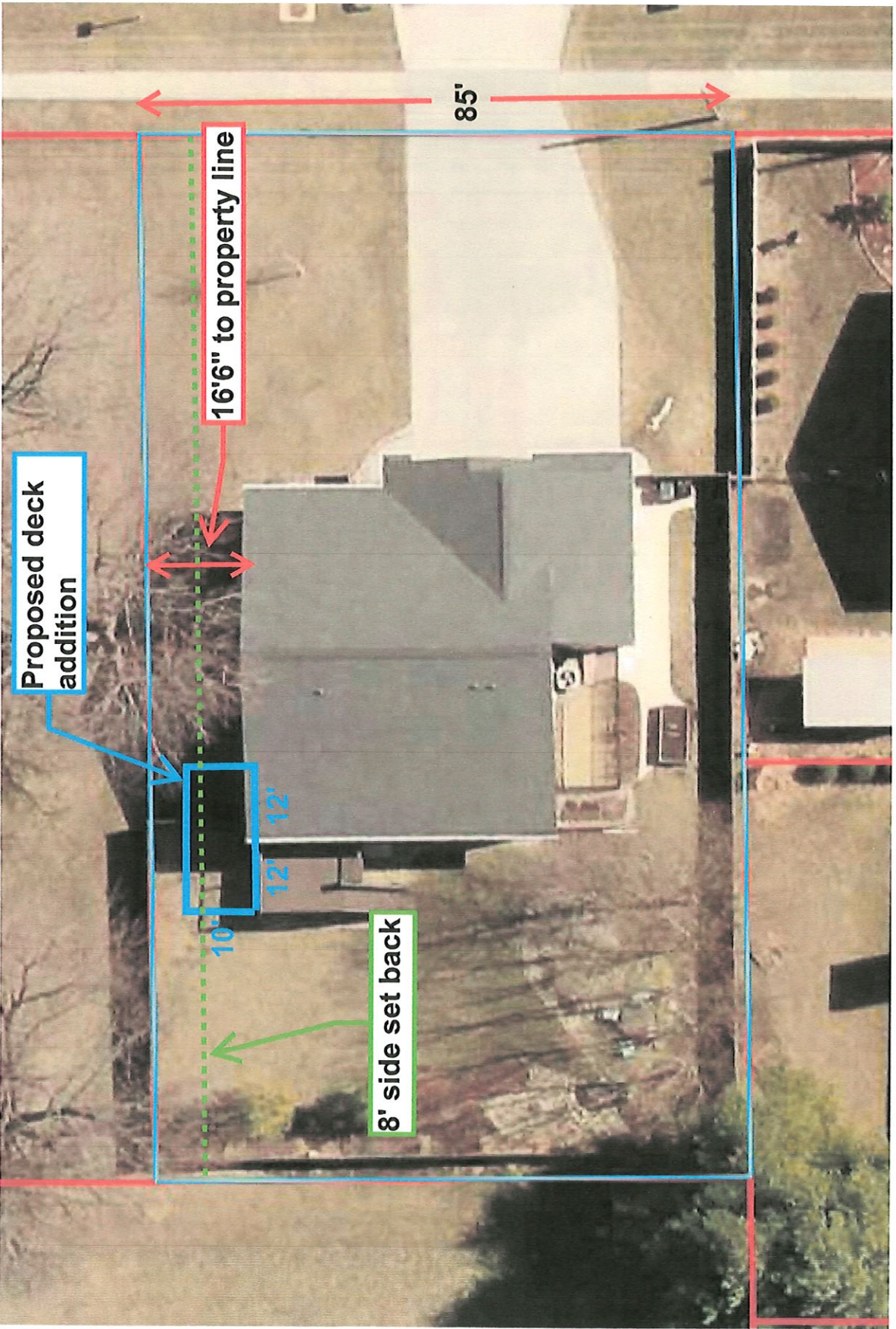
Therefore, staff recommends that the request by Fager Construction DBA Deckworks Cedar Valley on behalf of Eric Bertch for a variance to the side yard setback requirement to allow for a side yard setback of 6.5 feet, 2 feet less than the 8.5 feet required in the “R-1” One and Two Family Residence District located at 4662 Hoff Road, be approved for the following reasons:

1. The request would not appear to have a negative impact upon the surrounding neighborhood and land use in the area as the applicant is proposing an uncovered deck.
2. There would appear to be a uniqueness to the request as the deck will not be covered or enclosed and the house to the north is approximately 30 feet from the property line.
3. There has been no opposition to the request.

City of Waterloo Board of Adjustment
April 25, 2023



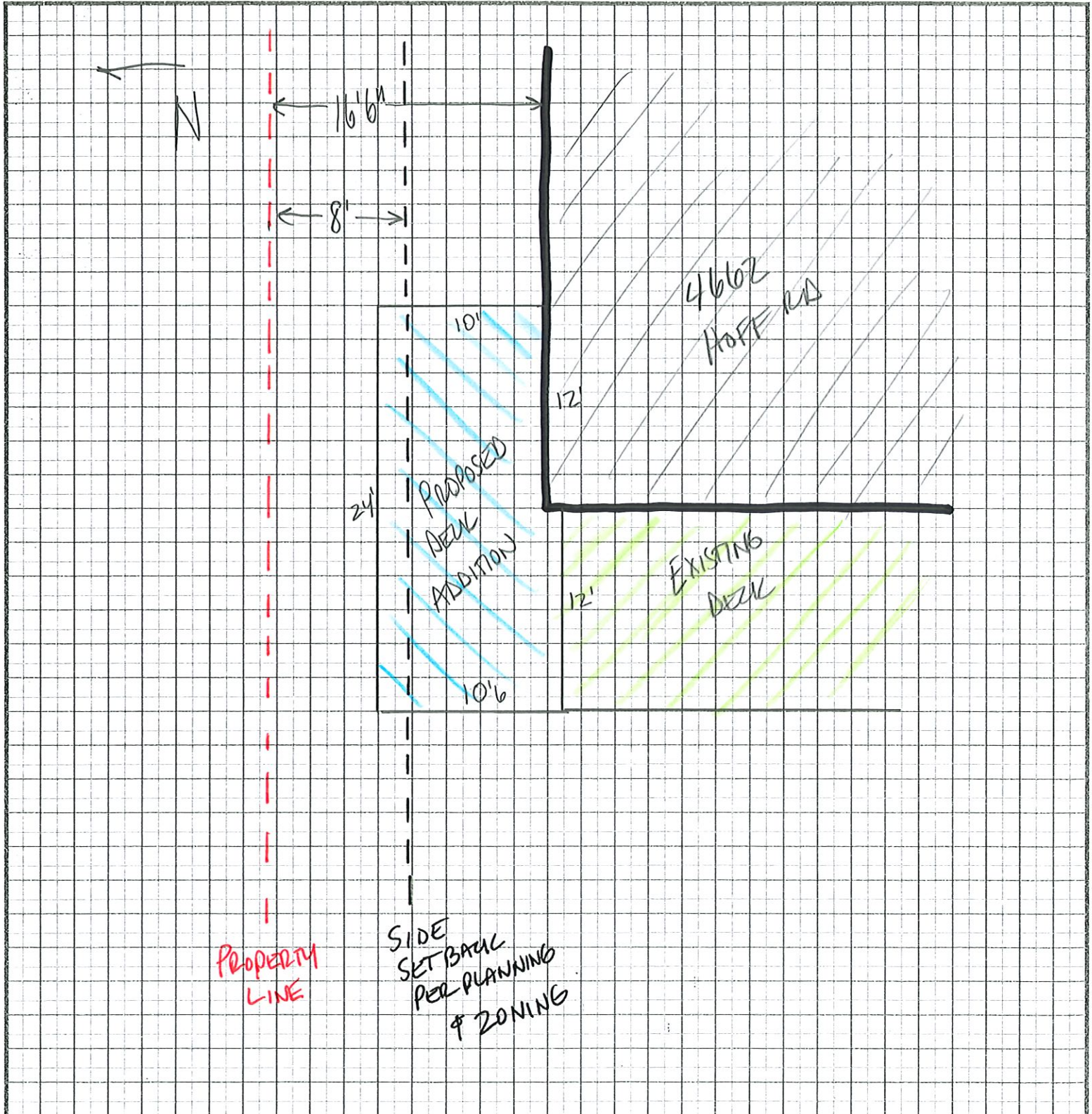
4662 Hoff Road
Side Yard Setback Variance
Fager Construction DBA as
Deckworks Cedar Valley



