

**CASCADE ZONING BOARD OF ADJUSTMENT MEETING
PUBLIC NOTICE & AGENDA
TUESDAY, FEBRUARY 27, 2024**

6:00 P.M.

COUNCIL CHAMBERS, 320 1ST AVE WEST

NOTICE: Notice is hereby given that the Cascade Zoning Board of Adjustment will hold a meeting on **Tuesday, February 27, 2024 at 6:00 PM** in the Cascade City Hall Council Chambers, 320 1st Ave W, Cascade, IA 52033. Any visual or hearing- impaired persons or persons with special accessibility needs should contact the City Clerk at 563-852-3114 prior to the meeting.

1. Call to Order.
2. Roll Call.
3. Approve the Agenda
4. Meeting Minutes – Review & approve the October 2, 2023 meeting minutes.
4. Public Hearing – Hold a public hearing on a request from the City of Cascade for a variance on the interior setback due to an inability to combine lots due to assessment law for 108 2nd Avenue SW.
5. Close Public Hearing
6. Consideration of a Variance for 108 2nd Avenue SW Interior Setback Due to the Inability to Combine Two Lots
7. Possible Planning and Zoning Training
7. Adjournment.

Board of Adjustment Hearing Application
City of Cascade

Hearing No.: ___ #01-24

Hearing Fee: _____ NA

1. Name and address of applicant: ___ City of Cascade _____
____ 320 1st Avenue West Cascade IA 52033 _____
____ 563-852-3114 _____
(Phone Number)

2. Nature of the Request: ___ Interpretation and review of decision of zoning administrator.
(Check which applies) (Complete Section I of Application)

___ Special Use or Exception Permit as required by the Zoning Ordinance. (For Solar Energy Systems)
(Complete Section II of Application)

X Variance to a requirement of the Zoning Ordinance.
(Complete Section III of Application)

3. Location and dimensions of property: ___ 108 2nd Avenue SW _____
(Street Address)
(Width, Depth, and Area in sq. ft.)

4. Legal description of property: 1931351014 Lot 8&9 East Cascade and 1931351013 Lot 1-7
East Cascade
(Lot Number (s), Block Number (s), Subdivision
Name)

5. Present zoning classification: _____ R1 _____
(Example A-1, R-1, C-2, M-1)

6. Existing and Proposed Uses of the Property: Previously was two single family homes. Those were demolished in 2023. The new proposed use is for a new library.

7. Attach a plat showing the location, dimensions, and use of the property and all property within 200 feet thereof including streets, alleys, and other prominent physical features.

8. Attach the names and addresses of all property owners within 200 feet of property to be re-zoned.

9. Signature and date: *Katny Jancet* 2/26/2024 2-20-24
(Applicants or Property Owners Signature) (Date)

8. Application Fee \$200

SECTION III

REQUEST FOR VARIANCE of Section 165.11 of the Cascade Zoning Ordinance under which the Zoning Administrator refused to issue a permit.

1. What is the nature of the variance request: The City will comply with setbacks on the exterior of the building. We are asking for an interior stack variance between the two lots. (Example: cannot meet setback requirements, cannot meet height restrictions, etc.)

2. Applicant is unable to make reasonable use of his/her property for the following reasons. The two western lots of the three lots needed for the library, are in one TIF District and the eastern lot is in a different TIF. For that reason, the assessment laws do not permit the assessor to combine these three lots into one. Therefore the interior lot line will be crossed over with the eastern edge of the building.

3. The requested variance will not alter the essential character of the neighborhood for the following reasons:

It will not.

4. The proposed variance requested will continue to maintain the purposes and intent of the zoning classification district and adjacent properties for the following reasons:

Since the exterior lot line setbacks are compliant and will always be the same owner the variance to the internal lot line will not negatively impact any other property in the neighborhood. If we were able to legally combine the lots we would be fully compliant.

Supplemental Variance Questions

1. Please explain how the narrowness, shallowness, irregular shape, topography, and/or natural characteristics of your lot prevents lawful location of your proposed development on the lot i.e.

NA

2. Explain and show how the requirement to maintain the required setbacks is a physical hardship upon you and denying you reasonable use of your property.

The hardship is that legally we cannot combine the lots with TIF law and the library will not fit on the two lots, thus the reason we are purchased the third lot.

