

SHELDON BOARD OF ADJUSTMENT

Thursday, December 19, 2019

4:00 p.m.

City Council Chambers

Agenda

1. Call to Order, Roll Call.
2. Approve minutes of October 17, 2019.
3. Consider Variance to reduce frontage setback from 50' to zero feet on the south side for an off-premise digital sign at 102 N. 2nd Ave (NW corner of Old 60 & Highway 18) – Dan Poppema (Poppema-Sikma Construction) & Nick Vande Waerd (DKOI Inc).
4. Review of process for granting special exceptions.
5. 1220 2nd Avenue - NYOB, LLC, Lora Meendering and Tami Vander Veen.
 - a. Variance request to reduce front yard setback to accommodate entrance.
 - b. Variance request to reduce rear yard setback to accommodate a patio.
 - c. Cocktail lounge (special exception per Zoning code 11.3).
 - d. Liquor Sales (special exception per Zoning code 11.3).
 - e. Allow vehicle and trailer storage (special exception per Zoning code 11.3).
6. Other Comments.
7. Adjourn.

City of Sheldon

**Sheldon Board of Adjustment Report for Thursday, December 19, 2019.
4:00 p.m. in City Council Chambers, 416 9th Street.**

2. Consider Variance to reduce frontage setback from 50' to zero feet on the south side for an off-premise digital sign at 102 N. 2nd Ave (NW corner of Old 60 & Highway 18) – Dan Poppema (Poppema-Sikma Construction) & Nick Vande Waerdt (DKOI Inc).

Attachments: Copy of notice to neighbors; permit and Board of Adjustment form; Memo from DKOI signage.

Background: This site is located at the NW Corner of Highway 18 and Old 60. The address is 102 N 2nd Avenue. The parcel is .44 acres (19,162 sq. ft) in size. This is the site of the former Taco John's; the site was purchased by Poppema-Sikma Construction in September 2009. DKOI Signage of Rock Valley and Poppema-Sikma are proposing the installation of an 8' x 8' digital billboard (with an 8' x 2' vinyl sign below) in the Southeast corner of the lot. DKOI is seeking a variance to reduce the south frontage setback from 50' to zero feet.

Other key elements are: Height of 14 feet, metal construction, concrete base and the size of the base is proposed to be 14" x 48". The Zoning is Arterial Commercial (AC). The required front yard setback (per Zoning Code 11.5) is 50 feet for the front yard setback.

The existing large off-premise sign (measuring approx. 4' x 10') would be removed. The small 2' x 2' on premise sign (advertising brick) would stay. The Zoning is Arterial Commercial (AC). The required front yard setback (per Zoning Code 11.5) is 50 feet for the front yard setback. There are no City permits on file for the existing on or off-premise sign, although the current off-premise sign meets the State requirements.

3. Review of process for granting special exceptions.

Attachments: Chapter 26 of Zoning Ordinance – Special Exception process.

Background: The following two items are on the December 18, 2019 City Council agenda for consideration:

- Amendment to Zoning Ordinance pertaining to Downtown residential use
 - 3rd Reading of Ordinance amending the zoning ordinance by amending section 12.3 pertaining to residential uses in Business Commercial (Downtown) district.
- Amendment to Zoning Ordinance pertaining to 2nd floor residential use in Arterial Commercial.
 - 2nd reading of Ordinance amending the zoning ordinance by amending Section 11.3 pertaining to residential uses in the Arterial Commercial (AC) District.

Most of your work in the past has been to consider variances. If these two ordinances are approved by the City Council, there will be more applications for Special Exceptions in the future. The most recent Special Exception examples were on September 11 and October 17 regarding the can redemption proposals at 205 9th Street and 1313 2nd Avenue. In your packets are the guidelines for handling Special Exceptions. Our City Attorney, Micah Schreurs, and I will provide a briefing for you on the process at this meeting.

4. 1220 2nd Avenue - NYOB, LLC, Lora Meendering & Tami Vander Veen.

- a. Variance request to reduce front yard setback to accommodate entrance.**
- b. Variance request to reduce rear yard setback to accommodate a patio.**
- c. Cocktail lounge (special exception per Zoning code 11.3).**
- d. Liquor Sales (special exception per Zoning code 11.3).**
- e. Allow vehicle and trailer storage (special exception per Zoning code 11.3).**

Attachments: Variance and Special Exception requests.

Background: On December 4, 2019, the City Council approved the rezoning request from Heavy Industrial (HI) to Arterial Commercial (AC). First reading of the rezoning was approved, and 2nd and 3rd readings were unanimously waived after no concerns received. The rezoning is being published on December 11, and will therefore be official when these requests are heard on December 19.

The applicants, Lora Meendering and Tami Vander Veen (on behalf of NYOB, LLC), have six requests for you to consider in order to accommodate their vision for a coffee shop and brewery at this location. Only the first five requests can be considered at this meeting:

- a. Front yard setback reduction: This is a long, narrow lot, and due to the frontage requirement of 50' in the arterial zone, a variance is needed to accommodate an expansion of the front entrance. This will be a reduction of about 10' in the front – from 50' to 40'.
- b. Rear yard setback reduction: This is to accommodate a patio, including seating and typical patio illumination. No fencing or building is being proposed. The required rear setback in AC zoning is 10', and the desired setback is zero. This is adjacent to property owned by the railroad. The tracks are still 100' from the rear of the building, and will be about 90' from the west edge of the patio.

- c. Cocktail lounge: The zoning code allows this use if granted as a special exception by the Board of Adjustment. Here is the definition of Cocktail Lounge in the code:

2.2 (3)(g). *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses.

- d. Liquor sales: The zoning code allows this use if granted as a special exception by the Board of Adjustment. Here is the definition of Liquor Sales in the code:

2.2 (3)(u). *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.

- e. Allow vehicle and trailer storage (special exception per Zoning code 11.3). JT Trucking has parked trailers on this lot for some time, and the new owners desire to continue leasing space on the south half of the lot for parking. Salvage would not be allowed, and the property would be required to comply with the City's nuisance codes.

