

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

AMES, IOWA

SEPTEMBER 11, 2019

The Ames Zoning Board of Adjustment met, pursuant to law, in regular session at 6:00 p.m. on September 11, 2019, in the Council Chambers of City Hall with the following members present: Ronald Schappaugh, Kyle Perkins, Amelia Schoeneman, and Rob Bowers. Not present was Aladdin Al Katheri. Assistant City Attorney Vikki Feilmeyer and City Planner Benjamin Campbell were also present.

APPROVAL OF MINUTES: Moved by Perkins, seconded by Bowers, to approve the Minutes of the meeting of August 14, 2019.

Vote on Motion: 3-0-1. Voting Aye: Perkins, Schoeneman, Bowers. Voting Nay: None. Abstaining: Schappaugh. Motion declared carried.

CASE NO. 19-08

SPECIAL HOME OCCUPATION PERMIT – YASSIR OBEID, CLEAN INDEED CARPET, 4004 ARKANSAS DRIVE

Public Hearing on application to allow carpet cleaning, water damage mitigation, and odor removal as a Special Home Occupation at 4004 Arkansas Drive.

Planner Benjamin Campbell stated that the applicant is requesting allowance for a professional cleaning business, Clean Indeed Carpet, to operate as a home business from the residential property at 4004 Arkansas Drive. The business specializes in cleaning rugs and carpets, water damage mitigation, and odor removal. The applicant, who owns the business, started the company in 2010. He has operated the business since September 2017 at the current address.

The City received a complaint about parking and visitors to the property, which they believe is related to the business. The applicant applied for the Special Home Occupation after being contacted _____ by _____ City _____ staff.

The subject property contains a one-story duplex (each unit has a basement). The Story County Assessor lists the square footage of the whole building (both units – not including the full basement) as 1,728 square feet. The units are arranged one in front of the other; 4006 is closer to the street with its door on the primary façade and 4004 is in the rear with its door on the east side of the structure. Each unit has a driveway of 90 feet long. No modifications to the home are proposed for use by the business. The owner of the property is in the process of completing a detached garage that will be used in part by the applicant for the storage of chemicals and detergents. The applicant has indicated that the proposed hours of operation will be standard business hours (during daylight). The website for Clean Indeed Carpet lists the business hours as 8:00 a.m. to 8:00 p.m. Monday through Friday, 1:30 p.m. to 8:00 p.m. on Saturday, and no hours on Sunday, although the applicant does respond to emergency water damage.

Planner Campbell noted that the applicant stated there will be no customers visiting the premises,

and only one employee at a time will be coming to the property. The employee will park in the driveway of 4004 Arkansas Drive, and there will be two company vehicles parked on site. It was noted that several company trailers are stored offsite, a desk with a computer is used in the home for business, and approximately 50 square feet in the garage is used for storage of business materials.

Applicant Yassir Obeid, 4004 Arkansas Drive, Ames, IA, 50014, was sworn in and testified under oath. Mr. Obeid said that the two trailers and boat are no longer in the driveway. The 90-foot stretch of driveway is currently used to park two work vehicles, a brand new vehicle that was bought for personal use, and a moped. He said everything else is stored in the garage. No customers come to the unit. On occasion, a friend or neighbor stop by and request assistance. Mr. Obeid stated that a few weeks before the meeting, neighbors at 4003 Phoenix came over to have him assist with a spill in their vehicle. He also mentioned that he cleans his own carpet two to three times per year.

Board Member Schoeneman asked the applicant if he had received copies of the letters received by staff from neighbors. The applicant stated that he had received all of the correspondence. Ms. Schoeneman also questioned whether he had gone through the standards of approval for a home business with staff. Mr. Obeid replied that he had received the standards.

Board Member Schappaugh asked how many employees Mr. Obeid currently has. Mr. Obeid stated that he has one employee. Mr. Schappaugh also asked if Clean Indeed adds staff during the ISU turnover. Mr. Obeid answered that he only adds one additional staff member who comes to his home during the busy school turnover time. Ms. Schoeneman asked if the total number of people employed besides Mr. Obeid is two. Mr. Obeid said that he sometimes has 3-5 employees, but only one at a time at the house unless picking up paychecks.

Sandy Whipple, 4006 Arkansas Drive, Ames, IA, 50014, was sworn in and testified under oath. Ms. Whipple presented photographs of her yard and vehicles parked in the street from different days throughout the year. She lives in the adjoining duplex so she feels that she notices more than some of the other neighbors. She stated that she has had one of his employees attempt to come into her home because he thought it was Mr. Obeid's home. Occasionally, one of Mr. Obeid's employees will smoke in Ms. Whipple's yard. She has observed Mr. Obeid running his equipment outside on his property. When running his equipment, there is a noticeable menthol or varnish odor. There is also an excessive amount of cardboard left on the curb that occasionally blows around the neighborhood. She said the company hours are not 8 a.m. to 8 p.m. There are workers at his home as early as 5 a.m. and he sometimes doesn't get home until 11 p.m. or 12 a.m. Ms. Whipple commented that the applicant often parks in the yellow no-parking area of the cul-de-sac.

