

# NOTICE OF BOARD OF ADJUSTMENT ELECTRONIC MEETING

October 12, 2020 – 7:00 p.m.

Via Zoom\*

Cumming, Iowa

This is a tentative agenda only, which is subject to change. The final agenda will be posted at least 24 hours prior to commencement of the meeting.

- I. ROLL CALL
- II. APPROVAL OF AGENDA as presented and/or amended
- III. PUBLIC HEARING
- IV. ACTION ITEMS
  - A. Variance Application for 200 N. 60<sup>th</sup> Street – Gieseemann
- V. ADJOURN

Join Zoom Meeting

<https://us02web.zoom.us/j/82843813917?pwd=Uy9MNytmYzN1U1FDWG0vVUVBQ1luUT09>

\*This meeting will be held electronically through the Zoom App. If you would like to participate or view this meeting please download the app and choose “Join Meeting” up to 10 minutes prior. The **meeting ID is: 828 4381 3917. Password: 644561**. If you would like to join by telephone please call: 312-626-6799 and enter the Meeting ID and Password when prompted.

Please keep your microphone muted unless you are called upon to speak during public comment. The standard rules of order apply during this meeting.

If have any questions about the operation of this app or how to join please contact City Hall at 515-981-9214.

**OFFICIAL PUBLICATION  
CITY OF CUMMING  
Board of Adjustment Meeting 6/30/2020  
To be Approved by Council 7/13/20**

The Board of Adjustments Meeting of the City of Cumming was held via Zoom (Meeting ID: 829 8079 3771) on Tuesday, June 30, 2020. The Meeting was called to order at 7:11 P.M. by Pat Whalen. Present at Roll Call: Phil Crum, Dennis DeBruin, and Pat Whalen. Absent: Hollie Fick. Motion by DeBruin, seconded by Crum to approve the agenda as presented. Approved 3-0.

**Action/Discussion Items:**

- A.** Motion by DeBruin, seconded by Crum to approve Pat Whalen as Chair.  
Motion by Whalen, seconded by Crum to approve Dennis DeBruin as Vice-Chair.  
Motion by Crum, seconded by DeBruin to approve Angie Ritchie as Secretary.  
Approved 3-0.
  
- B.** The Public Hearing on the variance application for 200 N. 60<sup>th</sup> Street was opened and closed at 7:16 p.m. There were no public comments.
  
- C.** Motion by Whalen, seconded by Crum, to approve the variance application for 200 N. 60<sup>th</sup> Street modifying the setback from 75' to 50' subject to the building getting the proper building permits from Planning and Zoning and following all City codes in regards to the construction and design of the building. Approved 3-0.

Motion by Crum, seconded by DeBruin to adjourn at 7:35 p.m. Approved 3-0.

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Tom Becker, Mayor

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Attest: Angie Ritchie, Deputy Clerk

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**From:** Chris Campbell <ccampbell@v-k.net>  
**Sent:** Thursday, August 6, 2020 11:29 AM  
**To:** City of Cumming (deputyclerk@cumming.iowa.gov) <deputyclerk@cumming.iowa.gov>; joshgiesemann@yahoo.com  
**Cc:** Jason VanAusdall <jvanausdall@v-k.net>; Chris Campbell <ccampbell@v-k.net>  
**Subject:** Denied permit for Accessory Building at 200 N 60th St

Josh,

As discussed on the phone I have attached a copy of your denied permit, Zoning Regulation Section 170.24, and the Architectural Standards Guide.

Zoning Code 170.24.3 Accessory Buildings states no accessory building allowed in front yard and max height of 16'.

You will need BOA approval for your requested building height and location.

You will also need to meet minimum Architectural Standards unless another option is approved.

If you have any further questions please let me know.

Thank you.

Chris Campbell

*Chris Campbell*



**VEENSTRA & KIMM, INC.**

*3000 Westown Parkway*

*West Des Moines, Iowa 50266-1320*

*Office: (515) 850-2931*

# DENIED

Called owner 08-06-2020

Chris Campbell

## City of Cumming

Does not meet Zoning Code 170.24.3

## BUILDING PERMIT

Proposed in front yard and

over 16' max height.

Permit # 2020-17

PO Box 100 649 N 44th St. Cumming, IA 50061 | Ph: 515 981-9214 Fx: 515 981-4981 cityclerk@cumming-iowa.com

TYPE OF PERMIT:  Building  Shed  Deck  Pool  Other

ATTACH SITE PLAN, DRAWINGS, AND/OR BUILDING PLANS

JOB SITE		BUILDING SQUARE FOOTAGE	
ADDRESS: <u>200 N. 60th Street</u>		Level 1 <u>40 X 48 (1920)</u>	Pool Size <u>NA</u>
NAME: <u>Josh Giesmann</u>		Level 2 <u>NA</u>	Deck sqf <u>NA</u>
DATE: <u>7/1/2020</u>		Finished _____	Garage/Shed <u>NA</u>
<input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Demolition		Unfinished _____	Height <u>24'</u>
<input type="checkbox"/> Moving Structure <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial		<b>DESCRIPTION OF PROJECT:</b>	
<input type="checkbox"/> One-Family <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi (No. _____)		40' X 48' Out Building, Post Frame	
Property is in a Flood Plain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Min Elevation MPE _____			
Owner	Name <u>Josh Giesemann</u> Email <u>joshgiesemann@yahoo.com</u>	<b>PERMIT FEES</b>	
	Address <u>200 N. 60th Street</u> Fax No. _____	<b>BUILDING</b> \$ _____	
	City <u>Cumming</u> Telephone No. <u>515-779-2526</u>	<b>SHED</b> \$ _____	
	State/Zip <u>IA, 50061</u> Cell No. _____	<b>DECK</b> \$ _____	
Contractor	Name _____ Email _____	<b>POOL</b> \$ _____	
	Address _____ Fax No. _____	<b>TOTAL PERMIT FEE</b> \$ <span style="border: 1px solid black; padding: 2px 20px;"> </span>	
	City _____ Telephone No. _____	<b>ADDITIONAL ACKNOWLEDGEMENTS</b>	
	State/Zip _____ Cell No. <u>641-722-3692</u>	<ul style="list-style-type: none"> <li>Except as provided by law, where any work has been started prior to obtaining this permit, the regular fee shall be doubled.</li> <li>This permit shall expire if work has not commenced or has been abandoned for 120 days.</li> <li>ALL WORK MUST BE INSPECTED. It is the responsibility of the permittee to call for inspections. No work shall be concealed or covered until approved by the inspector.</li> <li>The permittee acknowledges they are proficient in the performance of the work covered by this permit.</li> <li>Fill out this application and return to City Hall .</li> </ul>	
Architect-Engineer	Name _____ Email _____	<b>SIGNATURE OF OWNER OR AGENT</b>	
	Address _____ Fax No. _____	X _____ Date _____	
	City _____ Telephone No. _____	<p><b>To schedule an inspection or if you have any questions please call Veenstra &amp; Kimm at 515-850-2980. Email: jvan@v-k.net</b></p> <p><b>24 hour inspection notice is needed.</b></p>	
	State/Zip _____ Cell No. _____	Notified DMWW _____ Notified Warren Co. _____	
Sub-Contractors	Company Name: _____ Phone: _____	Payment Received Date: _____ Amount: \$ _____	
	Company Name: _____ Phone: _____	<b>WHEN APPROVED BELOW, THIS BECOMES YOUR PERMIT</b>	
	Company Name: _____ Phone: _____	ISSUED BY: _____ DATE: _____	
		BUILDING OFFICIAL	

**Section 170.24****SUPPLEMENTAL DISTRICT REGULATIONS****Sub-Sections:**

- 170.24.1 Supplemental District Regulations**
- 170.24.2 Visibility at Intersections**
- 170.24.3 Accessory Buildings**
- 170.24.4 More than One Principal Structure on a Lot**
- 170.24.5 Height Regulation Exception**
- 170.24.6 Use of Public Right-of-Way**
- 170.24.7 Mailboxes and Structures in Public Rights-of-Way**
- 170.24.8 Proposed Use Not Covered In This Chapter**
- 170.24.9 Buildings to Have Access**
- 170.24.10 Mobile Homes or Trailers**
- 170.24.11 Hedges and Fences**
- 170.24.12 Loading**
- 170.24.13 Minimum Dwelling Dimensions**

**170.24.1 Supplemental District Regulations.** The following provisions, regulations, or exceptions apply equally to all districts except as hereinafter provided.

**170.24.2 Visibility at Intersection.** On a corner lot in any district except the OC, Original Cumming District, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two feet and ten feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by connecting the right-of-way lines at points which are 25 feet distant from the intersection of the right-of-way lines and measured along the right-of-way lines.

**170.24.3 Accessory Buildings.** No accessory building shall be erected in any required front yard. No separate accessory buildings shall be erected within three feet of any side yard property line or five feet of any rear yard property line, or occupy more than 30 percent of the required rear yard, or exceed 16 feet in height.

