

# **IOWA CITY BOARD OF ADJUSTMENT MEETING**

**Wednesday, February 13, 2019 – 5:15 PM**

City Hall, 410 East Washington Street

Emma Harvat Hall

## **AGENDA**

**A. Call to Order**

**B. Roll Call**

**C. Nomination and selection of Board Chair and Vice Chair**

**D. Special Exception Item**

1. EXC18-00008: An application submitted by Linda Annis for a special exception to allow for a buildable, non-conforming lot in the Low Density Single-Family (RS-5) zone single-family zone located between 409 & 415 Kimball Road in order to build a single family home.

**E. Review Board Procedures**

**F. Consider the December 12, 2018 minutes**

**G. Adjourn**

**NEXT BOARD OF ADJUSTMENT MEETING:**

**Wednesday, March 13, 2019**

If you will need disability-related accommodations in order to participate in this meeting, please contact Jesi Lile, Urban Planning at 319-356-5240 or at [jessica-lile@iowa-city.org](mailto:jessica-lile@iowa-city.org). Early requests are strongly encouraged to allow sufficient time to meet your access needs.

# STAFF REPORT

To: Board of Adjustment  
Item: EXC18-00008  
409 Kimball Rd  
Parcel Number: 2015023

Prepared by: Jesi Lile, Associate Planner  
Date: February 13, 2019

## GENERAL INFORMATION:

Applicant/Property Owner:

Linda Annis  
409 Kimball Road  
(319) 335-1029

Requested Action:

Special Exception to allow for a buildable, non-conforming lot

Purpose:

To allow the construction of a single-family home

Location:

Vacant lot between 409 & 415 Kimball Road

Location Map:



Size:

12,935 square feet

Existing Land Use and Zoning:

Vacant, Low Density Single Family Residential (RS-5)

Surrounding Land Use and Zoning:

North: Residential, Low Density Single Family Residential (RS-5)  
East: Residential, Low Density Single Family Residential (RS-5)

South: Residential, Low Density Single Family Residential (RS-5)  
West: Residential, Low Density Single Family Residential (RS-5)

Applicable Code Sections: **14-4E-7F**, Regulation of Non-Conforming Lots;  
**14-4B-3A**, Approval Criteria for Special Exceptions

File Date: December 11, 2018

**BACKGROUND:**

In 2015, the owner and applicant, Linda Annis, applied for and was granted by the City a division that resulted in the creation of a non-conforming lot between 409 & 415 Kimball Road. This lot is considered non-conforming due to the lot width, defined as “the length of the front setback line”, which in the Low Density Single-Family Residential zone (RS-5) is measured at fifteen feet (15’) back from the right-of-way.

The subject property is less than that at approximately fifty feet (50’) at the front setback line. According to the Iowa City Municipal Code, the minimum lot requirements are in place to “ensure that a lot is of a size, width, and frontage that is appropriate for the uses permitted in the subject zone and will ensure, in most cases, that the other site development standards of this title can be met.” In the Low Density Single-Family Residential zone (RS-5) zone, the minimum lot width requirement is sixty feet (60’) as measured at the front setback line.

The lot width is different than the lot frontage, which is defined as “the continuous width of a lot measured along the street right-of way line.” The minimum lot frontage in the RS-5 zone is forty-five feet (45’). The subject lot meets that minimum lot frontage requirement.

The applicant is seeking a Special Exception to establish a legal non-conforming lot in order to allow development of a single-family home.<sup>1</sup>

The zoning code regulations for non-conforming lots allow a special exception for such circumstances:

In cases where two (2) or more abutting lots of record have become in single ownership and are deemed a single parcel as set forth in subsection E of this section, the board of adjustment may grant a special exception to re-establish a lot of record previously combined with an adjacent lot in order to allow a single-family dwelling and accessory buildings to be installed on said lot, notwithstanding a failure to meet the requirements of the zone for lot area or lot width, provided all of the following conditions are met:

1. Granting of the requested exception results in appropriate, compatible development with surrounding residential development;
2. The dwelling must be located on a lot of record that is at least forty feet (40’) in width; and
3. The request meets all other standards and requirements of this title, including setback and frontage requirements.

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<sup>1</sup> In December 2018, the City approved a lot line adjustment to convey some of the land from the vacant lot to 409 Kimball to create a more rectangular shaped lot.

**ANALYSIS:**

The purpose of the Zoning Ordinance is to promote the public health, safety and general welfare; to conserve and protect the value of property throughout the city; and to encourage the most appropriate use of land. It is the intent of the Ordinance to permit the full use and enjoyment of property in a manner that does not intrude upon adjacent property. The Board may grant the requested special exception if the requested action is found to be in accordance with the specific criteria included for **Section 14-4E-7F**, pertaining to the regulation of non-conforming lots, as well as the General Standards laid out in **Section 14-4B-3**.

Each criterion must be met, and the burden of proof is on the applicant to provide evidence in support of approval of each criteria.

The applicant's comments regarding each of the specific and general standards are included on the attached application form. Staff comments related to the specific and general approval criteria are set forth below.

**Specific Standards: 14-4E-7F: Regulation of Non-Conforming Lots**

**F. In cases where two (2) or more abutting lots of record have become in single ownership and are deemed a single parcel as set forth in subsection E of this section, the board of adjustment may grant a special exception to reestablish a lot of record previously combined with an adjacent lot in order to allow a single-family dwelling and accessory buildings to be installed on said lot, notwithstanding a failure to meet the requirements of the zone for lot area or lot width, provided all of the following conditions are met:**

**1. Granting of the requested exception results in appropriate, compatible development with surrounding residential development;**

**FINDINGS:**

- The area along Kimball Road developed with only single-family homes between the late 1800's to the late 1900's which resulted in a diverse neighborhood in terms of home styles and sizes.
- The area is also diverse in terms of lot sizes, shapes, and existing setbacks which range from approximately thirteen feet (13') to over two-hundred feet (200') along Kimball Road.
- There are also other lots with lot widths less than sixty feet (60') such as 445 Kimball Road which is approximately thirty-six feet (36') at the front setback line and, 502 & 507 Kimball Road which are both approximately fifty-two feet (52') at the front setback line (Attachment 7).
- Due to the diversity in the neighborhood with respect to lot widths and front setbacks, allowing this non-conforming lot to be buildable would not be out of character.
- The property is sufficiently wide to allow a standard single-family home (of similar size to others in the immediate vicinity) to be constructed that meets all setbacks (front, side, and rear) with the minimum driveway length of 25 feet.
- A staff recommendation that the home on this lot must be built no further than 45 feet from the front lot line in order to maintain a consistent setback with the single-family developments on the two adjacent lots.

**2. The dwelling must be located on a lot of record that is at least forty feet (40') in width; and**

FINDINGS:

- This lot is a lot of record and the plat of survey was recorded May 15, 2015.
- The lot width is approximately fifty feet (50') measured at the front setback line (15 feet from the right-of-way).

**3. The request meets all other standards and requirements of this title, including setback and frontage requirements.**

FINDINGS:

- The only non-conforming part of this property is the lot width. All other dimensions meet the minimum requirements.
- The lot area requirement is met as the minimum is 8,000 square feet and the subject lot is 12,935 square feet.
- The lot frontage is forty-five feet (45') and meets the minimum requirement of forty-five feet (45').
- A driveway must meet the required minimum depth of 25 feet, which is possible on this lot.
- The lot is sufficiently wide at the setback line to meet or exceed all other setback requirements. The purpose of setback requirements, as stated in the zoning code is as follows:
  - Maintain light, air, separation for fire protection, and access for firefighting;
  - Provide opportunities for privacy between dwellings;
  - Reflect the general building scale and placement of structures in the city's neighborhoods;
  - Promote a reasonable physical relationship between buildings and between residences; and
  - Provide flexibility to site a building so that it is compatible with buildings in the vicinity.

**General Standards: 14-4B-3: Special Exception Review Requirements:**

In order for the Board of Adjustments to grant this special exception request, each of the following criterion below must be met. The burden of proof is on the applicant, and their comments regarding each criterion may be found on the attached application. Staff comments regarding each criterion are set below.

**1. The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

FINDINGS:

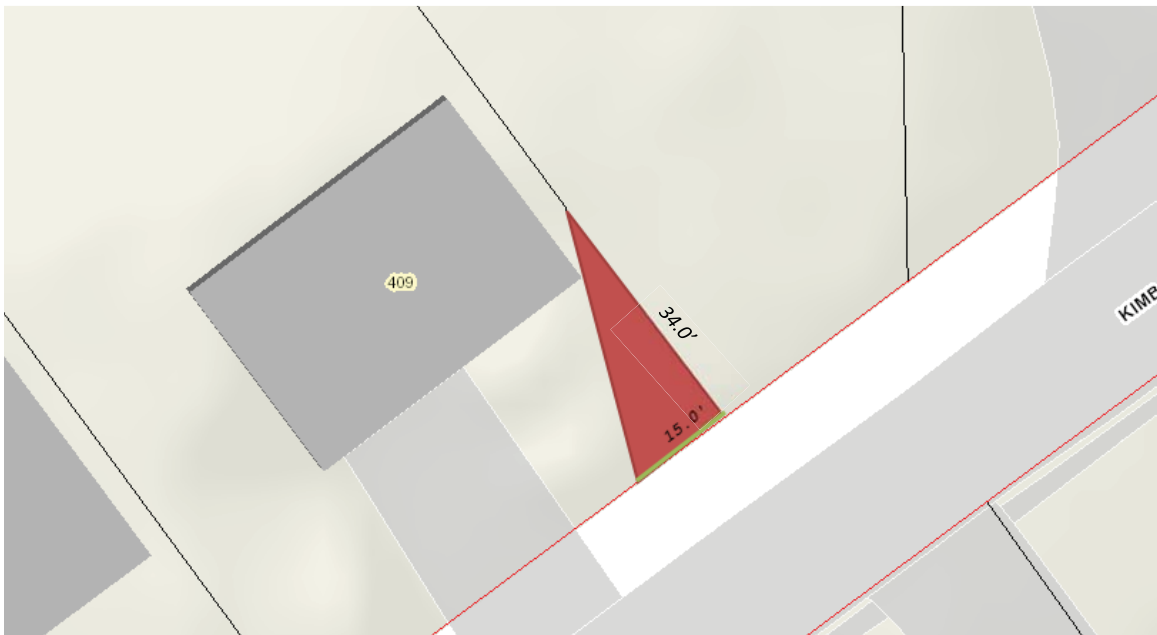
- It is possible to build a home to zoning code standard and meet all setback requirements to allow for fire protection and fire separation
- Public Works Staff has determined that the addition of a driveway curb cut on this lot is appropriate subject to all access standards.
- Transportation Planners reviewed the location for a driveway on the vacant lot and determined that visibility is clear for approximately 400 feet to the west (near driveway for 311 Kimball Road) and 300 feet to the east (near driveway for 421 Kimball Road). Based on the 25-mph speed limit on Kimball Road, the recommended

sight distance from the American Association of State Highway and Transportation Officials would be met.

**2. The specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values in the neighborhood.**

**FINDINGS:**

- All dimensions of the lot, aside from the lot width, are conforming.
- The lot width is only ten feet (10') less than what is required in an RS-5 zone.
- The only use allowed as a permitted use on this lot is a single-family home, which is consistent with the residential character of the neighborhood and the purpose of the zone.
- The lot is of sufficient width to build a home with front, side, and rear setbacks consistent with other homes in the immediate vicinity and that meet or exceed the minimum requirements.
- In order to preserve the sense of rear yard privacy and seclusion enjoyed by the property owners of 409 & 415 Kimball Road, staff recommends that any house built on the vacant lot be built no further than forty-five feet from the right-of-way in order to establish a front setback and building placement that is consistent with the two immediately adjacent homes.
- In order to reduce imposition on the property at 409 Kimball Road, staff recommends a condition that prohibits the construction of any structure such as a wall, fence or driveway in the sightline of the house on 409 Kimball. This is approximately 15 feet east of the point of beginning referenced on the 2015 plat of survey and approximately 34 feet from the right-of-way. The sightline is shown on the diagram below



**3. Establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which such property is located.**

**FINDINGS:**

- This neighborhood has developed with a variety of home styles and setbacks.
- The lot provides adequate width and space to allow development of a single-family home with a front setback that is consistent with the two adjacent lots (i.e. it is not necessary or desirable to set the home significantly further back from the road than the adjacent homes).
- Granting this special exception will not diminish the opportunity for surrounding properties to make improvements or to be further developed for uses allowed in the RS-5 zone.
- Allowing the development of another single-family residence will not change the character of the neighborhood significantly.

**4. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.**

**FINDINGS:**

- The neighborhood along Kimball Road has been developed with utilities, access roads, and all other necessary facilities.
- Public Works Staff confirmed that the lot has access to public water and sanitary sewer.

**5. Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets.**

**FINDINGS:**

- As the proposed lot is not on an arterial street, one additional curb cut and home will not significantly impact traffic in this area. According to the Metropolitan Planning Organization of Johnson County, Kimball Road can handle up to 12,000 trips per day. The most recent traffic counts, taken in 2014, show that Kimball Road has about 1,240 vehicle trips per day. The addition of one single family home would add approximately 10 or fewer trips per day.
- There is adequate room for a driveway on the proposed lot. Driveways must be constructed to City Design Standards which require that:
  - Driveways be at least twenty-five feet (25') in length between the entrance to the garage or carport and the street right-of-way
  - Hard-surface drives must be set back at least three feet (3') from any side or rear lot line.
  - Along local and collector streets, there must be at least six feet (6') between curb cuts measured at the curb line.
  - For properties with a single access point, the maximum driveway width is twenty-four feet (24') measured at the property line, and thirty feet (30') measured at the curb line.

6. **Except for the specific regulations and standards applicable to the exception being considered, the specific proposed exception, in all other respects, conforms to the applicable regulations or standards of the zone in which it is to be located.**

**FINDINGS:**

- The only non-conforming aspect of this lot is the lot width. All other dimensional requirements including lot area are conforming.
- Any single-family development on this site will be reviewed to ensure compliance with all other zoning regulations.

7. **The proposed exception will be consistent with the Comprehensive Plan of the City, as amended.**

**FINDINGS:**

- The Comprehensive Plan calls for compatible infill development that adds diversity and character to neighborhoods. This would allow for infill of a vacant lot.
- The North District Plan calls for retaining the predominately single-family residential character of existing neighborhoods, and allowing this special exception would restrict development of this lot to single-family development.

