

**STORY COUNTY  
PLANNING AND DEVELOPMENT  
STORY COUNTY ADMINISTRATION  
900 6<sup>TH</sup> STREET  
NEVADA, IOWA 50201-2087**



*"Commitment, Vision, Balance"*

**515-382-7245**

**MINUTES  
STORY COUNTY  
BOARD OF ADJUSTMENT**

**AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE PLANNING AND DEVELOPMENT DEPARTMENT, OR BY VISITING [WWW.STORYCOUNTYIOWA.GOV](http://WWW.STORYCOUNTYIOWA.GOV)**

<b>DATE:</b> August 16, 2017	Steve McGill	2017
	Lynn Scarlett	2018
<b>CALL TO ORDER:</b> 4:00 PM	*Karen Youngberg	2019
<b>PLACE:</b> Public Meeting Room	Randy Brekke	2019
Administration Building	Steve Bruns	2021
	*Absent	

**PUBLIC PRESENT:** Mike Kamp, Cindy Gorden, Anita Gorden, Madeline Jensen, Wanda Kamp, Bill Lile, Nancy Ruter, Larry Robinson, Stan Twedt, Shirley Cloyd, Neale Cloyd, Mary Wherrett, Haley Weber, Ryan Haaland, Patrick Sheets, Kelly Sheets, Lisa Dunaho, Jodi French

**STAFF PRESENT:** Jerry Moore, Director; Amelia Schoeneman, Stephanie Jones, Recording Secretary

**ROLL CALL:** McGill, Scarlett, Brekke, Bruns  
**ABSENT:** Youngberg

**APPROVAL OF AGENDA (MCU)**

**APPROVAL OF July 19, 2017 MINUTES (MCU)**

**PUBLIC COMMENTS:** None

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**HEARINGS:**

**CUP07-17 WANDA KAMP ADAPTIVE REUSE OF SHIPLEY SCHOOLHOUSE**

Amelia Schoeneman presented the staff report and stated that this request is for a conditional use permit to allow for the adaptive reuse of the Shipley School as a multi-family dwelling (rental units). At the July 19, 2017 Board of Adjustment meeting, the board remanded the request, requesting that the applicant reevaluate how the proposed reuse will relate to the existing

neighborhood and adjacent properties. The applicant has amended the original application from fourteen (14) units with (7) units on the first floor and seven (7) on the second floor to five (5) total units all located on the first floor. The first floor will have two shared bathrooms, a kitchenette, and a study/meeting area. The applicant will continue to reside on the lower level, which will also consist of a shared kitchen and lounge space for tenants. The applicant has received conditional use permits in the past for this property, including one for the same use as a multi-family dwelling. The Nevada Fire Chief inspected the building and provided a list of fire code items to address prior to occupancy. These items have been included as recommended conditions of the Conditional Use Permit. At their July 5, 2017 meeting, the Planning and Zoning Commission recommended approval of the conditional use permit with conditions. Based on citizen input, the Planning and Zoning commission also added a condition that the applicant be the owner and a permanent resident of the building.

### **APPLICANT COMMENTS:**

Mr. Haaland spoke on behalf of the applicant and stated that in regards to amenities, the Kamp's are working with two internet providers currently. Mr. Haaland stated that the Kamp's are considering charging \$500.00 per month for rent. Mr. Haaland spoke about permanent residency and stated that if that meant Ms. Kamp being present 365 days a year, Ms. Kamp would object to that. Bruns asked if anyone other than college students would be allowed to live in the schoolhouse. Mr. Haaland stated that under the fair housing act, restrictions could not be made on who lives there, but the target audience is college students.

Wanda Kamp spoke and stated that she has lived in the schoolhouse since 2000. Her goal when buying the building was to preserve the building and that her desire is still to preserve the school to the original design, allowing sleeping units with a large portion of the home being used as a common area. Ms. Kamp stated that the outside appearance of schoolhouse will remain the same, and that no low income or subsidized rent will be accepted. Ms. Kamp spoke to the concerns with the number of people and density of the use, space and an increase in traffic.

Bruns asked what would be done with the 2<sup>nd</sup> floor. Ms. Kamp stated that they do not know what they will do with the 2<sup>nd</sup> floor at this time and that the 2<sup>nd</sup> floor is structurally sound, but not cosmetically. Ms. Kamp stated that if she understood that if the 2<sup>nd</sup> floor were going to be finished she would need to come back to have the conditional use permit amended. Scarlett asked if there are laundry facilities. Ms. Kamp stated that at this time there is not, until she is sure the septic would take the extra water. Scarlett asked who would keep the common areas clean. Ms. Kamp stated that there will be a rule to keep the area clean and she may have a cleaning person come in on a regular basis to clean the common areas. Scarlett asked about the size of the units. Ms. Schoeneman clarified that the first floor is considered at grade. Scarlett also asked about the number of parking spaces and Ms. Schoeneman clarified. Scarlett asked how many tenants there are at the North Grant Schoolhouse. Jerry Moore stated there are 4 units.

