

Altoona Board of Adjustment Hearing – November 14, 2023 – 6:30 PM

Members Present: Rullman, Simon, Hall, Downs

Members Absent: Forbes

Staff: John Shaw, Natalie Jacobson

Guests: Rachel Moses, Amy Miles, Ajay Sharma, Tracey Bain, Laura Jacobs

Chairman Rullman called the meeting to order at 6:32 pm.

1. Roll Call.

Roll call was taken. Four members were present.

2. Review and approve the October 2nd, 2023, meeting minutes.

Simon motioned to approve. Hall seconded. Yes –Rullman, Simon, Hall, Downs. No – None. Motion approved.

3. Public hearing to consider a request for a conditional use permit from Rachel Moses and her husband for a home occupation permit to operate their business called Daily Grind out of their property located at 829 Green Breeze Circle.

Rachel Moses, 829 Green Breeze Cir, said she and her husband have a business making shelf stable energy drinks and cold brew coffee. She said they will eventually be a coffee and donut shop. She is requesting the ability to make drinks at their home and deliver throughout Altoona until they find a commercial space. She said no one will be picking up anything at their home and they are a mobile unit. She said they are working with local businesses to do pop up locations. She spoke about the various licensures that they are working on obtaining.

Simon asked about what equipment Moses would need. Moses spoke about the types of equipment and processes she'd be using to make the drinks and donuts.

Downs said that the Board usually sets a time limit for applications like this and asked if that would be feasible. Moses said a year would be perfect but does not anticipate it would take that long.

Downs made a motion to approve this request for one calendar year for only delivery service and no customer pick up. Simon seconded. Yes – Simon, Rullman, Hall, Downs. No – None. Motion approved.

4. Public hearing to consider a variance request from Equipment Share Inc to allow the use of a granular surface instead of pavement for their outdoor storage yard. Chapter

167.10(11)(A) requires all parking areas to be paved and maintained in a dust-free condition at all times.

Amy Miles, PB2 Architecture and Engineering, said they are working to obtain a variance for granular surface in their equipment yard. Equipment Share is a construction equipment rental property. There will be an office building on site, but most of the lot will be used for equipment storage. Miles said the equipment that is held on site will destroy any paved surfaces.

Hall asked what sealed asphalt millings were. Miles said it's what most people would consider gravel, but it has a sealed finish so there's less dust. Unidentified on phone said it's like shredded blacktop without the added tar, so it's very low dust. He said gravel is made from concrete and millings are shredded asphalt. Rullman said he's heard it called asphalt millings and discussed where it's usually used. Unidentified said that's correct, but without the heat and the tar. Rullman asked about possible dust and if it can be treated. Unidentified said yes. Hall asked about maintenance and if you just add more millings. Unidentified said yes, more would be added.

Simon said this has been discussed with staff. Shaw discussed a prior approval for a similar request and gave the Board more information about potential materials.

Downs motioned to approve with sealed asphalt millings. Simon seconded. Yes – Simon, Rullman, Hall, Downs. Motion approved.

5. Public hearing to consider a request for a conditional use permit from Sunstone Investments LLC for their property at 6101 NE 62nd Street. The applicant is requesting to use an existing structure on their property as a temporary jobsite office until June 2024.

Rullman announced before hearing agenda item #3 that item #5 would be discussed for the December 5th meeting, as the address was published incorrectly.

Tracey Bain, no address provided, said she will be on vacation during the December 5th meeting and she did not receive notification of the change of meeting dates. Natalie Jacobson said the address was incorrect on the application and then published incorrectly, so the City Attorney advised her to send out new notices and move the item to the December meeting. Jacobson said she sent out new notices on Thursday when she was notified by the City Attorney to republish. Bain said she would have liked the City to reach out to her personally. Jacobson said she responded to the email Bain sent and noted that this agenda item would not be discussed until the next meeting. Bain said it was still on the agenda so she was afraid it would still be discussed. Jacobson said since the public hearing was set, the item needed to be left on the agenda and it would be noted on the meeting record that the item was pulled.

Bain asked if the City could alter the next regular meeting date since she would be on vacation. Shaw said December 5th is the next regularly scheduled meeting. Bain asked about a special

hearing. Simon asked about moving it to January. Bain said she thinks time is of the essence because the property is being used for the special permit use since last June and usually you have to file for a permit and get approval before you use it, and this is something that should have been addressed 6 months ago. She asked about the repercussions since the rules have not been followed and what can she do as a property owner and what can be done to help her. Bain asked if the City could do an immediate cease order until the item can be heard.

Shaw said Bain can either address her concerns in writing to the Board or in person and the City makes sure the Board gets all communications. Bain said currently they are driving dump trucks in and out of a residential property. Bain asked the Board if they would want to wait until January if they lived there.

Rullman continued with the reading that this item would not be read at the November meeting and would be addressed at the December 5th meeting. Bain asked how she can get that meeting date changed. She said she does not feel like there's any give and that no one is listening about moving the date. Shaw said any alternatives would go through the City Attorney.

Downs asked Shaw if she could give her concerns in writing for the December 5th meeting. Bain said she has already sent her concerns 2-3 times a day. Rullman said they do not have those written concerns as this item was not being addressed at this meeting. Bain said she submitted her concerns on Friday. Downs said they would have it before the next meeting. Bain asked Jacobson if she forwarded her concerns to the Board. Jacobson said as the discussion would be held at the December 5th meeting, Bain's concerns would be noted in the packet that is given to the Board prior to that meeting.

Bain said that she held her information until Friday, November 10th, as she did not want it to be available for 8 weeks to the other party, and asked Jacobson if she held the information. Jacobson said yes, as this discussion would not be held at the November 14th meeting, it was not included with the meeting information that was sent to the Board. Shaw said there was no information in the packet for this agenda item because the application would not be heard. Bain said as she sent it before the deadline, since she is a tax paying citizen, her concerns should have been forwarded for this meeting. Shaw said it would be included with the December meeting and there was no reason for it to be included with this meeting.

Bain said the item should have been scratched from the agenda then. Shaw said since it was published with this item, it needed to stay on the agenda. Bain said her information should have been included in the Board packet, even through the agenda item was published incorrectly. Shaw said the item is no longer on the agenda and cannot be heard. Bain said she has the letter dated November 10th. Shaw said a follow up notice went out. Bain said she has not received that notice yet. Shaw said it went out. Bain asked if she had a right to know it was not going to be on the meeting agenda, when she previously received a notification that it would be on the agenda. Shaw said she did receive a notification and it was incorrect with the wrong address. Bain asked how that is her fault. Shaw said it was no one's fault, and she does not need to belabor that fact because it cannot be on the agenda and the Board cannot take action on the item at this meeting.

Bain said the Board was not given the letter from her. Shaw said it would be given to them prior to the next meeting.

Bain again asked what she can do to change the next meeting date. Shaw said she can submit a request that the Board continue the application to the next meeting in January. Bain asked about a special hearing. Shaw said it needed to be published and there are deadlines. Rullman thanked Bain for her concerns.

Meeting adjourned at 7:02 pm.

Respectfully submitted,
Sydney McCabe
Community Development Office Assistant