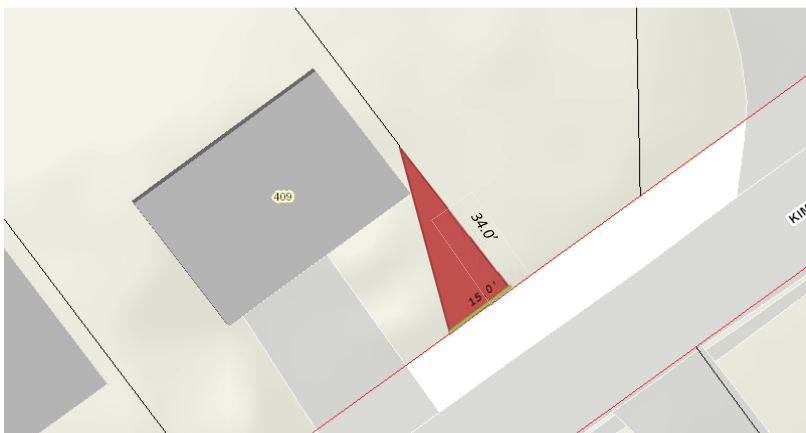
**CORRESPONDANCE RECEIVED:**

Staff received letters of opposition from neighbors at 311 Kimball Road and 415 Kimball Road, as well as a letter prepared by the neighbors at 401 Kimball Road and signed by surrounding neighbors (Attachments 8, 9, & 10). The applicant, Linda Annis, also provided staff a letter disputing some of the information included in neighbor opposition letters, as well as a copy of the release of purchase agreement between Linda and the owners of 415 Kimball (Attachments 11 & 12). All correspondence has been included as attachments.

**STAFF RECOMMENDATION:**

Staff recommends approval of EXC18-00008 to make the lot between 409 & 415 Kimball buildable for a single-family home with the following conditions:


1. The home on the lot must be built no further than 45 feet from the front lot line in order to maintain a consistent setback with the single-family developments on the two adjacent lots.
2. No structures (e.g. fence, wall, driveway) may be built within the sightline of the existing house on 409 Kimball Rd. nor should the driveway extend into this area. The sightline is approximately fifteen feet (15') east of the 409 Kimball Rd parcel point of beginning, as referenced from the 2015 plat of survey and approximately 34 feet from the right-of-way as shown below.





ATTACHMENTS

1. Location Map
2. Zoning Map
3. Application Materials
4. 2015 Division
5. 2018 Boundary Line Adjustment
6. Special Exception Exhibit
7. Lots less than 60' (map)
8. 311 Kimball Letter of Opposition
9. 415 Kimball Letter of Opposition
10. Neighborhood Letter of Opposition
11. Annis Rebuttal
12. Release of Purchase Agreement

Approved by:  \_\_\_\_\_  
Danielle Sitzman, Development Services Coordinator  
Department of Neighborhood and Development Services



0 0.0175 0.035 0.07 Miles

**EXC18-00008**

**Vacant Lot Between 409 & 415 Kimball Road**



Prepared By: Luke Foelsch  
Date Prepared: Feb. 2019



An application submitted by Linda Annis for a Special Exception to make buildable a non-conforming lot located between 409 and 415 Kimball Road.



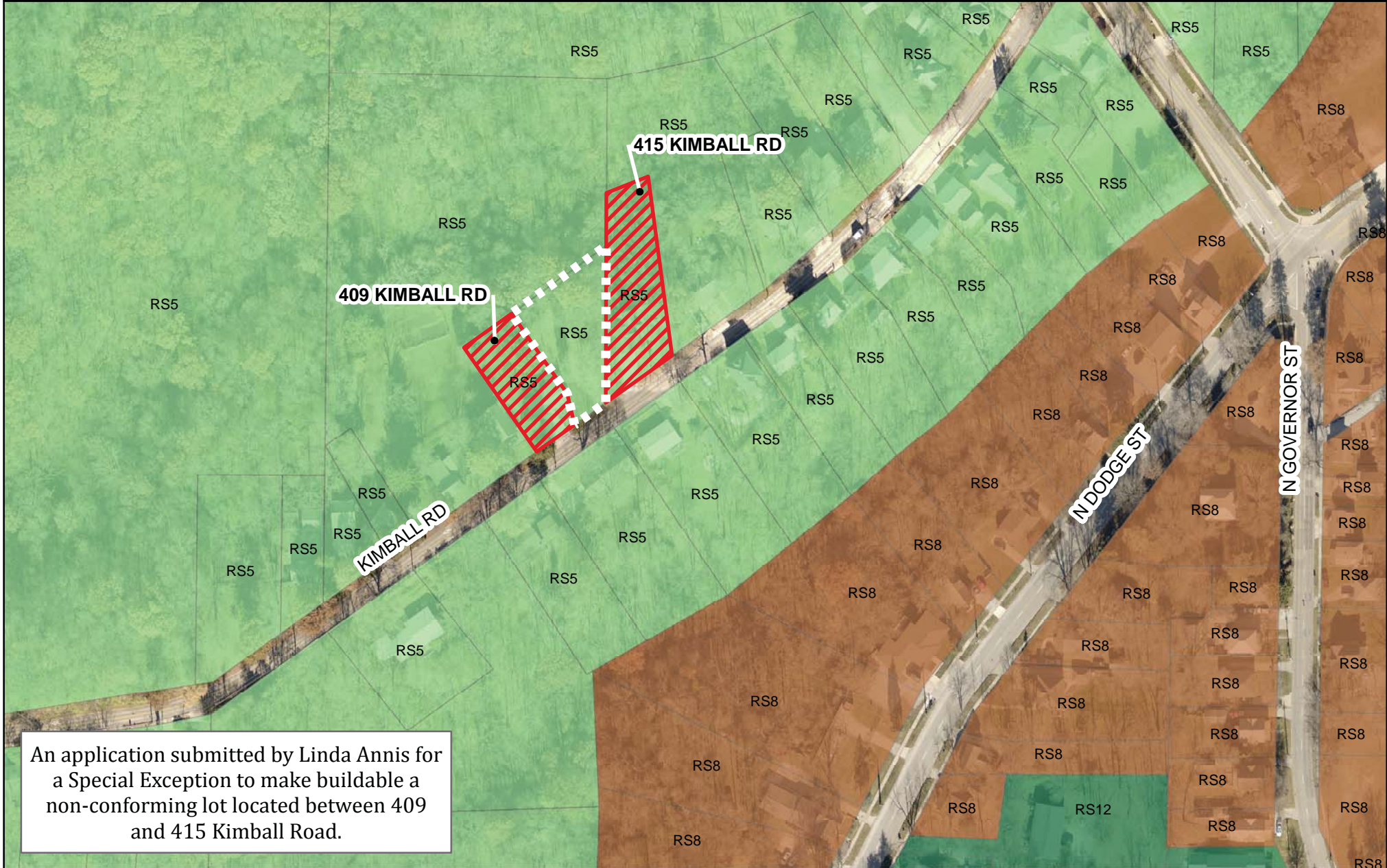
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**EXC18-00008**

# Vacant Lot Between 409 & 415 Kimball Road



Prepared By: Luke Foelsch  
Date Prepared: Feb. 2019



An application submitted by Linda Annis for a Special Exception to make buildable a non-conforming lot located between 409 and 415 Kimball Road.

# APPLICATION TO THE BOARD OF ADJUSTMENT SPECIAL EXCEPTION

DATE: 12/5/2018 PROPERTY PARCEL NO. 2015023

PROPERTY ADDRESS: vacant lot between 409 & 415 Kimball Rd

PROPERTY ZONE: RS-5 PROPERTY LOT SIZE: 13,000 SF

APPLICANT:	Name: <u>Linda Annis</u> Address: <u>409 Kimball Rd</u> Phone: <u>319-335-0129 (work)</u>
CONTACT PERSON: (if other than applicant)	Name: <u>same as applicant</u> Address: _____ Phone: _____
PROPERTY OWNER: (if other than applicant)	Name: <u>same as applicant</u> Address: _____ Phone: _____

Specific Requested Special Exception; please list the description and section number in the zoning code that addresses the specific special exception you are seeking. If you cannot find this information or do not know which section of the code to look in, please contact Sarah Walz at 356-5239 or e-mail [sarah-walz@iowa-city.org](mailto:sarah-walz@iowa-city.org).

Purpose for special exception: to make land a "buildable lot for a small (35' wide X 58' long)  
single family home (please see attached letter from City Attorney)

Date of previous application or appeal filed, if any: NA

In order for your application to be considered complete, you must provide responses to all of the information requested below. **Failure to provide this information may delay the hearing date for your application. A pre-application consultation with Planning staff is STRONGLY recommended to ensure that your application addresses all of the required criteria.**

As the applicant, you bear the burden of proof for showing that the requested exception should be granted. Because this application will be presented to the Board of Adjustment as your official statement, you should address all the applicable criteria in a clear and concise manner.

**INFORMATION TO BE PROVIDED BY APPLICANT:**

**A. Legal description of property (attach a separate sheet if necessary):**

You can find the legal description and parcel number for your property by doing a parcel search for your address on the Assessor's website at [www.iowacity.iowaassessors.com/](http://www.iowacity.iowaassessors.com/) or by calling 319-356-6066.

**B. Plot Plan/Site Plan drawn to scale showing all of the following information:**

1. Lot with dimensions;
2. North point and scale;
3. Existing and proposed structures with distances from property lines;
4. Abutting streets and alleys;
5. Surrounding land uses, including location and record owner of each property opposite or abutting the property in question;
6. Parking spaces and trees - existing and proposed.
7. Any other site elements that are to be addressed in the specific criteria for your special exception (i.e., some uses require landscape screening, buffers, stacking spaces, etc.)

- C. Specific Approval Criteria:** In order to grant a special exception, the Board must find that the requested special exception meets certain specific approval criteria listed within the Zoning Code. In the space below or on an attached sheet, address each of the criteria that apply to the special exception being sought. Your responses to these criteria should just be opinions, but should provide specific information demonstrating that the criteria are being met. (Specific approval criteria for uses listed as special exceptions are described in 14-4B-4 of the Zoning Code. Other types of special exceptions to modify requirements for the property are listed elsewhere in the Code.)

**IF YOU DO NOT KNOW WHERE TO FIND THE SPECIFIC CRITERIA THAT MUST BE ADDRESSED, please contact Sarah Walz at 356-5339 or e-mail [sarah-walz@iowacity.org](mailto:sarah-walz@iowacity.org). Failure to provide this information will constitute an incomplete application and may lead to a delay in its consideration before the Board of Adjustment.**

D. **General Approval Criteria:** In addition to the specific approval criteria addressed in "C", the Board must also find that the requested special exception meets the following general approval criteria or that the following criteria do not apply. In the space provided below, or on an attached sheet, provide specific information, not just opinions, that demonstrate that the specific requested special exception meets the general approval criteria listed below or that the approval criteria are not relevant in your particular case.

1. The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

correct and please note that there are no sidewalks on this side of the street.

2. The specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish and impair property values in the neighborhood.

Correct, please see attached information regarding the property values.

3. Establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which such property is located.

Correct, in fact the new house will add property tax revenue to the school district and city.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Correct, please see attached letter from the city.

5. Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets.

Correct. The applicant has only one car and there are no side-walks.

6. Except for the specific regulations and standards applicable to the special exception being considered, the specific proposed exception in all other respects conforms to the applicable regulations or standards of the zone in which it is to be located. [Depending on the type of special exception requested, certain specific conditions may need to be met. The applicant will demonstrate compliance with the specific conditions required for a particular use as provided in the City Code section 14-4B as well as requirements listed in the base zone or applicable overlay zone and applicable site development standards (14-5A through K).]

Correct. This is a very large lot (1/3 of an acre) and all set-backs for the house will exceed code with the exception of the 15' 60' requirement. Please note that the placement of

7. The proposed use will be consistent with the Comprehensive Plan of the City.

the proposed house will be pass 60' (in the front -- just not at the 15' mark) this is an odd shaped lot!

Absolutely! Please see floor-plan, this will add one more "affordable housing unit" as the anticipate build cost will be \$185,000.

- E. **Neighboring Property Listing of all properties, within 300' of parcel, to be submitted as an Excel file to [PlanningZoning@iowa-city.org](mailto:PlanningZoning@iowa-city.org), that includes all of the following information:**

**All Property Addresses (including Multi-Residential unit numbers)  
Property Class  
Parcel Numbers  
Mailing Names  
Mailing Addresses 1 / Mailing Addresses 2  
Mailing Cities  
Mailing Zip Codes**

} included

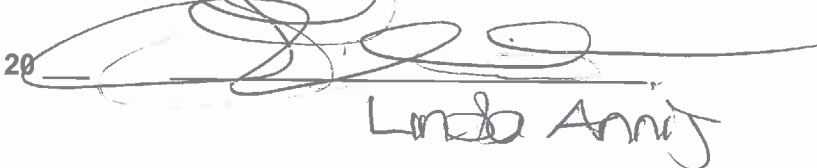
**Property Owner information may be obtained from the Johnson Co. Auditor's Office or at <http://iowacity.iowaassessors.com/search.php>. Note: Unit numbers MUST be included for all multi-residential parcels.**



**NOTE: Conditions.** In permitting a special exception, the Board may impose appropriate conditions and safeguards, including but not limited to planting screens, fencing, construction commencement and completion deadlines, lighting, operational controls, improved traffic circulation requirements, highway access restrictions, increased minimum yard requirements, parking requirements, limitations on the duration of a use or ownership or any other requirement which the Board deems appropriate under the circumstances upon a finding that the conditions are necessary to fulfill the purpose and intent of the Zoning Chapter. (Section 14-8C-2C-4, City Code).

**Orders.** Unless otherwise determined by the Board, all orders of the Board shall expire six (6) months from the date the written decision is filed with the City Clerk, unless the applicant shall have taken action within the six (6) month period to establish the use or construct the building permitted under the terms of the Board's decision, such as by obtaining a building permit and proceeding to completion in accordance with the terms of the permit. Upon written request, and for good cause shown, the Board may extend the expiration date of any order without further public hearing on the merits of the original appeal or application. (Section 14-8C-1E, City Code).

**Petition for writ of certiorari.** Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of the Zoning Chapter, or any taxpayer or any officer, department or board of the City may present to a court of record a petition for writ of certiorari duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. (Section 14-8C-1F, City Code). Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the City Clerk.

Date: 12/5/2018, 2019 

Signature(s) of Applicant(s)

Date: \_\_\_\_\_, 20 \_\_\_\_\_

Signature(s) of Property Owner(s)  
if Different than Applicant(s)

December 5, 2018

Linda Annis  
409 Kimball Road  
Iowa City, IA 52245

Lynn Weinstein  
Blank & McCune  
506 E. College Street  
Iowa City, IA 52240

Frederick Boehmke & Cynthia Farthing  
415 Kimball Road  
Iowa City, IA 52245



**CITY OF IOWA CITY**  
410 East Washington Street  
Iowa City, Iowa 52240-1826  
(319) 356-5000  
(319) 356-5009 FAX  
www.lcgov.org

Dear Ms. Annis, Ms. Weinstein, Mr. Boehmke, and Ms. Farthing:

On Wednesday, November 29, 2018, staff met with Ms. Annis and Ms. Weinstein to discuss the vacant lot located in between 409 and 415 Kimball Road (Auditor's Parcel 2015023). As we discussed in the meeting, this lot is not a buildable lot. The lot is zoned RS-5, which has a minimum lot width requirement of 60 feet, which is measured at the front setback line (i.e. 15 feet). The current lot width is less than 60 feet and therefore is a non-conforming lot under the City's zoning code. Staff would like to work with you on some possible solutions, which are outlined in this letter in no particular order.