4662 Hoff Dr, Waterloo, IA 50701

Requesting variance to allow deck structure to be built approximately 2' into side lot setback. Upon completion, deck will be approximately 6' from property line. Neighboring property to the North is approximately 28' from property line.

NAME:		Date:
ADDRESS: 4662 HOFF RD		
PHONE:	EMAIL:	





**City of Waterloo
Planning & Zoning Department
715 Mulberry Street Waterloo, Iowa 50703
319-291-4366**

BOARD OF ADJUSTMENT – APPLICATION TO APPEAL

The Request is a (CHECK ONE)

- ☐ It is an Appeal for an Interpretation of the Ordinance or Map.
☒ It is a request for a variance relating to the use, area, frontage, setback or height

SITE ADDRESS: 4662 Hoff Rd, Waterloo, IA 50701

LEGAL DESCRIPTION: PART OF SE SEC 7 T 88 R 13 DESC AS BEG AT NE COR OF W 10 FT OF HOFF RD ROW E OF AND ADJ TO LOT 1 TO KLINGMAN PARK ADDN TH N 85 FT ALONG W LINE OF HOFF RD ROW TO 100 FT S OF S LINE LOT 3 DAVIS SUBDIVISION TH S 89 DEG 06 MIN 36 SEC W 150 FT ALONG A LINE PA

APPLICANT: Fager Construction, DBA Deckworks Cedar Valley

Address: 3123 Big Woods Rd, Cedar Falls, IA 50613

Telephone #: 319-269-9905

Email Address: pat@deckworkscv.com

PROPERTY OWNER (if different than applicant): Eric Bertch

Address: 4662 Hoff Rd, Waterloo, IA 50701

Telephone #: 319-290-7588

Pursuant to the provision of Ordinance No. 2479, as amended – appeal is hereby made to vary or modify the order, requirement, decision or ruling of the Zoning Official of the City of Waterloo, Iowa.

ATTACHED HERETO AS PART OF THIS APPEAL, WE SUBMIT THE FOLLOWING: (Note: These papers and the filing fee **must be submitted** with the appeal in order for your request to be processed.)

1. A reference to the proper part and section of the Zoning Ordinance on which the variance is requested.

2. A scale drawing and/ or other graphic documentation of all relevant details.
3. A brief narration setting forth the specific grounds for appeal.
4. A check in the amount of two hundred twenty five dollars (\$225), payable to the City of Waterloo.
Note: This is a filing fee and is non-refundable, even if the request is denied.
5. A petition of approval by surrounding or affected adjacent property owners (recommended).

We the undersigned hereby depose and say that all of the above statements contained in the papers submitted herewith are true, and authorize City Zoning Officials to enter the property in question in regards to the request.

4-7-23

Applicant Signature

Date

Owner Signature

Date

DO NOT WRITE BELOW THIS LINE

Received by: _____ Date: _____ Fee Paid: Y ☒ N ☐

Mailed to Chairman on: _____ Hearing Date: _____

REQUEST:	Request by David Krueger for a variance to the accessory structure setback requirement to allow for a setback of 10 inches, 2 feet 2 inches less than the minimum 3 feet required to allow for construction of a new 16' X 20' 320 square foot detached accessory structure in the "R-2" One and Two Family Residence District located at 129 Byron Avenue.
GENERAL DESCRIPTION:	The applicant is requesting approval of the setback variance to allow for the replacement of an existing accessory structure with a new one with a similar setback.
LOCATION, CURRENT ZONING, AND ZONING HISTORY:	The property is located at 129 Byron Avenue. The property in question, as well as all other surrounding properties are zoned "R-2" One and Two Family Residence District, and have been zoned as such since the adoption of the Zoning Ordinance in 1969.
IMPACT ON NEIGHBORHOOD & SURROUNDING LAND USES:	The request would not appear to have a negative impact on the neighborhood. There appears to be several properties in the area that have garages that would not meet the required 3' setback requirement.
TRAFFIC CONDITIONS:	The request would not appear to have any negative impact on traffic in the area.
RELATIONSHIP TO COMPREHENSIVE PLAN:	The proposed request would be in conformance with the classification of this area as Low Density Residential on the Future Land Use Map within the City of Waterloo Comprehensive Plan adopted February 3, 2003.
STAFF COMMENTS:	<p>Sections of the Zoning Ordinance that pertain to the request: <u>Chapter 10 – 5 – 1 E: Accessory Structures</u></p> <p>"Accessory structures shall be a distance of at least five (5) feet from alley lines; at least five (5) feet from lot lines of adjoining lots; and at least three (3) feet from the Principal Permitted Use on said lot, except that accessory structures in the rear sixty (60) percent of the lot may be erected three (3) feet from any interior lot line, and on corner lots they shall conform to the setback regulations for corner lots as provided in 10-5-1(F)."</p> <p>The applicant is requesting a variance to construct a new 16' X 20' 320 square foot detached accessory structure with a side yard setback of 10 inches, 2 feet, 2 inches less than the 3 feet required for detached accessory structures. Staff does have concerns in that the aerial image shows the garage to be over the property line although aerial images can be slightly off, and the applicant has given us the 10" setback number and it will be there responsibility to insure they are 10" from the property line.</p>

The original garage was built in 1950 and there appears to be several others in the immediate neighborhood that appear to have similar or even smaller setbacks that the one being proposed.

The applicants will also need to insure that any drainage from the accessory structure does not drain onto the neighboring property and that the structure does not have an overhang or gutters that extend over the property line. The applicants will also need to insure that they are maintaining a 3 foot setback from the residence.

Criteria

1. Lack of reasonable return- There would not appear to be a lack of reasonable return to the request. The applicant could build a garage that would meet the setback requirements.
2. Uniqueness- There would appear to be uniqueness to the request as the applicants are replacing an existing accessory structure that has a similar setback, and there are many other accessory structures in the surrounding neighborhood with a similar setback.
3. Public Considerations- Approval of the variance would not appear to have a negative impact on the area as there are several other accessory structures that appear to have similar setbacks and staff has hear no objections.



Picture 1: Home at 129 Byron Avenue



Picture 2: Looking down driveway to the existing garage and neighbor's garage.



Picture 3: Closer look at the garage.



Picture 4: Looking at homes and garages.