Laura Litster, 4017 Arkansas Drive, Ames, IA, 50014, was sworn in and testified under oath. Ms. Litster stated that her main concern is with the parking on the street. Mr. Obeid's trailer and other vehicles are sometimes parked for an entire week in front of her house. She also noted that he comes to restock supplies or do a shift change in the afternoons and he will just park in the middle of the street. This interferes with others trying to get to their homes. She is concerned about children playing in the cul-de-sac. She stated that the increase in traffic and influx of

chemicals due to Mr. Obeid's business concern her.

Board Member Bowers asked if Ms. Litster had observed the trailers parked on the street with no vehicles attached to them. Ms. Litster answered that a trailer was parked on the street in the same place without moving for an entire week. Board Member Schappaugh asked the average amount of time that Mr. Obeid's vehicles are parked on the street at any given time. Ms. Litster stated that the truck and smaller car come and go frequently throughout the day. She hasn't seen the trailers recently. She believes the afternoon shift change lasts 20 minutes to a half hour. She stated that his work vehicles are often parked on the street all night long, and that employee vehicles are there all day.

Erica Andorf, 4011 Arkansas Drive, Ames, IA, 50014, was sworn in and testified under oath. Ms. Andorf stated that she believes parking is the biggest issue with Mr. Obeid's business. She stated that there are always company vehicles and employee vehicles in the street. She has witnessed vehicles parked in the same location for 48 hours. Vehicles are often parked in the yellow no parking area, which causes difficulty when pulling into and backing out of driveways. The equipment and noises pose an inconvenience to the neighborhood. She said there is garbage all over, and if the wind blows the garbage ends up in neighboring yards. The deliveries have increased significantly from UPS. The UPS drivers park in the middle of the street blocking the cul-de-sac and road.

Jen Schares, 4018 Arkansas Drive, Ames, IA, 50014, was sworn in and testified under oath. Ms. Schares stated that her family moved to this area to avoid traffic and that it was a very quiet street when they decided to move there. Her son has a close friend who lives down the street so they ride bikes together or back and forth to each other's homes. She expressed her concern for the increase in traffic and the chemicals that have been brought into the neighborhood.

Ms. Schoeneman asked Planner Campbell for the date that the initial complaint had been received. He stated that he did not take the claim, but he believes it was received in April or May. Ms. Schoeneman also asked if employees parking on the street is prohibited. Mr. Campbell stated that employees are not prohibited from parking on the street. He also said that there is a parking criteria section in the Special Home Occupation, but it does not address employee vehicles. The intent is that no more than two employees are at Mr. Obeid's home. Ms. Schoeneman questioned whether the ten visits per day included employees. Planner Campbell stated that the ten visits per day does include employees. Ms. Schoeneman asked what the violation process would be if there are ongoing issues. Planner Campbell said that it would likely be on a complaint basis. He said if the home occupation is found to be in violation of the Permit that has been granted, then the City could revoke the permit. Ms. Schoeneman also asked if there is a distinction between personal usage or Special Home Occupation usage. Mr. Campbell stated that cleaning one's own home would not be considered professional usage, but assisting a friend should take place at the friend's home.

Board Member Schappaugh asked the applicant what he does with the wastewater produced from his business. Mr. Obeid said wastewater can only go to a car wash or sanitary drainage site. He also stated that he has never illegally dumped wastewater produced from his business. Mr. Schappaugh asked for clarification on the odors produced by Mr. Obeid's cleaning products. Mr. Obeid stated that he doesn't exactly know what odor the neighbors are referencing. He stated that

running a lawn mower or snow blower produces odors. He noted that the cleaning products have a mint or menthol fragrance, but nothing that would be classified as pungent or malodorous. Ms. Schappaugh asked about the toxicity of the chemicals that Mr. Obeid uses. Mr. Obeid stated that the material safety data sheets were submitted to the Fire Department for review. Mr. Campbell stated that the Fire Inspector reviewed a list of all chemicals and detergents stored on the property and approved the list.

Mr. Obeid reiterated that the trailers were moved offsite.

Board Member Bowers asked if Mr. Obeid had been dealing with this permit process since May. Mr. Obeid confirmed he had. Mr. Bowers then asked if Mr. Obeid had trailers parked on the street without being hooked to vehicles since the application process had started, and also questioned whether Mr. Obeid understood the rules under which he is supposed to be operating. Mr. Obeid confirmed that he had parked trailers on the street since May. He also stated that he did not fully understand the Special Use Permit rules until very recently after speaking with Mr. Campbell.

Ms. Schoeneman asked what the storage space in the new garage would be used for. Mr. Obeid estimated that 5-10% of the garage would be used for business purposes, and the rest of the space would be for personal storage. Ms. Schoeneman asked how Mr. Obeid plans to keep his business vehicles that store the carpet cleaning equipment parked in the driveway. Mr. Obeid stated that he would keep business vehicles in his driveway. He said he feels that his newest vehicle with advertisement on it and his Ford F150 with his business name and phone number should not be considered business vehicles. He considers them to be personal vehicles that he uses to advertise his business.