2.2 (3)(c)(9). *Vehicle Storage*: Long term storage of operating or non-operating vehicles. Typical uses include but not limited to storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.

Depending on the outcoming a pending City Council action, there will be a future request coming to you regarding 2nd floor residential. This final request, regarding the desire to have residential apartments on the 2nd floor, cannot be considered by the Board of Adjustment until after the passage or waiver of 3rd reading of the relevant ordinance – the ordinance passed 1st reading on December 4 after a successful public hearing in which no concern was noted regarding the request.

Unlike the rezoning, which is limited to just a single parcel, the ordinance is a proposed City-wide policy change to allow 2nd floor residential living in Arterial Commercial zoning contingent on a Special Exception being granted by the Board of Adjustment. The 2nd reading is scheduled for December 18. I informed Lora Meendering on December 6 that under the permitted uses in the AC zone, they could proceed with remodeling upstairs now. In the event the ordinance on 2nd floor apartment is not approved, or if the special exception wasn't granted or was delayed, they could still proceed in a different fashion. Here is the ordinance section upon which this reasoning is based:

2.2. USE CLASSIFICATIONS.

- ee. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging services with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
 - 2) *Hotel-Motel*: A building containing guest rooms primarily intended for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.
 - 3) *Bed & Breakfast Inn*: A private, owner-occupied housing unit, or portion thereof where short term lodging and meals are provided for up to five (5) guests for rent to the general public. The only meal to be provided to guests is breakfast, and it shall only be served to those taking lodging in the facility. Individual units designed as rentals shall contain no cooking facilities.

Nick Vande Waerdt

nickvw@dkoi.com

888-995-DKOI (3564)

www.DKOI.com



DKOI INC

193 Westview Dr.

Rock Valley, IA 51247

Appeal to the Board of Adjustment, Sheldon, IA

November 26, 2019

DKOI would like to invest in the community of Sheldon by installing an 8' x 8' digital billboard at 102 N 2nd Ave, in Sheldon.

This billboard will provide advertisement for Poppema Sikma Construction, a long-time local business. This advertisement is in exchange for the lot location to place the sign.

DKOI will also sell ad space on this sign to other local businesses. We will create their advertisement and display it on the billboard.

This sign will meet all DOT regulations, including the ad rotation time of 8 seconds, the automatic dimming of the brightness at night, and not encroaching onto the right of way. Note that DOT regulations also do not allow animated graphics on this type of sign.

There is one Sheldon regulation we have found to be burdensome, however. That is the setback requirement for off-premise signs of 50'.

We feel this is burdensome for the following reasons:

- 1) If we need to follow the 50' setback, our sign will need to be much larger to be visible from the roadway.
- 2) If we need to increase our sign size, that will make our investment higher. We would need to increase ad rates accordingly, which may put ads out-of-reach for smaller Sheldon businesses.
- 3) If we need to maintain this setback, the sign would be in the center of the lot. This would disrupt more activity on this property, and potentially disrupt any plans that Poppema Sikma may have for the property.

Therefore, we respectfully request a variance to place our sign at the edge of the right-of-way. This sign location is still 50' from the edge of the curb, as the State of Iowa retains a large right-of-way south of Highway 18 at this property.

We have placed a similar sign in two other local communities in the past year, namely Rock Valley and Sioux Center. These were both along US highways, and neither community had the burdensome 50' setback ordinance.

APPEAL TO THE
BOARD OF ADJUSTMENT

Zoning File No. _____

Appeal No. _____

Date _____

I (We), Nick Vande Waerde of DKOT, 193 Westview Dr, Rock Valley, IA
Name Mailing Address

respectfully request that a determination be made by the Board of Adjustment on the following appeal, which was denied by the Enforcing Officer on _____, 19 ____ for the reason that it was a matter which, in his opinion, should properly come before the Board of Adjustment.

An interpretation ____, exception X, variance ____ is requested to Section 11.5 of the Zoning Ordinance for the reason that:

____ It is an appeal for an interpretation of the ordinance or map.

____ It is an exception to the ordinance on which the Board of Adjustment is required to pass.

X It is a request for a variance relating to the ____ use, ____ area, X frontage, ____ yard, (or) ____ provisions of the Ordinance.

Remarks: Seeking to Reduce The South side Setback
From 50' to Zero Feet

The premises affected are located at 102 N. 2nd Ave in
Zone District Arterial Commercial. Legal description of property involved in this appeal: _____

Has any previous application or appeal been filed in connection with these premises? No

What is the applicant's interest in the premises affected? Sign Company

What is the approximate cost of the work involved? \$60,000

Explanation of purpose to which property will be put: _____

off premise advertising

Plot Plan attached

Ground Plan and elevations attached? / yes no. If no,
explain: _____

Following, is an abstractor's plat and list of property owners within
200 feet of the exterior limits of the property involved in this
appeal, together with addresses of same:

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

I (we) further state that if this request is granted, I (we) will
proceed with the actual construction in accordance with the plans
herewith submitted within six months from date of filing this appeal;
will complete the work within _____ year(s) from said date; and that
I am able from a financial, legal, and physical basis to do so.

Date: Nov 25, 19 2019

X [Signature]
Signature(s) of Applicant(s)

For Use of Board of Adjustment Only

Date hearing advertised _____ Date of hearing _____

Fee paid - Receipt No. _____

Decision of the Board of Adjustment _____

Reasons:

1. _____
2. _____
3. _____

Other Remarks:

BOARD OF ADJUSTMENT

By: _____
Secretary

APPLICATION FOR SIGN PERMIT

City of Sheldon, Iowa

Applicant Name: Dan Poppema Business Name: Poppema-Sikma Construction

Address of Site: 102 N 2nd Ave Address of Applicant: 160 N. 3rd Ave.