3. Explain and show how the hardship identified above is not one created or caused by your own doing.

It is based on state assessment law and the inability to combine the lots.

4. Explain and show that there are no other reasonable options for placing the structures you want to build on your lot that meets the required setbacks.

The City cannot change the state law that would allow the lots to combined into one. There is not enough room to fit the building on the two that are combined and comply with the setbacks.

5. Explain and show that the variance you are requesting is the minimum necessary to permit reasonable use of your property.

If the variance is approved, the Board can require that the two lots never be separated. Essentially they cannot be since the library will sit on both and it will likely always being owned and operated as a library.

6. Explain and show how your variance request will not be contrary to the intent of the Zoning District you are in.

Since the exterior lot lines will all be compliant it will not impact any neighbors.

7. Explain and show how your variance request will not cause a substantially adverse effect upon adjacent properties – like lowering property values, creating something that does not fit into the neighborhood, creating a neighborhood eyesore, creating a commercial use in the R-1 district, etc.

NA

8. Explain and show how your variance request will not alter the essential character of the surrounding area.

Due to the exterior setbacks are compliant

9. Explain and show how your variance request will not increase the hazard from fire, flood, poor visibility at street intersection, or other similar dangers.

NA

10. Explain and show how your variance request will not increase traffic congestion or exceed the traffic carrying capacity of the streets serving the area.

NA

11. Explain and show how your variance request will not produce nuisance conditions to the occupants of nearby premises, whether by reason of dust, noise, fumes, odors, vibrations, smoke or lights.

NA

OwnerName	Line1	PO BOX	City State PostalCode
AHMANN, DAVID J & CHING, ROMMEL T	1741 NE 52ND ST		FT LAUDERDALE, FL 33334
CASCADE, CITY OF	320 1ST AVE W BOX 400	400	CASCADE ,IA 52033
GIBBS, EVAN M	108 3RD AVE SW		CASCADE ,IA 52033
HOSCH, WILLIAM N	108 GARFIELD ST NW	91	CASCADE ,IA 52033
KURT, IVAN J & ELIZABETH A	811 1ST AVE W PO BOX 643	643	CASCADE ,IA 52033-0643
LUCAS, DANIEL L	115 2ND AVE SW PO BOX 701	701	CASCADE ,IA 52033
MCGUIRE, JOHN T & MARY KATHLEEN	805 5TH AVE SW	633	CASCADE ,IA 52033
MOORE, PATRICIA ANN REVOCABLE TRUST	24453 HIGHWAY 151	191	CASCADE ,IA 52033
PALMER RENTAL PROPERTIES LLC	204 4TH AVE NE		FARLEY ,IA 52046
ROE, GARRETT P & ALISHA I	105 2ND AVE SW	61	CASCADE ,IA 52033
ROSO	PO BOX 746	746	CASCADE ,IA 52033
ROSO PROPERTIES LLC	PO BOX 746	746	CASCADE ,IA 52033-0746
SUPPLE, JAKE & ANGELA	2446 RECKER RD		HOPKINTON ,IA 52237
ZOLLER, GEOFFREY	123 1ST AVE W	654	CASCADE ,IA 52033



