

Altoona Board of Adjustment Hearing – December 5, 2023 – 6:30 PM

Members Present: Rullman, Simon, Forbes, Hall, Downs

Members Absent:

Staff: John Shaw, Natalie Jacobson

Guests: Paige Naber, Renee Allen, Laura Jacobs, Erin Green, Amy Miles, Shannon Pell, Greg Rhames, Tracy Bain, Ajay Sharma

Chairman Rullman called the meeting to order at 6:30 pm.

1. Roll Call.

Roll call was taken. Five members were present.

2. Review and approve the November 14th, 2023, meeting minutes.

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

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

Paige Naber, representing Sunstone Investments LLC, presented a request to use the house on the property as a temporary office.

Downs asked if Naber owned the property. Naber said Sunstone Investments owns the home and there is a mutual investor between Sunstone and the 3 properties that are being built behind the home. Naber said there is currently one person from Opus that uses an office in the basement of the home and she has a desk upstairs, otherwise they just use the kitchen and the living room for progress meetings and subcontractor meetings.

Downs asked what Naber would do if this request is not approved. Naber said they would need to add large jobsite trailers to hold meetings on the site, additional restroom areas would need to be brought in, as well as run internet and electric.

Rullman pointed out that it is currently being occupied without permission. Rullman said they need to set a time restraint for this request. Naber said construction should be almost finished by June 2024.

Rullman and Naber discussed the current construction in that area and parking concerns. Rullman asked how many people would be using the house during the weekly meetings. Naber said weekly meetings are on Tuesday from 10:30-12 and they will usually have 10 or less people on site. Other meetings are typically 2-3 people.

Hall asked about the egress from the house. Naber said there are two entrances and exits.

Rullman asked about the hours for the office. Naber said they are typically there around 6 am and they leave at sun down.

Rullman asked about the laydown site for the construction materials. Naber said a truck accidentally put some rock in the yard instead of on the construction site and they have one broken down construction equipment on site that they are waiting for a part to fix. Naber said there is a large shed on site where the employees store tools occasionally.

Hall asked what would happen to the house when the office is no longer there. Naber said she wasn't sure, but one option is to sell it.

Downs clarified to the Board that they are only voting on allowing Sunstone to continue using the house as an office. Naber said they had permission from the City to use the house as an office, but when complaints started coming in, they put in a request for a Conditional Use Permit. Downs asked who with the City gave Sunstone permission to use the property as an office. Shaw said he did not know and was not part of that conversation and this is the proper procedure. Rullman said Sunstone should keep everything as far back from the house and neighboring properties as possible. Naber said everything is away from the fence line.

Shaw said he did want to submit for the record the emails and pictures from Tracy Bain in the Board Packet. Simon asked about the surrounding land on this property since it spans 3 acres. Naber and Simon discussed how the land is being used.

Tracy Bain (online) said she had trouble hearing John. Natalie repeated what Shaw said about making Bain's submittals part of the record.

Renee Allen, 6131 NE 62nd Ave, gave the history of her property. She said she sold Jesse Rognes 17 of her 20 acres in 2019. Allen talked about what Rognes did with the property after purchasing it, including making changes to the elevation of the land which impacted her property.

Allen said that Rognes did not get permits for previous work and that the City said he was almost finished with the work and did not do anything. Rullman asked who told Allen that

and Allen responded that it was at a City Council meeting. Allen said she does not care if the house is used as an office, but she wants things to be fair and Rognes to be held accountable.

Rullman said that this is a construction site and they are here to approve the use of the house as an office, and he is concerned about the fact that it was used without a permit. Allen said that she was told that the dwelling would be used to house transitional workers who did not have living space. Rullman said that would not be allowed. Allen said she did not trust Rognes.

Bain said that the Conditional Use Permit request is different than what was published. Bain reiterated her concerns with the past publishing of this agenda item.

Rullman and Bain discussed her concerns with the construction, but Bain said she did not have an issue with them using the home as an office. Allen said the whole property has been used as a driveway to access the property behind them. Allen asked about the hours of operation. Allen and Rullman discussed Allen's concerns with the construction and usage of the property. Someone unidentified from the audience expressed her concerns with how the property is being used and the hours of operation. Naber explained how they are using the property. Allen said that her concern is that someone keeps an eye on Rognes because she doesn't trust him. Rullman said they are only addressing the house being used as an office. Discussion was held with audience members about concerns.

Downs made a motion to approve the Conditional Use Permit to allow the existing structure to be used as a job site office for the existing projects with the limitation that the hours be from 6am-7pm or until sundown Monday through Friday and the Conditional Use Permit shall be in place until July 1, 2024. Restrictions include that no one can live and permanently occupy the house while the home is used as a job site office and no laydown yard is allowed on the property. Forbes seconded. Yes – Forbes, Simon, Hall, Downs, Rullman. No – None. Motion approved.

4. **Public hearing to consider a request for a side yard variance from Erin Green and his wife to allow a 20'x89" hot tub to be placed in the west side yard of their property located at 6907 NE 27th Avenue, Altoona.**

Erin Green, 6907 NE 27th Avenue, explained the layout of his property and why he wants to put the swim spa in the area he is requesting. He said they have a signed petition from neighbors saying they have no issue with the swim spa.

Rullman said he understands that the buried laterals are something they cannot change.

Greg Rhames, spoke in support of his neighbors.

Forbes made a motion to approve. Simon seconded. Yes – Forbes, Simon, Hall, Downs, Rullman. No – None. Motion approved.

5. **Public hearing to consider a variance request from Equipment Share, Inc for their property located at 2439 20th Avenue NW, Altoona, Iowa. The applicant is requesting a variance from the required off-street parking regulations to allow a reduced number of parking stalls.**

Ajay Sharma said they anticipate having 15 employees and 3 customers at any given time. They are proposing 21 spaces and believe that the 30 spaces would result in a lot of unused spaces.

Amy Doyle said the customer involvement at this location is very minimal. Equipment is usually rented online and delivered.

Rullman asked the plan for large trucks or trailers. Doyle said the trucks pull up behind the building to load.

Jacobson said she received a call from a manager at Kwik Star with concerns about parking.

Simon expressed concerns about parking if the business were to sell. Shaw said the Board can put that condition in the approval. Forbes asked what the extra space would be used for. Shaw said screened equipment storage. Forbes said a future business would not have an issue converting that into parking.

Forbes made a motion to approve based on the current business occupying the property and it is subject to change for future businesses. Simon seconded. Yes – Forbes, Simon, Hall, Downs, Rullman. No – None. Motion approved.

Meeting adjourned at 7:45 pm.

Respectfully submitted,
Sydney McCabe
Community Development Office Assistant