**170.24.4 More Than One Principal Structure on a Lot.** In any district, more than one principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard, and other requirements of this chapter are met for each structure as though it were on an individual lot.

**170.24.5 Height Regulation Exception.** The height limitations contained in this chapter do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for human occupancy.

**170.24.6 Use of Public Right-of-Way.** No portion of the public road, street, or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

170.24.7 Mailboxes and Structures in Public Rights-of-Way. The construction or installation of any structure, except mailboxes, public sidewalks and driveway approaches, by any person other than an employee or agent of the City, County, or State government having jurisdiction shall not be permitted within the public street right-of-way, unless authorized by the City Council. Mailboxes located within the right-of-way of any public street within the City of Cumming corporate limits shall have support structures that are constructed to readily break or bend without creating significant damage to a vehicle or a danger to its passengers upon impact with the mailbox. Mailboxes with a single 4 x 4-inch or 4¼-inch diameter wooden post or a metal post with a size no greater than a 2-inch diameter standard-strength steel pipe and buried no more than 24 inches into the ground will be acceptable as a mailbox support within the right-of-way of any public street. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10 inches below the ground surface. The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle. Mailbox supports shall not be set in concrete, and shall not be constructed of brick, concrete, stone, or masonry of any type in the public right-of-way of any public street. Mailboxes within the right-of-way of any public street shall be located on the non-parking side of the roadway. The bottom of the box shall be set at an elevation established by the U.S. Postal Service, usually four feet above the roadway surface. On curbed streets, the roadside face of the mailbox shall be set back from the face of curb a distance of 6 to 8 inches, and support structure 12 inches or more. On residential streets without curbs or all-weather shoulders, the roadside face of the mailbox shall be set back 6 to 8 inches and support structure 12 inches or more behind the edge of pavement or graveled surface. On paved roads with drivable all-weather shoulders, the mailboxes shall be set back 6 to 8 inches and support structure 12 inches or more from the edge of the shoulder. Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route. Mailboxes shall maintain a minimum setback of 25 feet from the radius of an intersecting street.

170.24.8 Proposed Use Not Covered In This Chapter. Any proposed use not covered in this chapter as a permitted use or special exception shall be referred to the Commission for a recommendation as to the proper district in which such use should be permitted and the chapter amended as provided in Section 170.45 before a permit is issued for such proposed use.

170.24.9 Buildings to Have Access. Every building hereafter erected or structurally altered shall be on a lot or parcel having a frontage on a public street or road.

170.24.10 Mobile Homes or Trailers. Mobile homes occupied as a permanent or temporary place of residence shall be located only in an approved mobile home park or mobile home subdivision unless otherwise provided in this chapter and occupied travel trailers and camping trailers shall be located only in an approved tourist or trailer campground.

170.24.11 Hedges and Fences. Fences or hedges shall not exceed four feet in height in any required front yard and shall not exceed six feet in height in any required side or rear yard, subject to the further restriction of subsection 1 of this section.

170.24.12 Loading. All businesses except those in the OC District shall provide adequate off-street loading for all vehicles so that no public thoroughfare will be blocked at anytime.

170.24.13 Minimum Dwelling Dimensions. The first floor of a residential dwelling shall not be less than 24 feet by 32 feet, exclusive of garages.

## CHAPTER 166

# ARCHITECTURAL STANDARDS

166.01 Architectural Standards	166.07 R-2 Two-Family Residential District
166.02 Statement of Intent	166.08 R-3 Multi-Family Residential District
166.03 Architectural Performance Standards	166.09 C-1 Highway Commercial District, C-2 Central Business District, C-2 Community Commercial District
166.04 Submission Requirements	166.10 C-4 Professional Commerce Business District
166.05 General Requirements	166.11 I-1 Industrial District
166.06 R-1 Single-Family and RE-1 Single-Family Rural Estates Residential Districts	166.12 A-1 Agricultural District

**166.01 ARCHITECTURAL STANDARDS.** The requirements, guidelines, and standards set forth in this chapter shall apply to any development or redevelopment of property within the zoning districts listed and within the City.

**166.02 STATEMENT OF INTENT.** In the interest of promoting the general welfare of the community and to protect the value of buildings and property, the image and character of a community is considered important. It is recognized that the community should be visually attractive as well as economically prosperous and the manner in which a use is accomplished is as important as the use itself. It is the intent of these architectural standards to establish basic parameters for building design that when followed have the effect of producing structures that preserve and enhance building and property values, are long-lasting, resistant to deterioration, and maintain their visual appeal over time. It is further the intent of these standards to establish and promote a community image of permanence, quality, authenticity, and consistency through building design. It is not the intent of these standards to unduly restrict design freedom or apply a particular architectural style to all structures.

**166.03 ARCHITECTURAL PERFORMANCE STANDARDS.** As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses listed within this chapter (with the exception of single-family and two-family dwellings), architectural plans for buildings shall be submitted for review and approval by the City Council upon receipt of a recommendation from the Planning and Zoning Commission.

**166.04 SUBMISSION REQUIREMENTS.** The applicant shall submit the following for each proposed building, addition, or renovation subject to this chapter:

1. Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roof line.
2. Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.
3. Detailed exterior descriptions, including type and color of all exterior building materials, awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.
4. Detailed cut sheets of all proposed exterior light fixtures and an exterior lighting photometric plan.
5. In order to aid in evaluating the exterior design, the applicant shall submit plan views showing, if applicable, the locations of windows and doors, major entrances, recessions and projections from the principal planes of facades, loading docks, outdoor storage areas, and solid waste and recycling containment areas.



6. Heating, air conditioning and ventilating and electrical equipment heights, locations and screening materials.
7. Exterior building and finish material samples and color pallets.
8. Other information as required.

#### **166.05 GENERAL REQUIREMENTS.**

1. Nothing in this chapter shall be construed to limit the City's ability to approve designs and exterior materials different than those described herein as part of a planned unit development (PUD).
2. All buildings and additions thereto shall be subject to the standards of this chapter according to land use classes and zoning districts as described herein.
3. Buildings shall be subject to the following requirements for the application of exterior finish materials and other design elements:

A. **Classes of Materials.** For the purpose of this chapter, materials shall be divided into Class 1, Class 2, Class 3 and Class 4 categories as follows:

Class 1 materials:

- Fired clay brick laid up in a masonry wall system
- Natural stone laid up in a masonry wall system
- Glass
- Copper panels
- Other comparable or superior materials

Class 2 materials:

- Integrally-colored, specialty concrete block such as textured, burnished block or split-face block, or concrete brick
- Thin veneer brick (adhered)
- Manufactured or cast stone (adhered)
- Textured architectural concrete panels
- Masonry stucco
- Other comparable or superior materials

Class 3 materials:

- Water-managed Exterior Insulation and Finish System (EIFS)
- Fiber-cement board or panels, irrespective of form
- Decorative opaque panels designed as exterior building finish
- Ornamental metal
- Other comparable or superior materials

Class 4 materials:

- Vinyl siding or panels, irrespective of form or thickness
- Standard Exterior Insulation and Finish System (EIFS)
- Smooth or scored concrete block
- Smooth concrete tip-up panels
- Ceramic
- Glass block
- Wood
- Other comparable or superior materials

B. **Coverage.** Buildings shall incorporate classes 1, 2, 3, and 4 exterior finish materials in the following manner:

(1) Primary materials shall be those covering at least five percent of a building's façade area.

(2) Façade area shall be the total exterior wall area of all vertical or near-vertical faces of a building four feet in width or greater when viewed in elevation. Façade area shall be calculated to exclude the wall area resulting from minor projections and recessions from the predominant wall plane less than four feet in depth. Façade area shall be calculated to include the area of parapets, cornices, and similar wall extensions and trim. All garage doors are excluded from façade calculations.

(3) Any garage door proposed for any structure shall be integrated into the façade so as not to become a prominent element of the dwelling.

(4) The mix of selected exterior finish materials shall be distributed throughout the exterior of a building unless the City agrees that consolidating certain materials on more visible locations provides the most positive architectural appeal to the general public.

(5) Expansions of less than 50 percent of the floor area of the existing building may use the same or superior materials as the existing structure.

(6) A distinctly different color of fired clay brick may be considered as an additional Class 1 material. However, minor blended color variations shall not be considered as a separate material.

(7) Brick and stone exterior finishes shall not be painted.

(8) No EIFS shall be permitted within the lower three feet of any building wall façade.

C. Length of Façade. No façade shall have a length exceeding 40 feet uninterrupted by one or more of the following features:

(1) Projections or recessions in the wall plane at least two feet in depth.

(2) Change in material texture or masonry pattern.

(3) Patterns of columns, piers, ribs or pilasters, or equivalent elements that subdivide the wall.

(4) Change in fenestration pattern.

D. Fenestrations. For all office and retail buildings, at least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 30 percent glass fenestrations (windows and full glass doors) on the first level.

E. Frontage on Retail Buildings. All retail buildings, whether single or multi-tenant, greater than 50,000 square feet in gross floor area, shall incorporate Class 1 or Class 2 materials on no less than 80 percent of the façade area of all building facades that face or have frontage along a public street.

