



### **Opening Statement**

The Board of Adjustment is made up of five members who are appointed by the Mayor and City Council. The Board provides opportunity for residents to request a Variance or a Major Design Exception from one or more code requirements otherwise required within the current Zoning Ordinance. Please note that in order for a Variance to be approved, the applicant must meet all seven criteria. The Board also reviews Conditional Use requests to determine whether the use is appropriate for the surrounding area.

The Board is commissioned to hear the applicant's appeal or request, the criteria or findings outlined in the Zoning Ordinance, and citizen's concerns and/or objections or support to determine whether the request should be granted.

The Board welcomes all testimony related to the applicant's appeal. The Board's Chairperson will introduce each case, followed by a City staff presentation of factual details and a summary of the required criteria or findings. The petitioner will then have an opportunity to come forward and present your case, followed by any other comments from objectors or supporters. We ask that you please provide your name and address for the record and keep your comments to under a few minutes. After all public comments are received, the Chair will invite Board questions and comments before taking the matter to a vote.

Please note that the Chair cannot make a motion, but has a vote. There must be three (3) affirmative votes to pass. No motion made by the Board will be the same as a denial. If all five members are not present, petitioners have the right to ask for their case to be tabled until the next scheduled meeting, but there is no guarantee of a full board next month.

If you have any questions on your item or what regulations or codes may still apply, please visit with a member of the Development Services team, and they would be happy to assist you.



**Development Services Department**  
500 15<sup>th</sup> Avenue SW  
Cedar Rapids Iowa 52404  
Office: (319) 286-5780  
[Developmentservices@Cedar-Rapids.org](mailto:Developmentservices@Cedar-Rapids.org)

**AGENDA**  
**BOARD OF ADJUSTMENT**  
Monday April 11, 2022 @ 3:00 PM  
City Hall Council Chambers  
101 First Street SE, Cedar Rapids, IA 52401

**Call Meeting to Order**

**Roll Call**

**A. Approval of the Minutes**

**B. Adoption of the Agenda**

**C. Action Items**

1. **Case Name:** 5726 Seminole Valley Trail NE **(Major Design Exception)**  
**ADMD-032758-2022; Case Manager: Dave Houg**  
Major Design Adjustment request to allow a reduction of the 30 foot required front yard setback to 20 feet in an S-RLL, Suburban Residential Large Lot District as requested by Curt Hayek Company, LLC (Titleholder).
2. **Case Name:** 5720 Seminole Valley Trail NE **(Major Design Exception)**  
**ADMD-032757-2022; Case Manager: Dave Houg**  
Major Design Adjustment request to allow a reduction of the 30 foot required front yard setback to 20 feet in an S-RLL, Suburban Residential Large Lot District as requested by Curt Hayek Company, LLC (Titleholder).
3. **Case Name:** 3318 1st Ave NE **(Conditional Use)**  
**COND-032777-2022; Case Manager: Dave Houg**  
Conditional Use request for a veterinary hospital in a T-MC, Traditional Mixed Use Center District as requested by James Aossey Rev Trust (Titleholder).
4. **Case Name:** 3100 F Ave NW **(Conditional Use)**  
**COND-032749-2022; Case Manager: Dave Houg**  
Conditional Use request for the expansion of a funeral home in a T-ML, Traditional Mixed-Use Limited District, as requested by Teahen Funeral Home, Inc. (Titleholder).

5. Case Name: **621 Center Point Rd NE** (Conditional Use)  
**COND-032779-2022; Case Manager: Dave Houg**  
Conditional Use request for an outdoor service area with amplified music/live entertainment in a T-MC, Traditional Mixed-Use Center District, as requested by West Side Wolf Pack III, LLC (Titleholder).

6. Case Name: **1731 Center Point Rd NE** (Conditional Use)  
**COND-032623-2022; Case Manager: Seth Gunnerson**  
Conditional Use request for a bar and outdoor service area in a T-MC, Traditional Mixed-Use Center District, as requested by Jason Jones (Titleholder).

7. Case Name: **1706 Taft Dr SW** (Major Design Exception)  
**ADMD-032822-2022; Case Manager: Amy Icenbice**  
Major Design Adjustment request to allow a reduction of the 10 foot required rear yard setback to 5 feet in an S-RL1, Suburban Residential Low Single Unit District, as requested by Ken White (Titleholder).

8. Case Name: **5725 Tower Terrace Rd** (Major Design Exception)  
**ADMD-032817-2022; Case Manager: Amy Icenbice**  
Major Design Adjustment request to allow a reduction of the 35 foot required side yard setback to 17.5 feet in an A-AG, Agricultural District, as requested by Andrew Hacke (Titleholder).

9. Case Name: **148 Cherry Hill Rd NW** (Major Design Exception)  
**ADMD-032824-2022; Case Manager: Amy Icenbice**  
Major Design Adjustment request to reduce the required minimum side yard setback of 5 feet to 3 feet and reduce the required combined minimum side yard setback of 14 feet to 10 feet for a garage addition in an S-RM1, Suburban Residential Medium Single Unit District, as requested by Brent and Kathy Rickertsen (Titleholder).



**DOCKET #** ADMD-032758-2022  
**EXECUTIVE SUMMARY**  
**MAJOR DESIGN EXCEPTION**  
**CASE MANAGER:** David Houg

#### **OWNER/APPELLANT INFORMATION**

**OWNER/APPLICANT:** Curt Hayek Company, LLC

**MAILING/PROPERTY ADDRESS:** 5726 Seminole Valley Trail NE

#### **MAJOR DESIGN EXCEPTION REQUEST**

Applicant requests a 20' front yard setback in lieu of the required 30' and a 2.5' interior side yard setback in lieu of the single-family dwelling.

#### **OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL**

Compatibility with the surrounding area

#### **STAFF RECOMMENDATION**

Staff recommends approval.

# Development Services Department

City of Cedar Rapids, Iowa

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



## STAFF REPORT

### MAJOR DESIGN EXCEPTION

Board of Adjustment Meeting: April 11, 2021

#### BACKGROUND:

The applicant is requesting a reduced front yard setback for a proposed single-family dwelling. The property is zoned S-RLL, Suburban Residential Large Lot District.

#### LEGAL PRINCIPLES:

**32.05.12.E. of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a major design exception be met:**

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports which are adopted by City Council and may provide guidance on the exception.

*Staff Comments: The request for reduced setbacks is not expected to have a negative impact on the surrounding area.*

2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.

*Staff Comments: The character and use of the property would be consistent with a Suburban Residential lot.*

3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.

*Staff Comments: The requested exceptions will not perpetuate a development pattern that is inconsistent with the character of this developed area. The proposed setback adjustments are not an example of a previous zoning practice that the City is now trying to discontinue.*

4. The requested exception can be demonstrated to meet one of the following:
  - a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
  - b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.
  - c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.

*Staff Comments: The requested exception alleviates "b", a practical difficulty with use. The lot features a steep grade which requires the placement of a structure near the front of the lot.*

5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

*Staff Comments: The requested exception to reduce required setbacks by up to 50% is allowed by Major Design Exception per the Zoning Ordinance.*

## FINDINGS OF FACT:

**The requested setback reductions are allowed by the Zoning Ordinance.**

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## STAFF RECOMMENDATION:

**Staff recommends approval for the following reason:**

1. The proposed character and use of the property are consistent with a Suburban Residential lot.

It is the responsibility of the applicant to complete all conditions, as outlined in this staff report, prior to final approval of the case. If you have questions regarding a condition, contact the department under which that condition is listed. The contacts' names and phone numbers are listed below. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.

# Form 32.05.12 A Application for Major Design Exception

Application Under Sec. 32.05.12 of the Zoning Ordinance  
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404  
 Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



Date Submitted: 03/04/22		Case Number:				
Contact Information						
Applicant	Curt Hayek Company, LLC			Relationship to Project (Owner, Lessee, Etc.) Owner		
Name	Curt Hayek	Phone	(319) 981-0170	Email	napahomes1@gmail.com	
Address	PO Box 81	City	Ely	State	IA	Zip Code
Site Information						
Address or General Location of Property:	5726 Seminole Valley Trail NE					
Zoning District:	S-RLL   Suburban Residential Large Lot					
Proposed Major Design Exceptions: (Attach additional sheet if necessary)	Standard	Required by Code	Proposed			
	Front Yard Setback	30	15			
	Interior Side Setback	5	2.5			
Applicant Signature	<i>Curt Hayek</i>			Date	3-3-22	

Applicant hereby certifies under penalty of perjury that he/she is the owner, or that he/she is authorized and empowered to make this application on behalf of the owner. Applicant also certifies under penalty of perjury that the application and any related materials are true and contain a correct description of the proposed use. Applicant further acknowledges that all applications are subject to deed restrictions and any other codes, ordinances, laws or government regulations that apply.

## Section 32.05.12.F Review and Approval Criteria

Major Design Exceptions may be approved only when the Board of Adjustment determines that all of the following general approval standards and criteria have been met:

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports what are adopted by City Council and may provide guidance on the exception.
2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.
3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.
4. The requested exception can be demonstrated to meet one of the following:
  - a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
  - b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.
  - c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.
5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

**MAJOR DESIGN EXCEPTION  
AUTHORIZATION / CONSENT FORM  
& ACCEPTANCE OF CONDITIONS**

I/We Curt Hayek Company, LLC am Titleholder(s)/Owner(s) of  
(Name)

property located at : 5726 Seminole Valley Trail NE

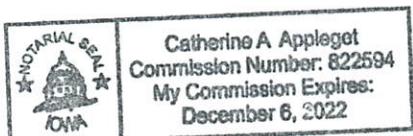
Cedar Rapids Linn County Iowa.

I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a Major Design Exception for the following use:

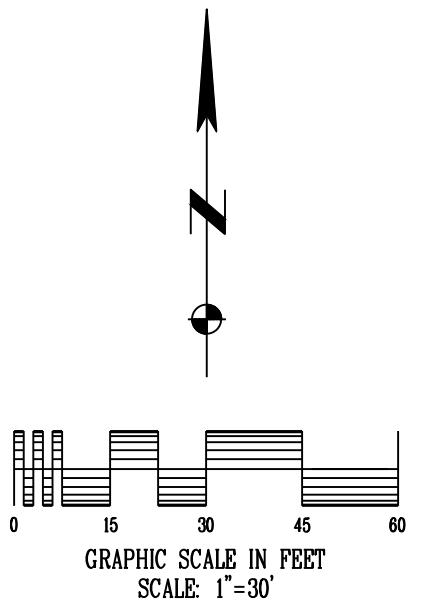
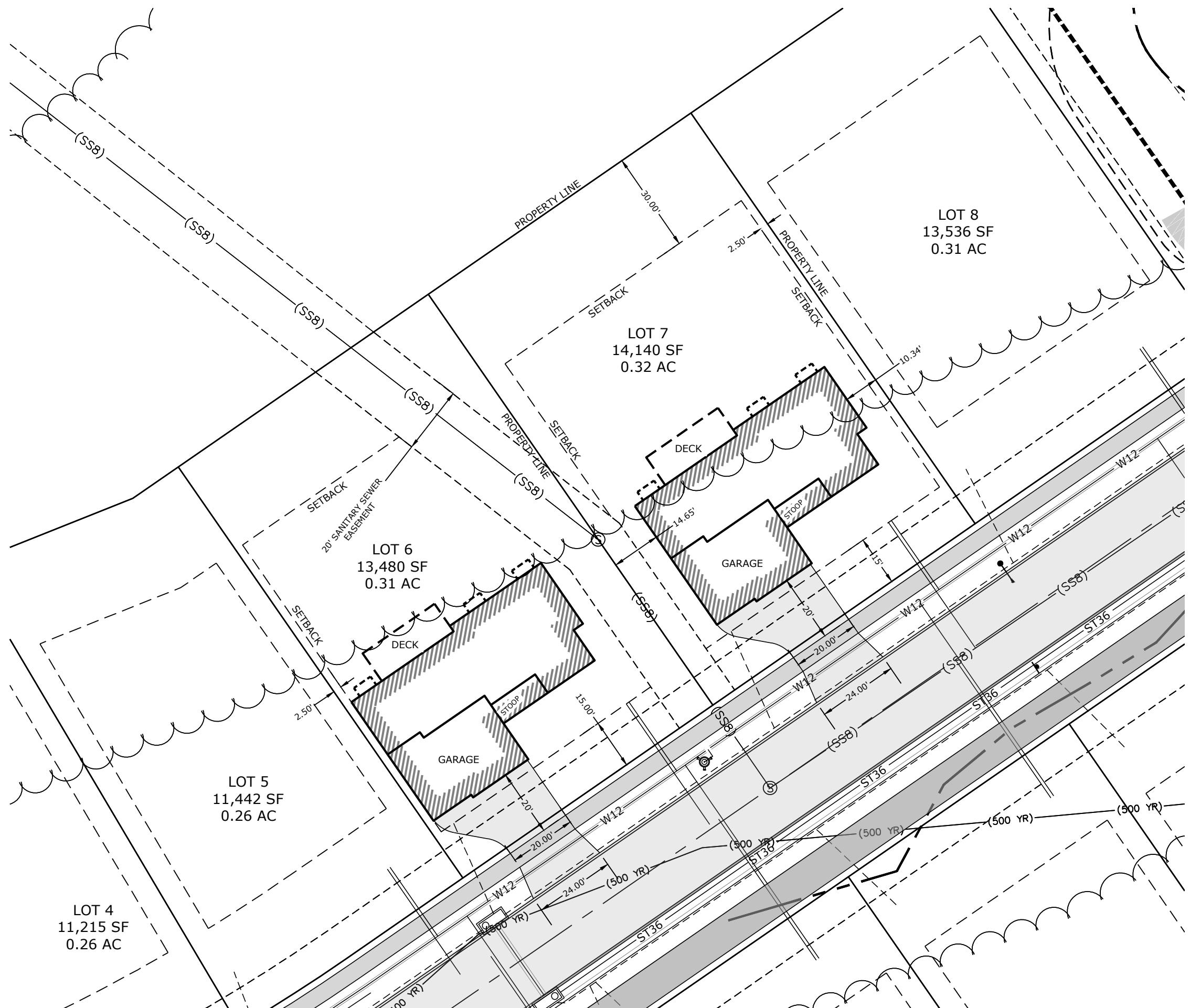
Front yard setback reduction