### **PUBLIC COMMENTS**

Nancy Rider stated that change happens and she is happy of how the building looks and proud that the Kamp's have fixed and cleaned up the building. Ms. Rider stated that she has been in the building with 6-8 other people and there were no issues with space. Ms. Rider stated that the staff report was wrong for number of pupils in the school, and the correct number of students ranged from 110-140 students, but that the largest graduating class was 19.

Kelly Sheets stated that he appreciates that the number of occupants has gone down, but he still has concerns. Mr. Sheets asked how they would be sure that only 5 tenants are living there. Ms. Schoeneman stated that the board could make a condition for an annual review. Mr. Sheets was concerned about multi-family units and felt it should not be allowed in the agricultural area. Mr. Sheets asked the board to keep in mind the amount of opposition that was present at the last meeting.

Shirley Cloyd spoke and stated that she lived in the area for 20 years and is currently in the neighborhood at least once a week doing quilting. Ms. Coy stated that she had spoken to Danny Harrison, Jim Fagen, Pam Disinger, Betty Toot, and Mary Moore who are all neighbors and they stated that they have no objections.

Evelyn Jensen spoke and stated that Wanda Kamp is a good citizen and always very gracious to the community and does not feel that with the amount of money that the Kamp's have put into the building that they would not allow bad renters.

Stan Twedt stated that the Kamp's are good neighbors and not only will she be screening the tenants because they are in the neighborhood, but because this is also the Kamp's residence. Mr. Tweet feels that if neighbors opposed to the rental units would speak to the Kamp's and work together that it would help.

Mary Wherrett spoke and stated that she is a quilter with Wanda Kamp and feels that the owners are very capable of screening tenants and picking desirable renters.

Anita Gorden, 59665 Center Street, stated that the Kamp's are good neighbors and that she is not worried about the tenants that will be in the schoolhouse.

McGill asked if this could be approved on a trial basis for one year to see if the project is working the way projected. Ms. Schoeneman stated that would be possible and asked about assessment criteria that would be used to evaluate the request. McGill stated that the criteria would be the same standards. Jerry Moore suggested the occupancy rate could also potentially be considered. Bruns asked how many tenants per room would be allowed/anticipated. Ms. Schoeneman stated 1 tenant per room. Ms. Kamp stated that the rooms are smaller and that the rooms only have space for 1 person per unit. Brekke asked about a time frame for the permit. Ms. Schoeneman read from the code and stated that expiration happens within 5 years if substantial action is not taken. Brekke stated that he has concern about a trial period. Mr. Haaland stated that leases will be on an August - July basis so he would like the board to keep that rental cycle in mind if requiring a one year trial. Ms. Schoeneman stated that if there was a yearly site review process by staff, that staff could review and bring back to the Board of Adjustment if issues were found. Brekke asked when all the conditions would be met and tenants could be living there. Schoeneman stated that many of the conditions are already met. McGill clarified that all conditions must be met before the permit would be issued. Haaland stated it would be 6-8 weeks.

McGill stated that he proposed granting the CUP with the conditions recommended by staff for a term of 36 months with annual review by staff presented to the Board of Adjustment with the date beginning the day the CUP is issued.

Brekke asked for clarification on 36 months. McGill stated that it is difficult to make adjustments after only 1 year. Moore asked for clarification after the 36 months. McGill stated that if there are problems within the 36 months that it would give those in opposition to the request a chance

to come back or give the applicant the opportunity to also submit an amended CUP application to request an increase to the number of tenants.

Mr. Haaland asked if this meant that an entire reapplication process would be required or if only a Board of Adjustment review. Ms. Schoeneman stated that the CUP would not expire unless after 3 years there was proof that the project did not work out. Mr. Moore stated that he felt 3 years was a good compromise and responsive to the neighbor's concerns and gives the applicant adequate time to show the success of the request. Mr. Moore stated that there could also be an annual review by staff.

**MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the Adaptive Reuse of the Shipley School as a multi-family dwelling (rental units - five (5) total units all located on the first floor) as put forth in case CUP07-17 for the term of 36 months, with an annual review by staff beginning at the issuance of the CUP with the following conditions:**