F. Proportional Design. All buildings shall be proportioned and designed so as to have a visual top, middle, and base.

G. Screening. The following peripheral features of buildings shall be screened from view from any adjoining residential properties and all public street rights-of-way:

(1) Rooftop equipment.

- (2) Roof access ladders and walkways.
- (3) HVAC equipment.
- (4) Utility meters.
- (5) Utility conduits, pipes, and cables.
- (6) Outdoor storage areas.
- (7) Loading areas, berths, or docks.
- (8) Areas and equipment for trash and/or recycling collection or compaction.

Screening shall be integral and consistent with the overall design of the building, utilizing the same materials and proportions of materials wherever practical. Metal cabinets used to enclose and protect rooftop mechanical equipment shall not substitute as screening. All trash and recycling dumpsters and bins must be enclosed on all sides with no less than a fence or masonry screen wall and include opaque gates. Buildings and sites shall be designed and oriented to screen all loading docks, overhead doors, and loading areas from public view from any adjoining residential properties, park and school sites, and public street rights-of-way.

H. Lighting. All exterior building and site lighting shall be downcast in nature and exterior light fixtures must possess sharp, cut-off qualities to prevent off-site glare. Lighting levels from a site cannot exceed one foot-candle at the property line.

I. Fuel Pump Island Canopies. The following standards shall apply to all fuel pump island canopies. Canopies may be attached to the principal structure or stand-alone. Attached canopies shall meet the building setback requirements of the primary structure. Detached canopies shall have a minimum front yard setback of 15 feet. The maximum canopy heights shall be 20 feet and must provide no less than 14 feet of clearance under the canopy. All under canopy lights shall be flush mounted.

J. Vehicle Drive-Thru and Drive-In Facilities. The following standards shall apply to all vehicle drive-thru and drive-in facilities. Drive-thru structures and components shall be incorporated into the overall design of the building; window service and menu boards shall be screened from view of public streets. With the exception of free-standing ATMs, stand-alone drive-thru canopies shall be prohibited.

**166.06 R-1 SINGLE-FAMILY AND RE-1 SINGLE-FAMILY RURAL ESTATES RESIDENTIAL DISTRICTS.** Design elements apply to any permitted development.

1. Compatibility. Homes must be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are to be constructed.
2. Front Façade. Homes shall have doors and windows which face the street and a distinct entry feature. Any garage door proposed for any structure shall be integrated into the façade so as not to become a prominent element of the dwelling.
3. Variation. The same building plan shall not be utilized on consecutive lots and there should be horizontal and vertical variation within each unit's front building face and between the front building faces of all adjacent units/structures to provide visual diversity and individual identity to each unit.
4. Materials. Homes must incorporate at least three primary Class 1, Class 2, Class 3 or Class 4 materials on 100 percent of their façade area.

5. Trim. Appropriately-scaled trim of at least three inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions.
6. Outdoor Elements. Each dwelling unit shall have its own functional porch, patio, or deck.
7. Fencing. Fences and garden walls shall not be constructed of galvanized chain-link material. Openings to fences and walls shall be gated with a gate that is constructed with a similar style and material as the surrounding area.
8. Trash Containers. Trash containers shall be screened from view.
9. Landscaping. See Section 165.29 of this Code of Ordinances, Green Space and Buffer Regulations, for required Landscaping Regulations.
10. Nonresidential Uses. Any building used for a permitted nonresidential use in an R District shall be designed and constructed with architecture, use of materials and exterior colors acceptable to the City and compatible with the residential uses within the neighborhood.
11. Screening. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, nonresidential use overhead doors or loading areas to the public.

**166.07 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.** The architecture of two-family buildings, including exterior colors, shall be acceptable to the City and accomplished in a manner compatible with adjoining residential uses in the neighborhood. Design elements apply to any permitted development.

1. Compatibility. Homes must be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are to be constructed.
2. Front Façade. Homes shall have doors and windows which face the street and a distinct entry feature. Any garage door proposed for any structure shall be integrated into the façade so as not to become a prominent element of the dwelling.
3. Variation. The same building plan shall not be utilized on consecutive lots. There should be horizontal and vertical variation within each unit's front building face and between the front building faces of all adjacent units/structures to provide visual diversity and individual identity to each unit. The wall façade of each individual dwelling unit must have a change in the wall plane and/or a change in the exterior material type, texture, and/or color to differentiate it from the adjoining unit.
4. Materials. Homes must incorporate at least three primary Class 1, Class 2, Class 3 or Class 4 materials on 100 percent of their façade area.
5. Trim. Appropriately-scaled trim of at least three inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions.
6. Outdoor Elements. Each dwelling unit shall have its own functional porch, patio, or deck.
7. Fencing. Fences and garden walls shall not be constructed of galvanized chain-link material. Openings to fences and walls shall be gated with a gate that is constructed with a similar style and material as the surrounding area.
8. Trash Containers. Trash containers shall be screened from view.
9. Landscaping. See Section 165.29 of this Code of Ordinances, Green Space and Buffer Regulations, for required Landscaping Regulations.

10. Nonresidential Uses. Any building used for a permitted nonresidential use in an R District shall be designed and constructed with architecture, use of materials and exterior colors acceptable to the City and compatible with the residential uses within the neighborhood.

11. Screening. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, nonresidential use overhead doors or loading areas to the public.

**166.08 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.** The architecture of multiple-family buildings, including exterior colors, shall be acceptable to the City and accomplished in a manner compatible with adjoining residential uses in the neighborhood. Design elements apply to any permitted development.

1. Horizontal Articulation. Horizontal articulation should define a base, middle and top for each articulated façade element. This can be accomplished with window composition, ornament, and special features.

2. Façade. Homes shall have doors and windows which face the street and a distinct entry feature. Vertical elements such as piers, pilasters, trim, window mullions, and bay windows should be used to compose the façade. Façade shall be articulated with vertical change significant enough to create a sense of depth and shadow. Any garage door proposed for any structure shall be integrated into the façade so as not to become a prominent element of the dwelling.

3. Additional Façade Features. Open porches, stoops and bay windows, where constructed, shall encroach into the area between the build-to-line and the front property line.

4. Variation. The same building plan shall not be utilized on consecutive lots and there should be horizontal and vertical variation within each unit's front building face and between the front building faces of all adjacent units/structures to provide visual diversity and individual identity to each unit.

5. Materials. Homes must incorporate at least three primary Class 1 or Class 2 materials, together composing at least 40 percent of the façade area. Class 3 and Class 4 materials in aggregate shall not exceed 60 percent of the façade area. Class 4 materials shall not exceed 10 percent of the façade area.

6. Trim. Appropriately-scaled trim of at least three inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions.

7. Outdoor Elements. Each dwelling unit shall have its own functional balcony or defined patio area (for first floor units). Elevated open walkways along the exterior of the building are prohibited.

8. Landscaping. See Section 165.29 of this Code of Ordinances, Green Space and Buffer Regulations, for required Landscaping Regulations.

9. Screening. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, nonresidential overhead doors or loading areas to public street view.

10. Nonresidential Uses. Any building used for a permitted non-residential use in an R District shall be designed and constructed with architecture, use of materials and exterior colors acceptable to the City and compatible with the residential uses within the neighborhood.

**166.09 C-1 HIGHWAY COMMERCIAL DISTRICT, C-2 CENTRAL BUSINESS DISTRICT, C-3 COMMUNITY COMMERCIAL DISTRICT.** Design elements apply to any permitted development.

1. Horizontal Articulation. Horizontal articulation should define a base, middle and top for each articulated facade element. This can be accomplished with window composition, ornament, and special features.
2. Vertical Articulation. Vertical elements should be used to compose street facing facades. Each element can be distinguished by not less than three of the following changes:
  - A. Material
  - B. Color
  - C. Architectural style
  - D. Height
  - E. Window types
  - F. Façade composition
  - G. Storefront or entry type
3. Windows and Storefronts. Ground floor shall be articulated with commercial storefronts alternating with entries to upper floors, or a rhythm of openings. Blank walls are not permitted along public facades. Windows of vertical proportion with ratio of up to 60 percent solid to void in linear measurement; a wide variety of window types including groups of tall windows to maximize glass areas.
4. Special Elements. The following elements may be applied to façade compositions: special roof elements, coining/belt courses, cornices, corner towers, entrance features, awnings, pilasters, bays.
5. Materials. Buildings must incorporate at least three primary Class 1 or Class 2 materials, together composing at least 80 percent of the façade area. Class 3 and Class 4 materials in aggregate shall not exceed 20 percent of the façade area. Class 4 materials shall not exceed 10 percent of the façade area.
6. Trim. Except where architecturally unsuitable, appropriately-scaled trim of at least three inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions.
7. Asphalt Shingles. If used, must be laminate style.
8. Screening. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, nonresidential overhead doors or loading areas to public street view.
9. Landscaping. See Section 165.29 of this Code of Ordinances, Green Space and Buffer Regulations, for Landscaping Requirements.