I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

Dated this 2 day of March, 2022.



Catherine Antshard  
Signature  
Catherine A. Appleget  
Notary Public



title: EXHIBIT  
**MINOR DESIGN EXCEPTION**  
LOT 6 AND LOT 7, USHERS RIDGE THIRTEENTH ADDITION  
IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

EXHIBIT

Sheet Title:

Data

5/15/2022

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20034-19-

ADDRESS LOT 6:

5726 SEMINOLE VALLEY TRAIL N.E.  
CEDAR RAPIDS, IOWA 52402

ADDRESS LOT 7:

5720 SEMINOLE VALLEY TRAIL N.E.  
CEDAR RAPIDS, IOWA 52402



DOCKET # ADMD-032757-2022  
EXECUTIVE SUMMARY  
MAJOR DESIGN EXCEPTION  
CASE MANAGER: David Houg

#### OWNER/APPELLANT INFORMATION

**OWNER/APPLICANT:** Curt Hayek Company, LLC

**MAILING/PROPERTY ADDRESS:** 5720 Seminole Valley Trail NE

#### MAJOR DESIGN EXCEPTION REQUEST

Applicant requests a 20' front yard setback in lieu of the required 30' for the construction of a single-family dwelling.

#### OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area

#### STAFF RECOMMENDATION

Staff recommends approval.

# Development Services Department

City of Cedar Rapids, Iowa

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



## STAFF REPORT

### MAJOR DESIGN EXCEPTION

Board of Adjustment Meeting: April 11, 2021

#### BACKGROUND:

The applicant is requesting a reduced front yard setback for a proposed single-family dwelling. The property is zoned S-RLL, Suburban Residential Large Lot District.

#### LEGAL PRINCIPLES:

**32.05.12.E. of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a major design exception be met:**

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports which are adopted by City Council and may provide guidance on the exception.

*Staff Comments: The request for a reduced setback is not expected to have a negative impact on the surrounding area.*

2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.

*Staff Comments: The character and use of the property would be consistent with a Suburban Residential lot.*

3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.

*Staff Comments: The requested exception will not perpetuate a development pattern that is inconsistent with the character of this developed area. The proposed setback adjustment is not an example of a previous zoning practice that the City is now trying to discontinue.*

4. The requested exception can be demonstrated to meet one of the following:
  - a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
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5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

*Staff Comments: The requested exception to reduce a required setback by up to 50% is allowed by Major Design Exception per the Zoning Ordinance.*

## **FINDINGS OF FACT:**

**The requested setback reduction is allowed by the Zoning Ordinance.**

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## **STAFF RECOMMENDATION:**

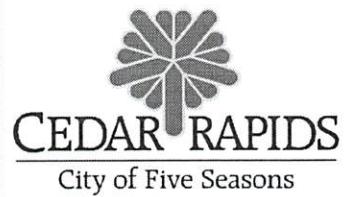
**Staff recommends approval for the following reason:**

1. The proposed character and use of the property are consistent with a Suburban Residential lot.

It is the responsibility of the applicant to complete all conditions, as outlined in this staff report, prior to final approval of the case. If you have questions regarding a condition, contact the department under which that condition is listed. The contacts' names and phone numbers are listed below. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.

# Form 32.05.12 A Application for Major Design Exception

Application Under Sec. 32.05.12 of the Zoning Ordinance  
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404  
 Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



Date Submitted: 03/04/22

Case Number:

## Contact Information

Applicant Curt Hayek Company, LLC

Relationship to Project (Owner, Lessee, Etc.) Owner

Name	Curt Hayek	Phone	(319) 981-0170	Email	napahomes1@gmail.com		
Address	PO Box 81	City	Ely	State	IA	Zip Code	52227

## Site Information

Address or General Location of Property:	5720 Seminole Valley Trail NE
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Zoning District:	S-RLL   Suburban Residential Large Lot
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	Standard	Required by Code	Proposed
Proposed Major Design Exceptions:	Front Yard Setback	30	15
(Attach additional sheet if necessary)			

Applicant Signature

Date

3-2-22

Applicant hereby certifies under penalty of perjury that he/she is the owner, or that he/she is authorized and empowered to make this application on behalf of the owner. Applicant also certifies under penalty of perjury that the application and any related materials are true and contain a correct description of the proposed use. Applicant further acknowledges that all applications are subject to deed restrictions and any other codes, ordinances, laws or government regulations that apply.

## Section 32.05.12.F Review and Approval Criteria

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**MAJOR DESIGN EXCEPTION  
AUTHORIZATION / CONSENT FORM  
& ACCEPTANCE OF CONDITIONS**

I/We Curt Hayek Company, LLC am Titleholder(s)/Owner(s) of  
(Name)

property located at : 5726 Seminole Valley Trail NE

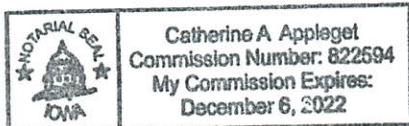
Cedar Rapids Linn County Iowa.

I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a Major Design Exception for the following use:

Front yard setback reduction

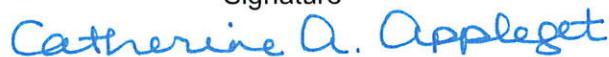
I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

Dated this 2 day of March, 20 22.

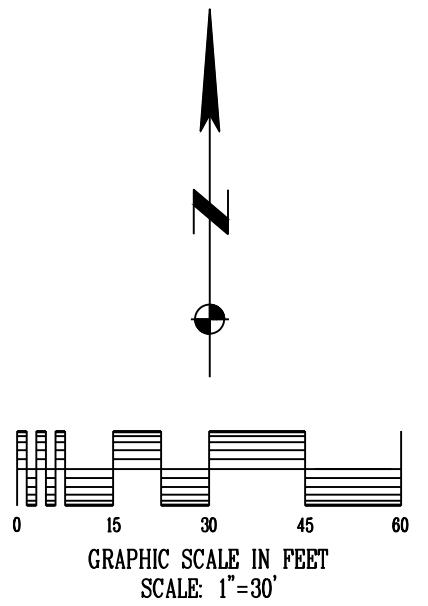
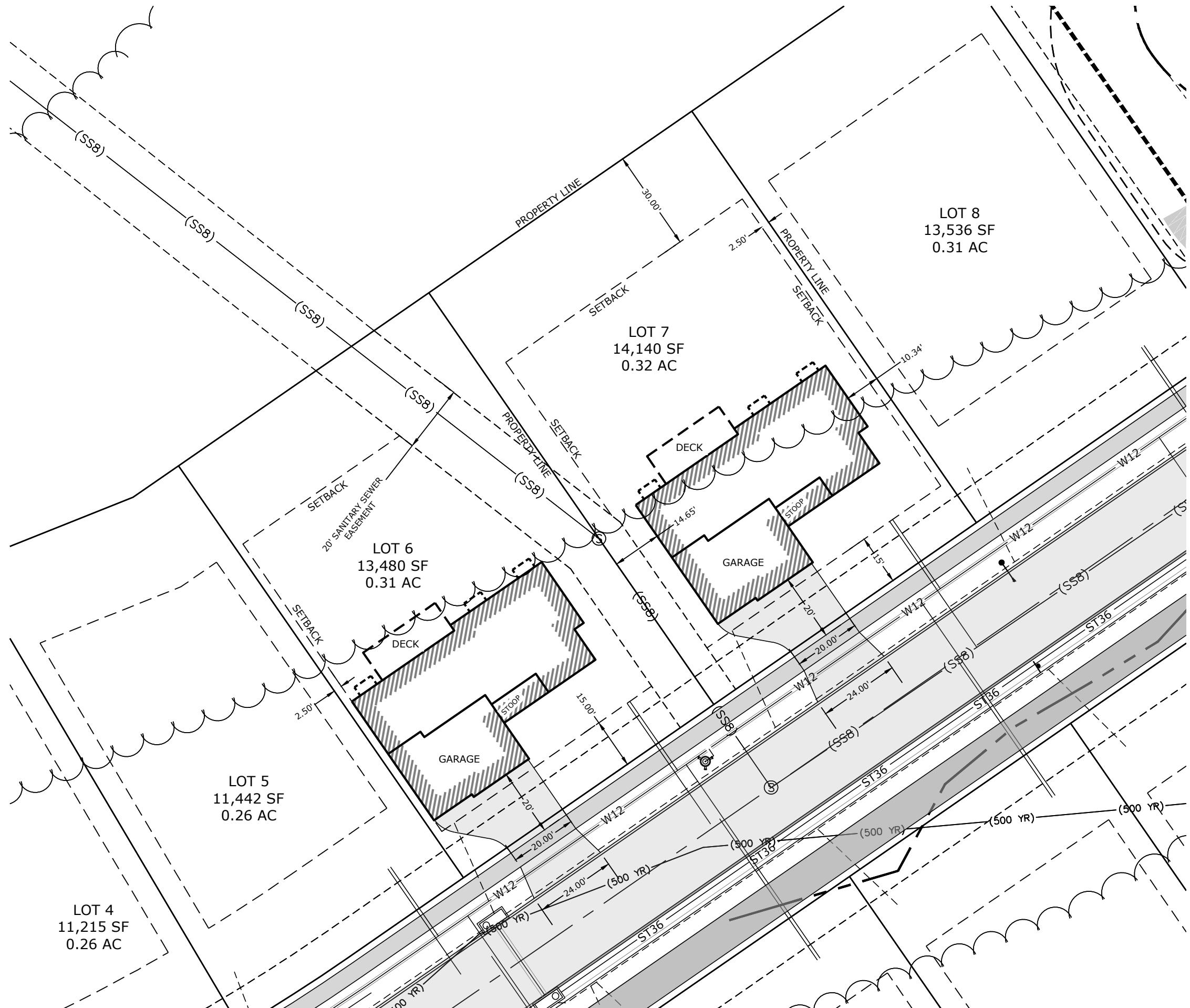




Signature



Notary Public



ADDRESS LOT 6:  
5726 SEMINOLE VALLEY TRAIL N.E.  
CEDAR RAPIDS, IOWA 52402

ADDRESS LOT 7:  
5720 SEMINOLE VALLEY TRAIL N.E.  
CEDAR RAPIDS, IOWA 52402

David Hong

title: EXHIBIT  
**MINOR DESIGN EXCEPTION**  
LOT 6 AND LOT 7, USHERS RIDGE THIRTEENTH ADDITION  
IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

EXHIBIT

HALL & HALL ENGINEERS, INC.

heet Title:

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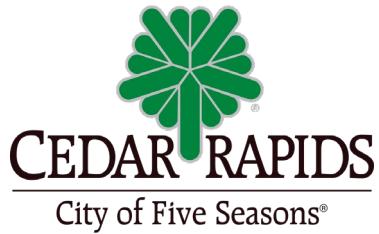
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CAD File: I:\projects\20000\20034\20034-19-6 Ushers Ridge\DWG\Plats\20034-19-6 HAC SO1 LOT 6 AND 7.dwg Date Plotted: Mar 15, 2022 - 12:39pm Plotted By : DLK



CONDITIONAL USE  
EXECUTIVE SUMMARY  
CASE # COND-032777-2022  
CASE MANAGER: David Houg

#### OWNER/APPELLANT INFORMATION

OWNER Name: **James Aossey Rev Trust**

MAILING/PROPERTY  
ADDRESS: **3318 First Avenue NE**

#### CONDITIONAL USE REQUEST

Veterinary Hospital in a T-MC, Traditional Mixed Use Center District

#### OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area

#### RECOMMENDATION

Staff recommends approval.

