

BOARD OF ZONING ADJUSTMENT
May 3, 2022
8:15 A.M.

- I. The regular meeting of the Board of Zoning Adjustment was called to order at approximately 8:15 A.M. by Bruce Brock.
- II. Roll Call: Members Present: McCrary, Brock, Ruchti, Pauling, Mayrose
 Members Absent: None
 Others Present: Smidt, Schipper, Vacura, Goodchild, Bixenman
- III. Minutes: Pauling moved, Mc Crary seconded the minutes of the March 1, 2022 meeting be approved. Ayes: All present.

1. The Board reviewed a request by Ricci Evan, 314 4th Street NW, for a variance from the literal provisions of the Le Mars Code of Ordinance Chapter 167.17– Side Yard Setback. The request is to extend the front of his single stall attached garage with a 14' x 19' addition. Evan was present and stated the addition will not protrude any further to the west than the existing garage, nor in front of the existing home. The property is legal, however, non-conforming by lot density of 4500 SF- City code minimum is 7500 SF; and the west side yard setback is 2' from the property line, and adjacent to a City alley - City code is 8 ft. Adjacent property owner Wayne Schipper spoke in favor of the addition stating it will fit well and adds value. Goodchild emphasized completion be within one year.

MOTION: Mayrose moved, Ruchti seconded to grant a variance to Ricci Evan to lengthen the front of his existing single stall attached garage with a 14' x 19' addition at 314 4th Street NW, Le Mars, Plymouth County, Iowa with completion within one year. Ayes: All present.

2. The Board reviewed a request by Pride Group Inc. for a variance from the literal provisions of the Le Mars Code of Ordinances Chapter 167.15(2)(A)(2) regarding the size of an accessory building within an R-1 Residential District, which allows for a maximum of 1500 SF. They plan to construct a 40' x 80' (3200 SF) accessory building, an increase of 1700 SF.
3. At the same time, the Board reviewed a request by Pride Group Inc. for a variance from the literal provisions of the Le Mars Code of Ordinances Chapter 167.15(2)(C)(2) for placement of a 40' x 80' (3200 SF) accessory building. City Code states no accessory building shall be placed in front of a main building unless attached to the main building by a common wall.

The Pride Group Inc. owns 17.76ac on the NE corner of Plymouth St. and 14th Ave. and is currently constructing two new Residential Care Facilities (RCF) at 248 14th Ave NE with future plans to expand. In Nov. 2003, the north 600' was rezoned by the City from R-Rural to R-2 Apartment District, with the remaining south portion rezoned from R-Rural to R-1 Residential District. In the fall of 2021 construction of two new RCF buildings began, with future plans of adding two more to the east and eventually four to six to the south. The current request is to construct a 40' x 80' (3200 SF) accessory building within the R-1 District on the south end of the 17.76ac parcel with access from Plymouth St. Said structure would store maintenance equipment for fourteen (14) Pride Group facilities located throughout the City of Le Mars.

Rex Knapp, Board Member, and Sarah Jackson, CEO, of The Pride Group were present to inform the Board The Pride Group is a non-profit organization funded 90% by government funds. They were informed their current facility no longer met State Code and, therefore, the need for a new facility. The Pride Group purchased the 17.76ac with the intention of building new facilities as government funds allowed. They assured the Board the land would never be sold or sub-divided, therefore, deemed it be best to construct one large maintenance building located at the south end of the property, as it was in accordance with the footprint of the future Pride homes, and to discourage residents from loitering around and entering the maintenance building and equipment, as such has been a problem at the current facility.

After only learning of the proposed southern expansion of the Residential Care Facilities and Accessory Building one week ago, adjacent property owners Leon Penning, Martha Toben and Kathleen Kipp were present and spoke in opposition to the entire future expanded development of four to six RCF's on the southern portion, stating they understood the ground may someday be developed into single-family residential dwellings as it was zoned R-1, however, not mental health facilities to house 100+ residences in their back yards. They were also opposed to the location of the proposed accessory building stating there were other options; why the need for it to be so far from the existing new structures when there is ample room behind them to the east; safety issues due to the heavy, speeding traffic over a hill on Plymouth St; it would be an attractive nuisance with residents now wandering on or near their properties; and the unsightly view of a pole building between two of the properties. They also feel the expanded development will devalue their properties for resale.

City Code Enforcement does not oppose a 3200SF accessory building; however, opposes the requested location, stating there is adequate space for a 40' x 80' building in closer proximity to the new RCF buildings, whether it be directly east or slightly south; City Code allows an accessory building within an R-2 or R-1 district. The Pride Group did inform the City there would potentially be two additional facilities constructed to the east of the current new facilities in the near future, which still allows room for the proposed accessory building in close proximity. There is not a need to place the accessory building so far to the south along Plymouth St NE, as there was not a time line provided on the future four to six RCF buildings.

The Board of Zoning members, as well as the Fire Chief, voiced opposition to the location of the building as well. Mayrose recalls this development being brought forward in 2003 to the Planning & Zoning Commission, with the minutes stating opposition to the R-2 rezoning request and that any future out buildings be located to the east of the proposed new facilities. Mc Crary and Brock agreed people's homes are an investment and consideration should be given to the adjacent property owners.

MOTION: Pauling moved, Mc Crary seconded to table the variance request from The Pride Group to construct a 3200 SF accessory building on the property located at the northeast corner of Plymouth St. and 14th Ave. NE and to not place it in front of a main building and allow frontage on Plymouth St NE with further review to be brought back at a future meeting. Ayes: All present.

4. The Board reviewed a variance request by Douglas Reiter, 806 3rd Street SE, from the Le Mars Code of Ordinances Chapter 167.17 - Side Yard Setback. City code allows an 8' side yard setback on single story homes. Reiter is requesting the side yard setback be reduced to 4.26 feet in order to construct a 16' x 25' second stall garage to the already existing single stall attached garage. Reiter was present and stated he would like a two-stall garage and more storage. Adjacent property owner Seth Schmitt was present and stated he is not opposed to the addition, however, requested Reiter's fence, which is located partially on his property, be moved. Reiter stated the fence, as well as, several trees/shrubs will be removed.

The City has allowed side yard setbacks to be reduced to 5' for similar projects, however, nothing greater. The request reduces it to 4.26'. A survey revealed there is a 10' utility easement on the south property line. City code does not allow structures of any kind within an easement. Staff recommends reducing the width of the new addition to no more than 14' or 15' x 25' in order to stay out of the easement. Discussion was also held regarding if the overhang is considered as part of the garage footprint. Staff and the Fire Chief stated City code allows for the overhang as long as it remains standard size.

MOTION: Pauling moved, Mc Crary seconded to grant a variance to Douglas Reiter to build a 15' x 25' second stall garage to the existing single stall garage allowing a reduction in side yard setback at 806 3rd St. SE, Le Mars, Plymouth County, Iowa. Ayes: All present.

- IV. Adjournment: The meeting was adjourned at 9:36 A.M.

Bruce Brock