**STAFF
RECOMMENDATIONS:**

Therefore staff recommends that the request by David Krueger for a variance to the accessory structure setback requirement to allow for a setback of 10 inches, 2 feet 2 inches less than the minimum 3 feet required to allow for construction of a new 16' X 20' 320 square foot detached accessory structure in the "R-2" One and Two Family Residence District located at 129 Byron Avenue, be approved for the following reasons:

1. The request would not appear to have a negative impact on the surrounding area as the proposed garage setback will be the same as the existing garage.
2. There would appear to be uniqueness to the request as the original garage was built in 1950 and the applicants are requesting a similar setback as the current garage has and there appears to be several others in the neighborhood with similar setbacks.

**City of Waterloo Board of Adjustment
April 25, 2023**

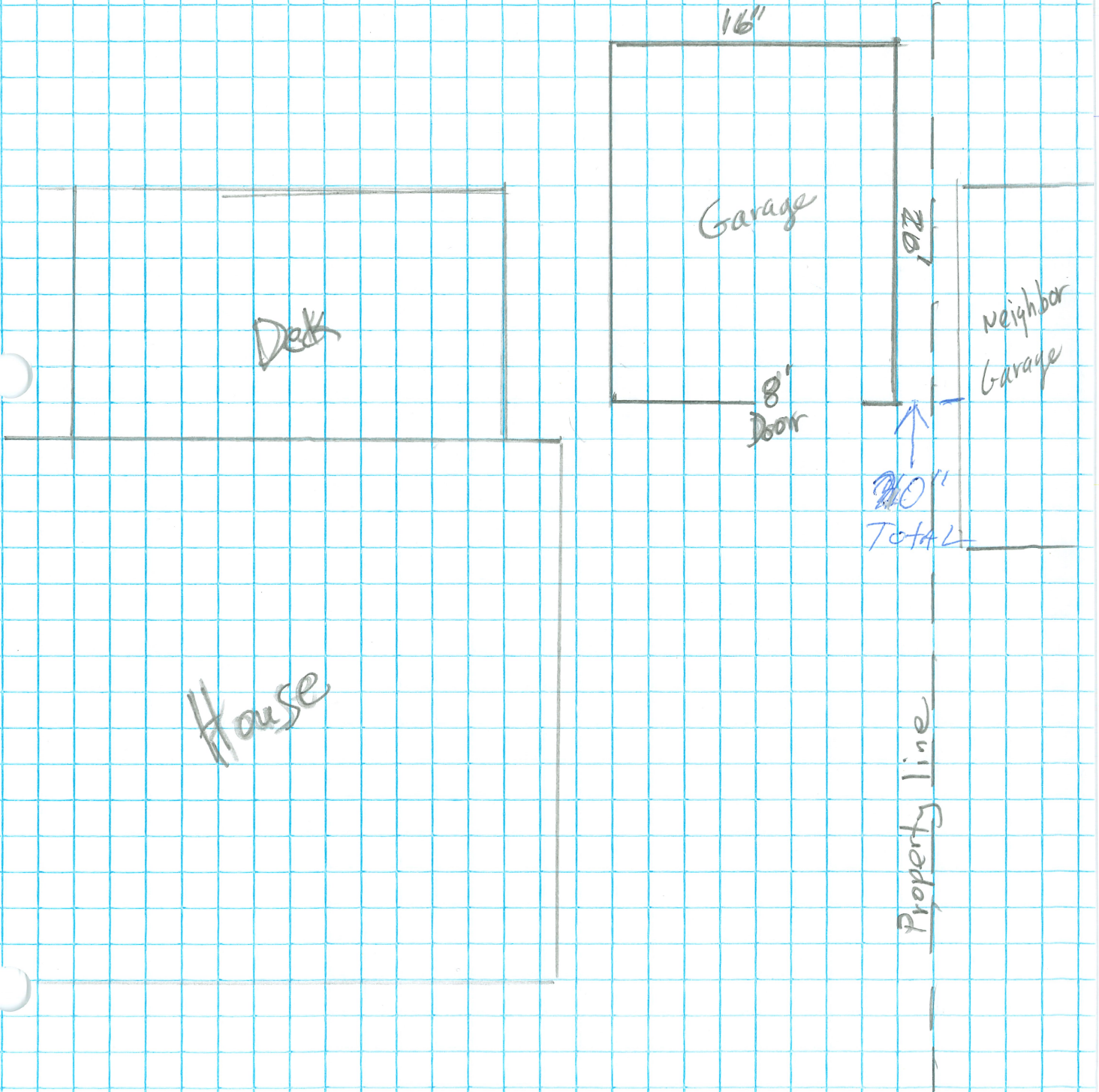


**129 Byron Avenue
Accessory Structure Setback Variance
David Krueger**

N

129 Byron Ave
Waterloo, IA
Garage Project

20x16



Garage replacement at 129 Byron Avenue

My name is David Krueger. My wife Regina and I have lived at this address since 1980. Our single stall garage needs replacing. After visiting with John in the Planning and Zoning Department at city hall, I was told I would need to apply for a variance to do my project because of proximity to the property line. The current garage is about twenty inches from that line. I think John said the current code calls for three feet. I am not able to build that far from the property line because of the house's location. I want to build the replacement garage in approximately the same location as the current garage and about eight feet further back from the street. This replacement would be a 20ft X 16ft structure with one overhead door, one walk-in door and a couple windows.

I have included a sketch of the plan for your information. Also, I have talked this project over with my neighbor at 135 Byron Avenue, our neighbor to the east. He has stated he has no objection to my project and its proximity to our common property line. A signed statement from him is also included along with the request for variance.

We would like to do this project over the summer months of this year (2023). If you have any questions or need more information, please feel free to contact me using the information below. Thanks in advance for your cooperation and consideration.



David Krueger
129 Byron Avenue
Waterloo, IA 50702

319-296-5167
kruegerd54@gmail.com

Regarding garage replacement at 129 Byron Avenue

To whom it may concern,

I (we) have no objection to our neighbors replacing their old garage with a new one in approximately the same location. We understand that this project is closer to our common property line than current building codes allow.

A. J. Cassidy
135 Byron Avenue
Waterloo, IA 50702

319-270-0059

AJ Cassidy

Maddie Cassidy
135 Byron Avenue
Waterloo, IA 50702

Maddison Cassidy

John
APPLICATION DUE
APRIL 11TH
MEETING
APRIL 28TH

City of Waterloo
Planning & Zoning Department
715 Mulberry Street Waterloo, Iowa 50703
319-291-4366

BOARD OF ADJUSTMENT – APPLICATION TO APPEAL

The Request is a (CHECK ONE)

☐ It is an Appeal for an Interpretation of the Ordinance or Map.

☒ It is a request for a variance relating to the use, area, frontage, setback or height

SITE ADDRESS: 129 BYRON AVE

LEGAL DESCRIPTION: _____

APPLICANT: (Business Name if Applicable) DAVID KRUEGER

Address: 129 BYRON AVE

Telephone #: 319-296-5167

Email Address: kruegerd54@gmail.com

PROPERTY OWNER (if different than applicant): _____

Address: _____

Telephone #: _____

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3. A brief narration setting forth the specific grounds for appeal.
4. A check in the amount of two hundred twenty five dollars (\$225), payable to the City of Waterloo.
Note: This is a filing fee and is non-refundable, even if the request is denied.
5. A petition of approval by surrounding or affected adjacent property owners (recommended).

We the undersigned hereby depose and say that all of the above statements contained in the papers submitted herewith are true, and authorize City Zoning Officials to enter the property in question in regards to the request.