# Development Services Department

City of Cedar Rapids, Iowa

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



## STAFF REPORT

### CONDITIONAL USE

CASE # COND-032777-2022

Board of Adjustment Hearing: April 11, 2022

#### BACKGROUND:

The applicant proposes a animal veterinary hospital at this location. There will be no boarding services associated with the use and no outside activities are proposed. The property is zoned T-MC, Traditional Mixed Use Center District and the Future Land Use Map designation is Urban High Intensity. The facility will occupy 3,200 sf of an existing 10,238 shopping center.

#### CRITERIA:

**32.05.09.G. of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a conditional use be met:**

1. The conditional use is permitted in the district where the property is located.

*Staff Conclusion: The conditional use as requested is allowed within a T-MC District.*

2. The application complies with all use-specific standards applicable to the use, as listed in Sec 32.03, Use-Specific Standards.

*Staff Conclusion: The proposed use complies with the use-specific standards. All services are intended to be provided indoors. Outdoor animal areas, if proposed in the future, are subject to the zoning standards for an Outdoor Animal Run, and would include requiring approval of a Conditional Use Permit if located adjacent to any homes.*

3. The application complies with all other applicable standards of this Code.

*Staff Conclusion: The proposed use complies with all other applicable standards. No changes are proposed to the site other than interior remodeling.*

4. The proposed use and development will be consistent with the intent and purpose of the Future Land Use Map and other elements of the Comprehensive Plan.

*Staff Conclusion: This area is designated as "Urban High Intensity" on the City's Future Land Use Map. The proposed use is consistent with this LUTA.*

5. There is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:

- a) Whether the proposed development of use will be located, designed, constructed, and operated in such a manner that it will be compatible with

the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

- b) Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.
- c) Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district.
- d) Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment.
- e) Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.

*Staff Conclusion: Adjacent properties fronting First Avenue are developed with commercial uses. Single family residential uses are located immediately to the west. Due to the indoor nature of the proposed use, effects are expected to be compatible with the existing conditions in the surrounding area. Staff finds the proposed use will have little to no impact on adjacent properties above and beyond other permitted uses at this location.*

- 6. Adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.

*Staff Conclusion: Adverse impacts are not expected from this proposed use. Staff is proposing one condition, that animals shall be kept indoors unless an approved Outdoor Animal Run is established.*

#### FINDINGS OF FACT:

The requested conditional use is allowed at this location.

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#### STAFF RECOMMENDATION:

Staff recommends approval

**IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS' NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.**

# Form 32.05.09 A Application for a Conditional Use Permit

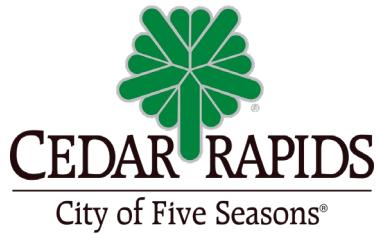
Application Under Sec. 32.05.09 of the Zoning Ordinance  
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404  
 Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



**CEDAR RAPIDS**  
 City of Five Seasons

Contact Information						
Property Owner						
Name	James Aossey	Phone	319-431-0011	Email	n/a	
Address	3226 Parkview Ct SE	City	Cedar Rapids	State	IA	Zip Code 52403
Applicant	<input type="checkbox"/> Same as Property Owner					
Name	Nathan Hein/ Heartland Animal Hospital	Phone	319-373-8387	Email	hahmarionia@gmail.com	
Address	1003 50th St	City	Marion	State	IA	Zip Code 52302
Contact Person (Optional, if different than Applicant or Property Owner)						
Name	Tammy Szczesniak	Phone	319-440-7781	Email	hahmarionia@gmail.com	
Address	1003 50th St	City	Marion	State	IA	Zip Code 52302
Site Information						
Address or General Location of Property:		3318 1st Ave NE, St A, Cedar Rapids, IA 52402				
GPN(s) <sup>1</sup> :		14113-29027-00000				
Legal Description <sup>1</sup> :		P.O.S. #1390 Parcel Str/LB A				
Zoning District:		--				
Proposed Conditional Use:  Please select the use identified in the Use Table (32.03xxxx). A short description of the use may be provided.		Proposed Use: -- Commercial Use - Animal & Pet Sales or Services Description of Use (optional): Small animal (cats + dogs) veterinary hospital providing routine care & procedures for these animals. This facility does not provide boarding services and does not sell animals.				
<sup>1</sup> For properties with lengthy Legal Descriptions or large number of GPNs, please attach on a separate document OR email to <a href="mailto:developmentservices@cedar-rapids.org">developmentservices@cedar-rapids.org</a> .						
Property Owner(s) <sup>3</sup> or Authorized Representative(s) <sup>4</sup> Signature(s)						
The City of Cedar Rapids requires that all titleholders of a property be informed and acceptable to the application being made. Signing this form does not commit to any conditions which may be placed on an approval. Electronic signatures are accepted.						
Owner/Authorized Representative 1						
Name:	James Aossey			Date	3/9/2022	
Signature						
Owner/Authorized Representative 2						
Name				Date		
Signature						
<sup>3</sup> If there is a recorded contract, the contract purchaser's name(s), address and signature must also be included. <sup>4</sup> If signed by a representative of the owner, the representative must attach evidence of titleholder's authorization.						





CONDITIONAL USE  
EXECUTIVE SUMMARY  
CASE # COND-032749-2022  
CASE MANAGER: David Houg

#### OWNER/APPELLANT INFORMATION

OWNER Name: **Teahen Funeral Home, Inc.**

MAILING/PROPERTY  
ADDRESS: **3100 "F" Avenue NW**

#### CONDITIONAL USE REQUEST

Expansion of a Funeral Home in a T-ML Zone District

#### OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area

#### RECOMMENDATION

Staff recommends approval.

# Development Services Department

City of Cedar Rapids, Iowa

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



**STAFF  
REPORT**

**CONDITIONAL USE**

**CASE # COND-032749-2022**

**Board of Adjustment Hearing: April 11, 2022**

## **BACKGROUND:**

The applicant proposes an expansion of an existing funeral home at this location. The property is zoned T-ML, Traditional Mixed-Use Limited District and the Future Land Use Map designation is Urban Low Intensity. A 2500 sf crematorium is proposed as an accessory structure. The funeral home was previously a permitted use within an Office-Service Zone District.

## **CRITERIA:**

**32.05.09.G. of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a conditional use be met:**

1. The conditional use is permitted in the district where the property is located.

*Staff Conclusion: The conditional use as requested is allowed within a T-ML, Traditional Mixed-Use Limited District.*

2. The application complies with all use-specific standards applicable to the use, as listed in Sec 32.03, Use-Specific Standards.

*Staff Conclusion: There are no Use-Specific Standards associated with a Funeral Home.*

3. The application complies with all other applicable standards of this Code.

*Staff Conclusion: The proposed development complies with all other applicable standards.*

4. The proposed use and development will be consistent with the intent and purpose of the Future Land Use Map and other elements of the Comprehensive Plan.

*Staff Conclusion: This area is designated as "Urban Low Intensity" on the City's Future Land Use Map. Within this LUTA commercial uses are appropriate on collector streets, such as "F" Avenue.*

5. There is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:

- a) Whether the proposed development of use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

- b) Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.
- c) Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district.
- d) Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment.
- e) Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.

*Staff Conclusion: The immediate area is developed with a mix of commercial, residential and assisted living uses. The effects of the proposed expansion are expected to be compatible with the existing conditions in the surrounding area.*

- 6. Adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.

*Staff Conclusion: Adverse impacts are not expected from this proposed expansion.*

#### FINDINGS OF FACT:

**The requested expansion of a conditional use is allowed at this location.**

---

#### STAFF RECOMMENDATION:

Staff recommends approval.

# Form 32.05.09 A Application for a Conditional Use Permit

Application Under Sec. 32.05.09 of the Zoning Ordinance  
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404  
 Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



## Contact Information

### Property Owner

Name	Peter Teahen	Phone	319-360-0716	Email	<a href="mailto:peter.teahen@aol.com">peter.teahen@aol.com</a>		
Address	3100 F Avenue NW	City	Cedar Rapids	State	Iowa	Zip Code	52405

### Applicant Same as Property Owner

Name		Phone		Email			
Address		City		State		Zip Code	

### Contact Person (Optional, if different than Applicant or Property Owner)

Name	Daniel Schmidt	Phone	319-294-9424	Email	<a href="mailto:dans@brain-eng.com">dans@brain-eng.com</a>		
Address	1540 Midland Ct. NE	City	Cedar Rapids	State	Iowa	Zip Code	52402

## Site Information

Address or General Location of Property:	3100 F Avenue NW						
GPN(s) <sup>1</sup> :	14193510100000						
Legal Description <sup>1</sup> :	Lots 4 and 5, A.P. No. 75						
Zoning District:	T-ML   Traditional Mixed Use Limited						
Proposed Conditional Use:  Please select the use identified in the Use Table (32.03xxxx). A short description of the use may be provided.	Proposed Use: <b>Funeral home</b> Description of Use (optional): Construction of an accessory building to an existing funeral home facility.						

<sup>1</sup> For properties with lengthy Legal Descriptions or large number of GPNs, please attach on a separate document OR email to [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org).

## Property Owner(s)<sup>3</sup> or Authorized Representative(s)<sup>4</sup> Signature(s)

The City of Cedar Rapids requires that all titleholders of a property be informed and acceptable to the application being made. Signing this form does not commit to any conditions which may be placed on an approval. Electronic signatures are accepted.

### Owner/Authorized Representative 1

Name:	Peter Teahen		Date	2-23-2022
Signature				

### Owner/Authorized Representative 2

Name		Date	
Signature			

<sup>3</sup> If there is a recorded contract, the contract purchaser's name(s), address and signature must also be included.

<sup>4</sup> If signed by a representative of the owner, the representative must attach evidence of titleholder's authorization.

**CONDITIONAL USE  
AUTHORIZATION / CONSENT FORM  
& ACCEPTANCE OF CONDITIONS**

I/We Peter Teahen \_\_\_\_\_ am Titleholder(s)/Owner(s) of  
(Name)

property located at : 3100 F Avenue NW

Cedar Rapids Linn County Iowa.

