

**MINUTES
WINDSOR HEIGHTS
BOARD OF ADJUSTMENT**

**February 17, 2016
5:30 p.m.**

**Council Chambers
1133 66th Street**

1. Call to Order/Roll Call

Dave Knau called the meeting to order at 5:30 p.m. Sara Walker, Kathy Warnsholz, Donna Markley and new member, Chaden Halfhill was in attendance; Planning Director, Sheena Nuetzman was also present.

2. Approval of the agenda

Knau asked for a motion and a second for an amended agenda removing the Scooter's Coffee Shop variance request. Warnsholz made a motion to approve the amended agenda, seconded by Walker. Voice vote passed unanimously.

3. Approval of November 18, 2015, Board of Adjustment Minutes

Markley moved approval of the minutes, Warnsholz seconded. Halfhill abstained. Voice vote passed unanimously.

4. Appointment of 2016 Chair and Vice-Chair

Warnsholz made a motion to nominate Dave Knau as Chair, seconded by Walker. A roll call vote was taken and members voted as follows: Ayes- Warnsholz, Halfhill, Markley, Walker. Nays- none. Knau abstained. Motion passed.

Markley made a motion to nominate Sara Walker as Vice-Chair, seconded by Halfhill. A roll call vote was taken and members voted as follows: Ayes- Halfhill, Warnsholz, Walker, Markley, Knau. Nays- none. Motion passed.

5. Public Hearing for an appeal from a Zoning Administrator's decision made at 6555 University Avenue, Windsor Heights, Iowa as it relates to a sign violation notice that was issued for the business, Maple Vape.

Knau asked staff to summarize the issue and then open public hearing.

Zoning Administrator, Sheena Nuetzman stated that Mr. Garrison came in to apply for a sign permit. From what was understood, the old Front Row sign cases (case and faces) were to be removed. The sign permit application was for an existing sign removed from another business location that was to be moved to the current business at 6555 University Avenue; the sign permit was approved. Zoning

Administrator, Nuetzman included in the staff report that miscommunication started when Mr. Garrison believed his sign permit included two sign faces that were later installed into existing cases after the original permit was approved and installed. Zoning Administrator, Nuetzman, disagreed that the sign faces were not included in the original permit and that the sign code was violated as permits were not received for the faces according to the Zoning Ordinance. The illegal sign faces installed were also determined incompatible with the sign that was already approved according to the Zoning Ordinance.

The public hearing opened at 5:38 P.M.

Property owner Clay Cook was not present for the appeal. Eric Wilson, 31000 Highway 34, Russell, Iowa 50238, part business owner and Herbert Garrison, Maple Vape business owner and applicant were present. Mr. Wilson stated he spoke with the Zoning Administrator and stated they were going to move one sign case to the other side of the building and the Zoning Administrator had no problem with that. Mr. Wilson filled out the sign permit and stated had they had known another sign permit was needed they would have filled one out. In regards to design of the sign faces, Mr. Wilson confirmed they were professionally made signs using lexan materials and not wax crayon. Mr. Wilson later questioned how the current sign faces were not compatible with the sign that was already permitted. Mr. Garrison spoke and said this has all been a misunderstanding and that it should have been in writing as it is just he said she said. Mr. Garrison continued to state that he never knew what the violation was or how to be in compliance; he just kept getting letters stating a code violation. Mr. Garrison and Mr. Wilson stated they were trying to work with the City and want to be in compliance; by the time the letter was received it was too late to be in compliance so the appeal was made. Zoning Administrator, Nuetzman, responded and stated that options for compliance were outlined in emails and in the violation letters.

One resident of Windsor Heights, Kristen Mahoney, 6718 Elmcrest Dr., Windsor Heights, appeared and voiced their objection to the sign faces that had been installed. The resident stated the sign is not a sign of permanency as the sign has already changed appearance since installed. The resident also stated the sign does not appear to be made of a material that we want University Avenue businesses to be made of along a main thoroughfare.

Public hearing was closed at 5:47 P.M.

Chairman, Knau asked for questions from the Board members. Markley restated what was in the staff report in that the applicant was given options for compliance. Knau stated the sign faces and the current, approved sign are two different designs; all signage should be of similar design as required in the Zoning Code; it shall be compatible with other structures and designs in the development. Halfhill reiterated that compatible is the key word that the Board is interpreting. Knau pointed out that the issue is a sign permit was not obtained and the incompatibility of the sign faces was the other issue. Halfhill stated he saw no evidence that suggested where the graphics in the sign boxes were going in the permit application. He also stated the intent of the appeal is to uphold the goals of the ordinance and protect community aesthetics to help create unity. Markley referenced the staff report

again, stating that on December 28, 2015 options for compliance were outlined to the applicant. She stated the issue in question was whether the Board wanted to uphold the Code Enforcement Officer's decision that a sign permit is needed and that the sign faces are not compatible.

After subsequent discussion, a motion was made by Markley and seconded by Warnsholz to uphold the City's decision and deny the appeal of the Applicant, Herbert Garrison. A roll call vote was taken and the members voted as follows: Ayes – Warnsholz, Halfhill, Walker, Markley, Knau. Nays – None. Roll call vote passed unanimously.

5. Adjourn

Markley moved to adjourn at 6:37 pm; seconded by Halfhill. Voice vote passed unanimously.

Dave Knau, Chair

ATTEST:

Sheena Nuetzman, Planning Director