Applicant Signature

DE Krueger

Date

4-1-2023

Owner Signature

Date

DO NOT WRITE BELOW THIS LINE

Received by: Lexi Blank Date: 4-6-23 Fee Paid: Y X N

Mailed to Chairman on: _____ Hearing Date: _____

REQUEST:	Request by CGA on behalf of Babic Properties, LLC for a variance to the rear yard setback requirement to allow for an 8 foot rear yard setback, 12 feet less than the 20 feet required for the purpose of constructing a new 4-plex in the “R-3” Multiple Residence District located south of 3633 Ravenwood Circle.
GENERAL DESCRIPTION:	The applicant is requesting approval of the setback variance to construct a new 4-plex with front loaded driveways that will face the long dimension building line, but would only have a 8 foot setback which is the rear yard because it is opposite the narrow dimension street frontage.
LOCATION, CURRENT ZONING, AND ZONING HISTORY:	The property is located the on Ravenwood Circle south of Ravenwood Road and is zoned “R-3” Multiple Residence District and has been zoned as such since the adoption of Ordinance 2677 on May 6, 1974.
IMPACT ON NEIGHBORHOOD & SURROUNDING LAND USES:	The request would not appear to have a negative impact on the neighborhood as the area is made up of other multi-family housing and the proposed development would appear to be similar to and compatible with the surrounding development.
TRAFFIC CONDITIONS:	The request would not appear to have any negative impact on traffic conditions in the area.
RELATIONSHIP TO COMPREHENSIVE PLAN:	The proposed request would be in conformance with the classification of this area as <i>Mixed Residential: Low, Medium, High Density Residential; Professional Offices</i> on the Future Land Use Map within the City of Waterloo Comprehensive Plan adopted on February 3, 2003.
STAFF COMMENTS:	<p>Sections of the Zoning Ordinance that pertain to the request: <u>Chapter 5, General Regulations, 10-10-3: Bulk Regulations.</u></p> <p>The rear yard setback in the “R-3” One and Two Family Residence District is 20 feet.</p> <p>The property in question is located along Ravenwood Circle just south of 3633 Ravenwood Circle. The lot in question is a corner lot where the narrow dimension front yard is located along the west property line. Therefore the rear yard is the considered to be along the east property line.</p> <p>The applicant’s site plan shows a 4-plex that will front along the long dimension property line where Ravenwood Circle runs east west. The applicant is requesting an 8’ setback along the east property line with the adjacent building to the east located 20 feet from the property line. The building would meet all other setbacks and requirements of the Zoning Ordinance.</p> <p>The setback along the east is the required rear yard, but because the building will face south, the east setback will function more like a side yard.</p>



Picture 1: 3633 Ravenwood Circle.



Picture 2: Property requesting variance.



Picture 3: Looking at property line and building to the east.



Picture 4: Looking from east property line toward other buildings along Ravenwood Circle.

Criteria

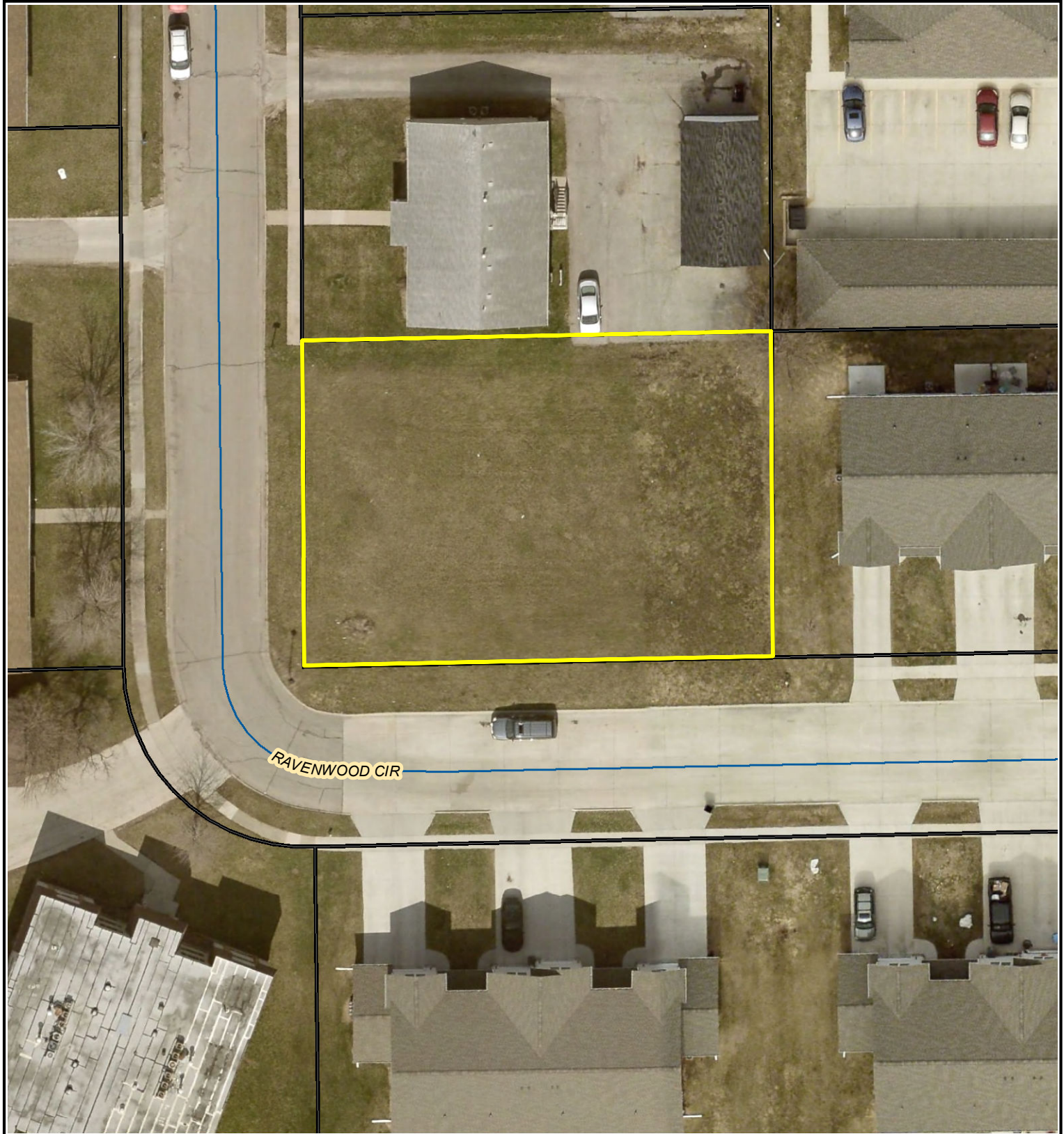
1. Lack of reasonable return- There would not appear to be a lack of reasonable return to the request as the applicant could build the building to meet the setback requirements.
2. Uniqueness- There would appear to be a uniqueness to the request as the applicant is planning to construct the building facing south which is along the longer dimension street frontage. The standard side yard setback requirements in the "R-3" Multiple Residence District is 5' which the building would meet.
3. Public Considerations- Approval of the variance would not appear to have a negative impact the area. There has been no opposition to the request.