**166.10 C-4 PROFESSIONAL COMMERCE BUSINESS DISTRICT.** Design elements apply to any permitted development.

1. Horizontal Articulation. Horizontal articulation should define a base, middle and top for each articulated facade element. This can be accomplished with window composition, ornament, and special features.

2. Vertical Articulation. Vertical elements should be used to compose street facing façades. Each element can be distinguished by not less than three of the following changes:
  - A. Material
  - B. Color
  - C. Architectural style
  - D. Height
  - E. Window types
  - F. Façade composition
  - G. Storefront or entry type
3. Windows and Storefronts. Ground floor articulated with commercial storefronts alternating with entries to upper floors, or a rhythm of openings. Blank walls are not permitted along public facades. Windows of vertical proportion with ratio of up to 60 percent solid to void in linear measurement; a wide variety of window types including groups of tall windows to maximize glass areas.
4. Special Elements. The following elements may be applied to façade compositions: special roof elements, coining/belt courses, cornices, corner towers, entrance features, awnings, pilasters, bays.
5. Materials. Buildings must incorporate at least three primary Class 1 or Class 2 materials, together composing at least 85 percent of the façade area. Class 3 materials in aggregate shall not exceed 15 percent of the façade area. Class 4 materials shall not exceed 10 percent of the façade area.
6. Trim. Except where architecturally unsuitable, appropriately-scaled trim of at least three inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions.
7. Asphalt Shingles. If used, must be laminate style.
8. Screening. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, nonresidential overhead doors or loading areas to public street view. All screen or buffer walls shall be constructed of fired clay brick with mortar joints and a veneer depth of no less than three inches.
9. Landscaping. See Section 165.29 of this Code of Ordinances, Green Space and Buffer Regulations for Landscaping Requirements.

**166.11 I-1 INDUSTRIAL DISTRICT.** Architectural design, use of materials and exterior colors for construction of any building shall be reviewed as part of the site plan proposal in the I-1 Districts and shall be acceptable to the City and recognize the use of materials within buildings in the neighborhood. Although it is not the purpose of this section to dictate, specify, or restrict the use of building materials and structural standards, the use of appropriate exterior materials and colors to enhance the appearance of a building is encouraged by the City. Loading areas, loading docks, storage areas, and garbage dumpsters shall be located, screened or oriented to reduce their exposure to public street view. See Section 165.29 of this Code of Ordinances, Green Space and Buffer Regulations for Landscaping Requirements.

**166.12 A-1 AGRICULTURAL DISTRICT.** Architectural design, use of materials and exterior colors for construction of any building shall be reviewed as part of the site plan proposal in the A-1 Districts and shall be acceptable to the City and recognize the use of materials within buildings in the neighborhood. Loading areas, loading docks, storage areas, and garbage dumpsters shall be located, screened or oriented to reduce their exposure to public street view. Any buildings built in this district that are primarily residential in nature shall adhere to the R-1 and RE-1 standards. See Section 165.29 of this Code of Ordinances, Green Space and Buffer Regulations for Landscaping Requirements.



# Variance/Special Exception Application Form

649 North 44th Street, Cumming, IA 50061 Ph: 515-981-9214 Fax: 515-981-4981

All items listed must be submitted with this application:

Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

**A site plan, drawn in ink and to scale, which clearly shows the variance being sought. This site plan shall not be larger than 11" X 17." And must include:**

- Dimensioned property lines indicating any easements;
- Location & Identification of adjacent streets and alleys;
- Location and size of all existing and proposed buildings and structures (include distances to all property lines and distances between buildings and structures.);
- Dimensioned driveways and parking areas; and
- Any other pertinent information necessary to fully understand the need for a variance.

**Site photographs** showing all views of the property, including any special features such as topography and existing and adjacent structures. **Please note:** Materials submitted with the application or presented as evidence during the public hearing will not be returned and must be kept as a part of the public record.

**Completion of all of the following questions included in this application.**

**Legal description of the property.** The property owner should have a copy of the legal description. If not, owners may obtain a copy of the recorded deed, which contains the legal description, from the Warren County Recorder's Office for a fee.

**Application fee.** A \$100.00 fee is required payable to "City of Cumming." The fee must be paid when the application is submitted to the City Clerk.

Property Owner:

JOSH GIESEMANN

Property Address:

200 N 60TH ST CUMMING, IA 50061

Mailing Address:

200 N 60TH ST CUMMING, IA 50061

Phone:

515-779-2526

Fax:

—

PLEASE TYPE OR PRINT LEGIBLY IN INK.

---

All of the following questions must be answered. The board will use this information to review your request. Additional information may be attached if necessary. Contact the City Clerk with any questions.

**1. The applicant makes the following request:**

SEE ATTACHED

**2. Please state your hardship.**

SEE ATTACHED

In order to grant a variance, the Board of Adjustment must make a finding of unnecessary hardship. The hardship must be related to the physical aspects of the property and not a personal hardship. The granting of a variance should not merely serve as a convenience to the applicant. To support a finding of unnecessary hardship, the board must find, based upon your evidence, that all of the following are met:

3. **The land in question cannot yield a reasonable return if used only for a purpose allowed in the district.** State how you will lose all beneficial use and/or enjoyment of the property if the variance is not granted. You may include supporting evidence from a professional appraiser, real estate professional, or other professional. The Board may require documentation of loss of value in order to grant this variance.

SEE ATTACHED

4. **This variance is required because of the unique circumstances of this property and not the general conditions of the neighborhood.** The applicant must show that physical circumstances (such as an odd-shaped lot or difficult topography) on the property are unique to this property and unlike other properties in the vicinity. Also, the hardship should not be self-inflicted.

SEE ATTACHED

5. **The proposal will not alter the present character of the area or seriously affect any adjoining property.** The applicant must show that the proposal is compatible with the character of the surrounding area.

SEE ATTACHED

6. **The variance will not be contrary to the public interest.** The applicant must present information to indicate the variance will not impair an adequate supply of light and air to adjacent property, will not unreasonably increase the congestion in public streets or endanger public safety, nor will it devalue nearby property.

SEE ATTACHED

7. **The general intent and purpose of the Zoning Ordinance is protected.** A variance must be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan. Is there another option which you could pursue that would not require a variance? If alternatives exist which do not require a variance, the proposal would not be consistent with the intent of the Zoning Ordinance and Comprehensive Plan.

SEE ATTACHED

8. **Special Exceptions:** The purpose of a Special Exception Permit is to bring flexibility to the rigid restrictions of a zoning ordinance, while, at the same time, controlling troublesome and somewhat incompatible uses by requiring certain restrictions and standards. A "Special Exception" permits in a particular district a use not otherwise permitted when certain conditions specifically set out in the ordinances are satisfied. State your request:

SEE ATTACHED

**Additional Comments and Information:**

Attach additional information as necessary.

As evidenced by the signature(s) below, I (we) certify that I (we) have been denied a building/zoning permit, that I (we) have submitted all the required information to appeal for a variance, and that said information is factual.

Owner Signature: \_\_\_\_\_

*Josh Giesen*

Date: \_\_\_\_\_

*6/4/2020*

## Variance/Special Exception Application Form

**Amended September 10, 2020**

- 1) My wife Kristi and I own parcel 42100070665. We purchased the house 10/01/2012. The property has a 40' Roadway Easement. The easement starts on my side of the road and not the
- 2) center of the road. Additionally there is a 75' building set back requirement. Our request is to allow us a variance on the 75' building set back requirement. We are asking for a 50' building set back to build a detached structure. The structure would meet all architectural standards. The total distance would be 90' from the edge of the road. This structure would be in harmony with the neighboring property to the north (parcel id 42100070667) which is set back 50.1' from the easement. It would also be in harmony with a structure 3 parcels south of me (42095070040) which is set back 35.4' from the easement. I have attached a survey from Civil Engineering Consultants, Inc that was performed 05/20/2020 (Exhibit A). *Set back variance approved June 30, 2020.*
- 3) Our hardship is that due to the physical aspects of the property which consist of the existing easement, set back, septic tank system, dam and pond. There is no other place to build the structure. There would be no access to anything built behind the house. **In regards to Zoning Code 170.24.3, we are asking to be able to build the accessory building in the front yard as the site plan indicates.**
- 4) The existing property has a 2-car garage. If a variance is not granted we would lose enjoyment of the property. We have 2 children who will be of driving age in a couple of years and need the additional space to safely and securely park vehicles.
- 5) Our property has an odd-shaped lot and consists of a large pond. It is unique to the neighboring structures that are platted in a more traditional rectangle shape.
- 6) The proposed structure will not alter the present character of the area or affect adjoining property. The proposed structure will not have living quarters. We will not be running a business out of it. It will be a visually appealing building complete with concrete floors, insulated, heated, windows and doors. It will be of like colors to the existing home and meet all architectural standards. A rendering of the building has been included (Exhibit B) along with existing buildings in the area (Exhibit C-K)
- 7) **In regards to Zoning Code 170.24.3, we are asking for the sidewall height to be 16' tall with a total height at the peak being 24'.** This building will not be for commercial use. It will not impair an adequate supply of light and air to neighboring properties or increase congestion, endanger public safety or devalue nearby property. I have spoken with my bordering neighbors and have their verbal approval.
- 8) I don't have any option that would not require a variance.
- 9) My request is for a 50' set back building requirement to build an accessory building within my property. **The building will be located in the front yard as the site plan indicates, side walls will be 16' tall with the peak being 24' tall.**