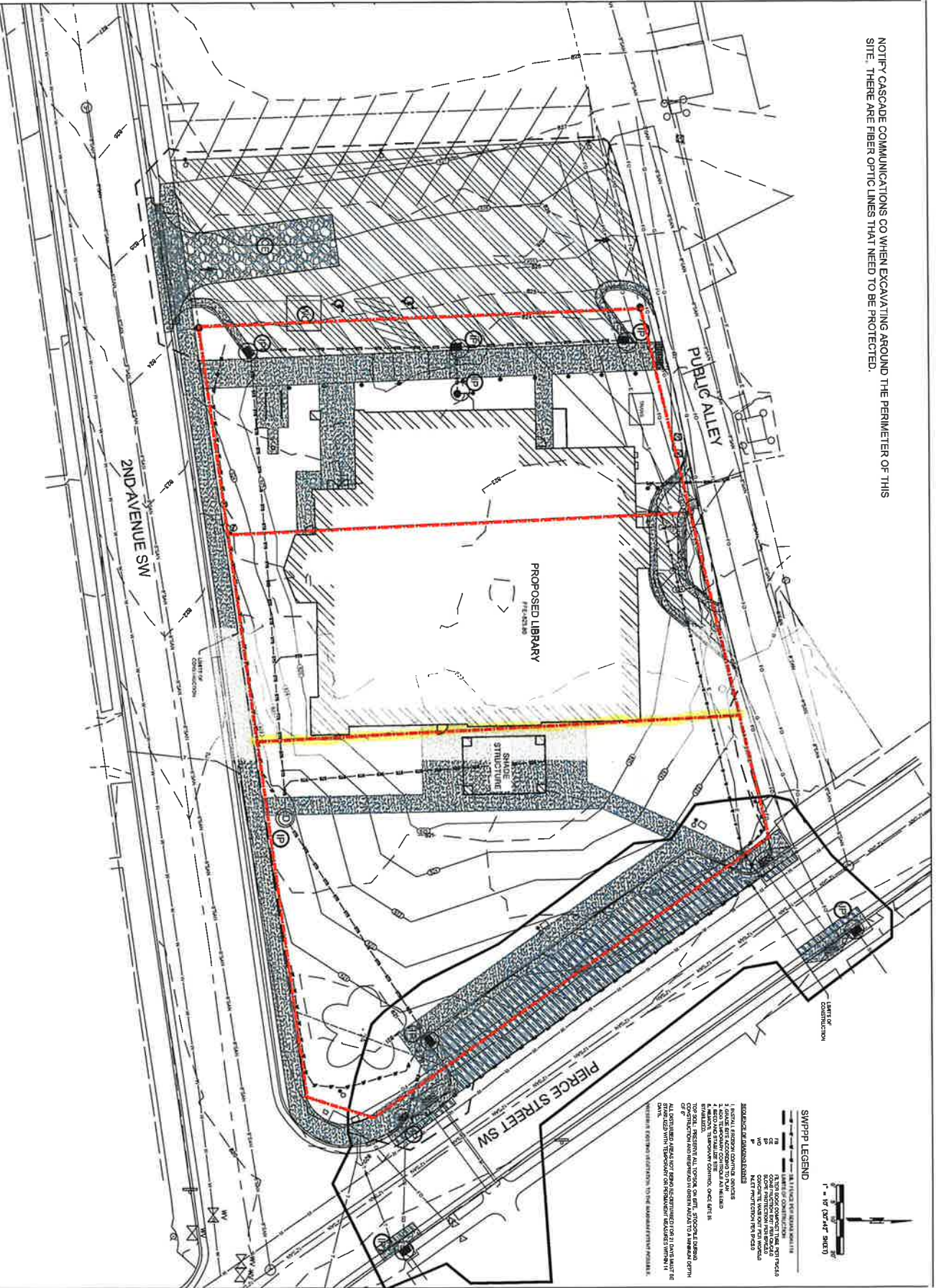
You are invited to a meeting as a property owner that is within 200 feet of the new library location. The City purchased 3 separate lots and will use all three for the construction of the new building. The normal process to build on three lots is to combine the lots into one. The City is only able to combine two of the three due to the fact that one is in a different Tax Increment Finance District. Therefore, for tax purposes, all three cannot be combined with the other two. Since this is something, the City cannot control, the Board of Adjustment will review giving a variance that will allow the City to go over one of the internal lot lines, as long as the building complies with the outside front, rear and side setbacks. If you have any questions, please call me at (563) 852-3114.

Lisa Kotter
City Administrator

NOTICE OF PUBLIC HEARING FOR A VARIANCE

Notice is hereby given that on Tuesday, February 27, 2024 at 6:00 p.m. the Board of Adjustment will hold a public hearing at the Council Chambers, 320 1st Ave West to consider a variance regarding three parcels on the NW corner at the intersection at 2nd Avenue SW and Pierce Street SW owned by the City of Cascade. The three lots cannot be combined in the County tax parcel system due to the fact that they are in different TIF Districts. The new Library building is planned to go over the interior lot line between two parcels. If granted, the variance would be issued to allow the new library building to go over the interior lot lines as long as the exterior setbacks are in compliance. At the above designated time and place, an opportunity to be heard will be given to proponents and opponents of the zoning code change.

