



## BOARD OF ADJUSTMENT MINUTES

The Board of Adjustments meets on Tuesday, May 17, 2022, at 6:00 pm in the City Hall Council Chambers, 200 Franklin Street.

The meeting was called to order at 6:00 pm by Board Chair Barz.

Board members present were Alicia Thomas, Mark George, Gary Prior, Dan Barz, and Kevin Jones. Others present were: Joe Mingo, Mason Mingo, Dan Schmidt with Brain Engineering, and Alex & Igor Tovstanovsky with Sky Auto Mall.

M/S Thomas/Jones To approve the 5/17/22 agenda. Aye: 5 Nay: 0 Abstention: 0 Absent: 0  
M/S Jones/Prior To approve 11/16/21 meeting minutes. Aye: 5 Nay: 0 Abstention: 0 Absent: 0

### Public Hearing

Mason Mingo of 102 Green Street recently lost his home to a fire. The home was located on a corner lot in the older section of town that was built before the 2014 Zoning Code. The zoning code requires the replacement home to meet 25' front yard setbacks on both the Green Street and Valley Street sides, and 25' rear yard setbacks which would be the Valley Street side abutting the property at 915 Valley. Mingo presented the Board with the various layouts of the house and how they would fit on the lot, none of the proposed options for the home could meet the required setbacks. Board Member Jones asked if there are any legal objections regarding approval of the variance from the City Attorney or City Engineer. Attorney Kruse was present and said there were no objections from either the City Attorney or the City Engineer. Mingo said that the preferred layout where the front of the home would be on Green Street, therefore he did not have to change his address. This request would require a variance of 18' rear yard setback rather than the 25' rear yard setback. The Board held a discussion that resulted in the rear yard setback of 25' proving a hardship to rebuild a home on this lot.

M/S Jones/Thomas To approve a rear yard setback variance for 102 Green Street for 18' instead of 25'. Aye: 5 Nay: 0 Abstention: 0 Absent: 0.

Sky Auto Mall, of Lot 1 Junge 8<sup>th</sup> Addition on Grain Lane is requesting a variance on Front Yard setbacks from 45' to 10'. Dan Schmidt with Brain Engineering provided the Board with a site plan that showed the front of the future plot would be on Grain Lane and by using the 45' frontage Sky Auto Mall would lose the opportunity to place desired business buildings there. Alex Tovstanovsky spoke to the board in regard to the need for commercial space and industrial condos in phase 1 of the project. The site will be located on Grain Lane across the street from Casey's parking lot which does not meet the 45' frontage as it is considered a side yard. To the other side of this property is the City's new wastewater treatment facility, so providing a 10' to a 45' setback in this area makes reasonable sense. Board Member Jones said are he would like to support business and by approving this we would be in support of growing businesses for our community. Attorney Kruse said that this is like when we grant a variance to an older neighborhood, to make sure that it matches the neighbors around it. In this case, it does as there is a sewer plant to one side and a gas station parking lot. Attorney Kruse said that by approving this she does not believe the Board will be setting precedence because of the unique situation. Kruse said that she would be ok with proceeding with approval. Engineering Wicks agreed and said that it would not have any negative impact. Jones said that if there is no professional denial, he would move to approve this variance in support of the business. Alex Tovstanovsky said that his family has moved here and they are investing everything they have into this project, and they are hoping that this will pay off and hopefully help the city grow with well-qualified businesses. Board Member Prior said that this biggest concern would be the traffic with the large trucks that come in. Board Member George said that he drove it today with his trailer and paid detailed attention to the traffic and he said there is plenty of room to make the turns, the parking lot is empty during the day is full at night.



## MINUTES

The Board of Adjustments met on Monday, September 12, 2022 at 6:30 pm in the City Hall Council Chambers, 200 Franklin Street.

Board members present were Dan Barz, Mark George, Kevin Jones, Alicia Thomas, Gary Prior.  
Others present: Joe Taylor, Sarah Tritle and Jane Detrick

**M/S Prior/Jones To approve consent agenda. Aye: 5 Nay 0, Abstention: 0, Absent: 0**  
**M/S Thomas/George To approve 5/17/22 Minutes. Aye: 5 Nay: 0 Abstention: 0 Absent: 0**

### Public Hearing

Jane Detrick, 520 Water Street requested the Board to approve a variance for fence height of 4' to a 6' on the side yard of the property. Her property is a corner lot, and the zoning code states that both frontage sides can only have a 4' height limit on fences. Detrick said that since they purchased the home the bar business located next door has picked up immensely and her focus is on safety of the kids living in the house, and with a higher fence it will provide them more privacy. She said there are times that when people leaving the bar lean over the fence and pet their dog, or throw trash in their yard, or park on their grass. She said the reason the fence project was started was because a patron of the bar hit the current fence. Detrick said she served as a representative of Chains interrupted and there is trafficking in Center Point, and she wants to be proactive rather than reactive at this property before something bad happens.

Jones said its not just child trafficking its human trafficking and Iowa is a harbor of human trafficking. Jones said that we need to do the best we can to assist with her problem and said that being the Engineer has no problem with this regarding the impact of vision at the intersection, he believes the variance should be considered. Detrick also mentioned that someone was killed back there and there are often fights and moving somewhere else is not an option right now. Thomas asked if they are looking to remove all the fence including the stucco, Detrick replied that they are going to repair and repaint the stucco part, but the gate is now nailed shut and will remain that way. Thomas reviewed the project with Detrick as to what would all be replaced. Prior said that he knows the property very well as his son lived there for 16 years and he never heard of an intrusion or problems at the property. Prior said that we have denied variances on fence height in the past for the purpose of keeping children safe, why would we change it now. Detrick said that just because there hasn't been an intrusion, does not mean that we it could not happen next week. Jones said that the main reason the last property was denied the height variance was because of the vision at the intersection. Prior said that everyone on Iowa Street has the same problem. Jones said he is going to go side what the engineer said, and that if the engineer said it was blocking traffic, then he could see denying it. Detrick said that she feels her property does differ from her neighbors as her yard is attached to the bars parking lot.

