

**DECISION**  
**CEDAR FALLS BOARD OF ADJUSTMENT**  
**TUESDAY, NOVEMBER 17, 2020**  
**MEETING VIA VIDEOCONFERENCE**

**Members Present:** Sue Beach, Amy Lang, Michael Mangin, Mark Miller, Gerald Sorensen, Barbara Weeg

**Member Absent:** Jennifer Rasmussen

**Staff Present:** Karen Howard, Thom Weintraut

**Others Present:** Brooke Porter, Ben Porter, Dan Arends, Kyle Larson, Anissa Stender, Steve Smith, Dallas Grattan, Ron Arends

1. VAR-20-001 - public hearing regarding two variances; 1) to allow the expansion of a use which does not comply with all the regulations of the F-W Floodway Overlay District, and 2) to allow the increase in the area of a residential building in the F-W Floodway Overlay District. The property is owned by Ben and Brooke Porter and is located at 1518 Cottage Row Road.

The Board concludes the enlargement of the structure in the F-W Floodway Overlay District is not contrary to the purpose of the floodplain regulation based on the following findings:

1. The variance will not essentially alter the character of the neighborhood based on the following:

The structure will be elevated above the 500-year (.02 percent) flood elevation, and will not increase the foundation foot print and will use construction methods similar to other structures in the area.

2. The variance is not contrary to the public interest and to the City Plan based on the following:

The expansion of the structure will not change the use of the structure and will lessen the potential damage to the habitable area of both the existing and the new portion of the building based on the increased elevation of the habitable finished floor.

3. There are conditions which cause a hardship and are unique to this property and are not shared by neighboring properties based on the following:

The Board did not provide any specific findings regarding this approval criteria.

4. The enforcement of the Zoning Ordinance will deprive the property owner of a reasonable use of the land based on the following:

The Board did not provide any specific findings regarding this approval criteria.

The Board concludes there is good and sufficient cause presented to expand the subject residential structure in the F-W Floodway Overlay District based on the following findings:

1. The variance will not essentially alter the character of the neighborhood based on the following:

The neighborhood is residential and allowing the property to continue as an expanded residential use will not essentially alter the character of the neighborhood.

2. The variance is not contrary to the public interest and to the City Plan based on the following:

The building and electrical and mechanical equipment will exceed the minimum 500-year flood protection requirements for the City which will lessen the flooding risks to the structure as well as additional protection to the electric utility workers, and therefore, the variance will not be contrary to the public interest of the general City plan.

3. There are conditions which cause a hardship and are unique to this property and are not shared by neighboring properties based on the following:

The Board did not provide any specific findings regarding this approval criterion.

4. The enforcement of the Zoning Ordinance will deprive the property owner of a reasonable use of the land based on the following:

The Board did not provide any specific findings regarding this approval criterion.

Disposition: By a vote of 5-1 the Board approved the variance request to allow the expansion of a use which does not comply with all the regulations of the F-W Floodway Overlay District and to allow the increase in the area of a residential building in the F-W Floodway District subject to the following condition(s):

1. The structure will meet all the requirements of Section 26-177(e)(4), Section 26-177(e)(5) and Section 26-177(e)(7) of the Zoning Ordinance.
2. The footprint and floorplans shall be in substantial compliance with the drawings dated September 29, 2020 as reviewed by the Board of Adjustment.
3. The applicant will meet all other requirements of the zoning ordinance.

2. EXC-20-001 – public hearing regarding an application for special exception permit to allow the expansion of an existing structure in the F-W Floodway Overlay District. The property is owned by Ben and Brooke Porter and is located at 1518 Cottage Row Road.

The Board concludes the proposed request meets the performance standards outline in Section 26-176(c) as based on the following findings:

1. The use should not result in any increase in the 100-year (one percent) flood level because the new construction will not involve the expansion of the existing footprint in the floodway and the applicant is providing flood openings and removing a support pier, thereby reducing the obstruction in the floodway.
2. The new construction will use construction methods and materials resistant to flood damage.
3. The use shall not affect the capacity or conveyance of the channel or floodway.
4. The structure will meet the applicable performance standards of the floodway fringe district and the alignment will remain as is currently on the site.
5. There is no increase to the foundation footprint of the building.
6. The structure has not been damaged to a degree greater than 50 percent of the fair market value after January 1, 2010.
7. A variance was granted to allow the expansion of an existing building in the floodway.
8. The building will be elevated above the 500-year (.02 percent) flood elevation, and therefore, will have a low flood damage potential and a variance was granted to allow an expansion of a habitable structure.

Disposition: By a vote of 6-0 the Board approved the special exception request to allow the expansion of an existing structure in the F-W Floodway Overlay District subject to the following condition(s):

1. The applicant shall obtain a floodplain development permit.
2. The applicant shall receive approval from the Iowa Department of Natural Resources stating the project will not negatively impact the flood conveyance of the Cedar River floodway.

PASSED AND ADOPTED this 17<sup>th</sup> day of November, 2020.

**CEDAR FALLS BOARD OF ADJUSTMENT**

Amy J. Lang

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Amy Lang, Chair

ATTEST:



Thomas Weintraut, Secretary

12/9/2020

Date