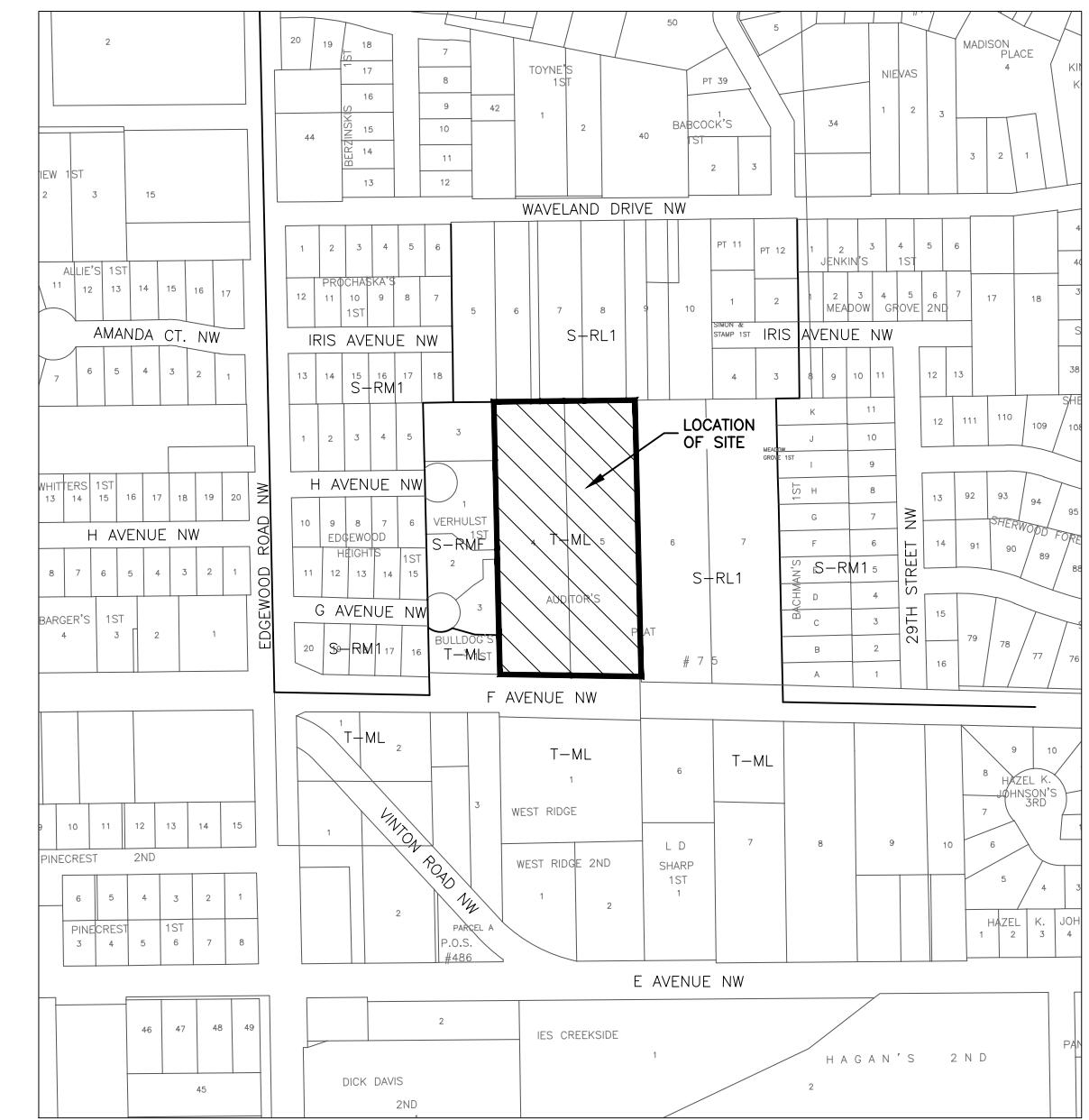
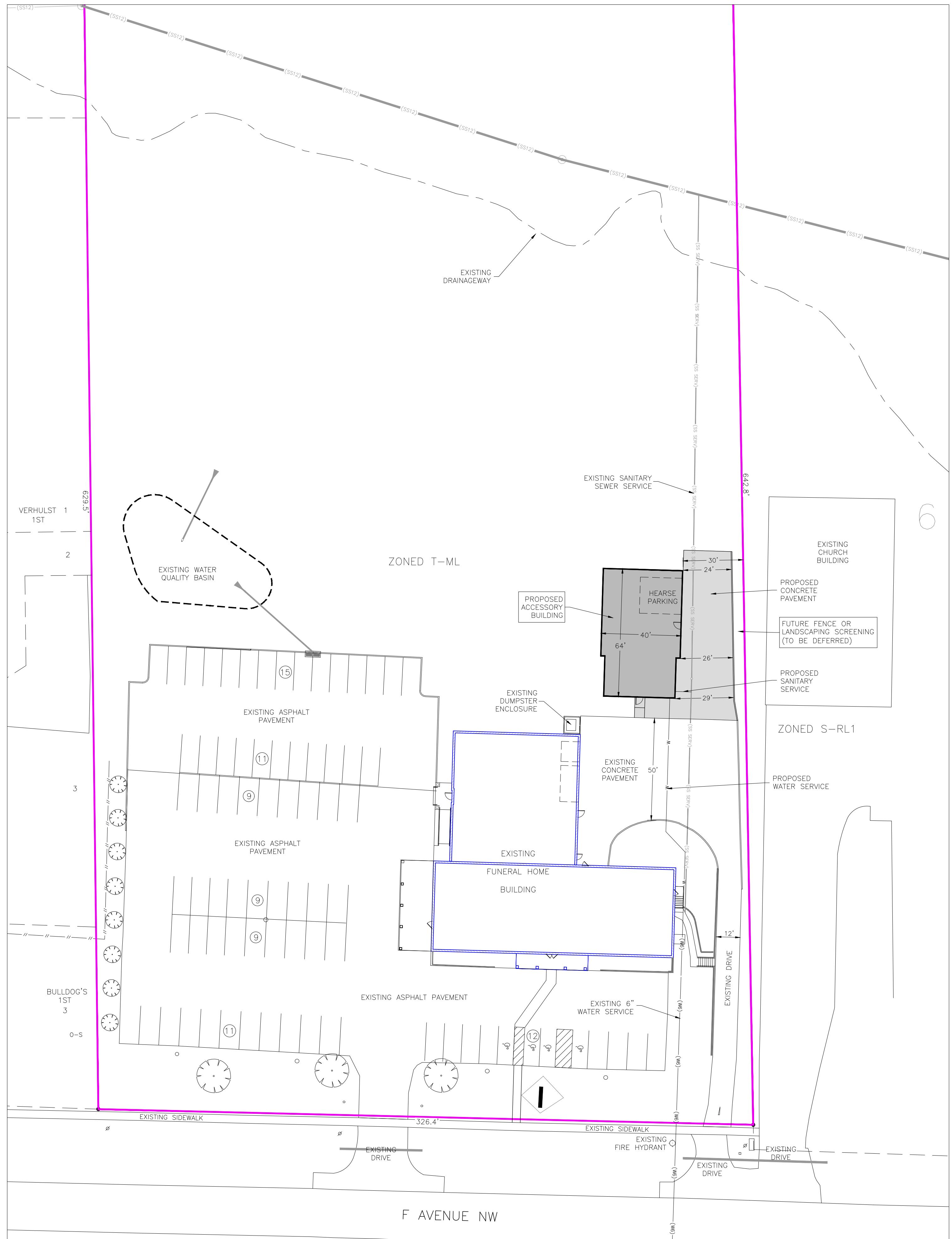
I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a **Conditional Use** for the following use:

Construction of an accessory building to an existing funeral home facility.

I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

Dated this 23 day of February, 2022.

  
\_\_\_\_\_  
Signature



**SITE LOCATION MAP  
SCALE: APPROX. 1"=400')**

## AL DESCRIPTION

5 OF "AUDITOR'S PLAT NO. 75"  
HERLY OF IOWA STATE HIGHWAY  
MAR RAPIDS, LINN COUNTY, IOWA.

R & APPLICANT:  
IN FUNERAL HOME, INC.  
F AVENUE NW  
R RAPIDS, IA. 52405  
19-396-2616

EEER:  
ENGINEERING, INC.  
MIDLAND COURT NE  
R RAPIDS, IOWA 52402  
94-9424  
294-1056

ADDRESS: 3100 F AVENUE NW

## G. INFORMATION

## G ZONING & USE

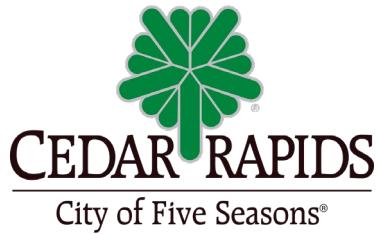
G ZONING: T-ML, TRADITIONAL MIXED USE LIMITED  
ED USE: CREMATORIUM

SETBACK REQUIREMENTS  
FRONT YARD: 15 FEET  
SIDE YARD: 10 FEET  
REAR YARD: 3/8 FEET  
NO SIDE YARD ON

TWEEN PROPOSED IMPROVEMENTS AND PROPERTY TO THE EAST WILL BE DEFERRED AT BFTWEEN THE PROPERTY OWNERS.

RSON

h	Daniel L. Schmidt
umber	(319) 294-9424
	dans@brain-eng.com
s	1540 Midland Court NE
d	2/28/22



CONDITIONAL USE  
EXECUTIVE SUMMARY  
CASE # COND-032779-2022  
CASE MANAGER: David Houg

#### OWNER/APPELLANT INFORMATION

OWNER Name: **WEST SIDE WOLF PACK III LLC**

MAILING/PROPERTY  
ADDRESS: **621 Center Point Road NE**

#### CONDITIONAL USE REQUEST

Outdoor Service Area and Amplified Music/Live Entertainment in a T-MC District

#### OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area

#### STAFF RECOMMENDATION

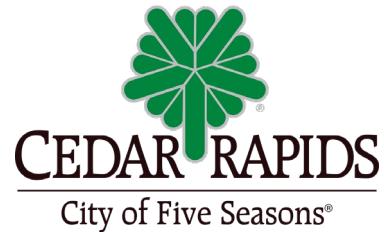
No objections to approval.

# Development Services Department

City of Cedar Rapids, Iowa

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



**STAFF  
REPORT**

**CONDITIONAL USE**

**CASE # COND-032779-2022**

**Board of Adjustment Hearing: April 11, 2021**

## **BACKGROUND:**

The applicant proposes the addition of an outdoor area for Level II alcohol service along with a stage for amplified music/live entertainment. Approval of Level II liquor service for the building was approved for this site as a Conditional Use in August of 2021, but the outdoor area was deemed as a permitted outdoor dining area (with food service). The property is zoned T-MC, Traditional Mixed-Use Community District and the Future Land Use Map designation is Urban Medium Intensity. The property is 1.65 acres in size and the beer garden/entertainment venue uses will occur in an approximately 5,800 sf outdoor area.

## **CRITERIA:**

**32.05.09.G, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a conditional use be met:**

1. The conditional use is permitted in the district where the property is located.

*Staff Conclusion: The requested uses are allowed within the T-MC, Traditional Mixed-Use Community District.*

2. The application complies with all use-specific standards applicable to the use, as listed in Sec 32.03, Use-Specific Standards.

*Staff Conclusion: The site development plan conforms with the use-specific standards of Chapter 32, The City's Zoning Ordinance.*

3. The application complies with all other applicable standards of this Code.

*Staff Conclusion: The application conforms with all other applicable standards of this code.*

4. The proposed use and development will be consistent with the intent and purpose of the Future Land Use Map and other elements of the Comprehensive Plan.

*Staff Conclusion: This area is designated as "Urban Medium Intensity" on the City's Future Land Use Map. The proposed uses are consistent with this LUTA.*

5. There is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:

- a) Whether the proposed development of use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.
- b) Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.
- c) Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district.
- d) Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment.
- e) Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.

*Staff Conclusion: The immediate area is developed with commercial uses and backed by the interstate. Residential uses are greater than 400 feet from the subject property. The effects of the proposed outdoor service area/entertainment venue are expected to be compatible with the existing commercial conditions in the area.*

- 6. Adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.

*Staff Conclusion: Liquor licensing requirements are intended to mitigate possible adverse effects.*

## FINDINGS OF FACT:

**The proposed conditional uses are allowable at this location.**

---

Staff recommends approval subject to the following conditions:

- 1. Outdoor music/entertainment will be curtailed by 10pm.
- 2. The approval will be brought back to the Board of Adjustment for review if noise becomes a problem per the City Noise Ordinance.
- 3. Any stage or other structure in place more than 180 days shall obtain building permits and comply with the requirements of applicable codes.

**IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS' NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.**

# Form 32.05.09 A Application for a Conditional Use Permit

Application Under Sec. 32.05.09 of the Zoning Ordinance  
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404  
 Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



## Contact Information

### Property Owner

Name	WEST SIDE WOLF PACK <sup>3</sup>	Phone	319 981 0622	Email	ericober2010@gmail.com	
Address	319 7 <sup>th</sup> ST SE	City	CEDAR RAPIDS	State	IA	Zip Code

Applicant  Same as Property Owner

Name		Phone		Email		
Address		City		State		Zip Code

### Contact Person (Optional, if different than Applicant or Property Owner)

Name	ERIC OBERBRECKMAN	Phone	319 981 0622	Email	ericober2010@gmail.com	
Address	319 7 <sup>th</sup> ST SE	City	CEDAR RAPIDS	State	IA	Zip Code

## Site Information

Address or General Location of Property:	621 CENTER POINT RD. NE
GPN(s) <sup>1</sup> :	142116700100000
Legal Description <sup>1</sup> :	AP 47 NW OF 1A ELEC LT 8 PWR CO S 30' STRIP 8 (LSSS SW -- 150') NE 400' STR/LBS
Zoning District:	Proposed Use: OUTDOOR PATIO WITH LIVE MUSIC -- Description of Use (optional): EXISTING USE PERMIT FOR OUTDOOR PATIO WITH FOOD/ALCOHOL SERVICE, ADDING OUTDOOR LIVE MUSIC EVENTS AS OUTLINED IN ATTACHED DRAWINGS AND DOCUMENTATION.
Proposed Conditional Use: Please select the use identified in the Use Table (32.03xxxx). A short description of the use may be provided.	

<sup>1</sup> For properties with lengthy Legal Descriptions or large number of GPNs, please attach on a separate document OR email to [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org).

## Property Owner(s) / or Authorized Representative(s) Signature(s)

The City of Cedar Rapids requires that all titleholders of a property be informed and acceptable to the application being made. Signing this form does not commit to any conditions which may be placed on an approval. Electronic signatures are accepted.

### Owner/Authorized Representative 1

Name:	Eric OBERBRECKMAN	Date	2/20/2022
Signature			

### Owner/Authorized Representative 2

Name		Date	
Signature			

<sup>3</sup> If there is a recorded contract, the contract purchaser's name(s), address and signature must also be included.

<sup>4</sup> If signed by a representative of the owner, the representative must attach evidence of titleholder's authorization.

**CONDITIONAL USE  
AUTHORIZATION / CONSENT FORM  
& ACCEPTANCE OF CONDITIONS**

I/We West Side Wolf Pack III LLC am Titleholder(s)/Owner(s) of  
(Name)

property located at : 621 CENTER POINT ROAD NE

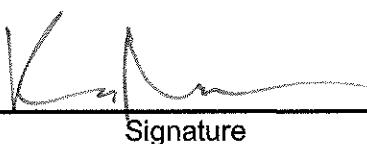
Cedar Rapids Linn County Iowa.

I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a  
**Conditional Use** for the following use:

**OUTDOOR PATIO WITH LIVE MUSIC EVENTS  
(ADDING LIVE MUSIC TO EXISTING COND. USE PERMIT)**

I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

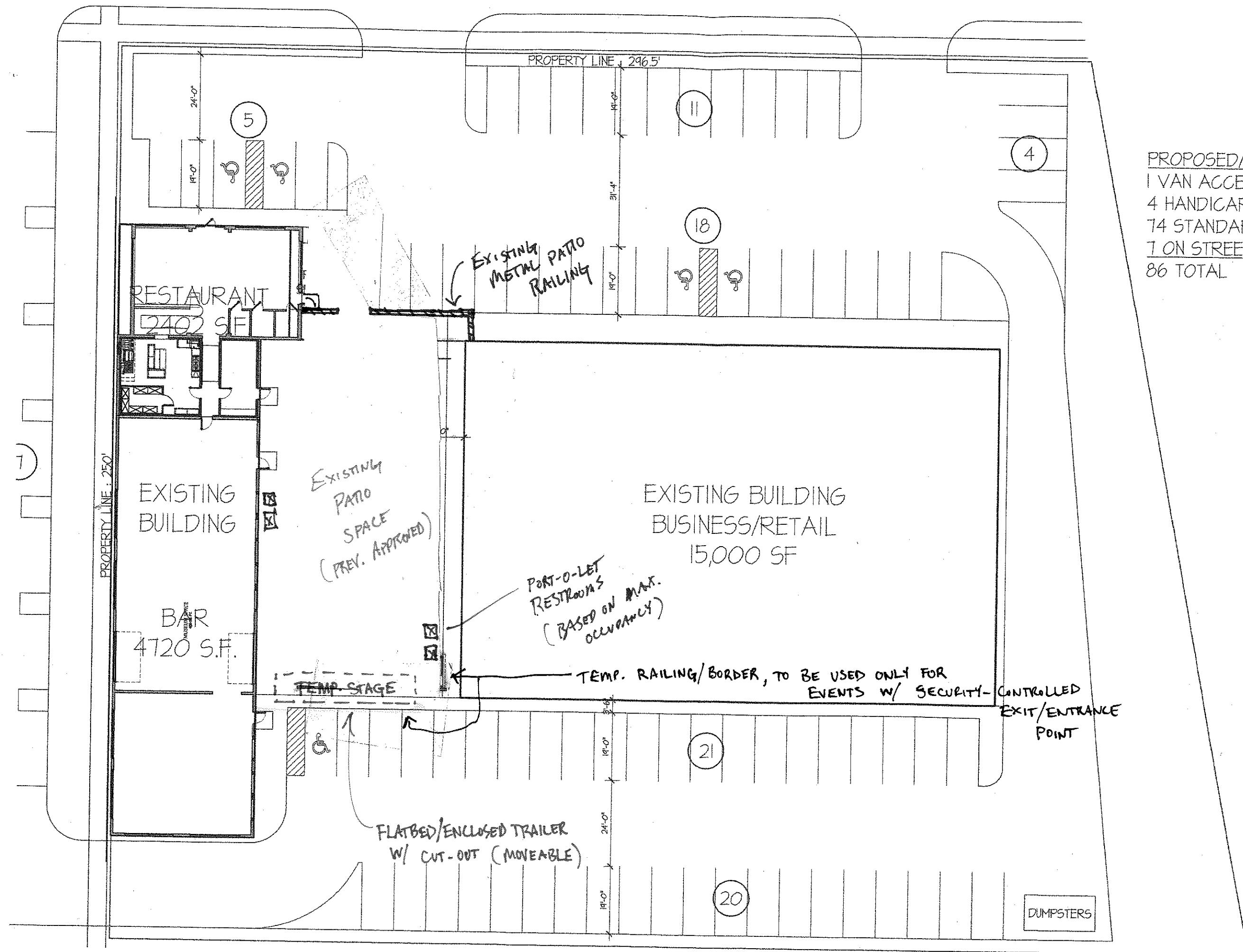
Dated this 7<sup>th</sup> day of MARCH, 2022.



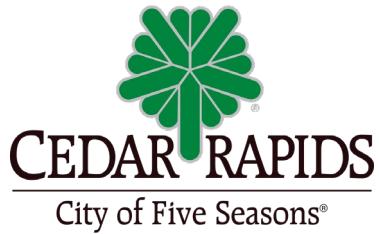
\_\_\_\_\_  
Signature

## 621 CENTER POINT ROAD NE CONDITIONAL USE PERMIT ADDITIONAL INFORMATION

- **Application is for consideration of addition of outdoor live music events to the existing approved outdoor patio space.**
- **Only additional elements added via this application would be a temporary stage for use during events, and temporary rear barrier with monitored secure entrance/exit only used during events (would remain otherwise open as currently exists)**
- **Proposal for temporary stage to be moveable flatbed or enclosed (with cut-out, ie: similar to stage currently in use by Chrome Horse) semi-tractor trailer. Stage to be in place only during the outdoor event season, stored off-site otherwise.**
- **Area is nearly 100% commercial business whose primary hours of operation are outside of the likely timeline of any outdoor events. A large majority of property ownership within nearby area is maintained by applicant as well.**
- **Events would primarily occur during weekend early evening hours. The existing business shall recognize the 10:00 p.m. curfew currently maintained by City of Cedar Rapids for outdoor events.**
- **We feel this is an area of Cedar Rapids that would benefit from additional event traffic/attendance. The surrounding area has recently had significant actions taken to reduce illegal dumping and an ongoing population of homeless encampments. The property owners are prepared to invest in large improvements to the patio area and overall propert(ies) upon the likely success of bringing outdoor live music to this location. The city is currently renovating this portion of Center Point Road as well, and it is our hope this will coincide with helping to create another entertainment opportunity for the community.**
- **The current business at this location (North Point Bar and Grill) has proactively spoken with neighboring businesses regarding our vision for the future and has received positive support for the plan.**



PROPOSED/EXISTING PARKING:  
1 VAN ACCESSIBLE  
4 HANDICAP  
74 STANDARD  
1 ON STREET PARKING  
86 TOTAL



CONDITIONAL USE  
EXECUTIVE SUMMARY  
CASE # COND-032623-2022  
CASE MANAGER: Seth Gunnerson

#### OWNER/APPELLANT INFORMATION

APPLICANT: Jason Jones  
TITLEHOLDER: SKIPNUT INVESTMENTS INC  
PROPERTY  
ADDRESS: 1731 Center Point Rd NE

#### CONDITIONAL USE REQUEST

Level II Alcohol Use, Outdoor Alcohol Service and Amplified Music/Live Entertainment in a T-MC (Traditional Mixed Use Center) District

#### OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area and criteria for approval of a Conditional Use

#### STAFF RECOMMENDATION

Staff recommends approval of the request subject to conditions.

# Development Services Department

City of Cedar Rapids, Iowa

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



**STAFF  
REPORT**

**CONDITIONAL USE  
CASE # COND-032623-2022  
Board of Adjustment Hearing: April 11, 2022**

## **BACKGROUND:**

The applicant is proposing to operate a Bar with two Outdoor Alcohol Service Areas, including an outdoor stage for events, at 1731 Center Point Road NE. The site has previously been used as a car dealership and autoshop.

The property is zoned T-MC, Traditional Mixed-Use Center and the Future Land Use Map designation is Urban Medium Intensity.

- A bar, which is defined by code as a use which derives more than 50% of its revenue from alcohol sales and permits on-site consumption, is a permitted conditional use in this district.
- The proposed use does not intend to serve food, at least not at the time of opening. An outdoor alcohol service area requires a conditional use in the T-MC zone district if food service is not provided.
- A conditional use is also required for outdoor alcohol service areas which propose to have amplified music or live entertainment, which the applicant wishes to permit at this site.

The property is 12,155 sf in size and has an existing 1,228 sf structure. The applicant proposes a 264 sf outdoor alcohol service area on the east side of the building towards Center Point Road NE and a 1,200 sq ft outdoor alcohol service area with a stage in the rear southwest corner of the property behind the primary structure. The total area of the bar with outdoor service areas is approximately 2,700 sq ft.

All four corners of the 29<sup>th</sup> Street NE and Center Point Road NE are zoned mixed use, with the more restrictive T-ML (Traditional Mixed Use Limited) zone district on the east half of the intersection and the Traditional Mixed Use Center (T-MC) district on the west side of Center Point Road west to I-380. Single unit residential zoning (S-RM1) is generally located to the east and south of the subject property away from the intersection of Center Point and 29<sup>th</sup>.

Due to the residential neighborhood in the proximity to the site, the City requested that the applicant conduct a neighborhood meeting, which was held in the evening of March 30, 2022. The applicant indicated that notification of the meeting was hand delivered to properties within 300 feet of the property. Two residents attended the meeting and no objections were raised.

**CRITERIA:**

**32.05.09.G, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a conditional use be met:**

1. The conditional use is permitted in the district where the property is located.

*Staff Conclusion: The conditional use as requested is allowed within the T-MC, Traditional Mixed Use Center District.*

- A Conditional Use permit is required to operate a bar
- A Conditional Use is required for a beer garden (outdoor alcohol service without food service)
- A Conditional Use is required for the use of an alcohol service area for live and amplified music.

2. The application complies with all use-specific standards applicable to the use, as listed in Sec 32.03, Use-Specific Standards.

*Staff Conclusion: The site development plan conforms to all applicable requirements of Chapter 32, The City's Zoning Ordinance*

- *No use-specific standards are required to operate a bar.*
- *The outdoor service area meets the requirements of the code, there are no residential districts adjacent that would require screening.*
- *Code requires that the outdoor service area shall be delineated by a fence, wall or similar approved feature. Staff will review and approve this through building permitting.*

3. The application complies with all other applicable standards of this Code.

*Staff Conclusion: The site will be subject to all applicable codes and regulations, including alcohol licensing and building permit requirements.*

4. The proposed use and development will be consistent with the intent and purpose of the Future Land Use Map and other elements of the Comprehensive Plan.