George said they have parked in his yard also and he has called Linn County Sheriff and its hit and miss on when they show up.

Barz said that we had a variance request in the spring, and they were requesting it as a safety issue for the kids and we denied it.

George said that he is fine with the 6' on the shared fence, but technically it could be 8 feet back along the back. Detrick said her problem is not the back of the property it's the side of the property on Iowa Street.

Detrick said that safety is the number one thing and living next to a bar is creating a safety issue. She asked the Board is the only obstacle that someone else was denied for it, and did this property live next to bar. Thomas

# City of Center Point

## MINUTES

The Board of Adjustments met on Monday, September 20, 2022 at 6:30 pm in the City Hall Council Chambers, 200 Franklin Street.

Board members present were Dan Barz, Mark George, Kevin Jones, Alicia Thomas, Gary Prior.  
Others present: Joe Taylor, Jane Detrick

M/S Thomas/Prior To approve consent agenda. Aye: 5 Nay 0, Abstention: 0, Absent: 0  
M/S Prior/Thomas To approve 9/12/22 Minutes. Aye: 5 Nay: 0 Abstention: 0 Absent: 0

### Public Hearing

Jane Detrick, 520 Water Street requested the Board to approve a variance for fence height of 4' to a 6' on the side yard of the property. The Board of Adjustments denied her request on the September 12, 2022, Board of Adjustment Meeting. The City Council met on September 13, 2022, and asked for the Board of Adjustment to revisit the variance.

Discussion was held:

Privacy and due to unnecessarily strict setbacks as the council had agreed. The petitioner stated that the council agreed that the fence would allow for the variance.

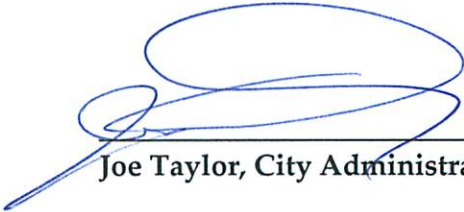
Kevin stated that he is still in agreement with safety and thinks the council was correct in asking to approve the variance.

- President asked Alicia if she had anything- she indicated that she did not have any additional information  
- Gary Pryor stated that he knows that the privacy was there and was removed, in the way of Shrubbery. The plaintiff stated that the shrubbery was removed for good reason. Also stated that they did not see the difference between the 6 ft shrubbery and a 6-foot fence.

- Kevin Jones asked that the zoning of 6-foot fences is revisited by zoning regulations. And continued with the statement that the fences that are up around town very well could predate the zoning code.

M/S Jones/George To approve the fence height variance for 520 Water Street from 4' to 6' on the side yard of the property. Aye: Jones, George, Thomas Nay: Prior, Barz

M/S Jones/Prior To Adjourn the meeting. Aye: 5 Nay: 0 Abstention: 0 Absent: 0

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Joe Taylor, City Administrator

*City of*  
**Center Point**

said that she thinks the new fence put in on Water Street and Iowa Street provides plenty of privacy and there's is only 4' tall. Detrick said sure it provides privacy, but most people can jump a 4' fence not a 6' fence. Jones said that he feels supporting it because Bully's has been creating more live music, and they are drawing bigger groups to the bar. Jones said that people do park in these places but will the sheriff drive people away from the business if the neighbors continue to call them. Jones said that he feels we could come off to business that we are not easy to work with and we must think of the residents that live close to these businesses.

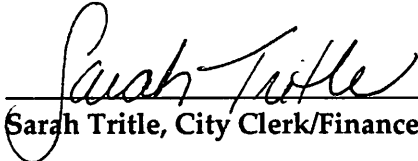
M/S Barz/Prior To deny request for variance on the fence height from 4' to 6' at 520 Water Street on the Iowa Street side of the property. Aye: Barz, Prior, Thomas, George Nay: Jones Abstention: None Absent: None.

Detrick then asked for a refund on her \$200 Appeal Fee since they denied it. Prior wanted to know if she was going to continue with the fight for the taller fence with Council, then that would determine a refund.

102 Green Street, staff is looking for clarification on the Board of Adjustment variance as the property owner decided not to build and is going to sell the property. Would the Board be the variance to stay with the original property owner or do they want it to stay with the property after sale.

M/S Jones/George To clarify that the variance approved at 102 Green Street for a 18' instead of 25' for rear yard setback is limited to Mason Mingo the property owner and the design be submitted to the Board. If Mason Mingo sells the property, the variance lapses.

M/S Jones/George To Adjourn the meeting at 7:22 pm. Aye: 5 Nay: 0 Abstention: 0 Absent: 0

  
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Sarah Tritle, City Clerk/Finance Director



M/S George/Jones To approve a variance for front yard setbacks from 45' to 10' at Lot of 1 of Junge's 8<sup>th</sup> Addition on Grain Lane. Aye: 5 Nay: 0 Abstention: 0 Absent: 0

M/S Prior/Jones To adjourn the meeting at 6:23 pm. Aye: 5 Nay: 0 Abstentions: 0 Absent: 0

  
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Sarah Tritle, City Clerk/Finance Director