

BOARD OF ADJUSTMENT

The Board of Adjustment meeting was called to order at 5:30 p.m. by Chairman Cullinan.

Roll Call: Present: Sissel, Muth, Eilders, Cullinan, Robinson  
Absent:

Motion by Sissel, second by Robinson, to approve the agenda. All ayes.

Motion by Muth, second by Sissel, to approve the minutes of the 10/5/10 meeting. All ayes.

Cullinan read the following appeals:

**A. Joe & Pam Pritchard, 1817 S Shore Dr., Clear Lake, IA**, request permission to add on to an existing dwelling. PERMISSION DENIED. The existing dwelling is non-conforming to the side yard requirements. The Clear Lake Code of Ordinances 165.44 Nonconformities. 3-B. Existing non-conforming dwellings may be structurally altered provided such construction does not increase or extend the degree of nonconformity. Clear Lake Code of Ordinances 165.39 Requirements and Exceptions for Established Setbacks. 3-A (1). The front yard of a lot shall be established as an average of the setbacks of the principal building on the abutting lots to each side. Proposed construction will not meet these requirements.

Dale Snyder, of Dean Snyder Construction, appeared representing the Pritchards, to outline plans for a remodel of their existing home. The majority of the work will be done over the existing basement foundation, with additions to the front (east) and lake (west) sides, as well as the addition of a second story over the south half of the home. The footprint of the existing residence will be extended by one foot on the lake side, however the garage addition to the east requires a variance because it will bring the front of the home out of line with the abutting property to the south. Snyder stated adjoining property owners on both sides of the Pritchard residence had given signed approval for the proposed construction.

For clarification, John Marino, Zoning Official, stated that the current home is a nonconforming structure. Even though the north/south footprint of the existing residence will be unchanged, the addition of the second story increases the nonconformity, necessitating a variance for that portion of the remodeling project. He also noted that the abutting property to the south does not have a garage, which is the reason the Pritchard's garage addition will bring their front setback out of line. The proposed garage addition will be set back 18' from the curb.

Robinson questioned the width of the north overhang, since the existing space between the residences on that side is only 4.5'. Mr. Snyder replied that the overhang is 16".

Motion by Muth, second by Sissel, that both of the variances requested by Mr. & Mrs. Pritchard be granted. All ayes.

**B. Clear Lake Regular Baptist Church, 314 N 6<sup>th</sup> Street, Clear Lake, IA**, is requesting an expansion of an existing Conditional Use. PERMISSION DENIED: The Clear Lake Code of Ordinances Chapter 165.11 Medium-Density, Single Family Residential Zone (RS-8). Proposed request would require a Conditional Use Permit granted by the Board of Adjustment under 3-C. Conditional Uses. Religious institutions subject to the requirements of Section 165.30. Clear Lake Code of Ordinances Section 165.52 Conditional Use Permit. 5(A). The Board of Adjustment shall hold a hearing and consider any application for a Conditional Use Permit .

Dan Stephenson, Clear Lake Baptist Church Deacon, outlined a proposed expansion project, involving the purchase of property at 600 3<sup>rd</sup> Ave. N. Before proceeding with the purchase of the property, Church officials are seeking Conditional Use Permits, as required by City Ordinance, for construction of an addition

to their existing building in the area now used as a parking lot, and to turn the 3<sup>rd</sup> Ave. N property into a parking lot at some future date. Due to budgeting constraints, these projects would be done in phases.

Marino stated that at such time as the new parking lot is to be constructed, the City would require a site plan for drainage and possible screening between the parking lot and the residence to the east.

Motion by Robinson, second by Eilders, to approve a Conditional Use Permit for the Clear Lake Regular Baptist Church to construct an addition, and to turn property at 600 3<sup>rd</sup> Ave. N into a parking lot, on the condition that at the time of construction, a standard drainage site plan be filed with the City and that the parking lot be landscaped, especially the area along the existing residence to the east. All ayes.

**C. LifeLine Resources, LLC**, , Des Moines, IA, is requesting a Conditional Use Permit for a neighborhood center at **408 Mars Hill Drive, Clear Lake, IA, (former Sunset School property)**. PERMISSION DENIED: The Clear Lake Code of Ordinances 165.13 Low-Density, Multi-Family Residential Zone (RM-12). 3-E. Conditional Uses. Neighborhood centers subject to requirements of 165.30, and 3-M. Other such uses when there is clear evidence that such uses will not seriously affect the value and character of the surrounding neighborhood. Clear Lake Code of Ordinances Section 165.52 Conditional Use Permit. 5(A). The Board of Adjustment shall hold a hearing and consider any application for a Conditional Use Permit .