*Staff Conclusion: This area is designated as "Urban Medium Intensity" on the City's Future Land Use Map. The proposed uses are permitted for consideration in the zone district and the zone district meets the intent of the Land Use Typology Area. Furthermore staff finds that investment along existing commercial corridors is consistent with the goals of the comprehensive plan.*

5. There is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:

- a) Whether the proposed development of use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.
- b) Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.

- c) Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district.
- d) Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment.
- e) Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.

*Staff Conclusion: Staff believes the use as presented is appropriate at this location. The applicant has offered to cease outdoor concerts or other loud activities by 9pm, to maintain consistency with other approvals staff's recommended condition associated with outdoor events is 10:00pm. The intersection the use is located at is near the Cedar Valley Nature Trail (An anticipated draw for the business) and is within a mixed use node with commercial uses nearby. The City recently installed bike lanes on 29<sup>th</sup> Street NE and Center Point Road, helping with site access by bicycle.*

*Residential uses are located nearby, including homes located directly across the street that are in a mixed use zone district. Homes directly across the street will have a view into the front outdoor service area.*

- 6. Adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.

*Staff Conclusion: Staff is proposing conditions, outlined in the recommendation below, that address potential concerns about hours of operation and proximity to residential uses. The conditions are also in place to ensure compliance with specific zoning criteria, including garbage enclosures and the final details of parking spaces and fencing, which will be reviewed by staff administratively.*

## FINDINGS OF FACT:

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### STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use request subject to the following conditions:

1. The outdoor service area shall be clearly delineated by a fence, wall or similar feature that is approved by the Cedar Rapids Police Department and meets the design guidelines for the zone district. Chain link fence shall not be permitted.
2. The service area is subject to the licensing requirements of Chapter 51 of the Municipal Code and any conditions on operations placed by the Cedar Rapids Police Department.
3. Dumpsters shall be located inside an enclosure meeting the requirements of the zoning ordinance.
4. The Police & Building Departments shall be permitted to re-inspect the outdoor service area PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
5. Outdoor alcohol service area shall be subject to providing required vehicle parking on site or in a manner permitted by Chapter 32.
6. Live music or other outdoor entertainment shall not occur past 10:00 pm unless a temporary or special event permit is obtained.
7. Operation of the outdoor alcohol service area shall not create violations of the noise ordinance (Chapter 56 of the City Code).

# Form 32.05.09 A Application for a Conditional Use Permit

Application Under Sec. 32.05.09 of the Zoning Ordinance  
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404  
 Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



Contact Information					
<b>Property Owner</b>					
Name		Phone		Email	
Address		City		State	Zip Code
<b>Applicant</b> <input type="checkbox"/> Same as Property Owner					
Name		Phone		Email	
Address		City		State	Zip Code
<b>Contact Person</b> (Optional, if different than Applicant or Property Owner)					
Name		Phone		Email	
Address		City		State	Zip Code
Site Information					
<b>Address or General Location of Property:</b>					
<b>GPN(s)<sup>1</sup>:</b>					
<b>Legal Description<sup>1</sup>:</b>					
<b>Zoning District:</b>					
<b>Proposed Conditional Use:</b> Please select the use identified in the Use Table (32.03xxxx). A short description of the use may be provided.	Proposed Use:				
	Description of Use (optional):				
<sup>1</sup> For properties with lengthy Legal Descriptions or large number of GPNs, please attach on a separate document OR email to <a href="mailto:developmentservices@cedar-rapids.org">developmentservices@cedar-rapids.org</a> .					
<b>Property Owner(s)<sup>3</sup> or Authorized Representative(s)<sup>4</sup> Signature(s)</b>					
The City of Cedar Rapids requires that all titleholders of a property be informed and acceptable to the application being made. Signing this form does not commit to any conditions which may be placed on an approval. Electronic signatures are accepted.					
<b><u>Owner/Authorized Representative 1</u></b>					
Name:			Date		
Signature					
<b><u>Owner/Authorized Representative 2</u></b>					
Name:			Date		
Signature					

<sup>3</sup> If there is a recorded contract, the contract purchaser's name(s), address and signature must also be included.

<sup>4</sup> If signed by a representative of the owner, the representative must attach evidence of titleholder's authorization.

## **CONDITIONAL USE**

### AUTHORIZATION / CONSENT FORM & ACCEPTANCE OF CONDITIONS

I/We \_\_\_\_\_ am Titleholder(s)/Owner(s) of  
(Name)

property located at : \_\_\_\_\_

Cedar Rapids Linn County Iowa.

I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a **Conditional Use** for the following use:

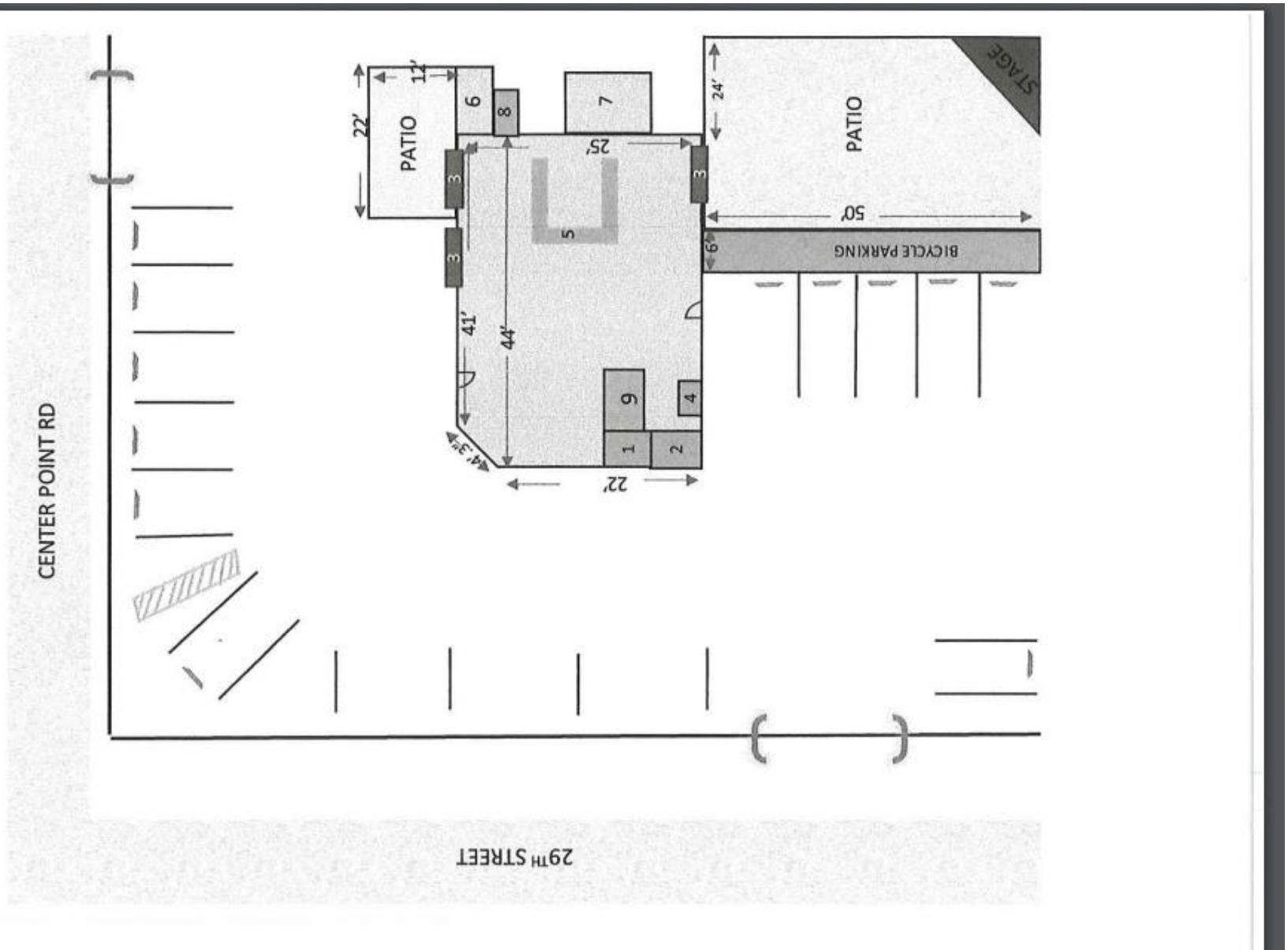
I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

---

Signature

# 1731 Center Point Road NE Site Plan



# Under Point Rd

1731 CenterPointe  
Cross Roads J0  
52402

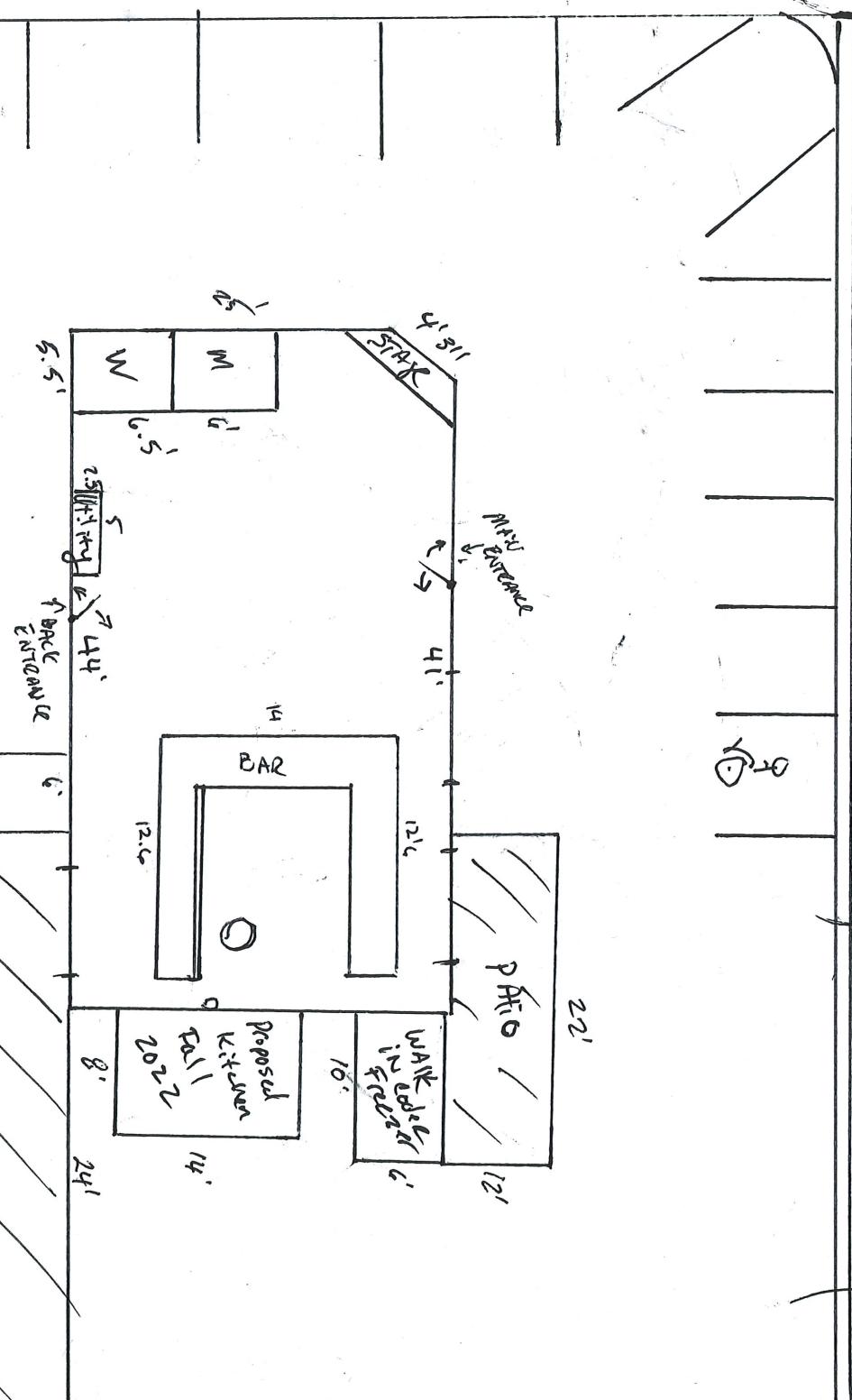
## The Loose Chair

- 14 parking spots
- Handicap access

- 20x12 front patio

- 50x24 back patio
- Mens 16'x5.5'
- Womens 6.5'x5.5'

29th ST



- Kitchen Addition
- Fall 2022
- 8' x 14'

$\leftarrow \frac{1}{2} - \rightarrow$

- Planning open
- Concept
- Outdoor Area
- + Stage



EXECUTIVE SUMMARY  
MAJOR DESIGN EXCEPTION  
CASE NO. ADMD-003282-2022  
CASE MANAGER: AMY ICENBICE

#### OWNER/APPELLANT INFORMATION

APPLICANT: KEN WHITE

TITLEHOLDER: KENNETH J & DEBRA WHITE

PROPERTY  
ADDRESS: **1706 TAFT DR SW**

#### MAJOR DESIGN EXCEPTION REQUEST

Reduced rear yard setback for a pool, 5 feet in lieu of the required 10 feet

#### OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Standards for approval of a Major Design Exception.

#### STAFF RECOMMENDATION

Staff recommends approval of the request

# Development Services Department

City of Cedar Rapids, Iowa

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



## MAJOR DESIGN EXCEPTION REQUEST Board of Adjustment Meeting: April 11, 2022

### BACKGROUND:

1. Kenneth J & Debora White are the owners of record of the subject property.
2. The Future Land Use Map designation is U-LI (Urban Low Intensity).
3. The property is zoned Suburban Residential Low Single Unit (S-RL1).
4. The property is 0.256 acres in size and is described as Hoover Trail 2<sup>nd</sup> Lot 153.
5. The property owner filed the major design exception request with the Development Services Department on March 23, 2022.