**Options for the Current Property Owner (Linda Annis):**

**1. Special Exception**

The City's zoning code provides a special exception process for certain non-conforming lots. Specifically, the lots must be abutting and under single ownership. The requirements are outlined in Section 14-4E-7, Regulation of Non-Conforming Lots, of the City's zoning code:

*F. In cases where two (2) or more abutting lots of record have become in single ownership and are deemed a single parcel as set forth in subsection E of this section, the board of adjustment may grant a special exception to reestablish a lot of record previously combined with an adjacent lot in order to allow a single-family dwelling and accessory buildings to be installed on said lot, notwithstanding a failure to meet the requirements of the zone for lot area or lot width, provided the following conditions are met:*

1. *Granting of the requested exception results in appropriate, compatible development with surrounding residential development;*
2. *The dwelling must be located on a lot of record that is at least forty feet (40') in width; and* ✓
3. *The request meets all other standards and requirements of this title, including setback and frontage requirements.* ✓

All Special Exceptions must also meet the following criteria outlined Section 14-4B-3A:

A. *Approval Criteria: In order to grant a special exception, the board must find that the applicant meets the specific approval criteria set forth in this title with respect to the specific proposed exception. The board must also find that the applicant meets the following general approval criteria or that the following criteria do not apply:*

1. *The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.*
2. *The specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values in the neighborhood.*
3. *Establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which such property is located.*
4. *Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.*
5. *Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets.*
6. *Except for the specific regulations and standards applicable to the exception being considered, the specific proposed exception, in all other respects, conforms to the applicable regulations or standards of the zone in which it is to be located.*
7. *The proposed exception will be consistent with the Comprehensive Plan of the City, as amended.*

A special exception requires review and approval by the Board of Adjustment. The application fee is \$450, which the City will waive in this instance, and requires notification of neighbors. In terms of the process, staff will work with the applicant, develop a staff report, and make a public presentation to the Board of Adjustment. The Board discusses the application and either votes to approve, approve with conditions, or deny the application. Staff will likely recommend a condition that will require a build-to line to ensure that any home built on the lot will have a similar setback to the homes in the immediate vicinity. In addition, approvals by the Board of Adjustment lapse in 6-months; however, the Board may extend this period or review a request for an extension. If the special exception is granted, the lot will be a buildable lot.

## 2. *Re-Platting*

Another option is to submit an application for a Final Plat. In this case, the Final Plat process would allow for the re-subdivision of the land. This process would allow for the re-drawing of lot lines. In addition, this process would require coordination with the property owners at 415 Kimball Road since a portion of the property at 415 Kimball Road would need to be conveyed to the lot in question.

Prior to submitting this application, the applicant would need to work with a consulting firm to conduct a survey to ensure that the new lot boundaries meet the dimensional requirements of the zoning code and that the existing home at 415 Kimball Road meet other zoning regulations (e.g. open space requirements, driveway spacing distances, setbacks).

The Final Plat process requires review and approval by the City Council. Upon receipt of a Final Plat application, staff distributes the plat to a variety of different departments for review. After the staff review, a staff report is prepared and submitted to the City Council. The application fee for a Final Plat is \$775, which the City will waive. Upon approval by the City Council the Final Plat would be recorded with the Johnson County Recorder's Office. Approval of a Final Plat results in an official, recorded plat that identifies the legal of lot of record.

### *3. Boundary Line Adjustment*

A third option is a boundary line adjustment where the property owner requests a re-drawing of the existing parcel lines. In this instance, the current owner, Ms. Annis, would need to work with the property owners at 415 Kimball Road since a portion of the property at 415 Kimball Road would need to be conveyed to the vacant parcel in order for it to be buildable.

Similar to the re-platting option, approval of a boundary line adjustment depends on ensuring that both parcels meet the minimum dimensional requirements of the zoning code. In addition, the existing home on 415 Kimball Road would need to meet all other zoning regulations (e.g., minimum open space, driveway spacing distances, setbacks). Again, working with a consulting firm would be required.

A boundary line adjustment is an administrative process that does not require a public process. After review and approval by City staff, the boundary line adjustment is recorded with the Johnson County Recorder's Office. Unlike the re-platting process, a boundary line adjustment does not result in the creation of an official, recorded plat, but would result in a buildable parcel of land.

#### **Options for a Future Buyer:**

##### *1. Special Exception*

The special exception process outlined above is only an option if the property owner at 415 Kimball Avenue or the future owner of 409 Kimball Avenue purchases the property, since a requirement of this process is that "(2) or more abutting lots of record have become in single ownership and are deemed a single parcel".

##### *2. Re-Platting*

The re-platting process outlined above is only an option if the new property owner is able to coordinate with the property owners at 415 Kimball Road. This is necessary since a portion of the property at 415 Kimball Road must be conveyed to the vacant lot.

##### *3. Boundary Line Adjustment*

The boundary line adjustment process outlined above is only an option if the new property owner is able to coordinate with the property owners at 415 Kimball Road. This is necessary since a portion of the property at 415 Kimball Road must be conveyed to the vacant lot.

December 5, 2018

Page 4

### **Verification on Utilities**

Additionally, you requested verification that public water and sewer are available and accessible to the vacant, currently unbuildable lot. Public Works staff confirmed that the lot has access to public water and sanitary sewer. There is 6-foot diameter cast iron watermain and 8-foot diameter V.S.P. sanitary sewer in the Kimball Road right-of-way adjacent to the property.

Thank you again for your time. Please feel free to contact me should you have any questions or require additional information. I can be reached at either [sue-dulek@iowa-city.org](mailto:sue-dulek@iowa-city.org) or at (319) 356-5030. If you would like to pursue any of the options listed above, please contact Anne Russett at [anne-russett@iowa-city.org](mailto:anne-russett@iowa-city.org) or at (319) 356-5251. Anyone needing legal advice should consult with his or her attorney.

Sincerely,



Susan Dulek  
Assistant City Attorney

Copy to: Tracy Hightshoe, Director NDS  
Anne Russett, Senior Planner  
Danielle Sitzman, Development Services Coordinator

### Summary

12 Houses are located within 300' of the applicants property (409 Kimball and the vacant lot).  
3 of the 12 houses are currently rental properties and the "dwelling values" of all three are less than \$95,000 each.  
10 of the 12 houses have "dwelling values" less than \$136,000



#### 428 (Rental)

Mailing Address  
David A. Sr & Karen K Baculis  
2130 S. Riverside Dr  
Iowa City IA, 52245

#### 420 (Rental)

Mailing Address  
Kic Ltd  
330 Kimball Rd  
Iowa City IA, 52245

#### 415

Mailing Address  
Frederick J Boehmka  
415 Kimball Rd  
Iowa City IA, 52240

#### 417 (Rental)

Mailing Address  
Robert J & Michelle S Lamkins  
1266 Prairie Grass Ln  
Iowa City IA, 52246

#### 421

Mailing Address  
Randall E & Lori J Viendick  
421 Kimball Rd  
Iowa City IA, 52245

#### 418

Mailing Address  
Greg Shaeffer  
418 Kimball Rd  
Iowa City IA, 52245

#### 412

Mailing Address  
Christine Marie Nebis  
442 Kimball Rd  
Iowa City IA, 52245

#### 406

Mailing Address  
Mary F Lukas  
406 Kimball Rd  
Iowa City IA, 52245



#### 315

Mailing Address  
Clare F Fox  
315 Kimball Rd  
Iowa City IA, 52245

#### 401

Mailing Address  
Jerry L & Cameron R Vanni  
401 Kimball Rd  
Iowa City IA, 52245

#### 330

Mailing Address  
George E & Christiane H Knorr  
330 Kimball Rd  
Iowa City IA, 52245

#### 402

Mailing Address  
Andrew Schmidt  
402 Kimball Rd  
Iowa City IA, 52245

RENTAL HOUSES WITHIN 300'

Address	House Value	Notes
Address 428 KIMBALL RD PIN 1003481010 Value 116,950 Owner BACULIS, DAVID A SR Class RESIDENTIAL The Road is KIMBALL RD	\$ 60,780	RENTAL
Address 417 KIMBALL RD PIN 1003480004 Value 174,590 Owner LAMKINS, ROBERT J Class RESIDENTIAL The Road is KIMBALL RD	\$ 88,300	RENTAL
Address 420 KIMBALL RD PIN 1003481011 Value 149,630 Owner KIC LIMITED Class RESIDENTIAL The Road is KIMBALL RD	\$ 89,740	RENTAL



Vanni House (401)  
38' X 24' detached garage  
garage in next to property line  
8' fence installed in 2018



Please note that many of the newer properties on Kimball Road do not comply with the current City code and have very deep set backs, especially 445 Kimball Road (pictured below). This house has only 36.4' of street frontage and is well under the 60' set back requirement. Several of the other older houses on Kimball Road are also under the 60' set back requirement as well, and applicant would be happy to provide a list of these if desired.

Address 435 KIMBALL RD  
 PIN 1003480001  
 Value 216,520  
 Owner PACKER, ALESHA I  
 Class RESIDENTIAL  
 The Road is KIMBALL RD



Year Built  
 1959

Address 445 KIMBALL RD  
 PIN 1003403015  
 Value 469,560  
 Owner GOFF, HAROLD M; TF  
 Class RESIDENTIAL  
 The Road is KIMBALL RD



Year Built  
 1989

Address 501 KIMBALL RD  
 PIN 1003403022  
 Acreage 0.32  
 Value 291,120  
 Owner KIMLER, MARK A  
 Class RESIDENTIAL  
 The Road is KIMBALL RD