STAFF RECOMMENDATI ONS:

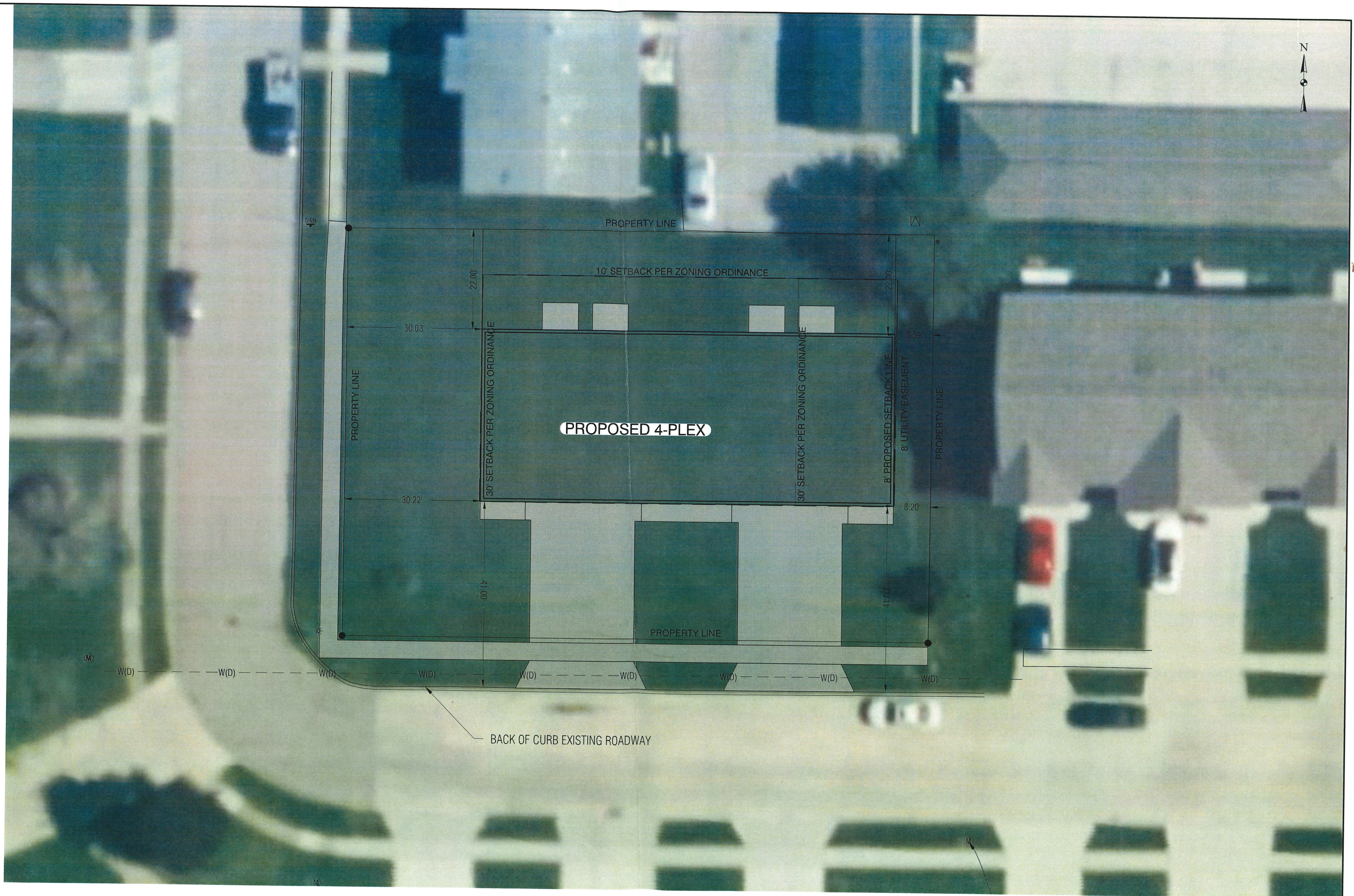
Therefore, staff recommends that the request by CGA on behalf of Babic Properties, LLC for a variance to the rear yard setback requirement to allow for an 8 foot rear yard setback, 12 feet less than the 20 feet required for the purpose of constructing a new 4-plex in the "R-3" Multiple Residence District located south of 3633 Ravenwood Circle, be approved for the following reasons:

1. The request would not appear to have a negative impact on the surrounding neighborhood.
2. There would appear to be a uniqueness to the request as the applicant is planning to construct the building facing south which is along the longer dimension street frontage.

**City of Waterloo Board of Adjustment
April 25, 2023**



**South of 3633 Ravenwood Circle
Rear Yard Setback Variance
CGA**



(M)

W(D) W(D) W(D) W(D) W(D) W(D) W(D) W(D)

BACK OF CURB EXISTING ROADWAY



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE



DESIGNED: ### DATE: ###
DRAWN: ### DATE: ###
CHECKED: ### DATE: ###
APPROVED: ### DATE: ###

LOT 149 RAVENWOOD CIRCLE
WATERLOO, IOWA

VARIANCE EXHIBIT

PROJECT NO. 23-DS-0008
SHEET 35
EX.01

J:\23-DS-0008\dwg\3 - Exhibits\variance.dwg - Layout - CGA Plan - 04-11-23 - 11:04am - kkoosman



