

**Findings of Fact
For Conditional Use Permit for Property located at
1416 Gilbert Street**

Criteria to be considered by Board of Adjustment in granting or denying a special use permit:

- A. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

Yes. The Board engaged in lengthy discussion with the applicant and general public in attendance. The change in duration of stay of occupants does not substantially change the general use of the property as to significantly impact surrounding properties. Further relevant discussion and findings are set forth in the Minutes of the meeting attached hereto as Exhibit A and made a part hereof. The Board further approved a number of conditions and safeguards which are attached hereto as Exhibit B and made a part hereof.

- B. That such use shall not impair an adequate supply of light and air to the surrounding property. *Yes.*
- C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety. *Yes. The applicant does not anticipate a change in the overall occupancy of the structure.*
- D. That such use shall not diminish or impair established property values in adjoining or surrounding property. *Yes. The change in duration of stay of occupants does not substantially change the general use of the property as to significantly impact surrounding properties.*
- E. That such use will not unduly burden public utilities. *Yes.*

5. Conditions/safeguards which should be imposed upon a permit recipient:
See Exhibit B.

If any of these foregoing questions are answered in the negative, the special use cannot be granted.

6. Decision by the Board of Adjustment:

Approved X

Disapproved

Date: 3/3/25

Gene A. Baerly
Chairperson

Rudy O'Donnell
Secretary

Exhibit A

(Attach approved Minutes)

BOARD OF ADJUSTMENT
FEBRUARY 3, 2025

Charles City board of adjustment met on February 3, 2025 at 10:00 in the Zastrow Room at the public library. Chair Gene LaBounty presided and the following members were present: Alan Powell, Bob Kloberdanz and Michael Hammond. Absent was Krista Noah. Also present were city administrator Steve Diers, city attorney Brad Sloter (via Zoom) and city engineer John Fallis.

Motion by Kloberdanz, second Hammond to approve the agenda. Ayes - 4

Motion by Hammond, second Powell to approve the minutes of the August 9, 2024 minutes. Ayes - 4

Chair LaBounty opened the public hearing on a request for conditional use permit for multi-family dwelling (more than 4 units per building) on property located at 1416 Gilbert Street. Affidavit of publication dated 1/24/25 was informally filed. Chair LaBounty asked for written comments. It was noted that an email from Dennis Sanvig had been included in the board packets. Chair LaBounty then asked for oral comments. Kevin Adelmund, the applicant, stated there are 40 units in his complex and they are all studio apartments. There are no stoves in these units, so he is thinking it will be more blue collar workers living there, not families so much. Brad Toppin, who resides at 111 Hillside Drive, asked about the change in rental length and reply was that it will be changing to more monthly rather than weekly. He plans on requiring one year leases and then after a year, it can go on a month by month basis. These units will be subject to the rental inspection code of the city. Boardmember Hammond asked if Adelmund had seen the letter stating some concerns and he replied yes. Resident Sam Offerman commented that currently, the dumpsters there get overflowing and the wind blows trash all around the neighborhood, would like to see that contained. Adelmund commented that tenants will be screened and background checks will be conducted. He manages his complexes himself. Screening between properties was discussed and the code only requires this be done between residential and business areas, not between businesses. City attorney Sloter stated that the board could place a condition to this effect, but staff is not recommending that be done. There is currently a row of trees between this building and the residential behind it and staff is recommending leaving that screening there. Dennis Sanvig, who owns the business next door, asked if any easement or plans had been sent to the board and reply was no, just a picture. Sanvig stated that there is an easement in place for the driveway and it's maintenance, this is a private easement between the two property owners. The driveway is not in compliance, is the city going to require it to be fixed? City attorney Sloter stated that the city can not act on a private easement so that is why no copy of that easement would be presented to the board. Much discussion on the easement and the screening between the two businesses. This request is for a conditional use permit, not a variance and it is not for rezoning. The use is remaining the same. City engineer John Fallis stated that the parking lot needs to be striped and that needs to be done before June 1. There is also the matter of back hotel/motel taxes that need to be paid and this is being worked through the state. The city is requiring that those back taxes be paid before this conditional use permit can be considered approved. Discussion on what the restrictions will be for this permit and the following items were agreed upon: parking lot striping be done before June 1, 2025 and the back hotel/motel taxes that are due need to be paid by 30 days from today (which is March 5). It was decided that stipulating the current tree screening remain was already addressed in the code. Boardmember Kloberdanz asked City attorney Sloter about the private easement and Sloter replied that the board should not take that into consideration in their analysis. Finding of the facts were reviewed and answered as follows: A. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property - Yes, B. that such use shall not impair an adequate supply of light and air to the surrounding property

- Yes, C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety - Yes, D. that such use shall not diminish or impair established property values in adjoining or surrounding property - Yes E. That such use will not unduly burden public utilities - Yes. The following conditions were added to this approval as follows: the parking lot striping will be completed by June 1, 2025 and the hotel/motel taxes that are due shall be paid within 30 days from today (which is March 5). Board member Powell introduced Resolution 01-25 entitled, "RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 1416 GILBERT STREET" with the restrictions listed above and moved for adoption. Second to adopt Hammond. Resolution duly passed as follows: Ayes - LaBounty, Hammond, Powell. Nays - Kloberdanz.

Motion by Hammond, second Kloberdanz to adjourn. Ayes - 4.

Trudy O'Donnell, board secretary

Exhibit B

Conditions and Safeguards of Conditional Use Permit

1. That the applicant provide proof of payment of all outstanding hotel/motel tax for the property within thirty (30) days of February 3, 2025.
2. That the applicant provide and complete adequate parking stall striping for the parking lot for the premises by July 1 2025.