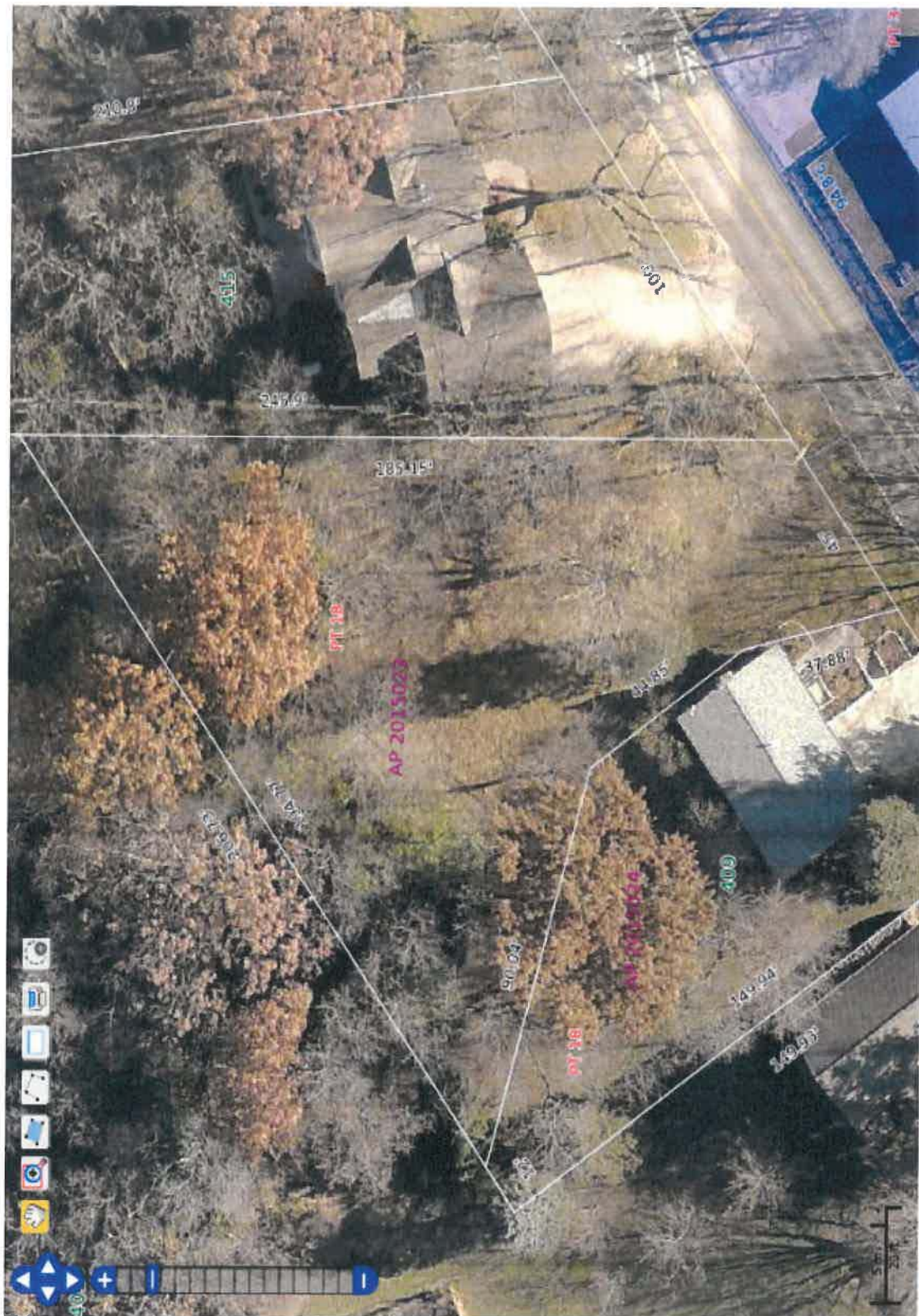
Year Built  
 1900



Applicants vacant lot



CURRENT VIEW OF APPLICANT'S VACANT LOT



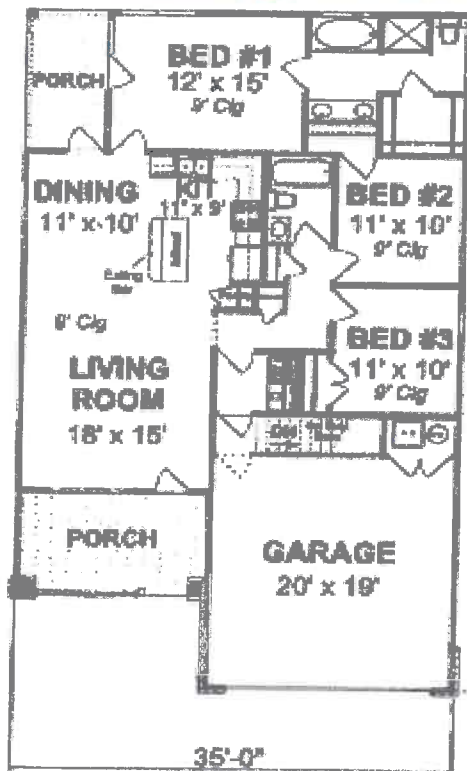
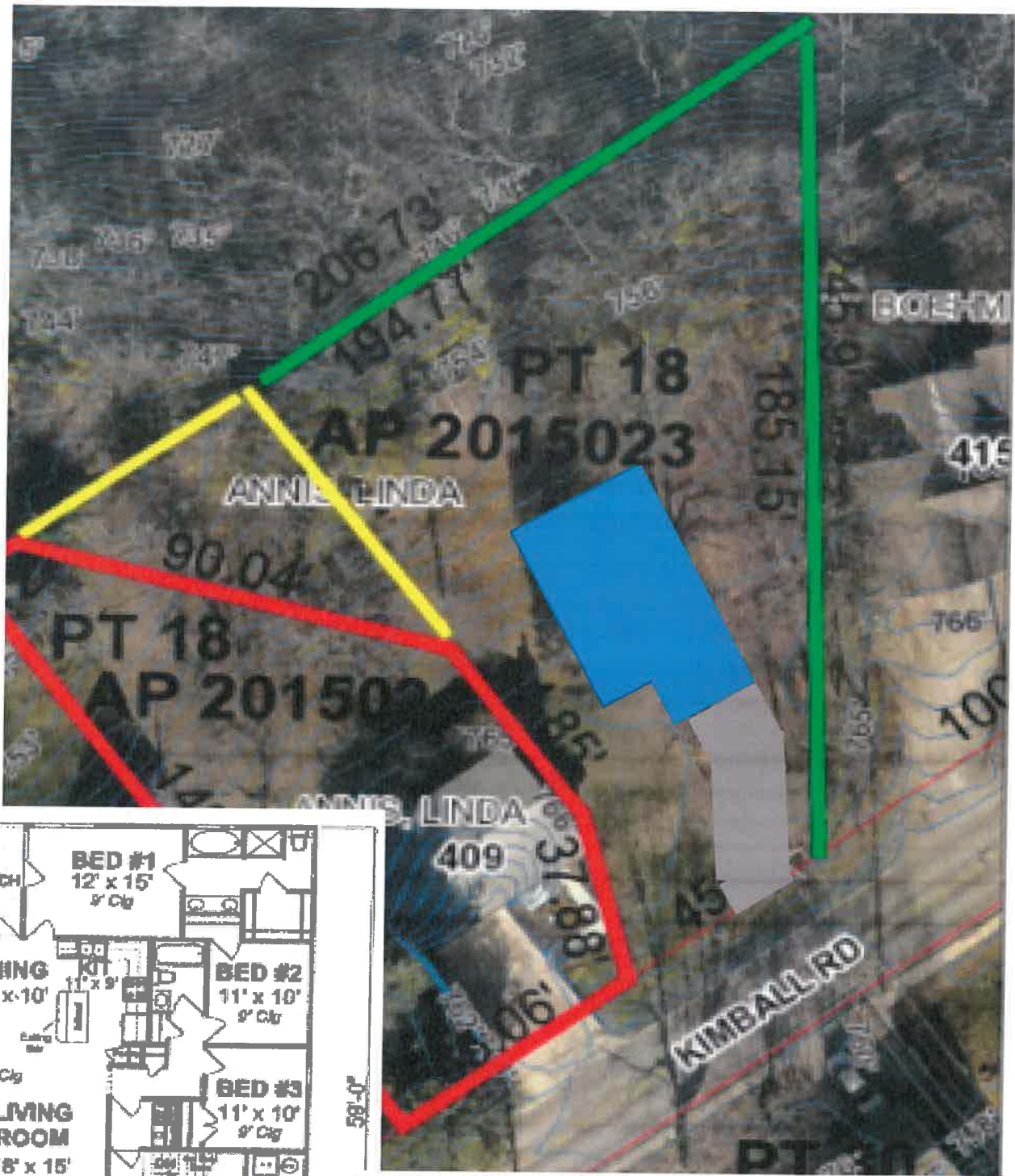


Proposed set backs  
for new house

**HOUSE: 35' X 59'**  
SEE ATTACHED  
FLOORPLAN

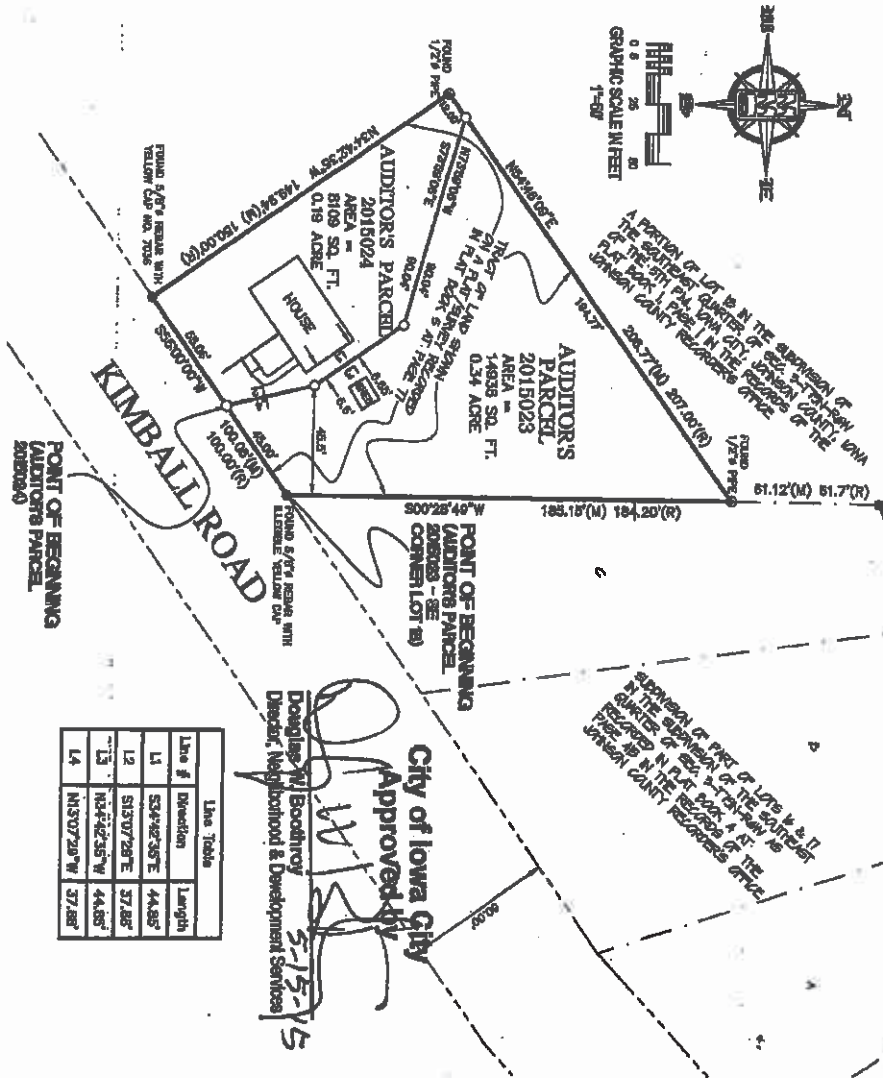
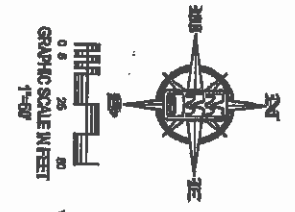
**FRONT: 43'**  
**BACK: 48'**  
150  
(43+ 59+48)

**RIGHT: 14'**  
**LEFT: 14'**  
63  
(14+ 36+14)



4451  
 Date ID: 0000000001 Type: PLU  
 Kind: SURVEY/18/2015 AT 09:28:00 PM  
 Fee Act: 87.00 Page 1 of 1  
 Johnson County Iowa  
 Kim Palmer County Recorder  
**859 Pa197**

PROFESSIONAL LAND SURVEYOR  
 LINDA ANNIS  
 APRIL 30, 2015



Line #	Bearing	Length
11	S34°42'35"E	44.85'
12	S12°30'29"E	37.85'
13	N83°52'35"W	44.85'
14	N12°07'29"W	37.85'

**City of Iowa City**  
 Approved by  
 Douglas W. Bostrom  
 Director, Neighborhood & Development Services

PREPARED BY AND RETURN TO: LANS CONSULTANTS, INC. 1917 S. GILBERT ST. IOWA CITY, IOWA 52240 (515)391-6282

**PLAT OF SURVEY  
 AUDITOR'S PARCEL 2015023 & 2015024  
 CITY OF IOWA CITY, JOHNSON COUNTY, IOWA**

A PORTION OF LOT 18 IN THE SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 6 WEST OF THE 2<sup>ND</sup> 24<sup>TH</sup> MERIDIAN, CITY OF IOWA CITY, JOHNSON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

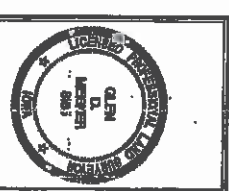
SECTION 4 AT THE NORTHWEST CORNER OF LOT 18 IN THE SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 6 WEST OF THE 2<sup>ND</sup> 24<sup>TH</sup> MERIDIAN, CITY OF IOWA CITY, JOHNSON COUNTY, IOWA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1 AT PAGE 1 IN THE RECORDS OF THE JOHNSON COUNTY RECORDERS' OFFICE, THENCE S89°09'42"W, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 18, A DISTANCE OF 45.00 FEET, THENCE S12°30'29"E, 37.85 FEET, THENCE S34°42'35"E, 44.85 FEET, THENCE N12°07'29"W, 37.85 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A TRACT OF LAND AS SHOWN ON A PLAT RECORDED IN PLAT BOOK 5 AT PAGE 77 IN THE RECORDS OF THE JOHNSON COUNTY RECORDERS' OFFICE, THENCE S89°09'42"W, 45.00 FEET, THENCE S12°30'29"E, 37.85 FEET, THENCE S34°42'35"E, 44.85 FEET, THENCE N12°07'29"W, 37.85 FEET TO THE EAST AND THE EASTERLY LINE OF SAID TRACT OF LAND AS SHOWN ON THE SAID PLAT RECORDED IN PLAT BOOK 5 AT PAGE 77 IN THE RECORDS OF THE JOHNSON COUNTY RECORDERS' OFFICE, THENCE S89°09'42"W, ALONG THE SOUTHWESTERLY LINE OF SAID TRACT OF LAND, SAID TRACT BEING THE TRACT OF LAND AS SHOWN ON THE SAID PLAT RECORDED IN PLAT BOOK 5 AT PAGE 77 IN THE RECORDS OF THE JOHNSON COUNTY RECORDERS' OFFICE, THENCE S89°09'42"W, 45.00 FEET, THENCE S12°30'29"E, 37.85 FEET, THENCE S34°42'35"E, 44.85 FEET, THENCE N12°07'29"W, 37.85 FEET TO THE POINT OF BEGINNING, CONTAINING 0.34 ACRES (0.4598 ACRES PERCH) AND IS REFERRED TO AS SAID TRACT OF LAND.

CHANGING AT THE SOUTHWEST CORNER OF LOT 18 IN THE SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 6 WEST OF THE 2<sup>ND</sup> 24<sup>TH</sup> MERIDIAN, CITY OF IOWA CITY, JOHNSON COUNTY, IOWA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1 AT PAGE 1 IN THE RECORDS OF THE JOHNSON COUNTY RECORDERS' OFFICE, THENCE S89°09'42"W, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 18, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING S89°09'42"W, ALONG SAID SOUTHWESTERLY LINE 45.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING S89°09'42"W, ALONG SAID SOUTHWESTERLY LINE 45.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT OF LAND AS SHOWN ON THE SAID PLAT RECORDED IN PLAT BOOK 5 AT PAGE 77 IN THE RECORDS OF THE JOHNSON COUNTY RECORDERS' OFFICE, THENCE S89°09'42"W, ALONG THE SOUTHWESTERLY LINE OF SAID TRACT OF LAND, SAID TRACT BEING THE TRACT OF LAND AS SHOWN ON THE SAID PLAT RECORDED IN PLAT BOOK 5 AT PAGE 77 IN THE RECORDS OF THE JOHNSON COUNTY RECORDERS' OFFICE, THENCE S89°09'42"W, 45.00 FEET, THENCE S12°30'29"E, 37.85 FEET, THENCE S34°42'35"E, 44.85 FEET, THENCE N12°07'29"W, 37.85 FEET TO THE POINT OF BEGINNING, CONTAINING 0.34 ACRES (0.4598 ACRES PERCH) AND IS REFERRED TO AS SAID TRACT OF LAND.

**LEGEND AND NOTES**

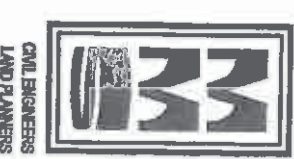
- ▲▲▲ COMMERCIAL CORNER, FOUND
- △ COMMERCIAL CORNER, ESTABLISHED
- COMMERCIAL CORNER, REMOVED
- PROPERTY CORNER, FOUND (as marked)
- PROPERTY CORNER, SET (As per Plat Book 1, page 15 only)
- (As per Plat Book 1, page 15 only)
- PROPERTY SET BY DISTRICT
- COMMERCIAL RESTRICTION LINES
- LOT LINES, MEASURED
- LOT LINES, PLATTED BY FIELD
- DISTRICT EASEMENT LINES, PURPOSE NOTED
- REMOVED EASEMENT
- CHANGING EASEMENT
- UNIDENTIFIED EASEMENT

MAKES NEED OPERATE, ALL DIMENSIONS ARE IN FEET AND FRACTIONS THEREOF.



I hereby certify that this plat, including thereon the proposed and recorded survey, was prepared by me or under my supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

GLEN D. JENSEN  
 LICENSE NO. 8963



**CIVIL ENGINEERS  
 LAND PLANNERS  
 LAND SURVEYORS  
 ENVIRONMENTAL STRATEGISTS**

1917 S. GILBERT ST.  
 IOWA CITY, IOWA 52240  
 (515) 351-6282  
 www.environmentalstrategists.net

**PLAT OF SURVEY  
 AUDITOR'S PARCEL 2015023 & 2015024**

A PORTION OF LOT 18  
 IN THE SUBDIVISION OF  
 THE SE 1/4 OF SEC. 3  
 T19N-R6W OF THE 5TH P.M.  
 IOWA CITY, JOHNSON COUNTY, IOWA

**LANS CONSULTANTS, INC.**

Date: 5/8/2015  
 Designed by: GDM  
 Drawn by: MAS  
 Checked by: GDM  
 Project No: IC 8718-001  
 Sheet No: 1 of 1

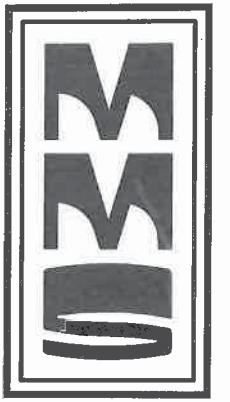
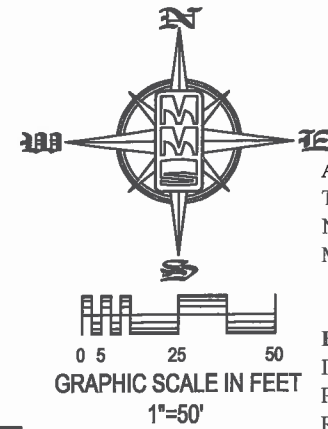
**PLAT OF SURVEY  
AUDITOR'S PARCEL 2018136  
CITY OF IOWA CITY, JOHNSON COUNTY, IOWA**

**LEGAL DESCRIPTION**

A PORTION OF AUDITOR'S PARCEL 2015023, LOCATED IN A PORTION OF LOT 18 IN THE SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 79 NORTH, RANGE 6 WEST OF THE 5TH P.M., IOWA CITY, JOHNSON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**AUDITOR'S PARCEL 2018136**

**BEGINNING** AT THE MOST WESTERLY CORNER OF AUDITOR'S PARCEL 2015023, IOWA CITY, JOHNSON COUNTY, IOWA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 59, PAGE 197 IN THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE; THENCE N54°46'09"E, ALONG THE NORTHWESTERLY LINE OF SAID AUDITOR'S PARCEL 2015023, A DISTANCE OF 57.00 FEET; THENCE S34°42'35"E, 70.22 FEET TO ITS INTERSECTION WITH THE SOUTHWESTERLY LINE OF SAID AUDITOR'S PARCEL 2015023; THENCE N73°59'06"W, ALONG SAID SOUTHWESTERLY LINE, 90.04 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.046 ACRE (2001 SQUARE FEET) AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



**CIVIL ENGINEERS  
LAND PLANNERS  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL SPECIALISTS**

1917 S. GILBERT ST.  
IOWA CITY, IOWA 52240  
(319) 351-8282

www.mmsconsultants.net

-PREPARED BY AND RETURN TO: MMS CONSULTANTS, INC. 1917 S. GILBERT ST. IOWA CITY, IOWA 52240 (319)351-8282

- NOTES:**
- 1) ALL FOUND PINS ARE 5/8"Ø REBAR PINS WITH YELLOW PLASTIC CAPS NO. 8165 UNLESS NOTED OTHERWISE.
  - 2) THIS PARCEL IS A PORTION OF GOVERNMENT LOT 4 IN SEC. 3-T79N-R6W OF THE 5TH P.M., IOWA CITY, JOHNSON COUNTY, IOWA.
  - 3) SEE THE AREA SUMMARY NOTED BELOW:

**AREA SUMMARY**

AUDITOR'S PARCEL 2015024 + AUDITOR'S PARCEL 2018136 = 0.23 ACRE  
8109 SQ. FT. + 2001 SQ. FT. = 10,110 SQ. FT.