FRONT ELEVATION

VEDO 4 - PLEX BUILDING

SPAHN & ROSE JESUP, IA

11-22-22

VEDO - (319) 230 - 1405

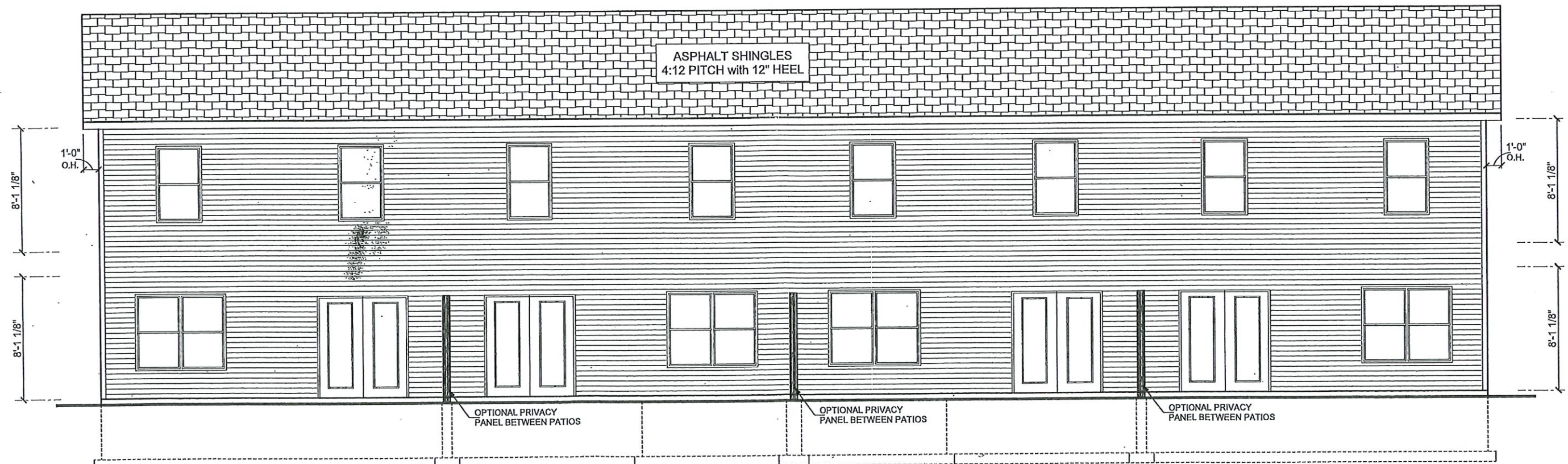
VEDODISPATCH@GMAIL.COM

LOT #149 RAVENWOOD CIRCLE
WATERLOO, IA

COLORS:
BLACK DOORS & WINDOWS
BLACK SHINGLES, FASCIA & SOFFIT

GABLE COLOR IS TO BE A BIT
DARKER THAN MAIN BODY SIDING

THESE PLANS ARE BEING FURNISHED BY SPAHN & ROSE LUMBER COMPANY BY DRAFTSMEN WHO ARE NOT LICENSED ARCHITECTS OR ENGINEERS. CONSTRUCTION FROM THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A CONSTRUCTION PROFESSIONAL. SPAHN & ROSE LUMBER CO. ASSUMES NO RESPONSIBILITY FOR STRUCTURAL OR DIMENSIONAL ERRORS OR OMISSIONS. THE GENERAL CONTRACTOR AND/OR OWNER SHALL ASSUME FULL LIABILITY FOR ACTUAL FIELD DIMENSIONS, DETAILS, CONSTRUCTION TECHNIQUES, AND STRUCTURAL REQUIREMENTS CONFORMING TO ALL STATE AND LOCAL CODES AND ORDINANCES. SPAHN & ROSE LUMBER CO. ACCEPTS NO RESPONSIBILITY FOR STRUCTURAL INTEGRITY WHICH SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER AND/OR CONSTRUCTOR. CONSEQUENTIAL DAMAGES ARE SPECIFICALLY EXCLUDED. USERS OF THESE PLANS UNDERSTAND AND AGREE THAT NO WARRANTIES HAVE BEEN PROVIDED, EXPRESS NOR IMPLIED AND SPAHN & ROSE LUMBER CO. DECLINES ANY AND ALL CLAIMS FOR FAULTY WORKMANSHIP.



REAR ELEVATION

VEDO 4 - PLEX BUILDING

SPAHN & ROSE JESUP, IA

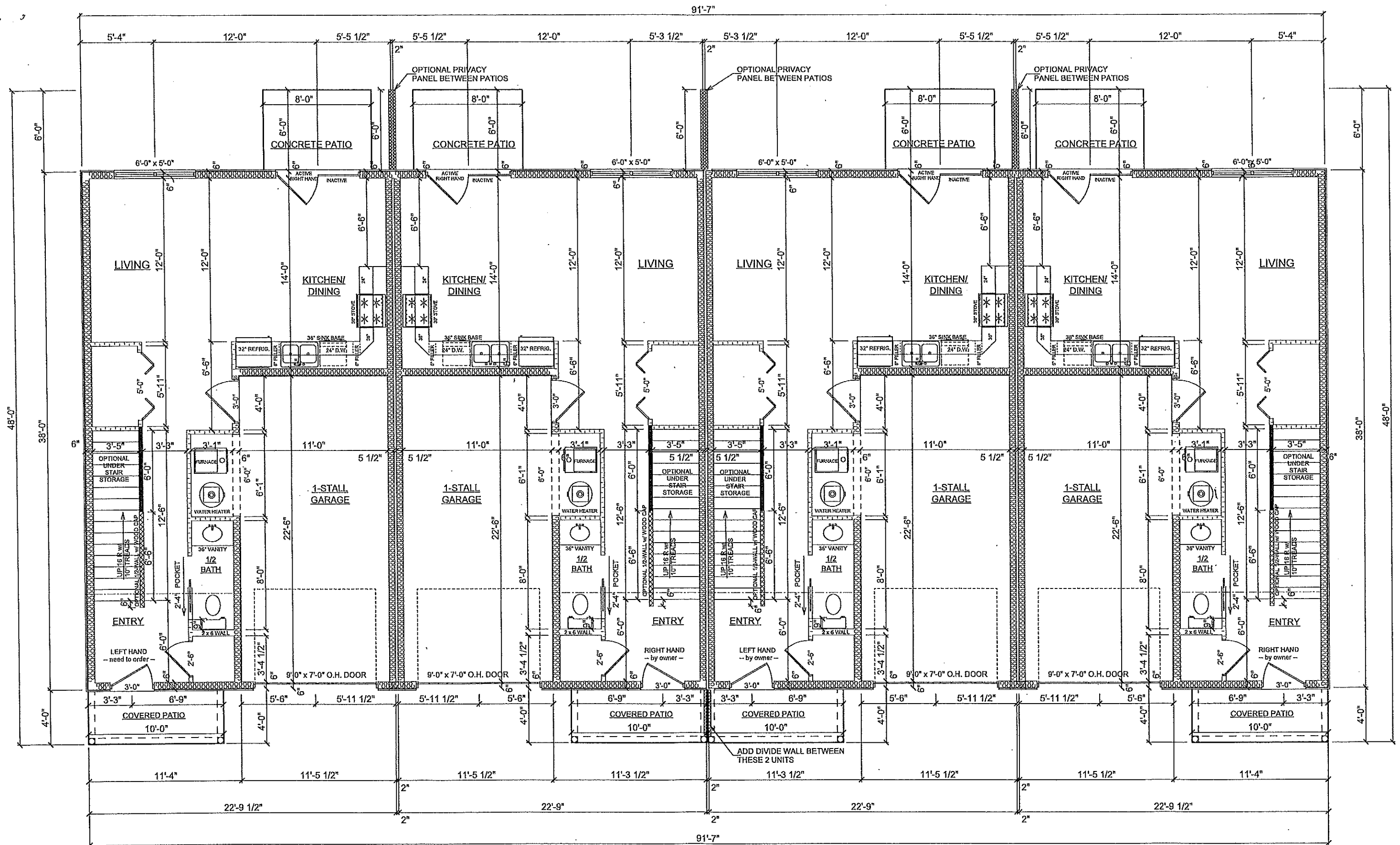
11-22-22

LOT #149 RAVENWOOD CIRCLE
WATERLOO, IA

VEDO - (319) 230 - 1405

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TYPICAL 2 x 6 EXTERIOR WALL:
HORIZONTAL SIDING
OSB SHEATHING
92 5/8" - 2 x 6 STUDS @ 16" o.c.
R-21 BATT INSULATION
6 mil POLY V.B.
1/2" DRYWALL, TAPED & SANDED

MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"
11-22-22

EACH UNIT:
MAIN FLOOR -- 610 SQ. FT.
GARAGE -- 266 SQ. FT.