Mark Doebel, LifeLine life skills coach, and Lance Connelly, co-owner, outlined the youth remedial services offered by their agency. They stressed this is a non-residential facility, and that most of the clients are served on a voluntary basis, not Court or DHS ordered. In addition to counseling and behavior modification skills, Mr. Doebel stated it is LifeLine's intent to provide extra-curricular activity programs for their clients as well as all young people of the community. He also stated that clients served at this facility are typically 10-14 years of age and are transported to and from the facility by either parents or LifeLine team members. There is constant supervision during all counseling sessions and planned activities. Most of the activities will be scheduled from 4-7 p.m.

Chairman Cullinan then opened the floor for public comment. She asked that those against the granting of the Conditional Use Permit speak first, followed by those in favor.

Chris Masters, 9 Sunset View Drive, said that she now knows everyone in her neighborhood, but if LifeLine is allowed to locate there, she will not know the youth and families served at the center. She also stated that the LifeLine facility in Des Moines is located in a commercial zone.

Kristin Ollenberg, 209 Mars Hill Drive presented Board members with a packet containing a letter bearing signatures of all neighboring property owners who are against the issuance of a Conditional Use Permit for LifeLine to locate at this site. The letter further stated that most of the neighborhood residents feel a need for this type of facility in the community, but that it should not be located in a residential zone. Mrs. Ollenberg then outlined the criteria for issuing a Conditional Use Permit for a neighborhood center, stating why she felt the permit should be denied.

Ed Masters, 9 Sunset View Drive, stated he owns a home and 3 rental properties next to the proposed LifeLine location, and he fears for devaluation of his property. He noted that several years ago he had to relocate his home-based business into a commercial area. Although he welcomes the addition of LifeLine to the community, he feels that it is a for-profit business and should also be in a commercial zone, not a residential neighborhood.

Judy Siesseger, 7 Sunset View Drive, spoke in favor of granting the Conditional Use Permit to LifeLine, saying she felt it would be compatible for the neighborhood and not decrease property values.

John Lovell, 545 N Shore Drive, noted that Sunset School existed long before most of the property owners in the neighborhood had purchased homes there. He feels LifeLine is not that much different than a school and will not create any more problems than the school did.

John Siesseger, 7 Sunset View Drive stated he has lived in the neighborhood for over 30 years and that the LifeLine facility will be a great opportunity for Clear Lake youth.

Anita Micich, Clear Lake School Superintendent, said that based on her experiences as an educator, personal, social, and emotional issues cross all social and economic classes. Allowing LifeLine a Conditional Use Permit would be an investment in all children and families in the community.

Joe Rottinghaus, 305 Mars Hill Drive, feels LifeLine is a fine organization, however it is a for-profit business and does not belong in a residential neighborhood.

Robinson asked City Attorney Charlie Biebesheimer if a neighborhood center, as defined in the City's Code of Ordinances, is intended for the use of just the surrounding property owners. Biebesheimer said that in his opinion, a neighborhood center does not have to be exclusively for the neighborhood in which it is located, and that the City does have grounds to approve LifeLine's request.

Cuillinan asked what type of signage would be used to promote the center's location. Mr. Connelly stated that the only signs placed on the property would be on or next to the building, not significantly different than the signage used when Sunset School occupied the facility.

Bonnie Hall, 29 Sunset View Drive, questioned the how LifeLine is funded, and was told that funding comes from a number of sources, including the State of Iowa, Department of Human Services, other non-profit agencies, as well as for-profit transactions. She said she does not like to see the City lose out on a chance to utilize this building as a community center now or in the future, and also asked what would happen to the property if Life-Line were to vacate the premises. Mr. Biebesheimer stated that, if granted, the Conditional Use Permit would only be for LifeLine. Any other entity that might purchase the property in the future would have operate under a permitted use of the RM-12 Zone, or apply to the Board of Adjustment for their own Conditional Use Permit. Mr. Lovell informed those present that as a condition of the sale to LifeLine, the Clear Lake School District will require LifeLine to give the City of Clear Lake the right of first refusal in the event the property is ever to be sold.

Robinson stated that she feels the City and School District are lucky to have the LifeLine offer for the property, in light of so many empty school buildings in the state of Iowa. She also feels the community needs the type of services LifeLine offers to help make our community's young people become productive citizens.

Moved by Robinson, seconded by Sissel, to grant LifeLine Resources, LLC a Conditional Use Permit to operate a counseling center at 408 Mars Hill Drive. All ayes.

Motion by Muth, second by Sissel, that the meeting be adjourned at 6:43 p.m. All ayes.

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Tina Cullinan, Chairman

ATTEST:

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Sharon Springer, Secretary