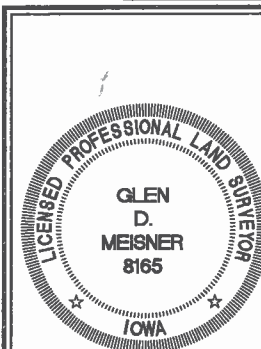
AUDITOR'S PARCEL 2015023 - AUDITOR'S PARCEL 2018136 = 0.30 ACRE  
14936 SQ. FT. - 2001 SQ. FT. = 12,935 SQ. FT.

**LEGEND AND NOTES**

- ▲ CONGRESSIONAL CORNER, FOUND
- △ CONGRESSIONAL CORNER, REESTABLISHED
- CONGRESSIONAL CORNER, RECORDED LOCATION
- PROPERTY CORNER(S), FOUND (as noted)
- PROPERTY CORNERS SET (5/8" Iron Pin w/ yellow, plastic LS Cap embossed with "MMS")
- ⊗ CUT "X"
- PROPERTY &/or BOUNDARY LINES
- CONGRESSIONAL SECTION LINES
- - - RIGHT-OF-WAY LINES
- - - CENTER LINES
- - - LOT LINES, INTERNAL
- - - LOT LINES, PLATTED OR BY DEED
- - - EASEMENT LINES, WIDTH & PURPOSE NOTED
- - - EXISTING EASEMENT LINES, PURPOSE NOTED
- (R) RECORDED DIMENSIONS
- (M) MEASURED DIMENSIONS
- C22-1 CURVE SEGMENT NUMBER

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS

Line #	Direction	Length
L1	N54°46'09"E	12.00'
L2	S34°42'35"E	44.85'



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*Glen D. Meisner* 12-19-18  
2018

GLEN D. MEISNER  
L.S. Iowa Lic. No. 8165  
My license renewal date is December 31, 20 19.

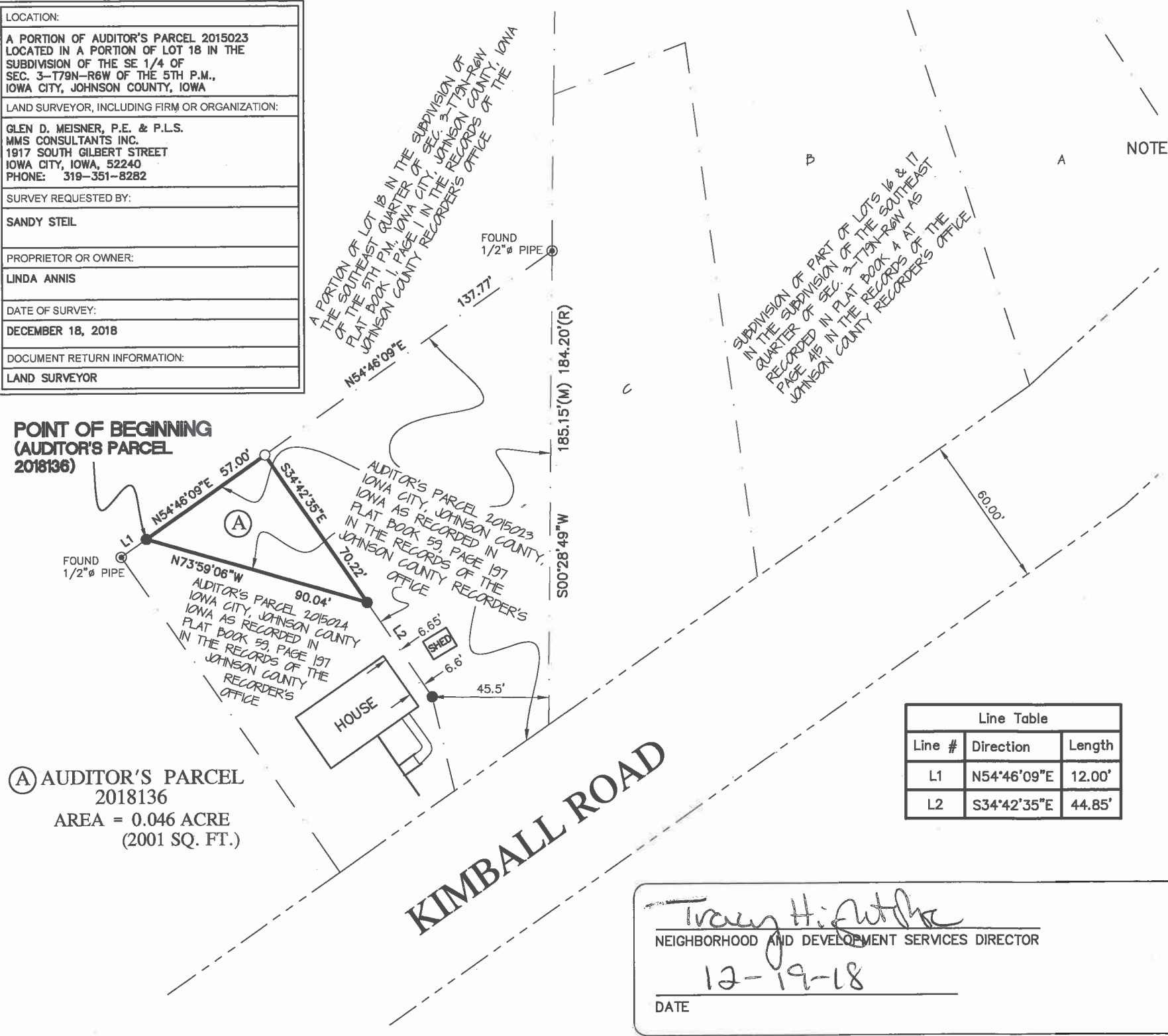
Pages or sheets covered by this seal: #1

*Tracy H. Gutzke*  
NEIGHBORHOOD AND DEVELOPMENT SERVICES DIRECTOR  
12-19-18  
DATE

LOCATION: A PORTION OF AUDITOR'S PARCEL 2015023 LOCATED IN A PORTION OF LOT 18 IN THE SUBDIVISION OF THE SE 1/4 OF SEC. 3-T79N-R6W OF THE 5TH P.M., IOWA CITY, JOHNSON COUNTY, IOWA
LAND SURVEYOR, INCLUDING FIRM OR ORGANIZATION: GLEN D. MEISNER, P.E. & P.L.S. MMS CONSULTANTS INC. 1917 SOUTH GILBERT STREET IOWA CITY, IOWA, 52240 PHONE: 319-351-8282
SURVEY REQUESTED BY: SANDY STEIL
PROPRIETOR OR OWNER: LINDA ANNIS
DATE OF SURVEY: DECEMBER 18, 2018
DOCUMENT RETURN INFORMATION: LAND SURVEYOR

**POINT OF BEGINNING  
(AUDITOR'S PARCEL  
2018136)**

**(A) AUDITOR'S PARCEL  
2018136  
AREA = 0.046 ACRE  
(2001 SQ. FT.)**

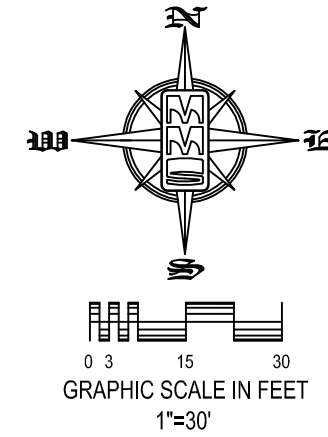
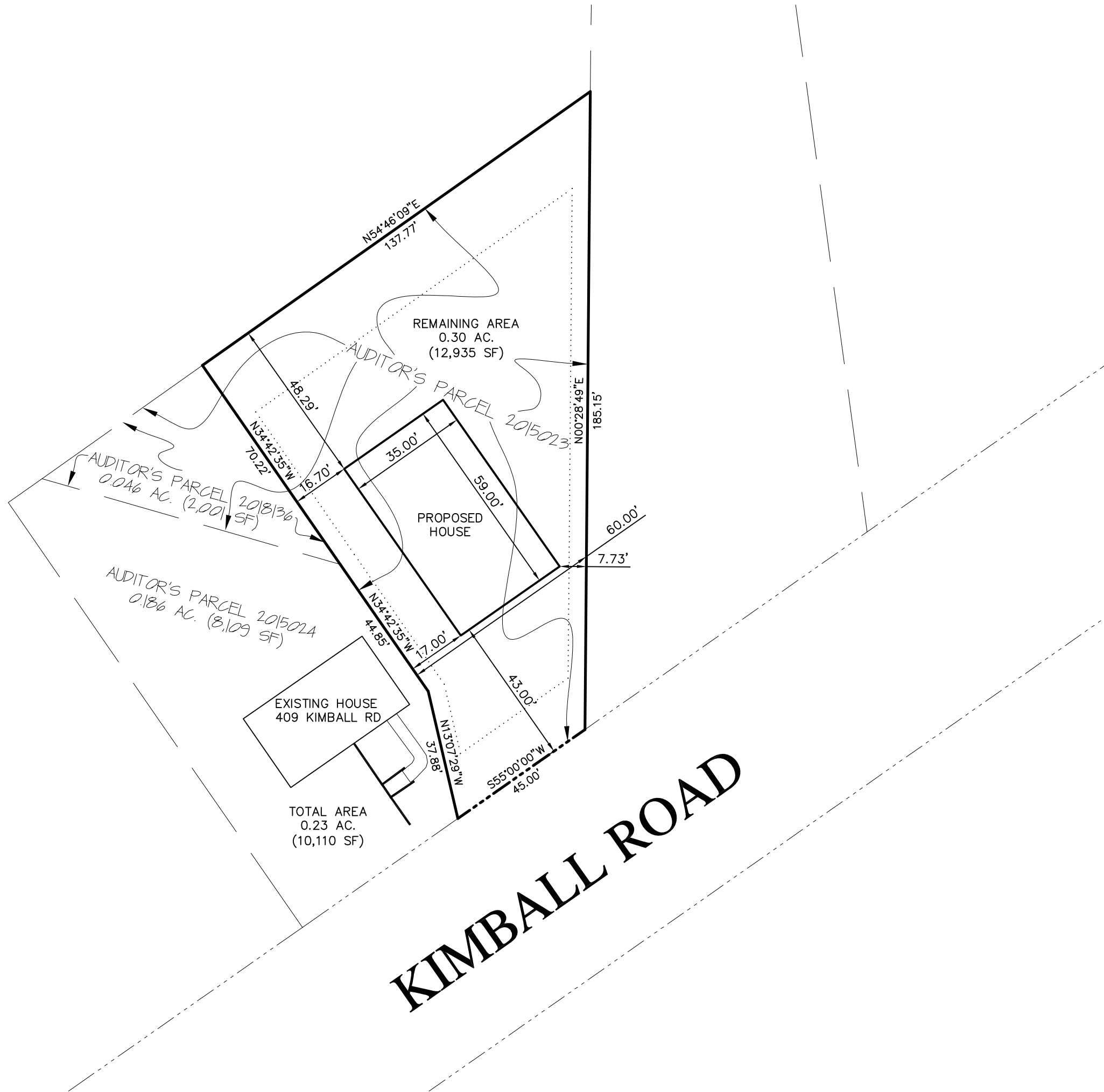


**PLAT OF SURVEY  
AUDITOR'S PARCEL 2018136**

A PORTION OF AUDITOR'S PARCEL  
2015023 LOCATED IN A PORTION OF  
LOT 18 IN THE SUBDIVISION OF THE SE 1/4 OF  
SEC. 3-T79N-R6W OF THE 5TH P.M.  
IOWA CITY, JOHNSON COUNTY, IOWA

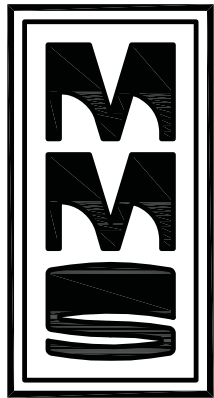
**MMS CONSULTANTS, INC.**

Date:	12/17/2018
Surveyed by:	Field Book No: JO 1099, 1238
Drawn by:	Scale: MAS 1"=50'
Checked by:	Sheet No: GDM 1
Project No:	of: IC 10329-006 1



PROPRIETOR OR OWNER: LINDA ANNIS

**LEGAL DESCRIPTION:**  
 AUDITOR'S PARCEL 2015023 AS RECORDED  
 IN BOOK 59 AT PAGE 197 IN THE  
 JOHNSON COUNTY RECORDER'S OFFICE,  
 EXCEPT  
 AUDITOR'S PARCEL 2018136 AS RECORDED  
 IN BOOK 62 AT PAGE 319 IN THE  
 JOHNSON COUNTY RECORDER'S OFFICE.  
 THE RESULTANT PARCEL OF LAND  
 CONTAINS 12,935 SQ. FT.



CIVIL ENGINEERS  
 LAND PLANNERS  
 LAND SURVEYORS  
 LANDSCAPE ARCHITECTS  
 ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.  
 IOWA CITY, IOWA 52240  
 (319) 351-8282  
[www.mmsconsultants.net](http://www.mmsconsultants.net)

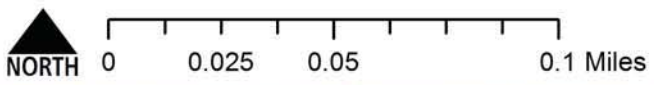
Date	Revision
01-09-19	PER CITY COMMENT -BAH

## SPECIAL EXCEPTION EXHIBIT

A PORTION OF AUDITOR'S  
 PARCEL 2015023  
 IOWA CITY  
 JOHNSON COUNTY  
 IOWA

MMS CONSULTANTS, INC.

