

**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

VAR-23-001 - public hearing regarding a variance request of the Cedar Falls Zoning Ordinance:

Variance Request from Sec. 26-193.5(F)(3)(b)(iv), Parking Setback Line

The property is located at 422 Iowa Street and is owned by Travis Carolan.

The Board concludes the variance request to Sec. 26-193.5(F)(3)(b)(iv) to allow an off-street parking location in the Downtown Character District Neighborhood Small frontage will not have an adverse effect on the neighborhood or nearby properties based on the following findings:

The property is in a residential area and will be used for residential in the future. The Downtown Regulating Plan does not recognize that this lot does not extend to the alley nor did it identify a parking area for future development on this lot. The surrounding properties are all single-family dwellings, and therefore the variance will not have an adverse effect on the neighborhood or surrounding properties.

The Board concludes the variance request to 26-193.5(F)(3)(b)(iv), if granted, will not be contrary to the public interest nor to the general City plan based on the following findings:

The Comprehensive Plan Future Land Use Map for this property and the surrounding area show the land use a medium density residential use. The zoning code, including the Neighborhood Small Character District requires a minimum of at least one parking space for single-family dwellings. The downtown regulating plan did not recognize this property is greater than 40 feet from the alley when prescribing off-street parking areas, and therefore the new code has placed a unique hardship on this property relative to allowing off-street parking. This variance will not be contrary to the public interest or to the general plan of the City.

The Board concludes the variance request to 26-193.5(F)(3)(b)(iv) is justified because of the conditions causing the hardship are unique and are not shared by the neighboring properties in the same zoning district based on the following findings:

Since the Zoning Ordinance ultimately deals with the use of the land, any "hardship" pertaining to a particular zoning regulation must relate to the unique characteristics of the land. As mentioned before, this property does not have a prescribed location for off-street parking. Similar properties in the area without alley access were provided with off-street parking locations when the regulating map was created. In addition, the zoning code requires off-street parking for residential uses in all zoning districts. The Downtown Code has caused a unique hardship for this property that is not shared by other properties in the area of the Neighborhood Small Character District.

The Board concludes the variance request to 26-193.5(F)(3)(b)(iv) if literally enforced, deprives the owner all reasonable use of the land based on the following findings:

The Zoning Ordinance, if literally enforced, would deprive the owner all reasonable use of the property since off-street parking is required for residential use. The regulating plan failed to recognize this parcel when designating the off-street parking setback for this block, such that there is no portion of this particular lot which can be used for parking. The Zoning Code requires a minimum amount of parking for a residential use but does not allow any parking to be located on this lot. The Comprehensive Plan Land Use Map and

the Downtown Code identify residential use of the property, but does not provide a provision for off-street parking, and therefore the owner has no reasonable use of the property.

Disposition: By a vote of 6-0 the Board approved the variance request to allow a parking lot setback for the property located at 422 Iowa Street subject to the following **condition(s)**:


1. The parking area shall be not closer to the common property between 422 Iowa Street and 517 W 5<sup>th</sup> Street than ten feet.
2. The driveway access shall be from W. 5<sup>th</sup> Street and on the east side of the lot.
3. The driveway width shall be limited to 18 feet.
4. The size of the garage shall be limited to two parking stalls.
5. The required parking shall be located within the garage.


**PASSED AND ADOPTED** this 20<sup>th</sup> day of June 2023.

**CEDAR FALLS BOARD OF ADJUSTMENT**



Michael Mangin, Chair

ATTEST   
Thomas Weintraut, Secretary

  
Date