Daytime Telephone: 324-2348 Evening Telephone: 324-5292

PERMANENT SIGNS

The undersigned hereby applies for a permit to: ☒ Construct ☐ Alter ☐ Paint
☐ Relocate ☐ Face Change ☐ Enlarge

Text of Sign: 8'x8' Digital Sign Above with 8'x2' Vinyl Sign Below

Poppema-Sikma Construction, Office 1 Block North

Message on one side? ☐ Both Sides? ☒ Will Sign have a marquis? ☒

Sign Description: Steel Structure with Digital Sign Total Area: 80 ~~100~~ sq/ft

Height: 14' Constructed of? ☐ Wood ☒ Metal ☐ Plastic ☐

Type of base: Concrete Height of Base: Grd Lvl Size of Base: 14" x 4'

Location on Building: ☐ North Wall ☐ South Wall ☐ West Wall ☐ East Wall

Location on Lot: Southeast Corner of Lot

Temporary/Special Event Signs

The undersigned hereby applies for a sign permit for _____

_____ for (# of) _____ days from _____ thru _____

Zoning _____ Setback _____ Size of Sign _____

Message

It is expressly understood that Temporary/Special Event Signs are for a maximum of two weeks only, and may be applied for only twice in one calendar year.

Draw Sign - Show Relationship to any buildings, streets, etc. Show setbacks.

NOTICE

The undersigned hereby agrees to comply in all respects with the provisions of the Outdoor Sign Regulations and Zoning Ordinances of the City of Sheldon and agrees to hold and save the City of Sheldon harmless from any damages arising from defective construction or disrepair of sign or damages from any source arising from its erection, use of maintenance, and further agrees to assume all liability for damages from any cause as stated above.

Name (please print) Dan Poppema

Signature

Dan Poppema

Date 11-22-19

With Vande Wauke, OKOI

-- OFFICE USE ONLY --

Approved _____ Signature of Zoning Officer _____

Fee _____ Date _____

Disapproved _____ Reason _____

OUTDOOR ADVERTISING APPLICATION

 Advertising Management
 800 Lincoln Way
 Ames, IA 50010

FOR DOT USE ONLY

Permit Number	

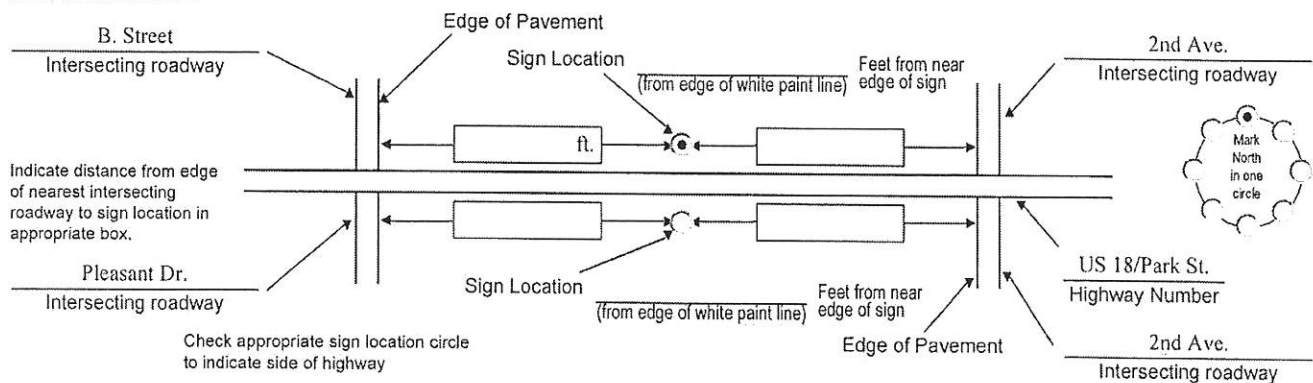
SIGN LOCATION

County	City (only if within city limits)	Highway Number	Side of Highway (check one)
O'Brien	Sheldon	US 18	<input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W

Sign Faces (check one)

<input type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input checked="" type="checkbox"/> W	Between Mile Post <u>42</u> and <u>43</u>	feet measured beyond mile post
----------------------------	----------------------------	----------------------------	---------------------------------------	---	--------------------------------

<input type="checkbox"/> Existing Sign	<input checked="" type="checkbox"/> Proposed Sign (Location Description or Address) <u>102 N. 2nd Ave.</u>
--	--

SIGN LOCATION MAP

SIGN DESCRIPTION

Sign Size			
Width including border (feet) <u>8</u>	Height including border (feet) <u>10</u>	Area (square feet) <u>80</u>	
Sign Type			
Requires one application <input type="checkbox"/> Single Face	Requires two applications <input type="checkbox"/> Back-to-Back <input checked="" type="checkbox"/> V-Type		
Substructure			
Number of supports <u>3</u>	<input type="checkbox"/> Wood <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Other (specify) _____		
Face Type			
<input type="checkbox"/> Poster panel	<input type="checkbox"/> Painted	<input checked="" type="checkbox"/> LED	<input type="checkbox"/> Other (specify) _____
Illuminated			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

ZONING INFORMATION (Failure to complete this section may result in denial of the application).

Signature of local zoning official does not necessarily grant local approval. See section #1 on Page 2.

Zoning Classification			
Arterial Commercial			
Signature of Local Zoning Official	Title	Phone Number	Date
Sam Kooiker	City Manager	712-324-4651	
If un-zoned, identify qualifying commercial or industrial activity			

OWNER OF SIGN

First Name	Last Name	Phone Number
DKOI	INC	888-995-3564
Street Address	City	State ZIP + 4 Code
193 Westview Dr.	Rock Valley	IA 51247

OWNER OF LAND (ATTACH COPY OF LEASE AGREEMENT)

First Name	Last Name	Phone Number
Poppema Sikma	Construction	712-324-2348
Street Address	City	State ZIP + 4 Code
160 N 3rd Ave.	Sheldon	IA 51201

Applicant's Certification

I certify that the foregoing and attached information is current, true and correct, and that the same is being furnished to the Iowa Department of Transportation for the purpose of complying with Chapter 306C, Code of Iowa, 1996, and Chapter 117 of the Iowa Administrative Rules. I also understand that I must comply with all local ordinances and regulations.

Applicant's Signature	Title	Date
Amount of Remittance Enclosed (\$100 per face) (non-refundable)		
	Permit expires June 30 each year	

Please return all copies to the DOT for processing.