Date:	1/8/2019
Designed by:	GDM
Field Book No:	
Drawn by:	BAH
Scale:	1"=30'
Checked by:	GDM
Sheet No:	1
Project No:	IC 9716-002
of:	1



<60' Lot Width



EXC18-00008



409 & 415 Kimball



January 22,

2019

City of Iowa City  
Dept. of Neighborhood Development Services  
Board of Adjustment

Re: case number EXC 18-00008 Location: 409 to 415 Kimball Road  
Linda Annis, formerly of 409 Kimball Road, application for a Special Exception for  
Property Parcel No. 2015023, a vacant lot.

This letter requests the denial of the Special Exception for the following reasons.

Note: Kimball Road's history is relevant in this matter.

March 1843 and 1846:

The United States granted Franklin Kimball a patent giving him ownership of the  
land where 409 to 415 is now located.

April 1866:

Franklin Kimball offered and the Board of Supervisors of Johnson County  
accepted a thirty foot wide road through his property and officially declared it a public  
highway to be maintained by the county.

1920's:

Iowa City incorporated Kimball Road

December 1925:

Ordinance clerk's certificate defines corporate territory and limits of the City of  
Iowa City, Iowa including Kimball Road and adjacent properties. Iowa City's zoning  
codes were enacted later. Many  
of the houses that the applicant cited as non-conforming by current ordinances were  
built on undeveloped county farm land. Newer houses complied with the city's  
ordinance when built. In the application for Special Exception, the Goff property(445  
Kimball Road) was cited as being nonconforming with a very deep setback and with  
improper street frontage and driveway. The facts are that the Goff house was built on a  
four plus acre plot of undeveloped pasture land. Access to Goff's residence is from a  
road already in existence before Kimball Road was incorporated into the city. This was  
originally the road to a large barn. The Cilek family drove their horse drawn buggies and  
wagons from Kimball Road to the still existing large barn (500 block) back of house).  
There was no cutting of curbs. This is not a blind drive.

The vacant lot between 409 and 415 is not a buildable lot. (See letter from Susan  
Dulek, Assistant City Attorney, 12/5/2018, to Ms. Annis and realtor, Lynn Weinstein).  
The applicant created a nonconforming lot by dividing a previously conforming single  
family property. The nonconforming lot is surrounded by developed property.

In the 1960's Kimball Road was paved changing it from a dirt road with ditches  
and dirt covered culverts. Wire field fences separated the undeveloped farm land from  
the road. City utilities were installed at this time as well as natural gas lines. Iowa City  
designated property along the street as single family dwellings.

In 1962, Jack and Mildred Keller owned property at 401 Kimball Road. They sold  
a lot from the east side of their property to Edna Cooney and her husband who then  
built the house at 409 Kimball Road in accordance with existing ordinances. There are  
high electric transmission lines crossing the eastern part of the lot(utility easement).




That is why the Cooneys built along the western part of the lot. Their daughter and her heirs inherited the property which was sold to Linda Annis as a single family lot with lawn extending to the back and sides to the property lines.

There is no underdeveloped land in this area. The neighborhood, to this time, has had a low turnover of properties. Seven of the ten houses in this developed area are owner occupied, many for more than thirty years. Often, the sale of a property was related to the illness or death of the property owner. Linda Annis bought 409 Kimball Road from the heirs of the original builders.

This isn't the first time the applicant tried to divide the lot. The city cautioned her that there was insufficient land for another house behind the existing house. The applicant created this problem.

Granting an exception would be inappropriate. Ms. Annis is attempting to sell the former backyard as a \$80,000 building site requiring the cutting of the curb for construction of a new driveway under the utility lines to an illegal set back building site. This would create a blind driveway safety concern.

Drivers currently must be alert for pets, deer and families walking on the sidewalk across the street from the proposed new driveway which would be a distraction. We already have traffic problems on this 30 foot narrow street. This 30 foot right of way includes the narrow sidewalk. The street's humps need redoing. Some traffic has been clocked going 40 to 60 miles per hour in this 25 mile per hour zone street. Traffic has increased since the reopening of the street to N. Dubuque Street.

In the 1950's-1960's urban renewal of downtown Iowa City resulted in many truck loads of debris being dumped, into city  ravines. This dumping occurred behind many properties on Kimball Road. No care was taken as to asbestoses and other contaminants. Health concerns mandate that the lot be soil tested and proven safe IF a house is permitted to be built there. The natural landscape will be altered as well, reducing the sense of privacy of adjacent neighbors. Additionally, the approval would add to the density and congestion of this historic, narrow(30 foot) street.

The applicant's proposed new \$185,000 house is by her presentation inconsistent with existing house values that Ms. Annis referred to in her application by \$45,000.

The assistant attorney suggested a solution of the problem by the applicant buying land from the 415 Kimball Road property. The owners of 415 Kimball Road should not be pressured to sell land to the applicant. This is a burdensome and expensive option for both parties.

Conclusion: This application for a Special Exception should be denied.

Sincerely,



Edna E. Pixley, J.D., Ph'D.

Property owner and occupant since 1930 at:

311 Kimball Road

Iowa City, Iowa 52245

To: Iowa City Board of Adjustment  
From: Frederick J. Boehmke and Cynthia M. Farthing  
Date: January 30, 2019  
Re: Special Exception Request EXC18-00008

Dear Members of the Board of Adjustment,

We write as the owners of 415 Kimball Road in Iowa City in opposition to the special exception request filed by Linda Annis, the owner of 409 Kimball Road, to allow her to build a house on Auditor's Parcel 2015023. We have consulted with legal counsel and, as set forth below, we oppose this request.

The current owner of 409 Kimball Road purchased it in 2014. She subsequently split the lot in 2015 for the purpose of building a home for herself towards the back of Auditor's Parcel 2015023. Those plans appear to have changed by fall of 2018, as Ms. Annis listed the house at 409 Kimball and Auditor's Parcel 2015023 for sale, either together or separately. The house and its lot at 409 Kimball (aka Auditor's Parcel 2015024) has been sold and Ms. Annis recently purchased and moved into a new residence. Auditor's Parcel 2015023 remains unsold.

Having made an offer to purchase the parcel ourselves, we believe a big reason it has not sold is that it does not meet the legal requirements of a buildable lot. Ms. Annis understandably prefers to sell it as buildable lot since its value would be much greater. There appears to have been some uncertainty about its suitability for building as Ms. Annis told us on many occasions that it was buildable.

As we were aware that it did not appear to meet the requirements for RS-5, our offer to purchase Auditor's Parcel 2015023, which Ms. Annis accepted, included a contingency that it be declared buildable by the City. The letter sent by the City to Ms. Annis and ourselves, a copy of which is attached, clearly states that the lot as currently configured "is a nonconforming lot under the City's zoning code." The City suggested three solutions to make it buildable. Two of them would have required us, as the owners of an adjacent lot, to redraw the lines for 415 Kimball to provide appropriate width for Auditor's Parcel 2015023, whether by selling some of our lot to Ms. Annis or after purchasing the lot ourselves. Both of these courses of action would reduce the value of 415 Kimball, and would require direct costs in order to move our driveway to meet the setback requirement for 415 Kimball. The third option is the special exception process that Ms. Annis is pursuing.

There are multiple aspects of Auditor's Parcel 2015023 that make it nonconforming. First, the parcel does not have the required 60' minimum width at the 15' Front setback point for an area zoned RS-5 (14-4B-3A2). Second, in an attempt to meet the requirement of a 45' width at the frontage, the front lot angles created in the split are approximately 65 and 115 degrees, which is outside of the guidance set forth that lot lines should be between 80 and 100 degrees (15-3-4(B)5). Both failures to meet the requirements were created when Ms. Annis split the original lot for 409 Kimball and created Auditor's Parcel 2015023. The lot has therefore always been nonconforming, and this request for a special exception seeks to solve a problem of the owner's creation (14-4B-3A2). The Iowa City Code lists the criteria for granting a special exception, and in particular states

that the proposed exception must not “be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values in the neighborhood” (14-4B-3A2).

We also believe that, given that the lot is nonconforming, it also constitutes an invalid split when created four years ago. As Ms. Annis stated to us shortly after she moved in, she hoped one day to build a small home on the lot. We believe that the City may have given her this impression or may have made a mistake when it split the lot. We also learned from our neighbors via an email that they had received from Doug Boothroy, attached hereto, that Ms. Annis had been informed by the city that the lot as currently constructed in 2015 was nonconforming. Section 354.6 of the Iowa Code states that “...a subdivision plat shall be made when a tract of land is subdivided by repeated divisions or simultaneous division into three or more parcels, any of which are described by metes and bounds description for which no plat of survey is recorded.” This property was originally split more than 3 times since its conception. The first split occurred in the plat set forth in Book 1, Page 1, Records of Johnson County, Iowa. This split established Lot 18. It was split a second time as demonstrated by the legal description set forth in Book 4785, Page 352, Records of Johnson County, Iowa. It was split a third time as demonstrated by the legal description set forth in Book 5315 Page 923, Records of Johnson County, Iowa. Ms. Annis did not follow the procedure outlined in 354.6 when she split her land. As such, the plat should be vacated as outlined under Iowa Code Section 354.22, a position supported by our consultations with legal counsel. It would be a mistake for the City to grant the special exception to Ms. Annis, because she incorrectly thought she had created a buildable lot or because the City may have made an error in creating a nonconforming lot.

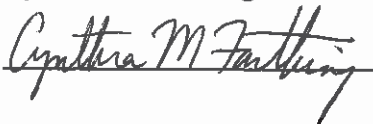
Thanks for your consideration.

Frederick J. Boehmke



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Cynthia M. Farthing



---

December 5, 2018

Linda Annis  
409 Kimball Road  
Iowa City, IA 52245

Lynn Weinstein  
Blank & McCune  
506 E. College Street  
Iowa City, IA 52240

Frederick Boehmke & Cynthia Farthing  
415 Kimball Road  
Iowa City, IA 52245



**CITY OF IOWA CITY**  
410 East Washington Street  
Iowa City, Iowa 52240-1826  
(319) 356-5000  
(319) 356-5009 FAX  
www.icgov.org

Dear Ms. Annis, Ms. Weinstein, Mr. Boehmke, and Ms. Farthing:

On Wednesday, November 29, 2018, staff met with Ms. Annis and Ms. Weinstein to discuss the vacant lot located in between 409 and 415 Kimball Road (Auditor's Parcel 2015023). As we discussed in the meeting, this lot is not a buildable lot. The lot is zoned RS-5, which has a minimum lot width requirement of 60 feet, which is measured at the front setback line (i.e. 15 feet). The current lot width is less than 60 feet and therefore is a non-conforming lot under the City's zoning code. Staff would like to work with you on some possible solutions, which are outlined in this letter in no particular order.

**Options for the Current Property Owner (Linda Annis):**

**1. Special Exception**

The City's zoning code provides a special exception process for certain non-conforming lots. Specifically, the lots must be abutting and under single ownership. The requirements are outlined in Section 14-4E-7, Regulation of Non-Conforming Lots, of the City's zoning code:

*F. In cases where two (2) or more abutting lots of record have become in single ownership and are deemed a single parcel as set forth in subsection E of this section, the board of adjustment may grant a special exception to reestablish a lot of record previously combined with an adjacent lot in order to allow a single-family dwelling and accessory buildings to be installed on said lot, notwithstanding a failure to meet the requirements of the zone for lot area or lot width, provided the following conditions are met:*

1. Granting of the requested exception results in appropriate, compatible development with surrounding residential development;
2. The dwelling must be located on a lot of record that is at least forty feet (40') in width; and
3. The request meets all other standards and requirements of this title, including setback and frontage requirements.

All Special Exceptions must also meet the following criteria outlined Section 14-4B-3A:

*A. Approval Criteria: In order to grant a special exception, the board must find that the applicant meets the specific approval criteria set forth in this title with respect to the specific proposed exception. The board must also find that the applicant meets the following general approval criteria or that the following criteria do not apply:*

- 1. The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.*
- 2. The specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values in the neighborhood.*
- 3. Establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which such property is located.*
- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.*
- 5. Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets.*
- 6. Except for the specific regulations and standards applicable to the exception being considered, the specific proposed exception, in all other respects, conforms to the applicable regulations or standards of the zone in which it is to be located.*
- 7. The proposed exception will be consistent with the Comprehensive Plan of the City, as amended.*

A special exception requires review and approval by the Board of Adjustment. The application fee is \$450, which the City will waive in this instance, and requires notification of neighbors. In terms of the process, staff will work with the applicant, develop a staff report, and make a public presentation to the Board of Adjustment. The Board discusses the application and either votes to approve, approve with conditions, or deny the application. Staff will likely recommend a condition that will require a build-to line to ensure that any home built on the lot will have a similar setback to the homes in the immediate vicinity. In addition, approvals by the Board of Adjustment lapse in 6-months; however, the Board may extend this period or review a request for an extension. If the special exception is granted, the lot will be a buildable lot.

## *2. Re-Platting*

Another option is to submit an application for a Final Plat. In this case, the Final Plat process would allow for the re-subdivision of the land. This process would allow for the re-drawing of lot lines. In addition, this process would require coordination with the property owners at 415 Kimball Road since a portion of the property at 415 Kimball Road would need to be conveyed to the lot in question.

Prior to submitting this application, the applicant would need to work with a consulting firm to conduct a survey to ensure that the new lot boundaries meet the dimensional requirements of the zoning code and that the existing home at 415 Kimball Road meet other zoning regulations (e.g. open space requirements, driveway spacing distances, setbacks).

The Final Plat process requires review and approval by the City Council. Upon receipt of a Final Plat application, staff distributes the plat to a variety of different departments for review. After the staff review, a staff report is prepared and submitted to the City Council. The application fee for a Final Plat is \$775, which the City will waive. Upon approval by the City Council the Final Plat would be recorded with the Johnson County Recorder's Office. Approval of a Final Plat results in an official, recorded plat that identifies the legal of lot of record.

### 3. *Boundary Line Adjustment*

A third option is a boundary line adjustment where the property owner requests a re-drawing of the existing parcel lines. In this instance, the current owner, Mis. Annis, would need to work with the property owners at 415 Kimball Road since a portion of the property at 415 Kimball Road would need to be conveyed to the vacant parcel in order for it to be buildable.

Similar to the re-platting option, approval of a boundary line adjustment depends on ensuring that both parcels meet the minimum dimensional requirements of the zoning code. In addition, the existing home on 415 Kimball Road would need to meet all other zoning regulations (e.g., minimum open space, driveway spacing distances, setbacks). Again, working with a consulting firm would be required.

A boundary line adjustment is an administrative process that does not require a public process. After review and approval by City staff, the boundary line adjustment is recorded with the Johnson County Recorder's Office. Unlike the re-platting process, a boundary line adjustment does not result in the creation of an official, recorded plat, but would result in a buildable parcel of land.

#### Options for a Future Buyer:

##### 1. *Special Exception*

The special exception process outlined above is only an option if the property owner at 415 Kimball Avenue or the future owner of 409 Kimball Avenue purchases the property, since a requirement of this process is that "(2) or more abutting lots of record have become in single ownership and are deemed a single parcel"

##### 2. *Re-Platting*

The re-platting process outlined above is only an option if the new property owner is able to coordinate with the property owners at 415 Kimball Road. This is necessary since a portion of the property at 415 Kimball Road must be conveyed to the vacant lot.

##### 3. *Boundary Line Adjustment*

The boundary line adjustment process outlined above is only an option if the new property owner is able to coordinate with the property owners at 415 Kimball Road. This is necessary since a portion of the property at 415 Kimball Road must be conveyed to the vacant lot.