# EXHIBIT A

## RETRACEMENT SURVEY PARCEL 'A' EXCEPT PARCEL 'B' SW1/4 SW1/4 SECTION 7-77-25 200 N 60TH STREET CUMMING, WARREN COUNTY, IOWA

Civil Engineering Consultants, Inc.  
2400 86th Street, Suite 12, Des Moines, Iowa 50322  
515.276.4884 Fax: 515.276.7984 em@ceclac.com



**PROPERTY OWNER:**  
JOSHUA J & KRISTI M GIESEMANN  
200 N 60TH STREET  
CUMMING, IOWA 50061

**PROFESSIONAL  
LAND SURVEYOR:**  
CIVIL ENGINEERING CONSULTANTS, INC.  
ATTN: PATRICK J SHEPARD, PLS  
2400 86TH STREET, SUITE 12  
URBANDALE, IA 50322  
PHONE: (515) 276-4884  
EMAIL: SHEPARD@CECLAC.COM

**PREPARED FOR:**  
JOSHUA J & KRISTI M GIESEMANN  
200 N 60TH STREET  
CUMMING, IOWA 50061

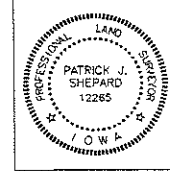
**LEGAL DESCRIPTION:** WARRANTY DEED BK. 2012, PG. 9149

PARCEL "A" OF THE THE SURVEY OF THE SW 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, AS SHOWN IN IRREGULAR PLAT BOOK 9, PAGE 17 OF 77-25 AND RECORDED ON SEPTEMBER 16, 1996 IN THE OFFICE OF THE WARREN COUNTY RECORDER AND EXCEPT PARCEL "B" OF THE SURVEY OF THE SW 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, AS SHOWN IN IRREGULAR PLAT BOOK 11, PAGE 14 OF 77-25 AND RECORDED IN BOOK 1998 PAGE 11513 ON NOVEMBER 18, 1998 IN THE OFFICE OF THE WARREN COUNTY RECORDER.

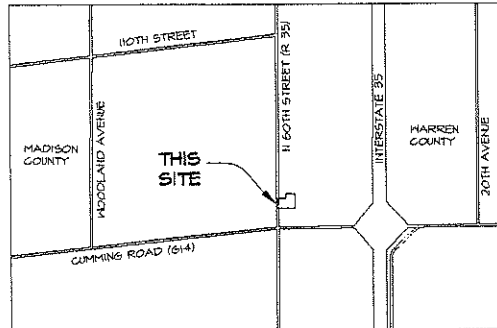
**NOTES:**  
1. THE PLAT OF SURVEY BEARINGS ARE BASED ON THE NAD 1983 IOWA STATE PLANE SOUTH ZONE GRID NORTH CALCULATED FROM THE IOWA DEPARTMENT OF TRANSPORTATION REAL TIME NETWORK.

**PURPOSE FOR RETRACEMENT SURVEY:**  
THIS SURVEY IS BEING PREPARED TO ESTABLISH EXISTING BOUNDARY LINES.

**CERTIFICATION**



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.  
PATRICK J. SHEPARD, IOWA LICENSE NO. 12265 DATE MY LICENSE RENEWAL DATE IS DECEMBER 31, 2021  
PAGES OR SHEETS COVERED BY THIS SEAL:  
1 & 2



INDEX LEGEND				
COUNTY: WARREN				
PARCEL: 'A'				
SECTION	TOWNSHIP	RANGE	1/4	1/4
ALIQOT PART: 7	77	25	SW	SW
PROPRIETOR (S): JOSHUA J & KRISTI M GIESEMANN 200 N 60TH STREET CUMMING, IOWA 50061				
REQUESTED BY: JOSHUA J GIESEMANN				
COMPANY: CIVIL ENGINEERING CONSULTANTS, INC ATTN: PATRICK J SHEPARD & RETURN TO: 2400 86TH STREET, SUITE 12, URBANDALE, IA 50322 PHONE: 515-276-4884				

**VICINITY SKETCH**

**LEGEND**

- FOUND CORNERS
- SET PROPERTY CORNER (5/8" I.R. W/ ORANGE CAP #12265 UNLESS OTHERWISE NOTED)
- PROPERTY BOUNDARY LINES
- PARCEL LINES
- EXISTING LOT OR TAX PARCEL LINES
- ORIGINAL PLAT LOT LINES
- EASEMENT LINES
- D. DEEDED BEARING & DISTANCE
- P. PREVIOUSLY RECORDED BEARING & DISTANCE
- M. MEASURED BEARING & DISTANCE
- I.R. IRON ROD
- I.P. IRON PIPE
- BK. XXX, PG. XXX COUNTY RECORDER'S INDEXING BOOK
- P.U.E. PUBLIC UTILITY EASEMENT
- R.O.W. RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- 430 ADDRESS

**AREA TABLE**

ALIQOT PART	GROSS (ACRES)	PUBLIC R.O.W. EASEMENT (ACRES)	NET (ACRES)
SW1/4 SW1/4	3.75	0.25	3.50

**DRAWING INDEX**

PAGE #	SHEET TITLE
1	COVER
2	RETRACEMENT SURVEY

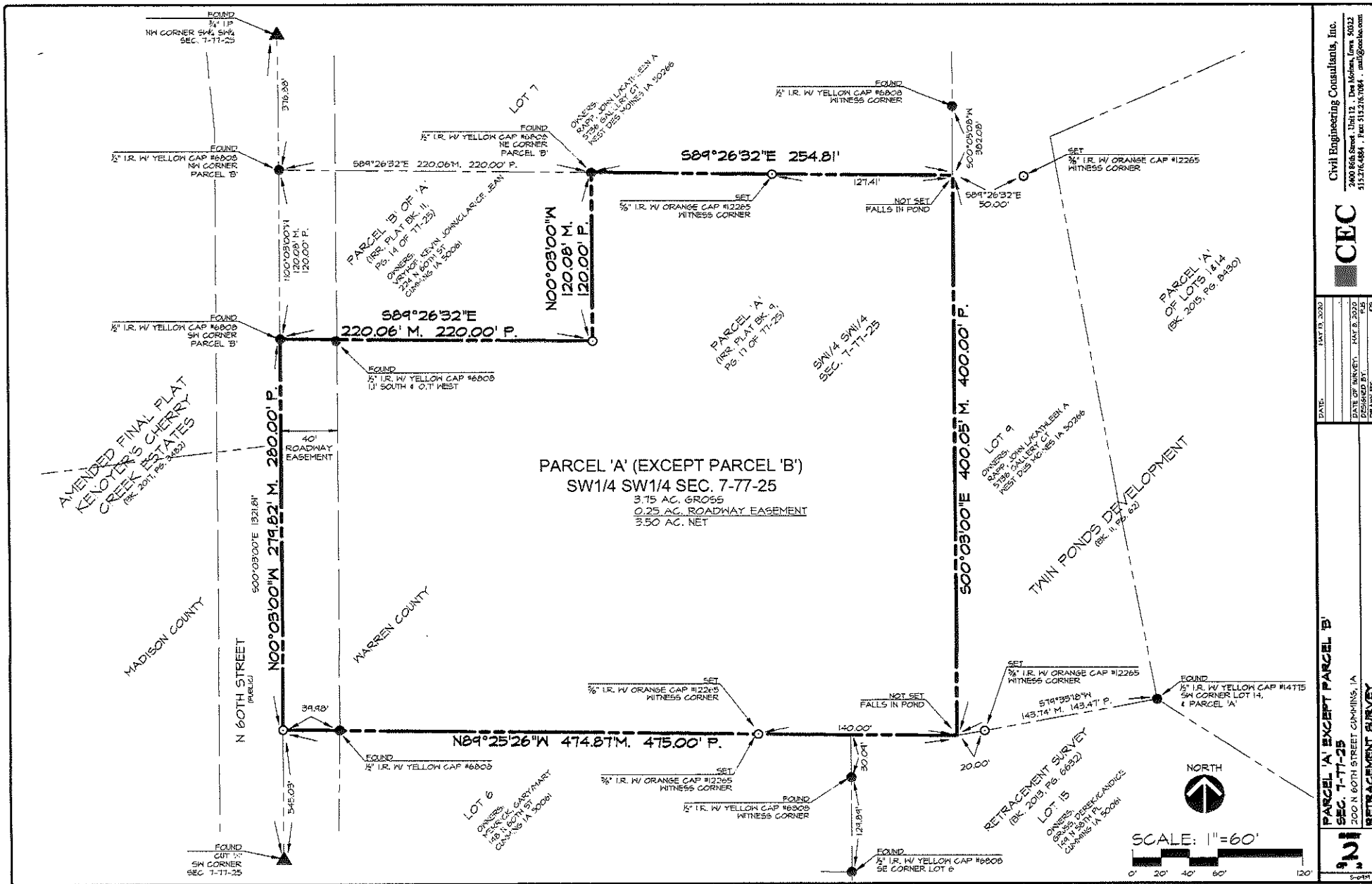
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DATE	MAY 13, 2020
DATE OF SURVEY	MAY 13, 2020
DRAWN BY	PJS
CHECKED BY	CEC