All permit applications are subject to the following conditions:

1. Approval by the DOT of a permit application does not, by itself, authorize the erection of a sign. Approval by the DOT of a permit application merely means that the applicant has complied with all applicable DOT regulations. It is the responsibility of the applicant to also comply with all applicable local laws, regulations, and ordinances, and to obtain from local government agencies any necessary permits or approvals. Failure to obtain such prior approval or failure to remain in compliance with all local laws, regulations, or ordinances, may result in the advertising device being removed by the state without compensation and at the cost of the applicant.
2. All access to the property must be gained from private property or access points designated by the DOT per Iowa Administrative Code 761 IAC 112 and all work and maintenance of the proposed sign must be performed from private property and not from the highway right of way.
3. The sign or copy shall not interfere with, imitate, or resemble any official sign, signal, or device.
4. Any cutting of trees or vegetation on the state right of way to enhance the visibility of the sign will result in the cancellation of the permit and subject the sign owner to legal action for the collection of damages.
5. Modification or reconstruction of a sign without the approval of an amended application is cause for cancellation.
6. The annual renewal fee for this permit must be paid on or before June 30th of each year. Failure to submit timely payment will result in cancellation of the permit and subject the sign to removal, if the sign no longer conforms to all regulations.

FOR DOT USE ONLY

Date Received	Amount (\$)	By	Check
Permit Action			
Comments			
Refund Amount (\$)	Method of Refund	Signature	Date
Construction Project Number	Zoning	Ex. Terr. Zoning	
Mile Post	Station	Spacing	Daylight
Checked By	Date of Review	R.O.W.	Scenic Byway
Corp. Line Protection			
Check Denied File	Date Turned In	Distance from ϕ to edge of paint line	
Comments			

OUTDOOR ADVERTISING APPLICATION

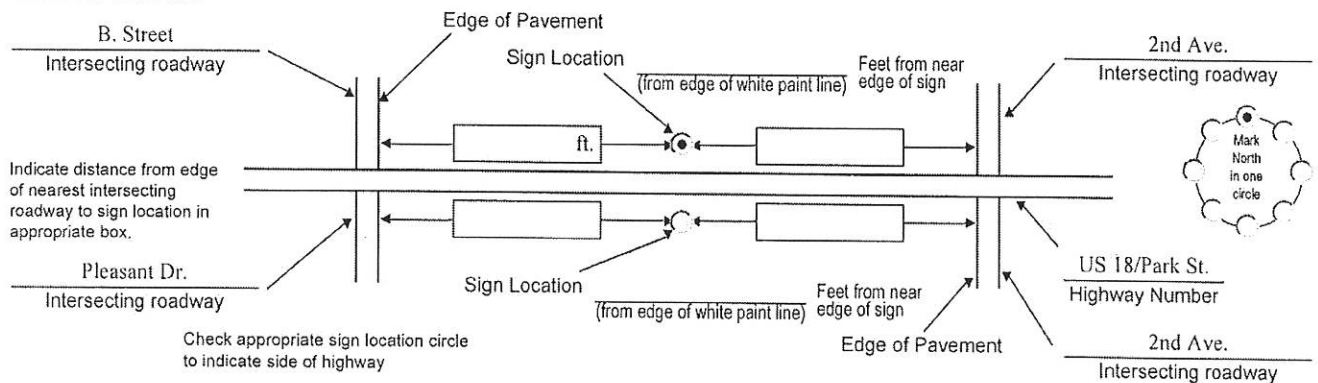
 Advertising Management
 800 Lincoln Way
 Ames, IA 50010

FOR DOT USE ONLY

Permit Number	
---------------	--

SIGN LOCATION

County	City (only if within city limits)	Highway Number	Side of Highway (check one)
O'Brien	Sheldon	US 18	<input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W
Sign Faces (check one)			
<input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W Between Mile Post <u>42</u> and <u>43</u> feet measured beyond mile post _____			
<input type="checkbox"/> Existing Sign <input checked="" type="checkbox"/> Proposed Sign (Location Description or Address) <u>102 N. 2nd Ave.</u>			

SIGN LOCATION MAP

SIGN DESCRIPTION

Sign Size			
Width including border (feet) <u>8</u>	Height including border (feet) <u>10</u>	Area (square feet) <u>80</u>	
Sign Type			
Requires one application	<input type="checkbox"/> Single Face	Requires two applications	<input type="checkbox"/> Back-to-Back <input checked="" type="checkbox"/> V-Type
Substructure			
Number of supports	<u>3</u>	<input type="checkbox"/> Wood <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Other (specify) _____	
Face Type			
<input type="checkbox"/> Poster panel <input type="checkbox"/> Painted <input checked="" type="checkbox"/> LED <input type="checkbox"/> Other (specify) _____			
Illuminated			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

ZONING INFORMATION (Failure to complete this section may result in denial of the application).

Signature of local zoning official does not necessarily grant local approval. See section #1 on Page 2.

Zoning Classification			
Arterial Commercial			
Signature of Local Zoning Official	Title	Phone Number	Date
Sam Kooiker	City Manager	712-324-4651	
If un-zoned, identify qualifying commercial or industrial activity			

OWNER OF SIGN

First Name	Last Name	Phone Number
DKOI	INC	888-995-3564
Street Address	City	State ZIP + 4 Code
193 Westview Dr.	Rock Valley	IA 51247

OWNER OF LAND (ATTACH COPY OF LEASE AGREEMENT)

First Name	Last Name	Phone Number
Poppema Sikma	Construction	712-324-2348
Street Address	City	State ZIP + 4 Code
160 N 3rd Ave.	Sheldon	IA 51201

Applicant's Certification

I certify that the foregoing and attached information is current, true and correct, and that the same is being furnished to the Iowa Department of Transportation for the purpose of complying with Chapter 306C, Code of Iowa, 1996, and Chapter 117 of the Iowa Administrative Rules. I also understand that I must comply with all local ordinances and regulations.