December 5, 2018

Page 4

### Verification on Utilities

Additionally, you requested verification that public water and sewer are available and accessible to the vacant, currently unbuildable lot. Public Works staff confirmed that the lot has access to public water and sanitary sewer. There is 6-foot diameter cast iron watermain and 8-foot diameter V.S.P. sanitary sewer in the Kimball Road right-of-way adjacent to the property.

Thank you again for your time. Please feel free to contact me should you have any questions or require additional information. I can be reached at either [sus-dulek@iowa-city.org](mailto:sus-dulek@iowa-city.org) or at (319) 356-5030. If you would like to pursue any of the options listed above, please contact Anne Russett at [anne-russett@iowa-city.org](mailto:anne-russett@iowa-city.org) or at (319) 356-5251. Anyone needing legal advice should consult with his or her attorney.

Sincerely,



Susan Dulek  
Assistant City Attorney

Copy to: Tracy Hightshoe, Director NDS  
Anne Russett, Senior Planner  
Danielle Sitzman, Development Services Coordinator

**Jerry Vanni**

---

**From:** Cameron Vanni <camvanni@gmail.com>  
**Sent:** Thursday, June 11, 2015 11:55 AM  
**To:** Jerry Vanni  
**Subject:** Fwd: Kimball Road concerns

**4 copies, please**

----- Forwarded message -----

**From:** Doug Boothroy <Doug\_Boothroy@iowa-city.org>  
**Date:** Thu, Jun 11, 2015 at 11:48 AM  
**Subject:** Kimball Road concerns  
**To:** "Cameron Vanni (camvanni@gmail.com)" <camvanni@gmail.com>

*This is Doug Boothroy's latest response to my original e-mail.*

Mr. Vanni,

Update: I talked to property owner today and told her that the new lot as currently designed doesn't have enough lot width to be buildable. She is reevaluating her options.

-----Original Message-----

**From:** Doug Boothroy  
**Sent:** Tuesday, June 09, 2015 10:17 AM  
**To:** Cameron Vanni (camvanni@gmail.com)  
**Cc:** Jim Throgmorton; Tom Markus  
**Subject:** RE: From C. Vanni re: Kimball Road concerns

Mr. Vanni,

I'm Doug Boothroy, Director of the Department of Neighborhood & Development Services and I've been asked to respond to your questions. I've provided a response below located under each of your questions. If you have any further questions please e-mail or call me @356-5121.

-----Original Message-----

**From:** Tom Markus  
**Sent:** Monday, June 08, 2015 11:53 AM  
**To:** Doug Boothroy  
**Cc:** Jim Throgmorton  
**Subject:** FW: From C. Vanni re: Kimball Road concerns

Please prepare an appropriate response.

-----Original Message-----

**From:** Jim Throgmorton  
**Sent:** Monday, June 08, 2015 11:14 AM  
**To:** Tom Markus  
**Subject:** FW: From C. Vanni re: Kimball Road concerns

Hi Tom,

Another message from a constituent. When we've completed action on The Chauncey, would you please ask a staff person to respond to Mr. Vanni (see below) with a copy to me.



Thank you.

Jim Throgmorton  
District C, Iowa City City Council

Please Note: No correspondence (including emails) to City Council is confidential. All correspondence (including emails) to me as a City Council member about City issues is a public record.

From: Cameron Vanni [camvanni@gmail.com]  
Sent: Saturday, June 06, 2015 9:20 AM  
To: Jim Throgmorton  
Subject: From C. Vanni re: Kimball Road concerns

CRV email ?'s  
re: 409 Kimball →  
DB = Doug Boothroy's

Dear Mr. Throgmorton,

We have been Kimball Road residents for 30 years. It is a beautiful neighborhood despite the narrow road and cut-through traffic.

This spring the 409 Kimball Road property has come to our attention. It was sold last summer and appears to have become a rental property. This spring surveyor pins appeared between the adjacent properties. Then about a week ago another set of pins towards the center of the property appeared.

The word is that the current property owner has obtained permission to split the property and build another home behind the existing home.

As I've driven the streets of I.C. I've noticed signs reading: Special Exceptions or at least some formal notification of a change of status with an existing property.

I am very curious about:

1. How a single property will allow for safe driveway access to the street?

DB The lot in question was divided by the owner to allow her to construct a single family home. Kimball Rd.'s safety has been improved with the City's installation of "traffic calming" measures which has reduced speeds and "cut through" traffic. One additional curb cut to serve one infill single family unit should not pose a safety issue. Preliminary plans by the owner show a small two bedroom home under consideration for the new lot.

2. Can any of our Kimball Road properties become "stacked" properties holding several buildings without proper notification of the city/neighbors.

DB Any property owner has the right to divide their property once without City Council approval. However, any division of land that exceeds 1000sq. ft. in area must go through a City administrative review which is done by this office (Dept. of Neighborhood & Development Services). The purpose of the administrative review is to ensure compliance with the City's Zoning / Subdivision codes. An administrative review was done and the division was approved.

3. How will the Mid-American easement be treated IF such changes will occur.

DB The division has no bearing on the enforceability of existing easements. Any change to existing easements

Dear Mr. Throgmorton,

We have been Kimball Road residents for 30 years. It is a beautiful neighborhood despite the narrow road and cut-through traffic.

This spring the 409 Kimball Road property has come to our attention. It was sold last summer and appears to have become a rental property. This spring surveyor pins appeared between the adjacent properties. Then about a week ago another set of pins towards the center of the property appeared.

The word is that the current property owner has obtained permission to split the property and build another home behind the existing home.

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I am very curious about:

1. How a single property will allow for safe driveway access to the street?

*Doug Boothroy's response =  
Bold text*

The lot in question was divided by the owner to allow her to construct a single family home. Kimball Rd.'s safety has been improved with the City's installation of "traffic calming" measures which has reduced speeds and "cut through" traffic. One additional curb cut to serve one infill single family unit should not pose a safety issue. Preliminary plans by the owner show a small two bedroom home under consideration for the new lot.

2. Can any of our Kimball Road properties become "stacked" properties holding several buildings without proper notification of the city/neighbors.

Any property owner has the right to divide their property once without City Council approval. However, any division of land that exceeds 1000sq. ft. in area must go through a City administrative review which is done by this office (Dept. of Neighborhood & Development Services). The purpose of the administrative review is to ensure compliance with the City's Zoning / Subdivision codes. An administrative review was done and the division was approved.

3. How will the Mid-American easement be treated IF such changes will occur.

The division has no bearing on the enforceability of existing easements. Any change to existing easements would need approval from the party holding the easement rights.

I appreciate any/all information regarding this disturbing change/trend in our residential neighborhood. Your investigation of the noted concerns is greatly appreciated.

Yours,  
Cameron Vanni  
319-338-5628<tel:319-338-5628>

To: Iowa City Board of Adjustment  
From: Neighbors of 409 Kimball Road, Iowa City  
Re: Case No. EXC18-00008/Objection to Application for Special Exception

Dear Board of Adjustment:

The undersigned are neighbors of 409 Kimball Road. We have been informed that Linda Annis, the owner of 409 Kimball Road, has requested a special exception to reduce the required amount of frontage along Kimball Road to allow for the construction of a second home on her property. We strongly oppose this request for the following reasons:

First, it is important to know the background of this property. As shown in Attachments A.1 and B, Ms. Annis bought 409 Kimball Road in 2014. She paid \$174,000.00 for this property. As shown in Attachment A.2, which is the deed that the owner prior to Ms. Annis received when she bought the property, the property has historically been legally described using the same one-lot legal description that was used when Ms. Annis bought the property. In other words, the property has historically been only a single lot.

However, in 2015 Ms. Annis divided the property into two parcels. On Attachment C, the parcel that she purchased in 2014 is outlined in yellow and the new lot she created is shown in pink. Then, as shown in Attachment D, in 2018 she again split the property and the single lot she purchased in 2014 has now been divided into three separate parcels.

Ms. Annis now desires to sell the 409 Kimball Road property in multiple pieces. As shown in Attachment E she has listed the single family dwelling for sale at a price of \$220,000.00. And as shown in Attachment F she has listed one of the new lots that she created out of her original tract for \$80,000.00. This newly created lot, however, does not meet the City's requirements for a buildable lot. Despite this, Ms. Annis desires a special exception so that a new house can be built on this new lot which she will sell at a substantial profit.

The above background is very important because according to the City (See Attachment G) a special exception in this situation may only be granted if, among other requirements, two or more existing lots are being consolidated under a single ownership. The City Code is very clear on this point:

#### 14-4E-7: REGULATION OF NONCONFORMING LOTS:

A. Any conforming use or structure for a conforming use may be established or installed on a lot of record that is nonconforming with regard to lot frontage or lot width, provided the minimum lot area required for the use is met, and provided the use or structure meets all other requirements of this title.

B. Any use or structure for a use, either one of which requires more lot area than presently exists, is prohibited, except as provided in subsection C of this section.

C. In any zone in which single-family uses are permitted, a single-family use and accessory structures may be established on any lot of record, notwithstanding failure to meet the minimum lot area requirement of the zone in which the lot is located. (NOTE – Ms. Annis does not have a shortage of lot area – she has insufficient frontage so this paragraph is not applicable.)

D. All existing conforming and nonconforming uses and structures located on a nonconforming lot will be treated as if such uses and structures were established on a conforming lot. However, no use or structure for a use, either one of which requires more lot area than presently exists and the structure of which has been destroyed or damaged by fire, explosion, act of God or by a public enemy to the extent of seventy five percent (75%) or more of the assessed value of the structure, shall be restored, except in compliance with the provisions of this title.

E. If two (2) or more abutting lots (or portions thereof), one or more of which are nonconforming, *become in single ownership*, the land involved shall be deemed a single parcel for the purposes of this article, and no portion of said parcel shall be sold or used in a manner which diminishes compliance with lot frontage, width and area requirements, except as allowed in subsection F of this section by special exception.

F. In cases where two (2) or more abutting lots of record *have become in single ownership* and are deemed a single parcel as set forth in subsection E of this section, the board of adjustment may grant a special exception to reestablish a lot of record previously combined with an adjacent lot in order to allow a single-family dwelling and accessory buildings to be installed on said lot, notwithstanding a failure to meet the requirements of the zone for lot area or lot width, provided the following conditions are met:

1. Granting of the requested exception results in appropriate, compatible development with surrounding residential development;
2. The dwelling must be located on a lot of record that is at least forty feet (40') in width; and
3. The request meets all other standards and requirements of this title, including setback and frontage requirements. (Ord. 05-4186, 12-15-2005)

The above Code section applies when the same owner combines two or more existing lots. Ms. Annis, however, is attempting to do the exact opposite of combining lots. Instead she wishes to split off ownership of multiple lots. This is not what city code permits a special exception to be granted for.

Her application has other problems as well. Rather than providing any substantive facts to support her claim that she meets requirements, Ms. Annis instead simply states conclusions without any evidence or facts. The following are examples of her failure to provide proof that the Specific Criteria required by City Code have not been complied with: (1) she does not provide a legal description for her new lot. (2) She does not provide a proper plat and site plan showing dimensions, trees, parking, etc. This is extremely important because the site is heavily treed and steeply sloped and may in fact be within an environmentally sensitive area because of this. Likewise, the information regarding the City Code's General Approval Criteria contained in her application is incorrect. For example, granting the application would be detrimental to the comfort, safety and general welfare. Specifically, allowing another home to access Kimball Road would create a "blind" driveway entrance at the crest of Kimball Hill. Kimball Road is already narrow, curvy, and without shoulders and this driveway would be yet another danger. Further, granting the application would be out of character with the neighborhood. The present homes on the north side of Kimball Road in this area are on large lots which enjoy a view of a large wooded ravine. What is being proposed will disrupt this view and create a very small, out of character lot. This change will certainly decrease the desirability and property values of these adjacent tracts and will impair the enjoyment of these properties as a result of this out-of-character development.

In summary, Ms. Annis has not suffered any inconvenience or injury. Her situation is entirely self-created. She simply wants to increase her monetary profit at the expense of her neighbors by building an out-of-character home on a nonbuildable lot in an already fully developed neighborhood. Further, denying her request will cause her no hardship or inconvenience as she will continue to have what she originally bought – a single family home on one lot. Her application should be denied.

Name

Erany Vanni

Date

1/29/19

Address

401 Kimball Road,  
Iowa City, IA  
338-5628

Phone Number

Name

Cameron R. Vanni  
Cameron R. Vanni

Date

1/29/19

Address

401 Kimball Rd Iowa City, IA

Phone Number

338-5628

Name

Edna E. Pitney

Date

1/29/19

311 Kimball Rd Iowa City IA  
319-338-4268 52245

Address

Phone Number



Name PETER BALESTRIERI

2.2.19

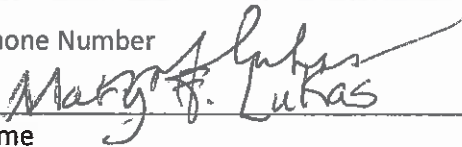
Date

315 KIMBALL ROAD

Address IOWA CITY, IOWA 52245

319-339-1066

Phone Number



Name

2-2-2019

Date

406 Kimball Rd

Address Iowa City IA 52245

319-530-1983

Phone Number



Randall Verdick

Name

2-2-19

Date

421 Kimball Rd 52245

319-354-7333

Address

Phone Number

Harold Goff

Name

Harold Goff

Date

2-2-2019

Address

445 Kimball Rd

Phone Number, 319 351-8609

Name

Mary Reagan

Date

2/2/2019

Address

500 Kimball Rd.

Phone Number

319-321-7797

Name

Ben Ringena

Date

2/2/19

Address

428 Kimball Rd

319-541-4640

Phone Number

  
Name

Frederick J. Boehmke

Date

February 2, 2019

Address

415 Kimball Rd

Phone Number

  
Name

CYNTHIA M FARTHING

Date 2-2-19

415 KIMBALL RD

Address

319 541 4423

Phone Number

  
Name

Christine Nobiss

Date 2-2-19

412 Kimball Rd.

Address

319 331 0034



Phone Number

Claire F. Fox

Name

CLAIRE F. FOX

Date

2 February 2018

Address

315 KIMBALL RD, IC, IA

Phone Number 319 621-0895

Lori Verdick

Name

Lori Verdick

Date

3 - February 2018

Address

421 Kimball Rd. Iowa City, Ia.

Phone Number 319-354-7333

Mary Brumm

Name

Mary Brumm

Date

2-3-19

Address

431 Kimball Rd Iowa City, IA  
(319) 594-4956

Phone Number

Name Michael Brumm  
Michael Brumm

Date 02-03-2019

Address 431 Kimball Rd, Iowa City

Phone Number (319) 321-8516  
Name Patricia Hayek

Date 2-3-19

Date 531 Kimball Rd.

Address 319-337-9333

Phone Number Alegha Packer

Name 2-3-19

Date 435 Kimball Rd.