PARCEL 'A' EXCEPT PARCEL 'B'  
SEC. 7-77-25  
200 N 60TH STREET CUMMING, IA  
COVER

# EXHIBIT A

4 US FILESS 497050710\_341.dwg (dwg) Type: ALTA, Admin: 6/18/19 P: 25, dwg, 2/16/2023 2:16:17 PM, jcmth, 1 1



Civil Engineering Consultants, Inc.  
 2400 86th Street, Unit 12, Des Moines, Iowa 50322  
 515.276.6864 • Fax 515.276.1864 • info@cecinc.com

**CEC**

DATE:	MAY 9, 2022
DATE OF SURVEY:	MAY 9, 2022
DESIGNED BY:	PLS
DRAWN BY:	DMV/PLT

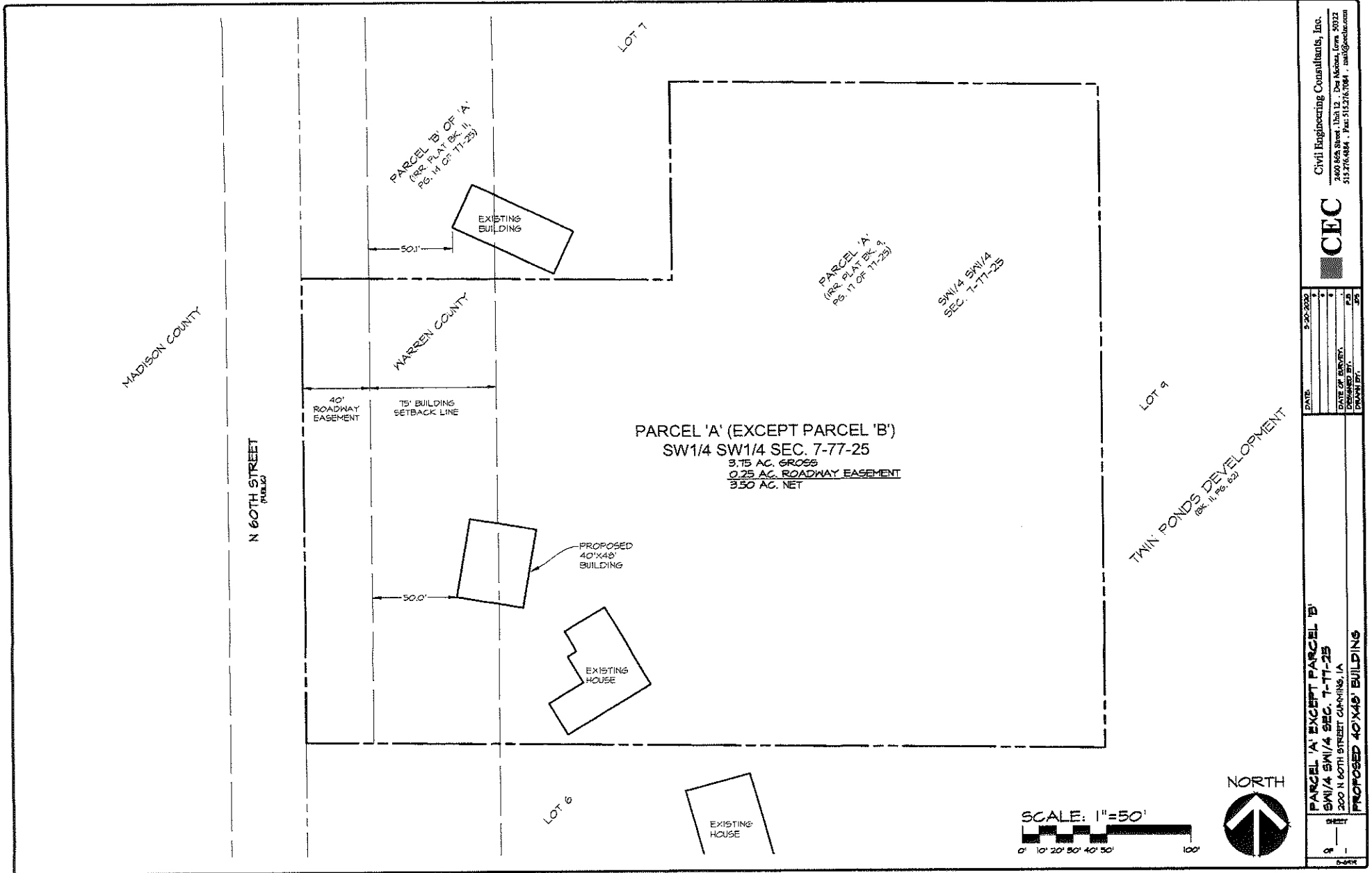
PARCEL 'A' EXCEPT PARCEL 'B'  
 SEC. 7-77-25  
 200 N 60TH STREET GAMMINS, IA  
 RETRACEMENT SURVEY

9-21  
 5-214

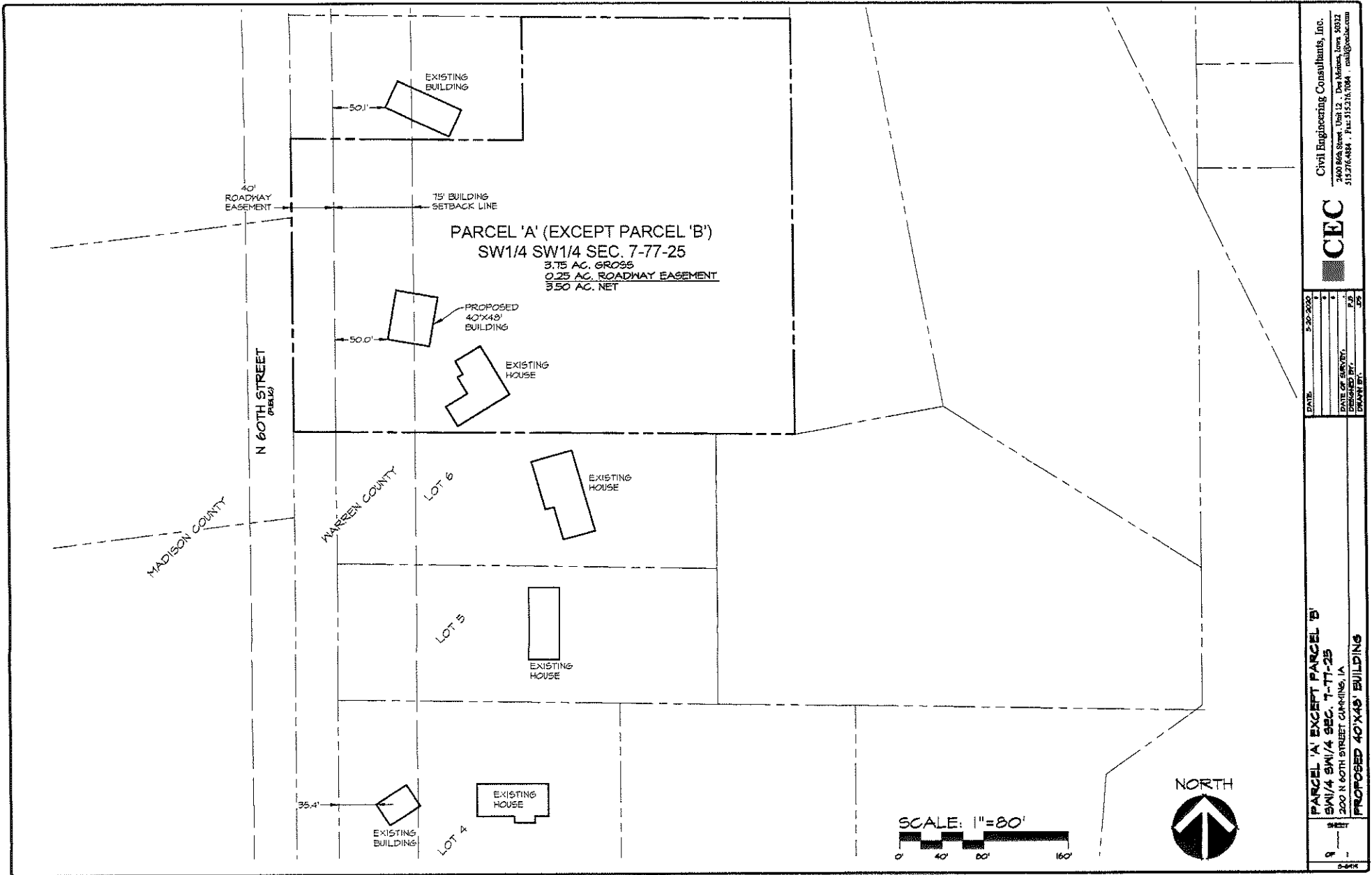




# EXHIBIT A



# EXHIBIT A



**Civil Engineering Consultants, Inc.**  
 7008 864 Street, Unit 15, The Village, Iowa 50317  
 319.276.4864 • Fax: 319.276.7884 • email@cecinc.com

**CEC**

DATE	5-20-2002
DATE OF SURVEY	
DESIGNED BY	J.D.
CHECKED BY	J.D.