NOTIFY CASCADE COMMUNICATIONS CO WHEN EXCAVATING AROUND THE PERIMETER OF THIS SITE. THERE ARE FIBER OPTIC LINES THAT NEED TO BE PROTECTED.



- SWPPP LEGEND**
- 1. FIBER OPTIC PERIMETER
 - 2. SWPPP PERIMETER
 - 3. EXISTING UTILITY
 - 4. PROPOSED UTILITY
 - 5. EXISTING CONCRETE
 - 6. PROPOSED CONCRETE
 - 7. EXISTING ASPHALT
 - 8. PROPOSED ASPHALT
 - 9. EXISTING GRAVEL
 - 10. PROPOSED GRAVEL
 - 11. EXISTING SOIL
 - 12. PROPOSED SOIL
 - 13. EXISTING SAND
 - 14. PROPOSED SAND
 - 15. EXISTING GRAVEL
 - 16. PROPOSED GRAVEL
 - 17. EXISTING ASPHALT
 - 18. PROPOSED ASPHALT
 - 19. EXISTING CONCRETE
 - 20. PROPOSED CONCRETE
 - 21. EXISTING FIBER OPTIC
 - 22. PROPOSED FIBER OPTIC
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SWPPP PLAN AND THE SWPPP MANUAL. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SWPPP PLAN AND THE SWPPP MANUAL. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SWPPP PLAN AND THE SWPPP MANUAL.

<p>C2.0</p> <p>PROJECT NUMBER 2021310</p>	<p>PROJECT TITLE CITY OF CASCADE CASCADE PUBLIC LIBRARY REBID</p> <p>SECOND AVENUE SW, CASCADE, IOWA</p>	<p>SHEET TITLE SITE GRADING PLAN & SWPPP</p>	<p>ASSOCIATION WITH RUESING associates, Inc. LANDSCAPE ARCHITECTS</p>	<p>FEH DESIGN</p> <p>SOUX CITY, IA (712) 252-3888 DES MOINES, IA (515) 288-2000 DUBUQUE, IA (563) 583-4900 OCONOMOWOC, WI (262) 268-2055</p>
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Planning, Land Use, and Zoning Fact Sheets

Planning, Land Use, and Zoning Fact Sheets help to address common questions and explain basic concepts. These fact sheets represent best practices in planning and zoning in Iowa, but are no substitute for legal advice. Only your city or county attorney is qualified to give you advice as to how the specific facts in your case affect you.

General

[Responsibilities of Land Use Decision-Makers](#)

[Iowa Laws Relating to Planning and Zoning](#)

[Legislative v Quasi-Judicial Decisions](#)

Comprehensive Planning

[The Purpose of the Comprehensive Plan](#)

[Adopting a Comprehensive Plan](#)

[Being an Effective Planning Commission](#)

[The Elements of a Comprehensive Plan](#)

[Iowa Smart Planning Principles](#)

Zoning

[The Zoning Ordinance](#)

[Nonconforming Uses](#)

[Special or Conditional Uses](#)

[Variances](#)

[Spot Zoning](#)

Ethic and Meetings

[Rules of Decorum for Audience at Board of Adjustment Hearings](#)

[Conflicts of Interest](#)

[Pre-hearing Ethics Checklist](#)

[Ex Parte Contacts](#)



Introduction to Planning and Zoning

Enhance your
community's future

Learn key concepts and skills
in land use planning and
development at our targeted
workshop for local officials.

Workshop Highlights

- Designed for Local Officials
- Case Scenario-Based Learning
- Focus on Iowa Code and Case Law
- Practical Applications
- Networking Dinner

Dates and Locations

April 2th – Fairfield Arts and Convention Center, Fairfield

April 4th – O'Reilly Center, Creston

April 11th – Carroll County Extension Office, Carroll

April 16th – Best Western Holiday Lodge, Clear Lake

April 18th – Holiday Inn Council Bluffs, Council Bluffs

April 22nd – DoubleTree Hilton Cedar Rapids Convention Complex, Cedar Rapids

April 25th – Hotel Winneshiek, Decorah

April 30th - Hilton Garden Inn Des Moines/Urbandale, Johnston

IOWA STATE UNIVERSITY
Extension and Outreach
Community and Economic Development

Register Today

www.extension.iastate.edu/communities/events

Questions?

Luke Seaberg
Community and Economic Field Specialist
seaberg@iastate.edu