Applicant's Signature	Title	Date
Amount of Remittance Enclosed (\$100 per face) (non-refundable)		
	Permit expires June 30 each year	

Please return all copies to the DOT for processing.

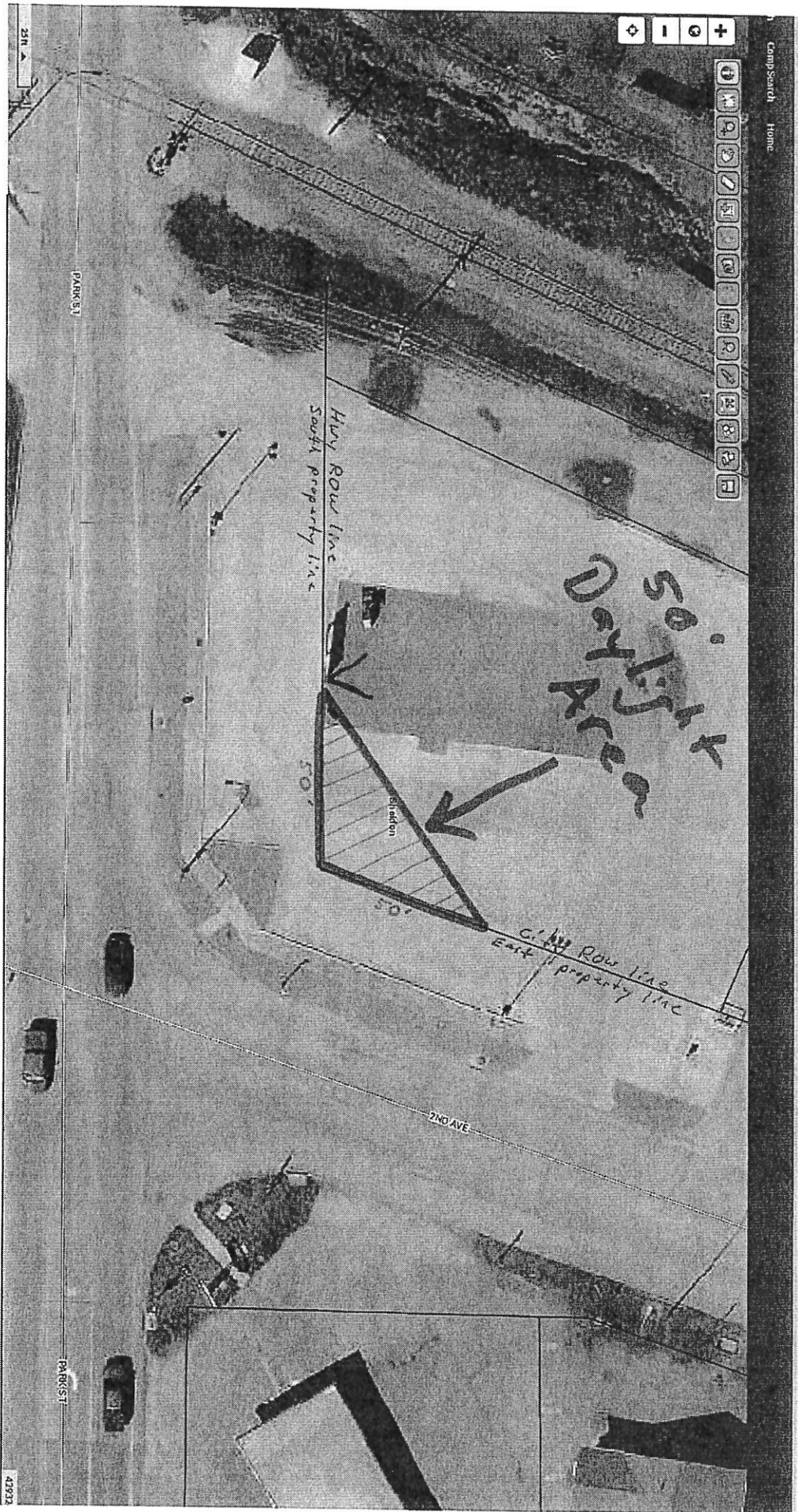
All permit applications are subject to the following conditions:

1. Approval by the DOT of a permit application does not, by itself, authorize the erection of a sign. Approval by the DOT of a permit application merely means that the applicant has complied with all applicable DOT regulations. It is the responsibility of the applicant to also comply with all applicable local laws, regulations, and ordinances, and to obtain from local government agencies any necessary permits or approvals. Failure to obtain such prior approval or failure to remain in compliance with all local laws, regulations, or ordinances, may result in the advertising device being removed by the state without compensation and at the cost of the applicant.
2. All access to the property must be gained from private property or access points designated by the DOT per Iowa Administrative Code 761 IAC 112 and all work and maintenance of the proposed sign must be performed from private property and not from the highway right of way.
3. The sign or copy shall not interfere with, imitate, or resemble any official sign, signal, or device.
4. Any cutting of trees or vegetation on the state right of way to enhance the visibility of the sign will result in the cancellation of the permit and subject the sign owner to legal action for the collection of damages.
5. Modification or reconstruction of a sign without the approval of an amended application is cause for cancellation.
6. The annual renewal fee for this permit must be paid on or before June 30th of each year. Failure to submit timely payment will result in cancellation of the permit and subject the sign to removal, if the sign no longer conforms to all regulations.