**PARCEL 'A' EXCEPT PARCEL 'B'**  
**SW1/4 SW1/4 SEC. 7-77-25**  
 200' N 60TH STREET CORNER, IA  
**PROPOSED 40'X40' BUILDING**

2-MK

Elevation Views

EXHIBIT B

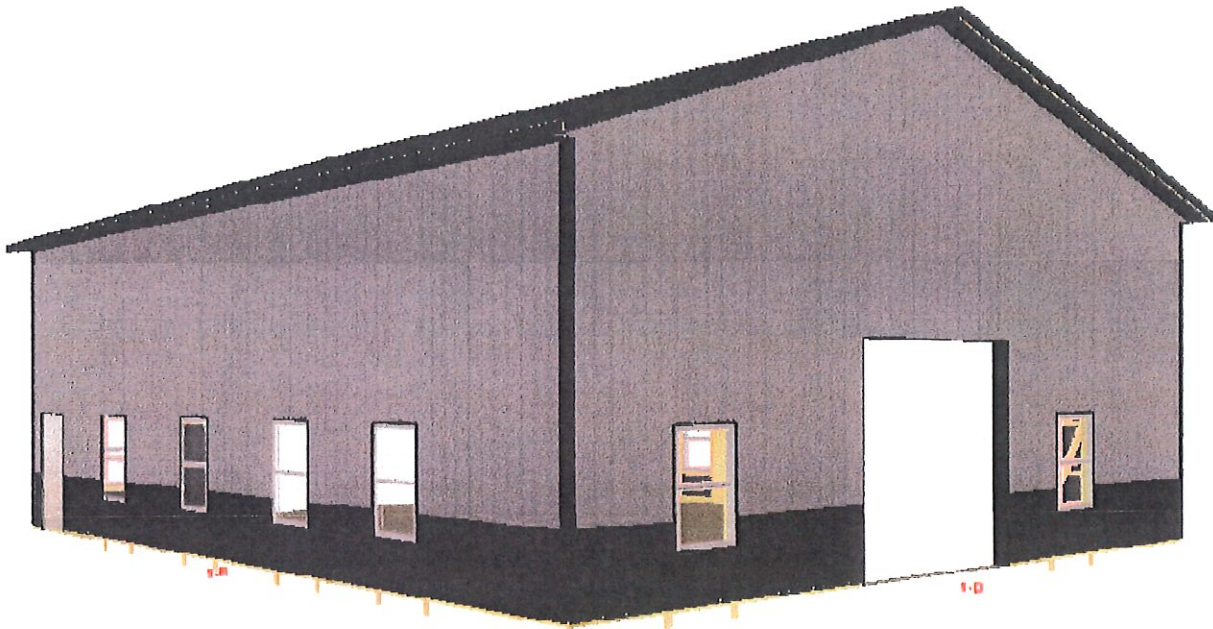
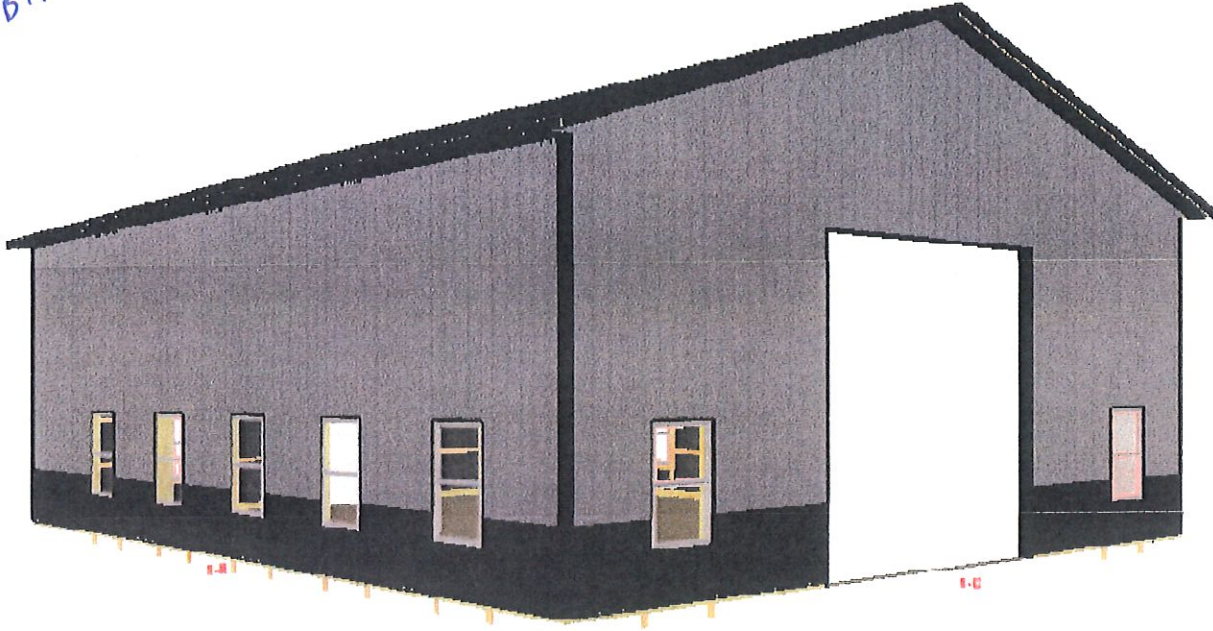


Exhibit C



RECEIVED MAR 05 2019

Exhibit "D"



RECEIVED MAR 05 2010

EXHIBIT E



RECEIVED MAR 05 2019

Exhibit "F"



