

**MINUTES OF THE REGULAR MEETING OF
THE ZONING BOARD OF ADJUSTMENT**

AMES, IOWA

March 13, 2019

The Ames Zoning Board of Adjustment met, pursuant to law, in regular session at 6:00 p.m. on March 13, 2019, in the Council Chambers of City Hall with the following members present: Amelia Schoeneman, Kyle Perkins, Matthew Koehler, Rob Bowers, and Susan Bradbury. Assistant City Attorney Vicki Feilmeyer and City Planner Eloise Sahlstrom were also present.

APPROVAL OF MINUTES: Moved by Bradbury, seconded by Perkins, to approve the Minutes of the meeting of February 13, 2019.

Vote on Motion: 5-0. Motion declared carried unanimously.

CASE NO. 18-18

SPECIAL HOME OCCUPATION – Cyndi Larson, Public Hearing on application for a Special Home Occupation Permit to Allow Massage Therapy on the property located at 2820 Northwood Drive.

City Planner Eloise Sahlstrom introduced the request and reviewed the site plan, project description, applicable law, and Findings of Fact and Conclusions.

Planner Sahlstrom stated that the applicant is requesting allowance for a professional massage therapy business to operate as a home business from the residential property at 2820 Northwood Drive. The applicant has been in business with a home occupancy permit for the last 13 years at her current home located at 507 26th Street. Mrs. Larson and her husband are in the process of buying the residential property at 2820 Northwood, where she wishes to reestablish her existing business. The City has not received any complaints concerning her existing location.

Ms. Sahlstrom reviewed the Findings that the applicant noted as follows: Off-street parking is available to clients on the applicant's doublewide driveway. On-street parking is also available in front of the residence on Northwood Drive. No changes will be made to the premises. Approximately 120 square feet of the 2223 square foot home will be used for the business, which is approximately 5.4% of the total floor area of the home (25% is the maximum allowed). No sign is proposed. There will be no specialized equipment or deliveries. The applicant will be the only employee. The hours of requested operation will be Tuesdays from 2:00 p.m. to 5:30 p.m.; Wednesdays, Thursdays and Fridays from 9:00 a.m. to 5:30 p.m. and Saturday from 9:00 a.m. to 12:00 p.m. by appointment only. The number of clients will be no more than four daily. There are no other home occupations at this location.

Because all of these Findings of Fact are within the allowance of the code, staff is recommending approval of a Special Home Occupation Permit to allow a massage therapy business at 2820 Northwood Drive. Staff recommends that the Zoning Board of Adjustment support the Findings of Fact and support approval of Alternative 1.

Board Member Amelia Schoeneman asked if the current neighbors submitted letters of recommendations. Ms. Sahlstrom stated that there was a letter of reference included from an existing neighbor, but she did not have a copy of the letter with her. Board Member Susan

Bradbury asked if the neighbors within 200' had been notified. Planner Sahlstrom stated that they had been notified and that there were no callers with concerns before the meeting.

Applicant Cyndi Larson, 507 26th Street, Ames, was sworn in and testified under oath. Mrs. Larson stated that there are at most four clients per day, but sometimes just two. She gives 30 minutes in between each client. There is typically only overlap when one client stays and talks after their appointment. Otherwise, there is usually one car in the driveway at a time.

Moved by Bradbury, seconded by Schoeneman, to approve ORDER NO. 18-18, thereby approving the request for a Special Home Occupation Permit to allow a massage therapy business at 2820 Northwood Drive subject to the home occupation being operated as it is described in the report.

Roll Call Vote: 5-0. Motion declared carried unanimously.

CASE NO. 18-19

SPECIAL HOME OCCUPATION – Sarah Beavers, Public Hearing on application for a Special Home Occupation Permit to Allow Massage Therapy on the property located at 4618 Dover Drive.

The site plan, project description, applicable law, and Findings of Fact and Conclusions were reviewed in detail by Ms. Sahlstrom. The applicant is requesting allowance for a professional massage therapy business to operate as a home business from the residential property at 4618 Dover Drive. The applicant has been in business with a home occupation permit for the last four years at her current home located at 2016 McCarthy Road. She and her husband are in the process of buying the residential property at 4618 Dover Drive, where she wishes to relocate her existing business.

Ms. Sahlstrom reviewed the Findings that the applicant noted as follows: There is off-street parking available to clients on the applicant's double wide driveway as well as on-street parking available on Dover Drive in front of the residence. No changes will be made to the premises. A maximum of 551 square feet of the 2327 square foot home will be used for the business, which is approximately 24% of the total floor area of the home (25% is the maximum allowed). No sign is proposed. There will be no specialized equipment or deliveries. The applicant will be the only employee. The hours of operation are proposed to be Wednesday from 2:00 p.m. to 7:00 p.m.; Thursday from 9:00 a.m. to 2:00 p.m.; Friday from 4:00 p.m. to 6:00 p.m.; and Saturday from 8:00 a.m. to 2:00 p.m. by appointment only, with the option of adding Tuesday afternoons or evenings in the future. The number of clients will be no more than three per day. There are no other home occupations at this location.