NOTE:
EXTERIOR WALL DIMENSIONS
ARE TO OUTSIDE EDGE OF
FRAMING AND 1/2" SHEATHING

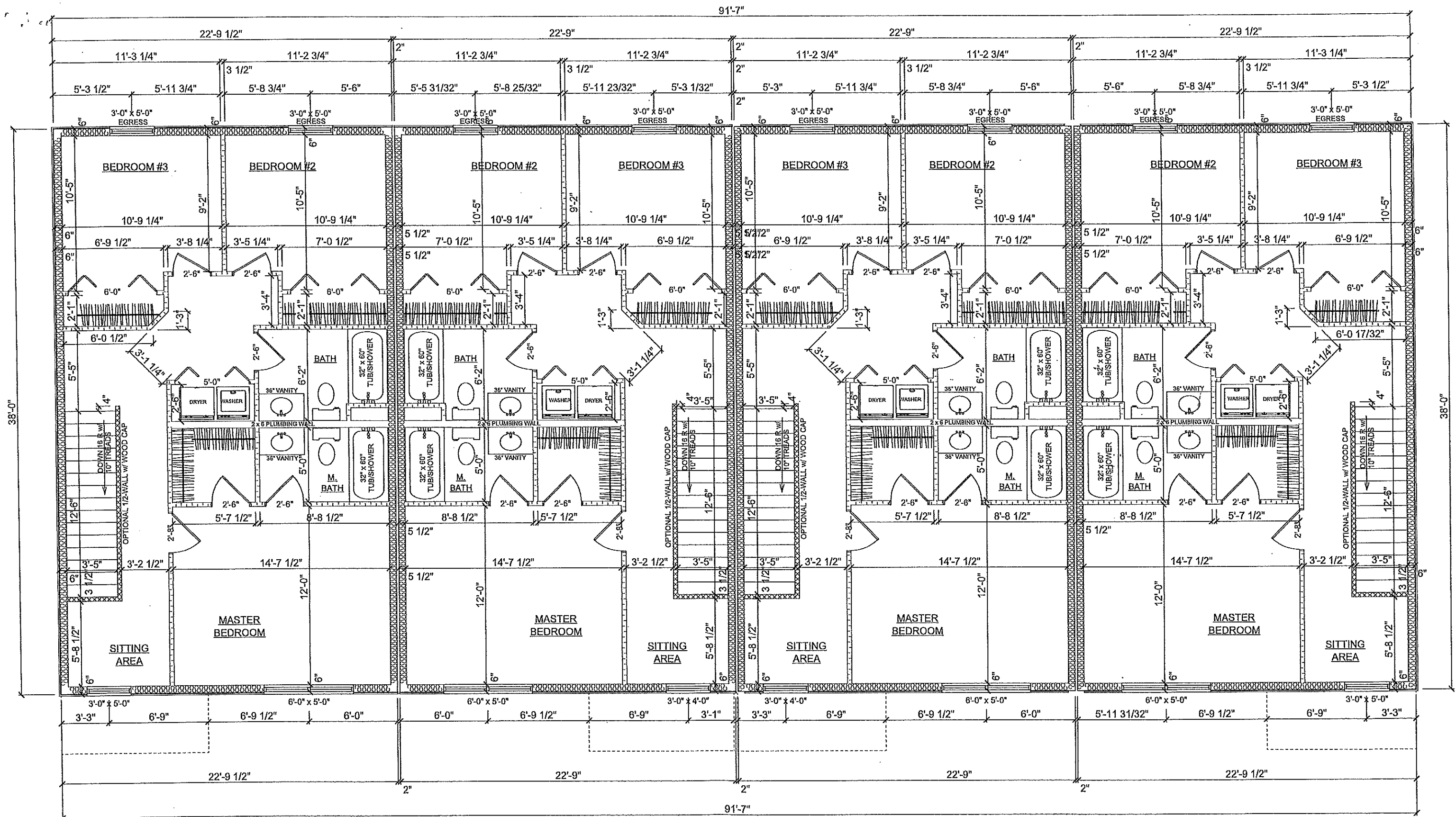
NOTE:
PROVIDE ATTIC ACCESS &
FLUE CHASES AS REQ'D

VEDO 4 - PLEX BUILDING
SPAHN & ROSE JESUP, IA

LOT #149 RAVENWOOD CIRCLE
WATERLOO, IA

VEDO - (319) 230 - 1405
VEDODISPATCH@GMAIL.COM

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TYPICAL 2 x 6 EXTERIOR WALL:
HORIZONTAL SIDING
OSB SHEATHING
92 5/8" - 2 x 6 STUDS @ 16" o.c.
R-21 BATT INSULATION
6 mil POLY V.B.
1/2" DRYWALL; TAPED & SANDED

SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

11-22-22

NOTE:
EXTERIOR WALL DIMENSIONS
ARE TO OUTSIDE EDGE OF
FRAMING AND 1/2" SHEATHING

VEDO 4 - PLEX BUILDING

SPAHN & ROSE JESUP, IA

SECOND FLOOR -- 824 SQ.FT. -- EACH UNIT

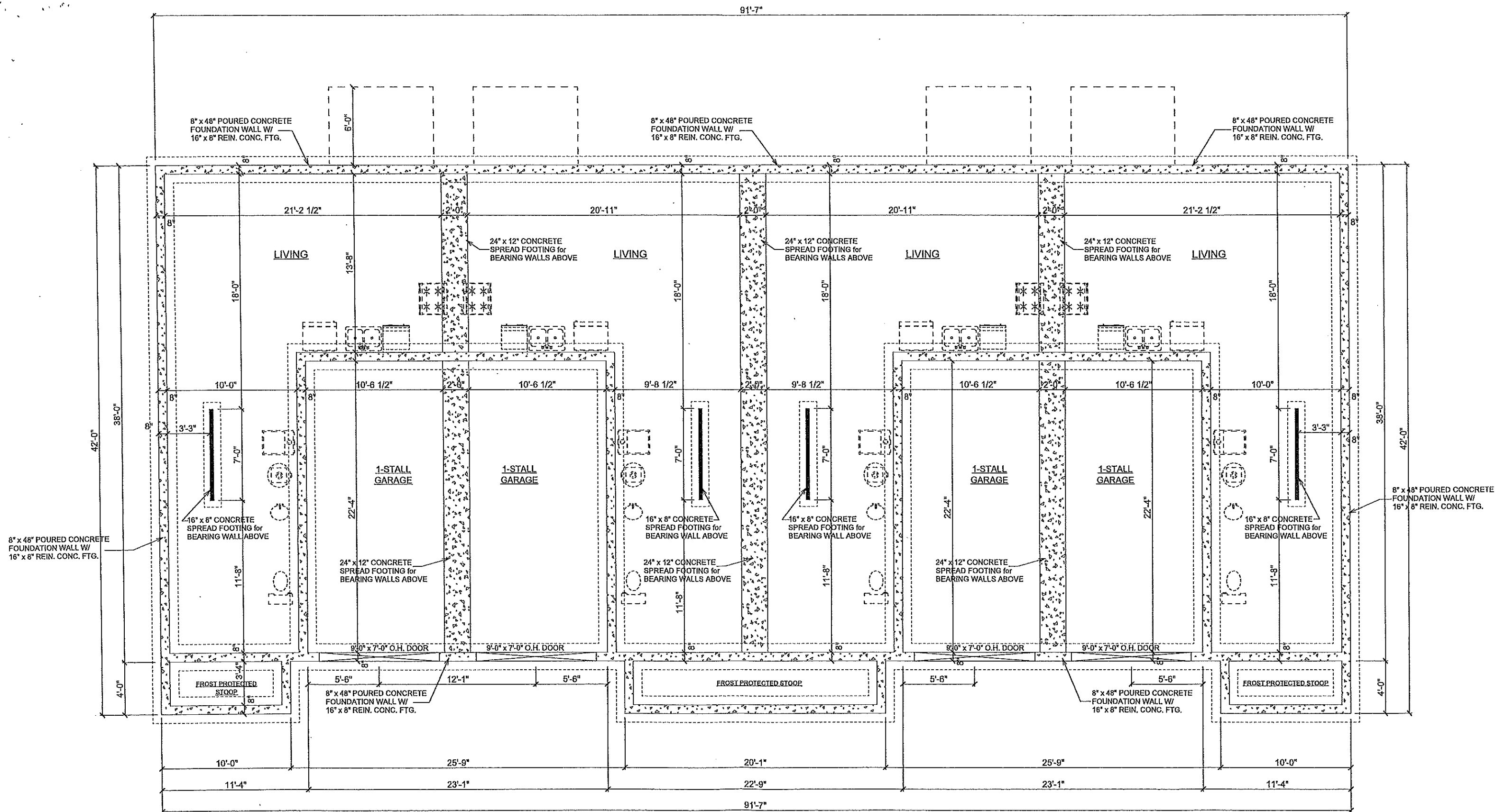
NOTE:
PROVIDE ATTIC ACCESS &
FLUE CHASES AS REQ'D

VEDO - (319) 230 - 1405

VEDODISPATCH@GMAIL.COM

LOT #149 RAVENWOOD CIRCLE
WATERLOO, IA

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TYPICAL BASEMENT FLOOR:
4" CONCRETE SLAB c/w
MESH REINFORCEMENT AS REQ'D
6 mil POLY VAPOR BARRIER
COMPACTED GRANULAR FILL.