FOR DOT USE ONLY

Date Received	Amount (\$)	By	Check
Permit Action			
Comments			
Refund Amount (\$)	Method of Refund	Signature	Date
Construction Project Number	Zoning	Ex. Terr. Zoning	
Mile Post	Station	Spacing	Daylight
Checked By	Date of Review	R.O.W.	Scenic Byway
Corp. Line Protection			
Check Denied File	Date Turned In	Distance from \mathcal{Q} to edge of paint line	
Comments			

Brent Christian - DOT



102 W. 2nd Ave

2

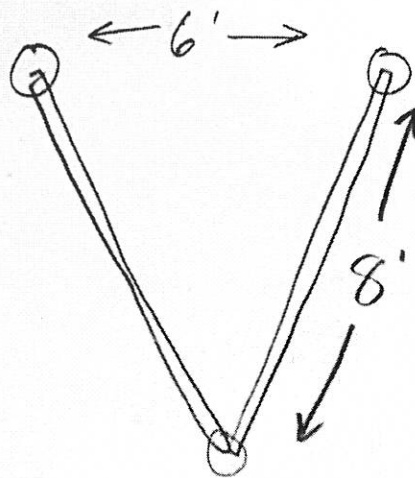


3

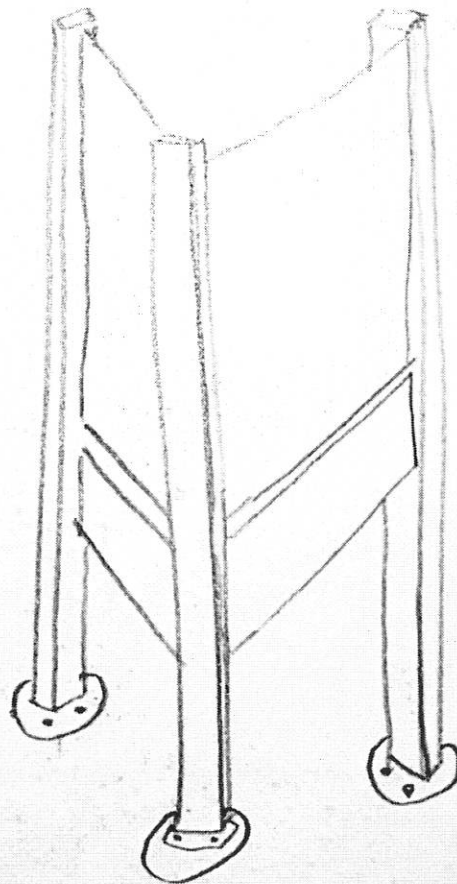
2

S

TOP VIEW



3



ORDINANCE NO. O19-_____

AN ORDINANCE AMENDING THE SHELDON, IOWA ZONING ORDINANCE BY AMENDING SECTION 12.3 PERTAINING TO RESIDENTIAL USES IN BUSINESS COMMERCIAL DISTRICT.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SHELDON, IOWA:

SECTION 1. REVISED SUBSECTION. Section 12.3 of Article 12 of the Sheldon, Iowa Zoning Ordinance is revised to add the following to the Special Exception uses as underlined below:

12.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (BC) Business Commercial District, subject to provisions of Articles XXV and XXVI of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. The only residential use permitted by the Board of Adjustment pursuant to this Section 12.3 shall be ground-floor dwelling units that, at a minimum, meet the following conditions: Each such dwelling unit (1) shall be accessed from the rear and/or side (and not the front) of the principal structure; (2) shall have at least two off-street parking spaces; (3) shall consist of a minimum of 800 square feet of floor space; and (4) shall be located within a principal structure that is also used for a permitted commercial, civic, or industrial use, with at least two-thirds of the ground floor of the principal structure being used for such a permitted commercial, civic, or industrial use.

<u>Residential Uses</u>
Dwelling Units – ground floors of structures also used for permitted commercial, civic, or industrial uses.

SECTION 2. REPEALER. All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____,
2019.

Greg Geels, Mayor

ATTEST:

Angela Beckman, City Clerk

I certify that the foregoing was published as Ordinance No. O19-____ on the ____ day of
_____, 2019.

Angela Beckman, City Clerk
Sheldon, Iowa

ORDINANCE NO. 019-_____

AN ORDINANCE AMENDING THE SHELDON, IOWA ZONING ORDINANCE BY AMENDING SECTION 11.3 PERTAINING TO RESIDENTIAL USES IN THE ARTERIAL COMMERCIAL DISTRICT.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SHELDON, IOWA:

SECTION 1. REVISED SUBSECTION. Section 11.3 of Article 11 of the Sheldon, Iowa Zoning Ordinance is revised to add the following to the Special Exception uses as underlined below:

11.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (AC) Arterial Commercial District, subject to provisions of Articles XXV and XXVI of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. All first-floor dwelling units or basement dwelling units are prohibited. The only residential use permitted by the Board of Adjustment pursuant to this Section 11.3 shall be second-floor dwelling units that, at a minimum, meet the following conditions: Each such dwelling unit (1) shall be accessed from the rear and/or side (and not the front) of the principal structure; (2) shall have at least two off-street parking spaces, not to include public parking areas; (3) shall consist of a minimum of 800 square feet of floor space; and (4) shall be located within a principal structure that is also used for a permitted commercial, civic, or industrial use, with at least two-thirds of the ground floor of the principal structure being used for non-storage uses, including a permitted commercial, civic, or industrial use.

<u>Residential Uses</u>
<u>Dwelling Units – upper floors with rear or side access.</u>

SECTION 2. REPEALER. All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____,
2018.

Greg Geels, Mayor

ATTEST:

Angela Beckman, City Clerk

I certify that the foregoing was published as Ordinance No. O19-____ on the ____ day of
_____, 2019.

Angela Beckman, City Clerk
Sheldon, Iowa

ARTICLE XXVI

Special Exceptions

Article 26: Special Exceptions

Section 26.1	Requirements
Section 26.2	Jurisdiction
Section 26.3.	Application for a Special Exception Permit
Section 26.4.	Procedures
Section 26.5.	Standards
Section 26.6	Revocation
Section 26.7.	Supplemental Standards

26.1. REQUIREMENTS.

Special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The board will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a special exception use permit, the Board of Adjustment will authorize the special exception use and may prescribe and impose conditions, safeguards, or a specified time limit for performance of the special exception use.

26.2. JURISDICTION.

The zoning administrator shall be responsible for administration of special exceptions and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for a special exception use permit.

26.3. APPLICATION FOR SPECIAL EXCEPTION PERMIT.

A request for a special exception use permit for a special exception use or modification of a special exception use may be initiated by a property owner or his or her authorized agent by filing an application with the zoning administrator upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such data showing dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. A fee as determined by resolution of the city council shall also accompany the application.