Mr. Schappaugh asked if the location of the business trailers could be used to store company vehicles as well. Mr. Obeid said that the site is not a secure location, and that he would not feel comfortable leaving his company vehicles there. He also doesn't feel that having his business vehicles offsite would be conducive to calls that require an immediate response.

Mr. Perkins asked staff if the offsite location of the trailers requires a Special Occupation Permit as well as the applicant's residence. Mr. Campbell stated that this would likely depend on where Mr. Obeid is storing his trailers, but he does not know what the nature of the offsite storage is. Ms. Schoeneman then asked Mr. Campbell if the trailer is permitted to be parked on the street. Mr. Campbell referred to the beginning of the Special Use Permit criteria which states that the activity shall be conducted in a manner that will not alter the normal residential character of the premises. He also stated that determining the normal residential character is subjective and up to the Zoning Board of Adjustment to decide. Mr. Obeid stated that he visited with the Ames Police Department about street parking and they informed him that vehicles and/or trailers cannot be parked in the same location for more than 48 hours.

Mr. Schappaugh asked staff if the Code differentiates between full-time and part-time/temporary non-related employees. Mr. Campbell said the Code only mentions the allowance of up to two non-related employees and does not specify if that is full-time, part-time, or temporary.

Ms. Schoeneman asked if it would be possible to only park the work vehicles in the driveway or no more than one on the street for a maximum of four hours at a time similar to delivery vehicles. Mr. Obeid said he thinks that request is reasonable, but he doesn't believe it is fair to treat his Mercedes as a work vehicle. Ms. Schoeneman then asked Mr. Obeid which vehicles he would consider work vehicles. Mr. Obeid stated that the carpet cleaning van, the E-250, would be considered a work vehicle. Ms. Schoeneman also asked which vehicle he takes to the job site with employees. Mr. Obeid said that he takes the E-250. Ms. Schoeneman asked if the truck with the trailer is ever taken to a job site. According to Mr. Obeid, only the E-250 is taken to job sites. Ms. Schoeneman also asked if the trailer is specifically used for business purposes, to which Mr. Obeid responded that it is.

Ms. Schoeneman asked if there had been any previous Special Home Occupation Permits granted with an annual review as a condition of approval. Assistant City Attorney Feilmeyer and Mr. Perkins both stated that they were unaware of any permits approved by the Zoning Board with a condition of review after one year.

Moved by Perkins to adopt ORDER NO. 19-08, the request for a Special Home Occupation Permit to allow carpet cleaning, water damage mitigation, and odor removal at 4004 Arkansas Drive.

Motion died for lack of a second.

Moved by Schoeneman, seconded by Perkins, to adopt ORDER NO. 19-08, the request for a Special Home Occupation Permit to allow carpet cleaning, water damage mitigation, and odor removal at 4004 Arkansas Drive with the following conditions:

1. There shall be no more than two non-related employees
2. The Permit shall be reviewed with a public hearing in one year's time.
3. The work vehicles, including the carpet cleaning van and trailer, shall be parked in the driveway or parked on the street for no more than four hours at one time.
4. There shall be no more than one company vehicle parked on the street at any given time.

DISCUSSION: Mr. Bowers stated that if a person chooses to put their company name on a vehicle, then that person gives up the ability to call said vehicle a personal vehicle regardless of make or model. Mr. Bowers wasn't certain that the conditions added to the Permit would aid in not causing a nuisance to the neighbors. Ms. Schoeneman said that she is trying to draw the distinction between prior operations without a Permit and going forward with a Permit. Mr. Perkins stated that if a person can operate under the conditions of the Permit, then it should be allowed because that is what the Code is there for. There is a list of rules to follow and operate a business. If Mr. Obeid doesn't follow the rules, or complaints come in, then the City will handle it at that time. Whether it has been a nuisance in the past or whether it could possibly be a nuisance going forward is not something the Board can determine. Ms. Schoeneman said that the

Board is to consider what is being proposed and the standards for the Permit. Prior behavior isn't a standard of what the applicant is proposing he is able to do at his site. Mr. Schappaugh stated that the Code was meant for a person to come in and get the Permit and then start performing business operations.

Moved by Schappaugh to open the public section for comments. Motion failed for lack of a second.

Planner Campbell asked if the condition of review in one year would require notification to neighbors. Ms. Feilmeyer stated that the Board can reconvene upon a complaint for failure to comply with the Special Home Occupation Permit at any time. She also stated that the normal procedure of notice to neighbors should be followed with the review of a Permit.

Roll Call Vote: 2-2. Voting Aye: Perkins, Schoeneman. Voting Nay: Schappaugh, Bowers. Motion failed.

Moved by Perkins, seconded by Schoeneman, to table CASE NO. 19-08 to the next meeting of the Zoning Board of Adjustment, which will be on October 9, 2019.

Ms. Schoenemen asked staff for clarification of the two non-family members for employment at the following meeting.

Roll Call Vote: 4-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Perkins, seconded by Schoeneman, to adjourn the meeting at 7:05 p.m.

Jacque Higgins, Recording Secretary

Amelia Schoeneman, Chair