NOTE:
PROVIDE FURRING &
INSULATION AS REQ'D
BY LOCAL CODE

NOTE:
STUB IN PLUMBING
FOR FUTURE BATH
AS REQ'D

FOUNDATION PLAN SCALE: 1/4" = 1'-0"

11-22-22

VEDO 4 - PLEX BUILDING
SPAHN & ROSE JESUP, IA

LOT #149 RAVENWOOD CIRCLE
WATERLOO, IA

VEDO - (319) 230 - 1405
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RAVENWOOD CIRCLE

PROPERTY LINE

PROPERTY LINE

10'-0" SETBACK LINE

8'-0"

52'-0"

30'-0" SETBACK LINE

PROPOSED LIVING AREA

PROPOSED LIVING AREA

PROPOSED LIVING AREA

PROPOSED LIVING AREA

PROPOSED GARAGE

PROPOSED GARAGE

PROPOSED GARAGE

PROPOSED GARAGE

COVERED PATIO

COVERED PATIO

COVERED PATIO

COVERED PATIO

30'-0" SETBACK LINE

8'-0" SETBACK LINE

8'-0"

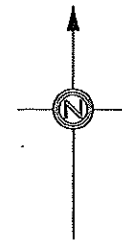
PROPERTY LINE

30'-0"

30'-0"

92'-0"

PROPERTY LINE



LOT #149
HAMMOND HILLS SIXTH ADDITION
WATERLOO, IA

RAVENWOOD CIRCLE



4/11/2023
Waterloo Planning and Zoning
715 Mulberry Street
Waterloo, IA

RE: Variance Application
Lot 149, Hammond Hills Sixth Addition
Waterloo, Iowa

To Whom it may concern:

This is a request to adjust the building setback location to be 8 feet from the east property line to fit the proposed 4-plex on the existing lot. It was found out by the developer after they went to get the building permit that they would require engineered site plans. Upon further investigation, it was determined that the building that was being proposed was longer than the buildable area, it would be more efficient to utilize the existing plans and obtain a variance adjusting the setback limits to accommodate the proposed building, and

The proposed building will align with the face of the buildings to the north and to the south. The east side of the proposed building almost lines up with the accessory structure to the north. The proposed building will be like many of the other buildings in the neighborhood and will likely not impair the function of the adjacent properties. The building to the east and across the street to the south are Row houses, as well as those along the east side of the east north-south leg of Ravenwood Circle.

The current proposed building is 91'-7" x 38'. The lot size is 130' x 90' with the long dimension running East-West. The front of the building is proposed to face the south along Ravenwood Circle. The front and rear setback are 30 feet, which would be along the east and west property lines. The setback along the north line is 10 feet, while it is 30 feet along the south line.

The building on the property to the east has a setback of 20 feet along their west property line which would allow the east setback line of our property to be 20 feet per the zoning ordinance. We are requesting it be reduced by an additional 12 feet along the east side of our property to attain an 8-foot setback limit, which is also the width of the utility easement along the east line of the property.

Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC. (ENGINEER)

Lary Koosmann, EI, LSI
Project Manager

4/6/2023
Rodney L Reed
2605 Heather Ln
Waterloo, IA

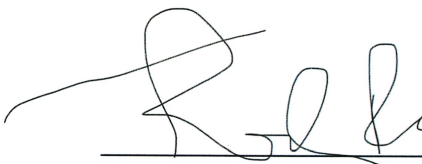


RE: Variance Petition
Lot 149, Hammond Hills Sixth Addition
Waterloo, Iowa

To Whom it may concern:

I am petitioning you on behalf of my client Vedo Babic, to allow a variance to shorten the rear set back, of the lot along the east line from 30 feet to 8 feet. Please mark below whether you believe that this variance will have an impact on your property to the north or not, located at 3633 Ravenwood Circle in Waterloo. Please scan and email back to me at your earliest convenience. I would like to have this back by the end of day Monday at the latest since our deadline for submittal is April 12th.

- ☐ The variance will have an impact on my adjacent property, and I am not ok with what is being proposed.
- ☒ The variance will not have an impact on my adjacent property, and I am ok with what is being proposed.



Signature

Date: 4/10/23

Rodney Reed

Printed Name/Title

Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC. (ENGINEER)



Lary Koosmann, EI, LSI
Project Manager

**City of Waterloo
Planning & Zoning Department
715 Mulberry Street Waterloo, Iowa 50703
319-291-4366**

BOARD OF ADJUSTMENT – APPLICATION TO APPEAL

The Request is a (CHECK ONE)

 It is an Appeal for an Interpretation of the Ordinance or Map.

 x It is a request for a variance relating to the use, area, frontage, setback or height

SITE ADDRESS: _____

LEGAL DESCRIPTION: _____

Lot 149 in Hammond Hills Sixth Addition, Waterloo, Black Hawk County, Iowa

APPLICANT: Lary Koosmann, Clapsaddle-Garber Associates

Address: 5106 Nordic Drive, Cedar Falls, Iowa 50613

Telephone #: 319-266-0258

PROPERTY OWNER (if different than applicant): Babic Properties, LLC

Address: 4388 Harbin Drive, Waterloo, Iowa 50701

Telephone #: 319-230-1405

Pursuant to the provision of Ordinance No. 2479, as amended – appeal is hereby made to vary or modify the order, requirement, decision or ruling of the Zoning Official of the City of Waterloo, Iowa.


ATTACHED HERETO AS PART OF THIS APPEAL, WE SUBMIT THE FOLLOWING: (Note: These papers and the filing fee **must be submitted** with the appeal in order for your request to be processed.)

1. A reference to the proper part and section of the Zoning Ordinance on which the variance is requested.

2. A scale drawing and/ or other graphic documentation of all relevant details.
3. A brief narration setting forth the specific grounds for appeal.
4. A check in the amount of two hundred twenty five dollars (\$225), payable to the City of Waterloo.
Note: This is a filing fee and is non-refundable, even if the request is denied.
5. A petition of approval by surrounding or affected adjacent property owners (recommended).

We the undersigned hereby depose and say that all of the above statements contained in the papers submitted herewith are true, and authorize City Zoning Officials to enter the property in question in regards to the request.


Applicant Signature


Owner Signature

4-11-23
Date

4-11-23
Date

DO NOT WRITE BELOW THIS LINE

Received by: _____ Date: _____ Fee Paid: Y ___ N ___

Mailed to Chairman on: _____ Hearing Date: _____