

DECISION

CEDAR FALLS BOARD OF ADJUSTMENT
TUESDAY, June 20, 2023

Members Present: Sue Beach, Ruby Hibben, Amy Lang, Michael Mangin, Mark Miller, and Gerald Sorensen

Member Absent: Dr. Jennifer Rasmussen

Staff Present: Thom Weintraut

Others Present: Travis Carolan, Chad Welch, McKenna Pryor, and Mary Jane McCollum

CU-23-001 - public hearing regarding a condition use request as per the Cedar Falls Zoning Ordinance:

A request for a conditional use, as per Sec. 26-140 of the City Code, to allow the adaptive reuse of a church building located at 209 Walnut Street. The specific request is to allow a personal service use, a salon, within the former church building and to use a 1996 annex building as a play area for patrons of the salon.

The property is located at 209 Walnut Street and is owned by Chad Welch. The applicant for the salon use is McKenna Pryor.

The Board concludes the anticipated characteristics of the proposed use, including, but not limited to, hours of operation, noise levels, lighting, traffic generation, signage, number of patrons/visitors/residents, and frequency, level, and type of activity will be compatible with the neighborhood based on the following findings:

The hours of operations set by the applicant are 8 AM to 5 PM Monday - Friday and 10 AM to 4 PM on Saturday with a scheduling process and no walk-in clients. The salon will be limited to six (6) workstations with an anticipated daily client number of 20 on average. The salon use will be restricted to the church building to avoid generating excessive noise or traffic. The annex building is restricted to an indoor play area for the children of the patrons of the business.

The applicant is proposing to have two non-illuminated wall signs to prevent light that may be a nuisance to nearby residences. The owner will remove one yard light located along W. 2nd Street and add lights above the front entrance and the parking lot entrance and will retain a pole light shining toward the parking lot for safety and security.

The applicant and property owner have stated due to the narrow area between the existing parking lot and the sidewalk a 3 foot high wood fence will be installed along W. 2nd Street to screen vehicle headlights from the properties across the street.

The Board concluded the proposed use will not be detrimental to or endanger the public health, safety, comfort, or general welfare based on the following findings:

The use will be confined to the interior of the building and with prescribed business hours so the use should not be detrimental to public health, safety, comfort, or general welfare of the neighborhood. The parking lot light illuminates the parking area and served as a security measure for patrons. The use of the rear annex building as a play area for patrons' children should not be detrimental to the neighborhood since it is restricted to the interior of the building.

The Board concludes the proposed use will not be injurious to the use and enjoyment of other property in the immediate vicinity based on the following findings:

The use has set prescribed hours of operation, all activities will be indoors, and the anticipated number of patrons per day will be 20 on average. With these limits traffic volumes will be low, so is not likely to have any significant impact to the use and enjoyment of other properties in the immediate vicinity.

The Board concludes the proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which the property is located based on the following findings:

The proposed use will be in an existing building and there are no plans for any exterior renovations or any addition to the building and thus will not impede normal and orderly development and improvement of the surrounding properties.

The Board concludes adequate utilities, access roads, parking, drainage and/or other necessary facilities are or will be provided based on the following findings:

The property has access to public utilities and vehicle access to W. 2nd Street from the rear alley. The parking requirement for a salon is two space per station. The property currently has 12 parking spaces located in the rear parking lot along W. 2nd Street which meets the minimum number of spaces for this proposed use. An additional parking space shall be added to the parking lot to meet the minimum number of spaces for both the salon use and for an employee for the play area. Since there are no plans to add additional impervious area, there will be no impact on drainage.

The Board concludes adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets based on the following findings:

The property will use the existing alley access for ingress and egress. The alley access was established in 1996 when the accessory building was constructed.

The Board concludes the proposal will preserve the aesthetic attributes and the character of the neighborhood based on the following findings:

This location has been a church site for over a century with the current building erected in the 1950s. The building and the site are significant to the neighborhood and as with many churches, is a marker for the surrounding neighborhood. While there is no historical record on the church; however, the applicant plans no changes to the exterior of the buildings.

The Board concludes the specific proposed use, in all other respects, conforms to the applicable regulations of the zone in which it is located based on the following findings:

The proposed use is listed as a qualifying use as per Sec. 26-140(e)(1). The use, as proposed, will be limited to daytime hours as noted above and will be confined to the interior of the previous church building and the annex. The site is short one parking space to meet the minimum number of required parking spaces for both the salon use and a supervisor for the indoor play area; however, the owner has stated there should be adequate area for an additional parking space. The parking lot does not conform to parking lot screening standards for the district, but the owner of the property will install a three-foot tall fence meeting the screening requirement provided in the parking section of the Code, between the parking lot and W. 2nd Street to screen vehicle headlights.

Disposition: By a vote of 6-0 the Board approved the conditional use request to allow the operation of a salon and accessory indoor play area at 209 Walnut Street with the following **condition(s)**:

1. The salon use is restricted to the church building.
2. The use of the annex building for an indoor play area, shall be required to meet all conditions, and building code requirements, include a minimum of one parking space for the employee that is supervising the play area.
3. A rental license must be obtained to the use the single-unit residential building located at 211 Walnut Street prior to its use as a residential rental. Any other use of the building at 211 Walnut Street will require review by the City.
4. The hours of operation are restricted to 8 AM to 5 PM Monday thru Friday, and 10 AM to 4 PM on Saturdays.
5. Services are by appointment only, no 'walk-in' services are permitted.
6. The number of client stations is limited to six (6) to meet the onsite parking requirements for a salon use.
7. Signage shall be limited to wall signage only and shall not exceed 25 square feet per wall and shall not be illuminated. A separate sign permit shall be required.
8. The parking lot along W 2nd Street shall be screened to meet the parking lot screening requirements.
9. The proposed additional security lighting at each entrance shall be in scale with exterior residential lighting and be downcast and fully shielded from neighboring properties.
10. The applicant is responsible to obtain all other necessary approvals related to the use of all three of the buildings.

PASSED AND ADOPTED this 20th day of June 2023.

CEDAR FALLS BOARD OF ADJUSTMENT

ATTEST: 
Thomas Weintraut, Secretary


Michael Mangin, Chair

06/22/2023

Date