Application and Fee: Application for a special exception use permit shall be filed with the zoning administrator. The Board of Adjustment shall provide a copy of the application for special exception for review and comment of the Planning and Zoning Commission within five (5) days after receipt of the application. The application shall include the following:

- a. Name and address of the owner and applicant.
- b. Address and legal description of the property.
- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
- e. Site plans as prepared in accordance with Article XVIII

26.4. PROCEDURES.

The Board of Adjustment shall not grant a special exception unless and until the following procedures have been fulfilled:

- 1) The Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city. Notice shall be given to a complete list of persons provided by the applicant who are all of the owners of property within two hundred (200) feet of the property in question.
- 2) The Board of Adjustment shall determine that it is empowered under this ordinance to grant the special exception as described in the application, and that the granting of the special exception will not adversely affect the public interest pursuant to testimony presented at the public hearing.
- 3) In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Article XXIV.
- 4) The concurring vote of three members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a zoning permit is obtained within the six (6) month period and construction is commenced.

26.5. STANDARDS.

The Board of Adjustment shall grant no special exception permit unless such board shall find:

- 1) That the establishment, maintenance, or operation of the special exception use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
- 2) That the special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 3) That in the case of existing relocated single family dwellings, that the proposed use aesthetically blend in with the neighboring existing permitted uses and special attention is given to the architectural style, size and quality of construction of the proposed use.
- 4) That the establishment of the special exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.
- 5) That adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.
- 6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 7) The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

- 8) The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 9) The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
- 10) The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.
- 11) The use shall not involve any pollution of the air by fly-ash, dust vapors, or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation.
- 12) The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
- 13) The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 14) The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
- 15) That the use will not be in conflict with the city's comprehensive plan.
- 16) The use shall not interfere with the use or enjoyment of neighboring permitted uses. If such interference is found, provisions must be made for increased setbacks (up to 500 feet) from property lines or screening of incompatible use by the use of fences or hedges.
- 17) The ground coverage shall be such that no additional dust or storm run-off is generated by the special exception use.
- 18) The use shall not create a hazard to vehicular traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open-air storage.
- 19) The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
- 20) The special exception use permit may be reviewed after a specified period of time for compliance and for possible additional conditions.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a special exception use permit.

26.6. REVOCATION.

The issuance of a special exception use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as he remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the special exception use permit. If such permit is granted, does expressly grant to the city, for the enforcement of this ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of the special exception use permit. In the event the owner or occupant of the property for which a special

exception use permit has been issued, shall violate any term, condition, limitation, regulation or safeguards contained in the special exception permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the city may proceed to enforce the provisions of this ordinance and the terms, conditions, limitations, and safeguards of the special exception permit. In addition to all other remedies provided herein, in the event that such special exception shall become null and void, any bonds, if any, given by the owner under the provisions of this ordinance shall be forfeited.

26.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 26.5 above, certain specified uses shall adhere to the following standards:

Salvage Yards: All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or "wrecking" of automobiles or machinery or other vehicles, shall be located in the Heavy Industrial (HI) district under special exception use permit. The application for a special use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

1. The yards shall be at least three hundred (300) feet distant in all directions from any residential building;
2. Outdoor yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty (50) feet wide with coniferous trees or large shrubs to provide a solid landscape screen at least ten (10) feet high;
3. No waste materials, salvage, scrap, or other junk materials may be visible above the top of the solid wall or solid landscape buffer.
4. Off-street parking or service areas may be located outside of the screened-in area.

APPEAL TO THE
BOARD OF ADJUSTMENT

Zoning File No. _____

Appeal No. _____

Date 12-4-19



I (We), NOYB of 4542 McKinley Ave Granville OH 51022
Name Mailing Address

respectfully request that a determination be made by the Board of Adjustment on the following appeal, which was denied by the Enforcing Officer on _____, 19 ____ for the reason that it was a matter which, in his opinion, should properly come before the Board of Adjustment.

An interpretation ☒, exception ☒, variance ____ is requested to

Section ____ of the Zoning Ordinance for the reason that:

☐ It is an appeal for an interpretation of the ordinance or map.

☒ It is an exception to the ordinance on which the Board of Adjustment is required to pass.

☒ It is a request for a variance relating to the ____ use, ____ area, ____ frontage, ____ yard, (or) ____ provisions of the Ordinance.

Remarks: Reasons For Hearing in Front of BOA: 1) Cocktail Lounge (11.2)
2) Liquor Sales (11.3) 3) Residential use on 2nd Floor
4) East side entrance 5) South side Drive Through 6) West side patio.

The premises affected are located at 1220 2nd Ave in

Zone District Arterial Commercial (AC) Legal description of property

involved in this appeal: _____

See Attached

Has any previous application or appeal been filed in connection with these premises? No

What is the applicant's interest in the premises affected? Owner

What is the approximate cost of the work involved? \$200,000

Explanation of purpose to which property will be put: Coffee Shop/Drive Through & Brewery

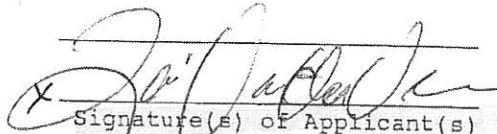
Ground Plan and elevations attached? ☒ yes ☐ no. If no, explain: _____

Following, is an abstractor's plat and list of property owners within 200 feet of the exterior limits of the property involved in this appeal, together with addresses of same:

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

I (we) further state that if this request is granted, I (we) will proceed with the actual construction in accordance with the plans herewith submitted within six months from date of filing this appeal; will complete the work within _____ year(s) from said date; and that I am able from a financial, legal, and physical basis to do so.

Date: 11-19-8, ²⁰25/19


Signature(s) of Applicant(s)

For Use of Board of Adjustment Only

Date hearing advertised _____ Date of hearing _____

Fee paid - Receipt No. _____

Decision of the Board of Adjustment _____

Reasons:

1. _____
2. _____
3. _____

Other Remarks:

BOARD OF ADJUSTMENT

By: _____
Secretary



City of Sheldon
Application for Zoning Permit

City Code, Chapter 23.3, Zoning Permits Required: "No building or other structure shall be erected, moved, remodeled or added to, without a zoning permit therefore issued by the Zoning Administrator. No permit shall be issued except in conformity with the provisions of this chapter, except by written order by the Board of Adjustment." Note: Incomplete applications will not be processed.