1. The Conditional Use Permit shall remain in effect as long as Wanda Kamp is a permanent resident and the owner of the property.
2. The Nevada Fire Department shall inspect the property annually and the applicant shall make improvements as required by the Nevada Fire Department.
3. All scrap, appliances, tires, and other items of this nature shall be removed prior to occupancy.
4. Gravel shall be added to the north parking area to meet the Story County Land Development Regulations Section 88.08 that all parking spaces and circulation routes are well-defined and clearly marked.
5. The development shall incorporate best management practices as outlined in the Iowa Storm Water Management Manual – 2D-1 General Information for BMPs, as amended, and erosion and sediment control practices that meet or exceed the Iowa Statewide Urban Design and Specifications (SUDAS) guidelines. The applicant shall submit a statement that these requirements are met prior to occupancy.
6. A maximum of 5 tenants shall be permitted.
7. The following items shall be addressed and another building review conducted by the Nevada Fire Department shall occur to confirm the following requirements are met prior to occupancy:
  - i. A complete fire alarm system shall be installed, maintained, and inspected annually in accordance with NFPA 72. The following items shall be complete: All hallways shall have smoke detection, all sleeping areas shall have smoke detection, adequate heat detector coverage shall be installed in the gym and stage (shop) and connected to the existing fire alarm, strobe devices shall be installed on all levels of the occupancy, pull stations at exit doors shall be connected into the existing fire alarm.
  - ii. Remove hoses and render standpipes inoperable if they are not currently connected to a water supply system. The hose cabinets were installed but do not work. Hose cabinets give residents a false sense of security, especially if they are not currently working.
  - iii. Install address numbers to the south side of the building showing the numerical address for responders. Letters shall be contrasting color with a height of not less than 4 inches and a minimum of ½ inch.
  - iv. Fire escape routes shall be posted in conspicuous places for easy access to information about evacuating the building.

- v. Furniture and other combustibles shall be removed from the stairwell inside the building.
  - vi. The exit corridor near the kitchen shall be maintained clear and unobstructed. Some minimal decorations are permitted.
  - vii. Outlets within 5 feet of the kitchen sink shall be replaced with GFCI outlets.
  - viii. Dead bolts are only permitted on front egress doors if they are equipped with a thumb turn device. Exits shall be accessible without special keys, tools, or knowledge. Remove deadbolts on the interior doors.
  - ix. Install a minimum of 10 lb. ABC rated fire extinguishers so a person does not have to travel more than 75 feet to reach a fire extinguisher. Fire extinguishers shall be permanently mounted to the wall not higher than 5 feet at the neck of the extinguisher.
  - x. The fire rating between the shop and living spaces needs to be maintained. The following items apply to the fire wall separation.
    - a. The wood paneling partition near the entryway door and the boys bathroom shall be 1 hour fire rated construction. 5/8 inch sheet rock on both sides of 2X4 wood or metal studs is the equivalent of a 1 hour fire rating.
    - b. Replace the kitchen pass through wall with a 1 hour fire rated wall using 5/8 inch sheet rock on both sides of wood or metal studs.
    - c. The door from the gym (shop) and the entry way shall be replaced with a fire rated door of 1 hour fire rating (stamped 20 minute fire rated door).
    - d. The door from the gym (shop) and the kitchen shall be replaced with a fire rated door of 1 hour fire rating (stamped 20 minute fire rated door).
  - xi. Assure emergency lighting is placed throughout the facility and existing units have working batteries. Several of the emergency lights were not working at the time of the inspection.
  - xii. Replace open voids on the electrical panel in the first floor wash room near the furnace closet with approved metal or plastic cover plates.
  - xiii. Assure wash room closets remain free of combustible storage or the rooms will need to be completely sheet rocked with a fire rated door installed.
  - xiv. Install door knobs to the first floor and second floor stairwell doors separating the exit stairs from the sleeping rooms.
8. The fire escape shall be inspected and improved as necessary for its use prior to occupancy.
  9. An inspection of the second floor shall be conducted by the Nevada Fire Department upon completion and prior to its occupancy.
  10. Alternative compliance to allow parking in the Center Street right of way to the south of the school is supported with the following conditions:
    - The applicant shall assume all maintenance duties of the south parking area in the Center Street right of way, including adding gravel and removing snow, and shall release the county from those duties.
  11. If a public accommodation is established, the applicant shall take the appropriate steps to determine the building is in compliance by contacting a proper authority or expert on the ADA such as the U.S. Access Board.

12. The applicant shall take the appropriate steps to determine if reasonable modification and accommodation requirements of the Fair Housing Act are met/are required to be met by contacting an expert or proper authority such as the Iowa Civil Rights Commission.

**Motion: Bruns**  
**Second: Brekke**  
**Ayes: McGill, Scarlett, Brekke, Bruns**  
**Nays: None**  
**Not Voting: None**  
**Absent: Youngberg**  
**Vote: (4-0)**

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**OTHER BUSINESS:** None

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**BOARD/STAFF COMMENTS:** Mr. Moore gave an update and stated that staff is working on process ordinances. Mr. Moore stated that work is being done on the storm water drainage ordinance, Work Program projects including C2C Plan implementation projects.


**Staff:** Scarlett asked if there is an update on YSS. Mr. Moore stated that the hearing is scheduled for the end of the month.

**Board:** None

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**ADJOURNMENT:** 5:46PM

  
**Approval of Minutes**

  
**Title and Date**