### LEGAL PRINCIPLES:

**32.05.12.E. of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a major design exception be met:**

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports which are adopted by City Council and may provide guidance on the exception.

*Staff Comments: The request is not inconsistent with the comprehensive plan or any other adopted plan or study.*

2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.

*Staff Comments: The request should be considered as a Major Design Exception and not a rezoning or any other form of approval.*

3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.

*Staff Comments: The requested exception does not permit development expressly intended to be prevented by the current zoning code.*

4. The requested exception can be demonstrated to meet one of the following:

- a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
- b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.
- c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.

*Staff Comments: The requested exception alleviates a practical difficulty as the property has a somewhat shallow rear yard.*

*Properties on the west side of Taft Dr SW back up to the Cedar Valley Nature Trail, with a large (approximately 50 foot wide) landscaped right of way between the rear property line and the trail itself. Between the rear property line and the trail there are a row of trees that will help screen the proposed pool. The applicant will be required to construct a fence or other barrier as part of the proposed pool.*

5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

*Staff Comments: The requested exception represents the minimum deviation allowed of 50%.*

## FINDINGS OF FACT:

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### STAFF RECOMMENDATION:

Staff recommends approval of the requested exception. An encroachment agreement will be required by public works if approved.

**IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS' NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.**

ADM D - 032822 - 2022

## Form 32.05.12 A Application for Major Design Exception

Application Under Sec. 32.05.12 of the Zoning Ordinance  
City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404  
Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



Date Submitted:		Case Number:		
Contact Information				
Applicant		Relationship to Project (Owner, Lessee, Etc.) <b>OWNER</b>		
Name	Ken White	Phone	319-270-7038	Email <a href="mailto:Ken@Folience.com">Ken@Folience.com</a>
Address	1706 TAFT DRIVE SW	City	CEDAR RAPIDS	State IA Zip Code 52404
Site Information				
Address or General Location of Property:	1706 Taft Dr SW			
Zoning District:	-- S-RL1			
Proposed Major Design Exceptions: (Attach additional sheet if necessary)	Standard	Required by Code	Proposed	
	Rear yard	10ft.	5ft.	
	Setback for pool			
Applicant Signature		Date <b>3-23-2022</b>		
<i>Ken White</i>				

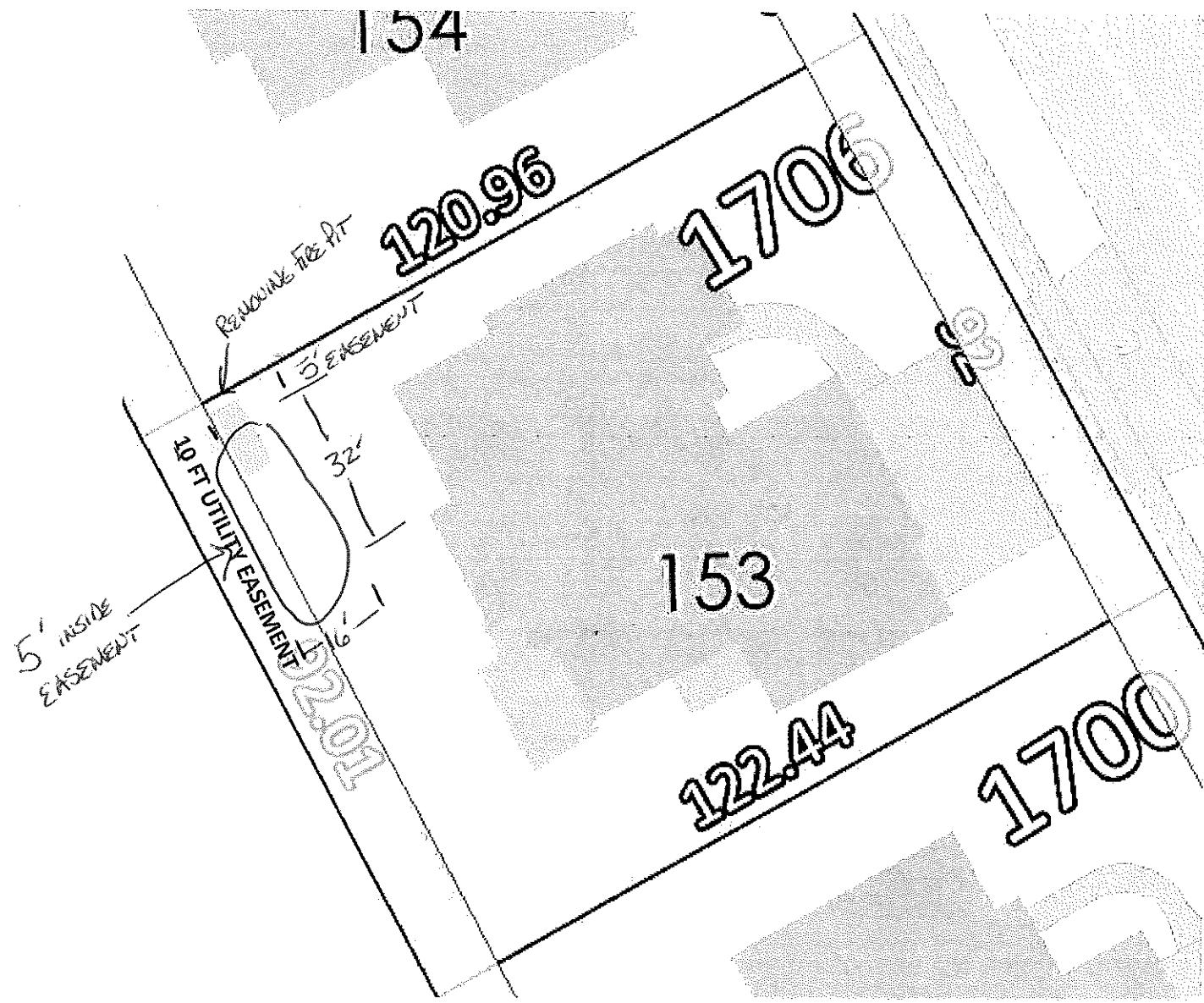
Applicant hereby certifies under penalty of perjury that he/she is the owner, or that he/she is authorized and empowered to make this application on behalf of the owner. Applicant also certifies under penalty of perjury that the application and any related materials are true and contain a correct description of the proposed use. Applicant further acknowledges that all applications are subject to deed restrictions and any other codes, ordinances, laws or government regulations that apply.

### Section 32.05.12.F Review and Approval Criteria

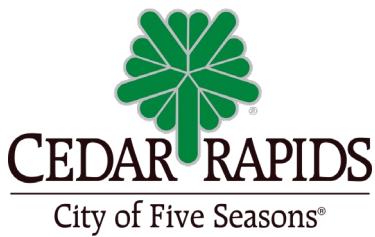
Major Design Exceptions may be approved only when the Board of Adjustment determines that all of the following general approval standards and criteria have been met:

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports what are adopted by City Council and may provide guidance on the exception.
2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.
3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.
4. The requested exception can be demonstrated to meet one of the following:
  - a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
  - b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.
  - c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.
5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

1706 Taft DR SW – Site Plan



Would like to.



EXECUTIVE SUMMARY  
MAJOR DESIGN EXCEPTION  
CASE NO. ADMD-032817-2022  
CASE MANAGER: AMY ICENBICE

#### OWNER/APPELLANT INFORMATION

APPLICANT: **ANDREW HACKE**

TITLEHOLDER: **ANDREW J & SUSAN K HACKE**

PROPERTY  
ADDRESS: **5725 TOWER TERRACE RD NE**

#### MAJOR DESIGN EXCEPTION REQUEST

Reduction in required street side yard setback from 35 feet to 17.5 feet for a detached garage.

#### OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Standards for approval of a Major Design Exception.

#### STAFF RECOMMENDATION

Staff recommends a reduced street side setback of 20 feet in lieu of the requested 17.5 feet. A 20 ft setback takes into consideration future right of way changes and leaving enough room to allow a parked vehicle without encroaching into the right of way.

# Development Services Department

City of Cedar Rapids, Iowa

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)

## MAJOR DESIGN EXCEPTION REQUEST

**Board of Adjustment Meeting: April 11, 2022**

### **BACKGROUND:**

1. Andrew and Susan Hacke are the owners of record of the subject property.
2. The Future Land Use Map designation is U-MI (Urban Medium Intensity).
3. The property is zoned A-AG (Agricultural).
4. The property is 2.120 acres in size and is described as Wood Acres Lots 3 & 4.
5. The property owner filed the major design exception request with the Development Services Department on March 22, 2022.

### **LEGAL PRINCIPLES:**

**32.05.12.E, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a major design exception be met:**

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports which are adopted by City Council and may provide guidance on the exception.

*Staff Comments: The request is not inconsistent with the comprehensive plan or any other adopted plan or study.*

2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.

*Staff Comments: The request should be considered as a Major Design Exception and not a rezoning or any other form of approval. Staff notes that the subject property and adjacent properties should probably be rezoned to A-RR (Rural Residential) to better match the pattern of development. Staff believes this should apply to multiple properties in the vicinity of Milburn Road and Tower Terrace Rd NE, and is best handled through annual map updates.*

3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.

*Staff Comments: The request does not create a situation expressly intended to be replaced by the adoption of the current zoning code.*

4. The requested exception can be demonstrated to meet one of the following:
  - a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
  - b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.
  - c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.

*Staff Comments: The requested exception alleviates a practical difficulty. The current zone district is A-AG as a result of recent annexation, the setbacks for this district are more excessive than residential districts. The reduced setback would also allow the proposed garage, driveway and parking areas out of a drainage area that runs between the garage and the house.*

5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

*Staff Comments: Staff is requesting that the Board of Adjustment grant relief less than requested and permit no less than a 20 foot setback from Milburn Road. The reason for this request is to ensure that there is room for parked vehicles to remain on private property and not encroach into the right of way should future roadway improvements be completed along Milburn.*

## FINDINGS OF FACT:

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### STAFF RECOMMENDATION:

Staff recommends a 20 FT street side setback for the following reasons: A 20 FT Setback takes into consideration potential future changes to the Right of Way and allows the homeowner enough room for a vehicle to be parked in the driveway without blocking the Right of Way while still being able to keep the structure and driveway out of the drainage area.

**IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS' NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.**

## Form 32.05.12 A Application for Major Design Exception

Application Under Sec. 32.05.12 of the Zoning Ordinance  
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404  
 Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



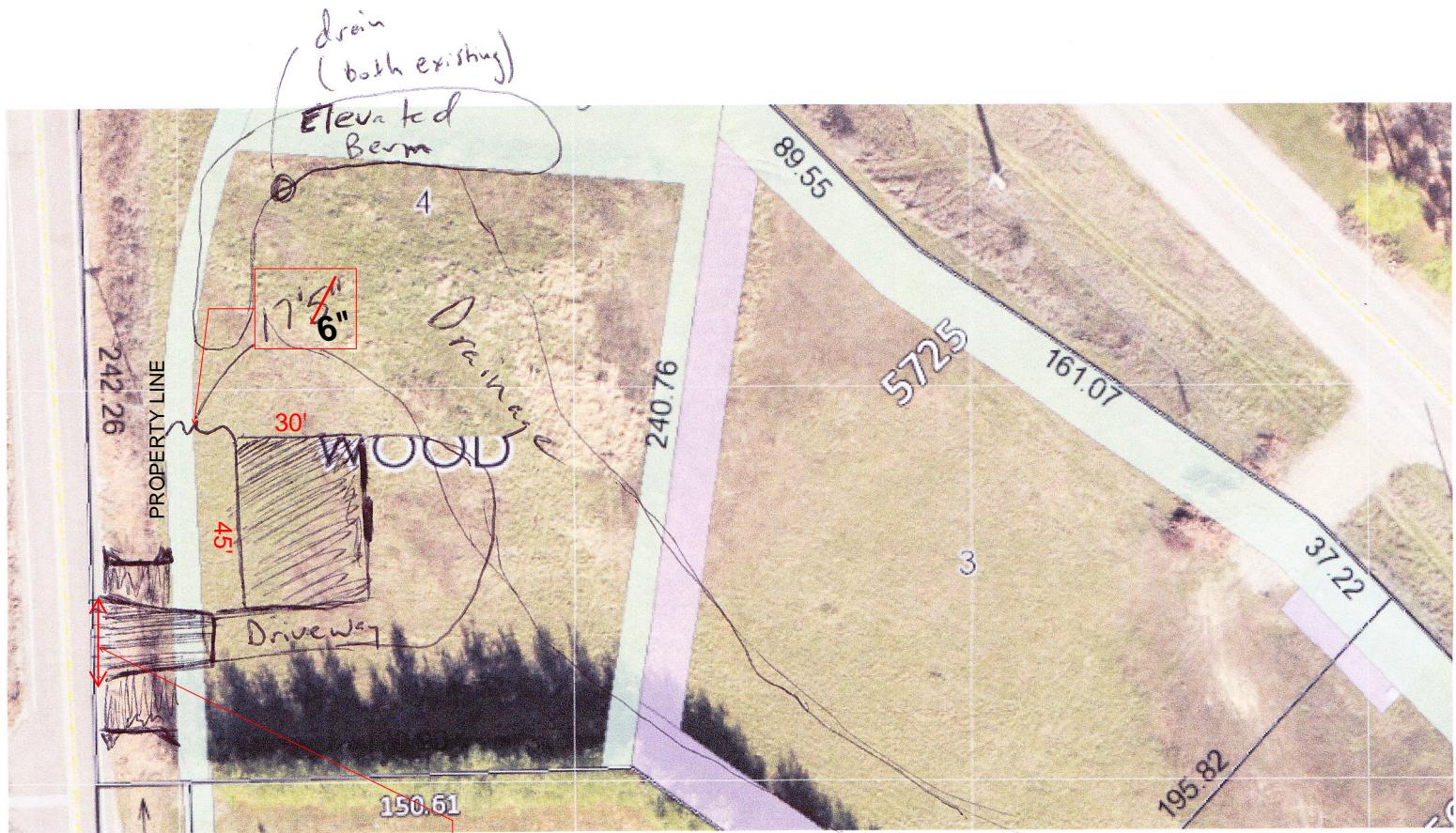
Date Submitted:	Case Number:		
<b>Contact Information</b>			
Applicant	Relationship to Project (Owner/Lessee, Etc.)		
Name	Andrew Hacke	Phone <del>422-4609</del>	319-432-4609
Address	5725 Tower Terrace Rd	City	C. R.
State	IA	Zip Code	52411
<b>Site Information</b>			
Address or General Location of Property:	5725 Tower Terrace Rd Cedar Rapids IA 52411		
Zoning District:	A -- A6		
Proposed Major Design Exceptions: (Attach additional sheet if necessary)	Standard	Required by Code	Proposed
	Setback	35'	50% or 17.5'
	(street side)		
Applicant Signature	 <span style="float: right;">Date</span> <span style="float: right;">3/22/22</span>		

Applicant hereby certifies under penalty of perjury that he/she is the owner, or that he/she is authorized and empowered to make this application on behalf of the owner. Applicant also certifies under penalty of perjury that the application and any related materials are true and contain a correct description of the proposed use. Applicant further acknowledges that all applications are subject to deed restrictions and any other codes, ordinances, laws or government regulations that apply.

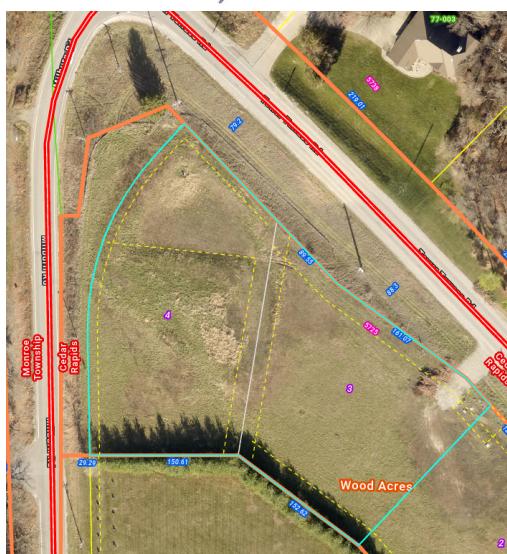
**Section 32.05.12.F Review and Approval Criteria**

Major Design Exceptions may be approved only when the Board of Adjustment determines that all of the following general approval standards and criteria have been met:

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports that are adopted by City Council and may provide guidance on the exception.
2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.
3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.
4. The requested exception can be demonstrated to meet one of the following:
  - a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
  - b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.
  - c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.
5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.



- Driveway is 16' wide at the street, 30' long (concrete measurements)
- Culvert is 60' wide
- Shed is 30' x 45', garage doors face away from Milburn
  - Back is to Milburn
  - reduction in setback will allow the building and driveway to fully stay out of the drainage area already on the property





EXECUTIVE SUMMARY  
MAJOR DESIGN EXCEPTION  
CASE NO. ADMD-032824-2022  
CASE MANAGER: AMY ICENBICE

#### OWNER/APPELLANT INFORMATION

APPLICANT: **BRENT AND KATHY RICKERTSEN**

TITLEHOLDER: **BRENT D. AND KATHY A. RICKERTSEN**

PROPERTY  
ADDRESS: **148 CHERRY HILL RD NW**

#### MAJOR DESIGN EXCEPTION REQUEST

Reduced site yard setback of 3 feet in lieu of the required 5 feet and a combined site yard setback of 10 feet in lieu of the required 14 feet.

#### OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Standards for approval of a Major Design Exception.

#### STAFF RECOMMENDATION

Staff recommends approval of the requested exception.

# Development Services Department

City of Cedar Rapids, Iowa

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)

## MAJOR DESIGN EXCEPTION REQUEST Board of Adjustment Meeting: April 11, 2022

### BACKGROUND:

1. Brent and Kathy Rickertsen are the owners of record of the subject property.
2. The Future Land Use Map designation is U-MI (Urban Medium Intensity).
3. The property is zoned S-RM1 (Suburban Residential Medium Single Unit)
4. The property is 0.168 acres in size and is described as Cedar Hills Unit Four STR/LB 501.
5. The property owner filed the major design exception request with the Development Services Department on March 24, 2022.

### LEGAL PRINCIPLES:

**32.05.12.E, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a major design exception be met:**

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports which are adopted by City Council and may provide guidance on the exception.

*Staff Comments: The request is not inconsistent with the comprehensive plan or any other adopted plan or study.*

2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.

*Staff Comments: The request should be considered as a Major Design Exception and not a rezoning or any other form of approval.*

3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.

*Staff Comments: The setback exception proposal is to allow construction of attached garage on the existing house, consistent with existing patterns of development.*

4. The requested exception can be demonstrated to meet one of the following:

- a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
- b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.
- c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.

*Staff Comments: The exception alleviates the practical difficulty to accommodate the garage due to limited opportunities to develop on the property. Small lot size and positioning of the existing structure precludes alternatives meeting setback requirements for an attached or detached garage. An attached garage addition is permitted on the property.*

5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

*Staff Comments: Due to constraints of property size and location of existing house there is no alternative location for a two stall garage without an exception.*

## FINDINGS OF FACT:

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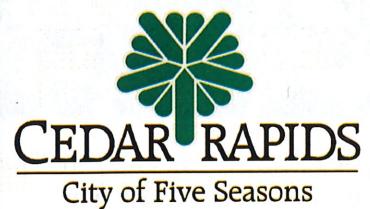
### STAFF RECOMMENDATION: STAFF RECOMENDS APPROVAL OF THE REQUESTED EXCEPTION.

IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS' NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.

ATMD-032824-2022

Form 32.05.12 A Application for Major Design Exception

Application Under Sec. 32.05.12 of the Zoning Ordinance  
City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404  
Phone: (319) 286-5836 | Email: [developmentservices@cedar-rapids.org](mailto:developmentservices@cedar-rapids.org)



Date Submitted: <b>s</b>		Case Number:			
Contact Information					
Applicant	<b>Brent &amp; Kathy Rickertsen</b>		Relationship to Project (Owner, Lessee, Etc.) <b>same</b>		
Name	<b>Brent &amp; Kathy</b>	Phone <b>319 540 6060</b>		Email	<b>Kathy.rickertsen@yahoo.com</b>
Address	<b>148 Cherry Hill Rd NW</b>		City <b>Cedar Rapids</b>	State <b>Ia</b>	Zip Code <b>52405</b>
Site Information					
Address or General Location of Property:	<b>148 Cherry Hill Rd NW</b>				
Zoning District:	<b>S-RM1   Suburban Residential Medium Single Unit</b>				
Proposed Major Design Exceptions: (Attach additional sheet if necessary)	Standard	Required by Code	Proposed		
	Combined side yard	14 feet	(please indicate, as low as 9.5') <b>10</b>		
	Minimum Side Yard	5 feet	(please indicate, as low as 2.5') <b>3</b>		
	<b>Decrease minimum &amp; combined side yard to attach an 18 ft. wide single stall garage. Neighbor's garage &amp; drive are on the lot line so can't extend to the south!</b>				
Applicant Signature	<b>Kathy Rickertsen</b>				
	Date <b>3/24/22</b>				

Applicant hereby certifies under penalty of perjury that he/she is the owner, or that he/she is authorized and empowered to make this application on behalf of the owner. Applicant also certifies under penalty of perjury that the application and any related materials are true and contain a correct description of the proposed use. Applicant further acknowledges that all applications are subject to deed restrictions and any other codes, ordinances, laws or government regulations that apply.

**Section 32.05.12.F Review and Approval Criteria**

Major Design Exceptions may be approved only when the Board of Adjustment determines that all of the following general approval standards and criteria have been met:

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports that are adopted by City Council and may provide guidance on the exception.
2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.
3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.
4. The requested exception can be demonstrated to meet one of the following:
  - a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
  - b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.
  - c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.
5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

**MAJOR DESIGN EXCEPTION  
AUTHORIZATION / CONSENT FORM  
& ACCEPTANCE OF CONDITIONS**

I/We Brent & Kathy Rickerter am Titleholder(s)/Owner(s) of  
(Name)

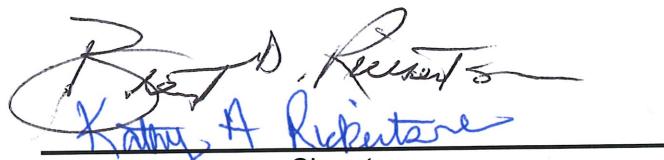
property located at : 148 Cherry Hill Rd NW, Cedar Rapids, IA  
Cedar Rapids Linn County Iowa.

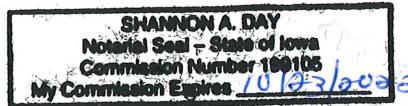
I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a Major Design Exception for the following use:

Attach an 18 ft wide single stall + 10 ft long,  
Cannot extend the south side of lot as neighbors garage +  
driveway are on the lot lines

I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

Dated this 24 day of March, 2022.

  
Kathy A. Rickerter  
Signature  
  
Notary Public





**NELSON CONSTRUCTION**  
701 Oakland Rd. N.E.  
CEDAR RAPIDS, IA 52402  
Phone 363-4781

JOB Mr and Mrs Rickertsen

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE 148 Cherry Hill Rd. N.E.