N.O.V.B. 10/25/19
Applicant (property owner) Name Date
4542 McKinley Ave Granville IA 51022
Applicant's Address City State Zip Telephone

Location Information:

1720 7th Ave, Sheldon, IA 64,493.44
Address of Proposed Work Square footage of Lot

- > Legal Description of Property - Note: New Construction Applications will not be processed without a description – attach separate sheet if necessary:

Site Information:

Special Note: The City of Sheldon does not and will not locate property lines. This is the sole responsibility of the property owner. The City acts on information provided on this form. Falsification of information on this form can result in non-issuance, revocation and/or legal action. It is highly recommended that a licensed land surveyor be used to establish the location of property lines. The City of Sheldon, Iowa accepts no liability for said measurements or location of lines.

- > Set Backs: (Application will not be processed without measurements from proposed building to each property line).

____ Interior Lot 40' Front Yard Setback Facing 2nd Ave
____ Corner Lot 5' Rear Yard Setback West side 475' Left Side Setback From Building to South
____ Right Side Setback North side

- > Describe what you plan to build? Entrance From East & Drivethrough on South end of Bldg

Check all that apply... (2 units)
☒ Commercial ☒ One Family ☐ Garage ☐ Basement
☐ New ☐ Industrial ☐ Two Family ☐ Unattached
☐ Addition ☐ Demolish ☒ Residential ☐ Multi-Family
☐ Attached ☐ Alteration

Construction Information:

Estimated Start Date: Winter 2019 Estimated Completion Date: Summer 2020

Estimated Square Footage or Floor Space: 6000 Estimated Cost: \$200,000

☐ Wood Frame ☐ Brick Frame ☐ Steel Frame ☐ Concrete Block
☐ Poured Concrete ☐ Wood Siding ☐ Steel Siding ☐ Stone/Brick Veneer
☐ Vinyl Siding

Height of Structure: _____ Depth of Foundation: _____ Contractor's Name: Impact Construction

Rick Katenburg

Permit expires twelve months after issuance if construction has not begun. If twelve month time period has elapsed, an extension may be granted at the discretion of the Zoning Administrator or a new permit application must be filed.

Zoning Information:

Present Zoning District: Arterial Commercial (AC)

Intended Principal Use: Coffee Shop/Brewery with Drive Through window

Intended Accessory Use: _____

Site Plan Information:

Please identify proposed building, etc. Show set back footage from each property line. Show location of any adjacent streets or alley. Use a separate sheet if necessary or attach drawings. The Zoning Administrator reserves the right to require any additional information, including blueprints.

Additional Information:

No permit shall be issued for any residential or commercial structure if there are no provisions in the proposed plan for construction of sidewalks as per city code. This stipulation does not apply if sidewalks are already in place. Failure to construct sidewalks will result in legal action.

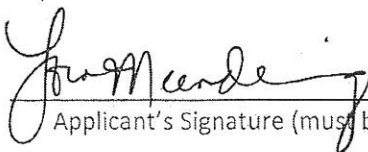

It is the responsibility of the applicant to determine if any sub-division covenants or easements may affect this project.

Once application is completed, turn in at city offices. Absolutely no permit will be issued on the spot. The Zoning Administrator may require a conference before issuance.

Under no circumstances may construction begin before an approved permit is issued.

A Copy Of The Approved Zoning Permit Must Be Posted In Public View.

City offices are located in the Sheldon Community Services Center at 416 – 9th Street in Sheldon, Iowa.

 
Applicant's Signature (must be in ink)

10/25/19
Date

.....For Office Use Only.....	
Permit Number Assigned _____	_____ Date
_____ Approved	_____ * Denied
_____ Zoning Administrator	
If Denied, reason for denial: _____ _____	
Reservation: _____ _____	
Fees:	
_____ Permit Fee	_____ Water Connection
_____ Watering Meter	_____ Sanitary Assessment

5

Legal Description for 1220 2nd Avenue, Sheldon, Iowa

A part of Lots 1 through 11 and in a part of the North 16 feet of Lot 12, all in Block 53B in the Second Addition to the City of Sheldon, O'Brien County, Iowa, more particularly described as follows: Commencing at the Northeast Corner of Lot 1 of Block 53B in the Second Addition to the City of Sheldon; thence southwesterly along the southeasterly right of way line of the former I.C.C. spur No. 20, now abandoned, 27.36 feet along the arc of a 522.97 foot radius curve, concave southeasterly and having a chord bearing South 64°12'08" West, 27.35 feet to the Point of Beginning, said point being on a line which is 70.00 feet normally distant from and parallel with the East right of way line of Woodcock Avenue as platted in said Second Addition, said Woodcock Avenue being now known as Second Avenue; thence South 18°45'41" West, 785.86 feet along a line being 70.00 feet normally distant from and parallel with said East right of way line to a point on the South line of the North 16 feet of Lot 12 of said Block 53B; thence North 71°08'51" West, 59.22 feet along said South line to a point on the easterly right of way line of the Union Pacific Railroad; thence North 13°30'36" East, 605.03 feet along said existing easterly right of way line; thence northeasterly 217.72 feet along said southeasterly right of way line of former I.C.C. spur No. 20 and along the arc of a 522.97 foot radius curve, concave southeasterly and having a chord bearing North 50°46'37" East, 216.15 feet to the Point of Beginning, containing 64,493.44 square feet (1.48 acres).

E

BUILT 2012

30

METALLEAN
[240]

8

PATIO 16' x 26'

78

4

60

38'6"

drive thru
roof
~~4x6~~
4x6

1S TILE
[5073]

34'6"

N

14 14'
OFFICE

138
6' x 10'
Entrance

2ND AVE.

W

S

J

1220 2nd Ave - former DOT shed



3

3

S

S