EXHIBIT G



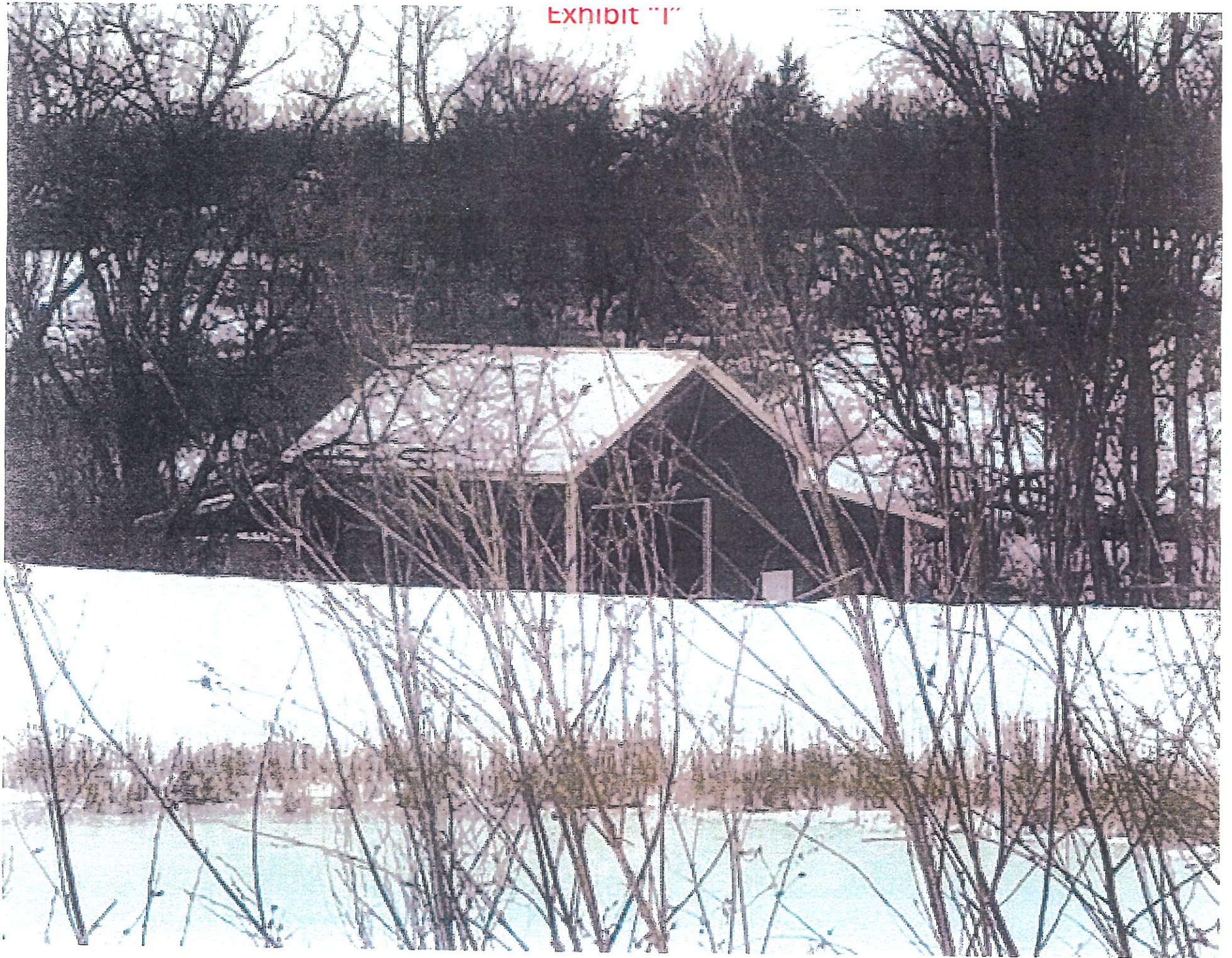


EXHIBIT 14



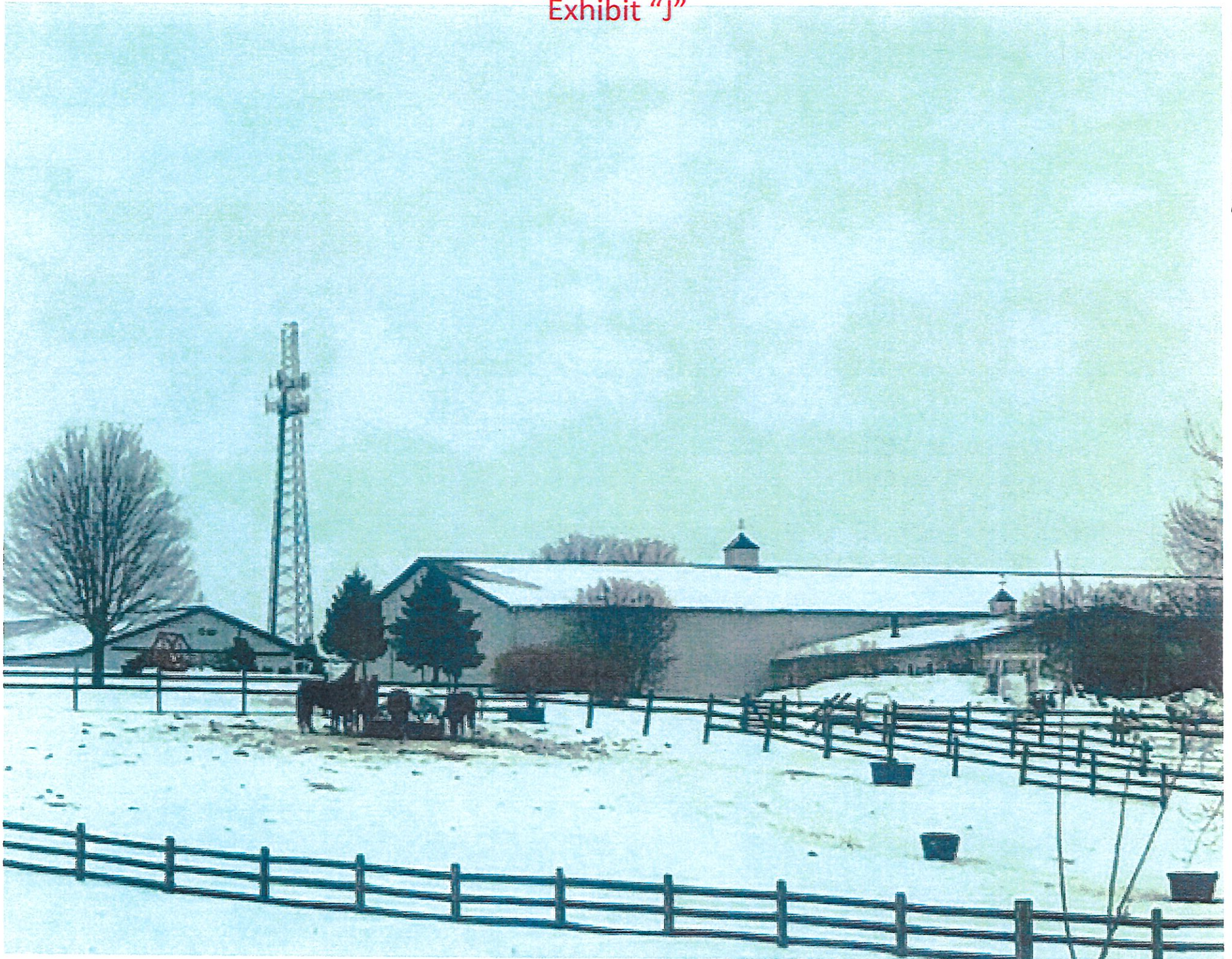
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Exhibit "I"



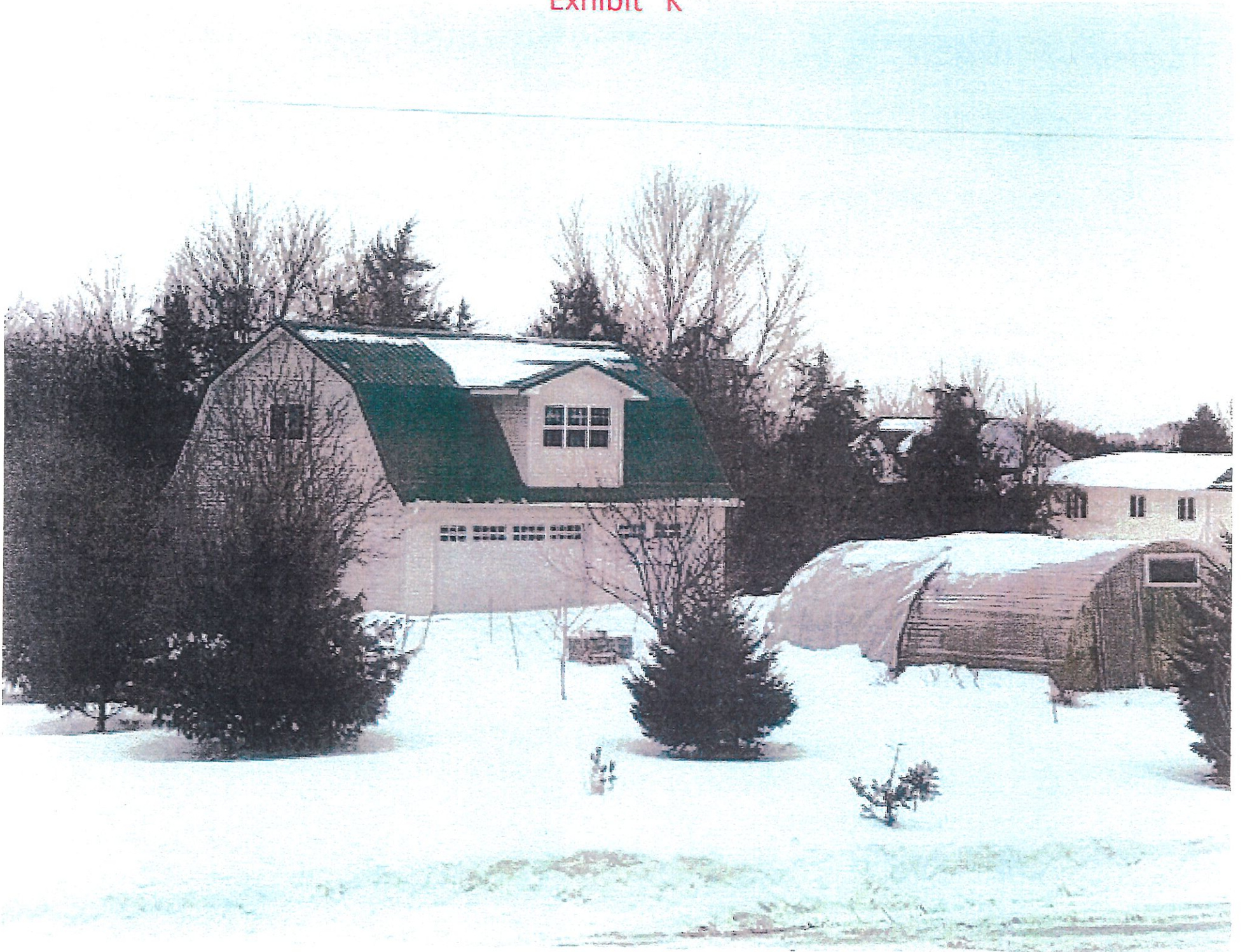
RECEIVED MAR 05 2019

Exhibit "J"



RECEIVED MAR 05 2019

EXHIBIT A



RECEIVED MAR 05 2019