Based on the Findings of Fact which are allowed under the restrictions of the code, staff is recommending that the Zoning Board approve the request for a Special Home Occupation Permit to allow a massage therapy business at 4618 Dover Drive subject to the home occupation being operated as described herein. This is Alternative 1 that staff is recommending.

Ms. Bradbury asked if the applicant has had any issues having had a Special Home Occupation Permit at the current residence for the past four years. Ms. Sahlstrom was unaware of any issues

at the current location.

Ms. Schoeneman questioned if the applicant would have to come back for modification if Tuesday hours were to be added later. Ms. Sahlstrom said that it would be up to the Zoning Board as to how that would be addressed. Mr. Koehler stated that the code says there should be no more than 10 visits per day, so Tuesday hours would be within the code.

Applicant Sarah Beavers, 2016 McCarthy Road, Ames, Iowa, was sworn in and testified under oath. Ms. Beavers stated that she has been licensed and working in massage for over 10 years. The proposed office space for business is separate from the rest of the house so she wouldn't use all of the square footage. She has separate insurance for business and home. She schedules an hour in between each client, so there is no overlap. If anyone is parked in the street, it is typically her mom there to babysit.

Jean Presteman, 4606 Dover Drive, Ames, was sworn in and testified under oath. Ms. Presteman stated that the map shown to the Zoning Board is an inaccurate representation of Dover Drive, because there is a cul-de-sac at the end of the street that is not shown. Ms. Presteman believes that the Special Home Occupation Permit should not be allowed because the business would be on a dead end street and there would be an increase in traffic. Ms. Presteman also stated that Ames has a commercial district for businesses. There does not need to be a business in a residential area when Ames has commercial districts.

Ms. Bradbury asked Ms. Presteman to clarify that she is against this Special Use Permit because of the dead end street that the proposed property is on. Ms. Presteman stated that she is in opposition of anything that involves cars or increases traffic. Ms. Bradbury stated that the driveway at the proposed residence has adequate space so that no vehicle should have to park on the street. In response to Ms. Presteman's comment about commercial areas within Ames, Ms. Bradbury noted that the city allows for Special Home Occupation Permits within its City Code.

Rodney Mulder, 4705 Dover Drive, Ames, was sworn in and testified under oath. Mr. Mulder expressed concern about the safety of the clients coming to the proposed property. He noted that the stairs on the exterior of the property are steep and potentially slick when wet. He also mentioned that he is concerned about the neighborhood losing its quiet appeal. It is a residential neighborhood and he would like to see it stay that way.

Cyndi Larson, 507 26th Street, Ames, was sworn in and testified under oath. Ms. Larson stated that for the thirteen years that she has been in business at her home, traffic has never been an issue. Cars park in the driveway. She doesn't believe Ms. Beavers' neighbors will notice a change in vehicle traffic.

Catherine Mulder, 4705 Dover Drive, Ames, was sworn in and testified under oath. Ms. Mulder stated that the streets are very narrow and do not accommodate a lot of traffic, therefore she is opposed to the Special Home Occupation Permit.

Mr. Mulder stated that he wanted to bring attention to the proposed driveway. There are no rails on the driveway, and at one end of the driveway it drops 10-12 feet down. It gets slick. If clients were to slip off that side, there would be potential injuries. If the Special Home Occupation Permit is allowed, Mr. Mulder expressed the need for someone from Zoning to take a look at the

property.

Jean Presteman stated that in their neighborhood, the 200-foot letter notice is inadequate. The homes in that area are spread out and many people on the cul-de-sac were uninformed.

Sarah Beavers stated that she wanted to address the concerns of her future neighbors. She said that the hours noted are not the hours that she will always be working. The sellers of the home agreed to do work on the driveway which includes hand rails. Client flow would be one to three people per day, a couple days per week.

Planner Sahlstrom said that the Zoning Board's approval will be based on the stated Findings unless they make any restrictions to those Findings beyond what is already stated.

Board member Bradbury commented that as the Zoning Board reviews these types of things, in this case a Special Home Occupation Permit, they have to review it within the criteria that is outlined within the City Code. The City Code identifies very specific things that need to be looked for: that it does not alter the normal residential character of the premises, that it does not occupy more than 25% of the total floor area, that there are limitations with regards to signs, equipment, employment, and traffic. All of those things are well within what are allowed within the City Code.

Board member Matthew Koehler commented that the applicant has addressed some of the concerns of neighbors. The parking is a double drive. Being friendly neighbors, they can request that her clients park in the driveway, and the applicant would accommodate that. The safety of the slope of the steps and the driveway are on the applicant's insurance and not a concern of the City Code.

Ms. Schoeneman commented that there is a limit of 10 cars per day and even an hourly limit of four clients per hour and the applicant will be well within those limits.

Moved by Koehler, seconded by Perkins, to approve ORDER NO. 18-19, thereby approving the request for a Special Home Occupation Permit to allow a massage therapy business at 4618 Dover Drive subject to the home occupation being operated and described in the report.

Moved by Bradbury to amend the motion to include the condition that massage appointments will go no later than 7 pm in the evening. Motion failed for lack of second.

Roll Call Vote on original motion: 5-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Bradbury, seconded by Koehler, to adjourn the meeting at 6:50 p.m.

Jacque Clark, Recording Secretary

Matthew Koehler, Chair