Address 319-400-0005

Phone Number

Ellen M. Widiss

Name

Ellen M. Widiss

Date

2/3/19

Address

316 Kimball Rd

Phone Number

319.351.1130

(m. 319.331.6089)

Carol H. Drum

Name

Carol H. Drum

Date

2/3/19

Address

308 Kimball Rd.

Phone Number

337-5137

Jerry M. Pecht

Name

JERRY M. PECHT

Date


2/3/19

Address

308 KIMBALL ROAD

Phone Number

319 337-5137

  
Name Jacqueline Krain

Date 2/3/19

Address 304 KIMBALL ROAD

Phone Number 319-499-7081

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number



### COURT OFFICER DEED

The Estate of Daphne J. Fuhrmeister,  
Deceased

now pending in the Iowa District Court in and for Johnson County.

Probate No. ESPRO30372

Pursuant to the authority and power vested in the undersigned, and in consideration of One Dollar(s) and other valuable consideration, the undersigned, in the representative capacity designated below, hereby Convey(s) to Linda Annis, a single person

the following described real estate in Johnson County, Iowa:  
Commencing at the Southeast corner of Lot 18 in the Subdivision of the SE $\frac{1}{4}$  of Sec 3, Twp 79 N, R 6 West of the 5th P M, according to the plat of said Subdivision recorded in Plat Book 1, Page 1, Plat Records of Johnson County, Iowa, thence Southwesterly along the Northerly right of way of Kimball Road 100 feet to an iron pin; thence Northwesterly included angle 90 degrees 150 feet, thence Northeasterly parallel with Kimball Road, included angle 90 degrees, to the east line of said Lot 18, thence Southerly along the East line of said Lot 18, 184.20 feet to the point of beginning, subject to easements and restrictions of record.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated: 11/21/2014

By \_\_\_\_\_  
Title

David L. Yansky  
David L. Yansky

By \_\_\_\_\_  
Title

As \_\_\_\_\_ \*in the  
above entitled estate or cause.

As Executor \*in the  
above entitled estate or cause.

\*Executor, Administrator, Guardian, Conservator, Trustee, Referee, Commissioner, or Receiver

Attachment  
A.1

Transfer Fee	5.00
Recording Fee	10.00
Total	15.00

FILED NO 9337  
 SOCI 102-543  
 90 FEB -2 AM 8 09

*John C. Stoll*  
 RECORDER  
 IOWA

*See Affidavit Pl. 1244 09 89*



COURT OFFICER DEED (6-19-91)

SPACE ABOVE THIS LINE  
FOR RECORDER

IN THE MATTER OF

THE ESTATE OF

GEORGE W. COONEY, DECEASED

now pending in the Iowa District Court

in and for Johnson County Iowa No 21443

Pursuant to the authority and power vested in the undersigned and in consideration of ten Dollars(s) and other valuable consideration, the undersigned, in the representative capacity designated below hereby Convey to Daphne Furhmeister

the following described real estate in Johnson County Iowa

Commencing at the Southeast corner of Lot 18 in the Subdivision of the SE $\frac{1}{4}$  of Sec 3, Twp 79 N, R 6 West of the 5th P M, according to the plat of said Subdivision recorded in Plat Book 1, Page 1, Plat Records of Johnson County, Iowa, thence Southwesterly along the Northerly right of way of Kimball Road 100 feet to an iron pin; thence Northwesterly included angle 90 degrees 150 feet, thence Northeasterly parallel with Kimball Road, included angle 90 degrees, to the east line of said Lot 18, thence Southerly along the East line of said Lot 18, 184.20 feet to the point of beginning, subject to easements of record

Consideration less than \$500.00 no revenue stamps required

Exempt from Declaration of Value pursuant to Exemption 3

Exempt from filing Groundwater Hazard Statement

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender according to the context

Dated December 31, 1989

ESTATE OF GEORGE W. COONEY, DECEASED

By Daphne J. Furhmeister  
 DAPHNE FURHMEISTER, Executor said Estate Title

By \_\_\_\_\_ Title

As Executor in the above entitled estate or cause

As \_\_\_\_\_ in the above entitled estate or cause

Executor, Administrator, Guardian, Conservator, Trustee, Referee, Commissioner or Receiver

BOOK 1102 P: 543

Use space for corporate fiduciary insert official titles with names

Attachment  
A.2



Hosted by Vanguard Appraisals, Inc

**Parcel Number:** 1003451011  
**Deed Holder:** ANNIS, LINDA  
**Property Address:** 409 KIMBALL RD  
 IOWA CITY MAP THIS ADDRESS  
**PDF Name:** RESIDENTIAL  
**Class:** RESIDENTIAL  
**Map Area:** 20100-RES  
**Sec-Twp-Rng:**  
**Lot-Block:** 18-  
**Legal Description:** 03-79-6, SUBDIVISION OF SE 1/4 THAT PART OF LOT 18 DESCR AS AUDITOR'S PARCEL 2015024 IN SURV BK 59 PG 197  
**Property Report:** [PROPERTY REPORT \(PDF FILE\)](#)



1 / 1



**Current value as of January 01, 2018 - Taxes payable September 2019 and March 2020**

Land Value	Dwelling Value	Improvement Value	Total Value
\$54,390	\$98,110	\$0	\$152,500

**Prior Year Value Information**

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2018	\$54,390	\$98,110	\$0	\$152,500
2017	\$54,390	\$98,110	\$0	\$152,500

More Years...

**Land Front Foot Information**

Lot	Front	Rear	Side 1	Side 2
Main Lot	55.06	53.06	150.00	150.00

**Residential Building Information**

Occupancy	Style	Year Built	Total Living Area
Single-Family / Owner Occupied	1 Story Frame	1962	1,008

**Sale Information**

Sale Date	Amount	Non-Useable Transaction Code	Recording
11/21/2014	\$174,000	0 - Normal	5315-923

*Attachment B*



**PLAT OF SURVEY  
AUDITOR'S PARCEL 2015023 & 2015024  
CITY OF IOWA CITY, JOHNSON COUNTY, IOWA**

**LEGAL DESCRIPTIONS**

A PORTION OF LOT 18 IN THE SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 29 NORTH, RANGE 6 WEST OF THE 5<sup>TH</sup> P.M., CITY OF IOWA CITY, JOHNSON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**AUDITOR'S PARCEL 2015023**

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 IN THE SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 29 NORTH, RANGE 6 WEST OF THE 5<sup>TH</sup> P.M., CITY OF IOWA CITY, JOHNSON COUNTY, IOWA, BEING THE SOUTHWEST CORNER OF SAID LOT 18, AND PROCEEDING TO THE POINT OF BEGINNING BY THE FOLLOWING COURSE: THENCE 365°30'00"W ALONG THE SOUTHWESTERLY LINE OF SAID LOT 18, 100.00 FEET; THENCE 271°30'00"W, 378.88 FEET; THENCE 104°45'00"W, 444.00 FEET; THENCE 329°30'00"W, 304.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A TRACT OF LAND AS SHOWN ON A PLAT RECORDED IN PLAT BOOK 5 AT PAGE 77 IN THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE, THENCE N84°45'00"W, ALONG SAID NORTHWESTERLY LINE, 194.77 FEET TO THE MOST NORTHERLY CORNER OF SAID TRACT OF LAND, SAID POINT BEING ON THE EASTERLY LINE OF SAID TRACT OF LAND AND THE EASTERLY LINE OF SAID LOT 18, A DISTANCE OF 184.19 FEET TO THE POINT OF BEGINNING, CONTAINING 0.4996 SQUARE FEET AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

**AUDITOR'S PARCEL 2015024**

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 IN THE SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 29 NORTH, RANGE 6 WEST OF THE 5<sup>TH</sup> P.M., CITY OF IOWA CITY, JOHNSON COUNTY, IOWA, BEING THE SOUTHWEST CORNER OF SAID LOT 18, AND PROCEEDING TO THE POINT OF BEGINNING BY THE FOLLOWING COURSE: THENCE 365°30'00"W ALONG THE SOUTHWESTERLY LINE OF SAID LOT 18, 100.00 FEET; THENCE 271°30'00"W, 378.88 FEET; THENCE 104°45'00"W, 444.00 FEET; THENCE 329°30'00"W, 304.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A TRACT OF LAND AS SHOWN ON A PLAT RECORDED IN PLAT BOOK 5 AT PAGE 77 IN THE RECORDS OF THE JOHNSON COUNTY RECORDER'S OFFICE, THENCE N84°45'00"W, ALONG THE SOUTHWESTERLY LINE OF SAID TRACT OF LAND, 194.77 FEET TO THE MOST WESTERLY CORNER OF SAID TRACT OF LAND, THENCE S89°30'00"W, 304.00 FEET; THENCE 329°30'00"W, 444.00 FEET; THENCE 104°45'00"W, 304.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.4996 SQUARE FEET, AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

**LEGEND AND NOTES**

- CONGRESSIONAL CORNER, FOUND
- CONGRESSIONAL CORNER, REESTABLISHED
- CONGRESSIONAL CORNER, RECONSTRUCTED
- PROPERTY CORNER, FOUND (on record)
- PROPERTY CORNER'S SET (50' or less, 1/4" dia. nails, metal LS cap)
- CURVE
- PROPERTY &/or BOUNDARY LINES
- CONGRESSIONAL SECTION LINES
- CENTER LINES
- LOT LINES, INTERNAL
- LOT LINES, PLAYED, OR BY DEED
- EXISTING LINES, WITH & PURPOSE NOTED
- RECORDED DIMENSIONS
- MEASURED DIMENSIONS
- CURVE SEGMENT NUMBER

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDS

I hereby certify that this final surveying document was prepared and approved in accordance with the laws and rules of the State of Iowa and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*Allen D. Mesner* 5-15-15  
 ALLEN D. MESNER, 0110  
 L.S. License No. 815  
 My license expires on 12/31/2015

Points or sheets covered by this plat: #1



Line #	Direction	Length
L1	S34°42'35"E	44.85'
L2	S13°07'29"E	37.88'
L3	N3°44'35"W	44.85'
L4	N13°07'29"W	37.88'

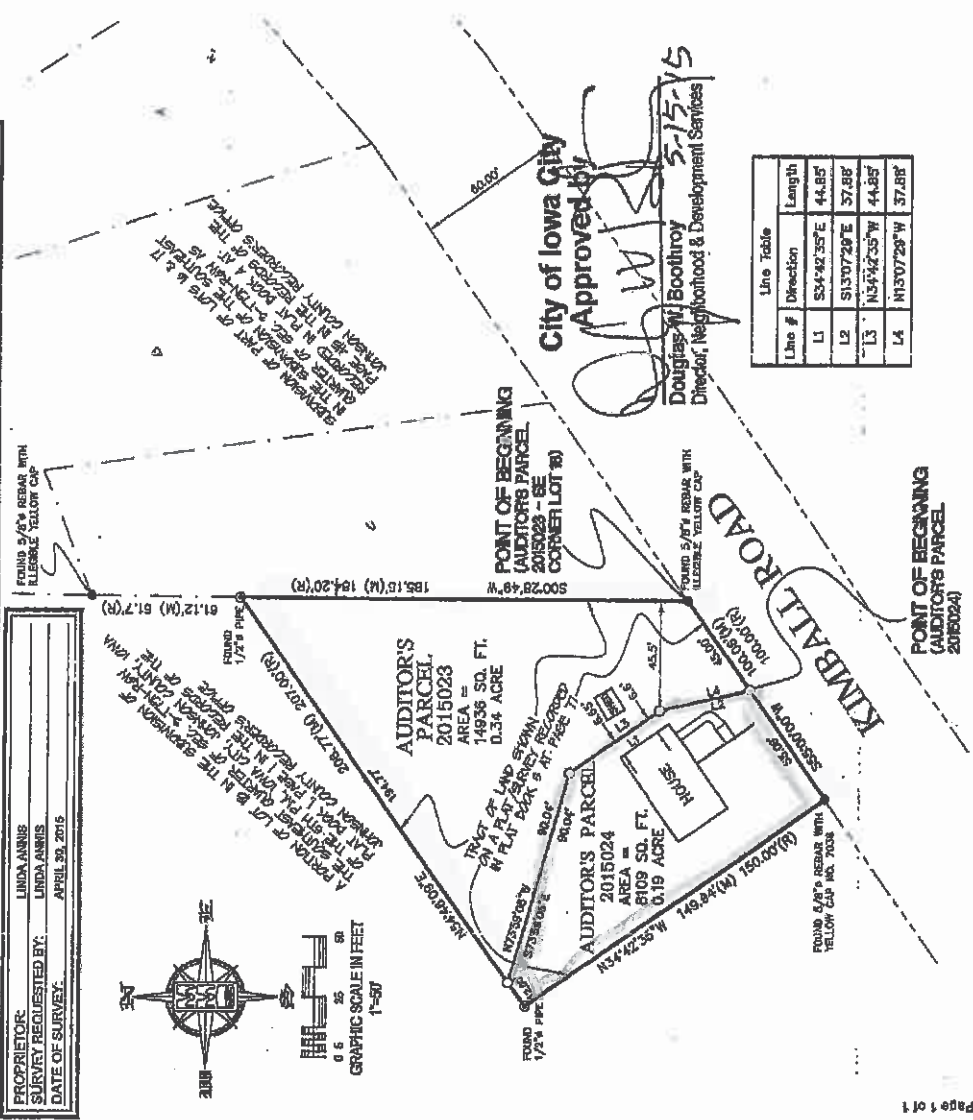
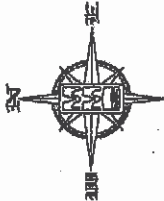
Attachment  
C

151517

DoD ID: 021564530001 Type: PLA  
 Kind: SURVEY  
 Recorded: 05/19/2015 at 09:52:00 PM  
 Fee Amt: \$7.100 Page 1 of 1  
 KIM PALINGER County Recorder  
 BK-59 Pg 197

PREPARED BY AND RETURN TO: MMS CONSULTANTS, INC. 1077 S. GILBERT ST. IOWA CITY, IOWA 52240 (515) 251-3282

PROPRIETOR: LINDA ANNIS  
 SURVEY REQUESTED BY: LINDA ANNIS  
 DATE OF SURVEY: APRIL 29, 2015





Doc ID: 02728980001 Type: PLA  
 Kind: Survey  
 Recorded: 20/12/2018 at 09:41:12 AM  
 File No: 6706  
 Recorder: Kim Painter  
 County Recorder: Kim Painter  
 County Recorder: Kim Painter



**LOCATION:**  
 A PORTION OF AUDITOR'S PARCEL 2018023  
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3,  
 TOWNSHIP 19 NORTH, RANGE 6 WEST OF THE 5TH P.M.,  
 IOWA CITY, JOHNSON COUNTY, IOWA.

**LAND SURVEYOR, INCLUDING FIRM OR ORGANIZATION:**  
 GLEN D. HESNER, P.E. & P.L.L.  
 MMS CONSULTANTS, INC.  
 1917 SOUTH GILBERT STREET  
 IOWA CITY, IOWA 52240  
 PHONE: 319-351-8282

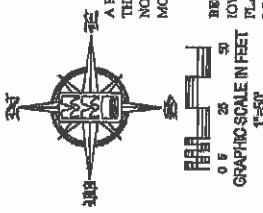
**SURVEY REQUESTED BY:**  
 SANDY STEK

**PROFESSOR OR OWNER:**  
 LINDA ANNIS

**DATE OF SURVEY:**  
 DECEMBER 18, 2018

**DOCUMENT RETURN INFORMATION:**  
 LAND SURVEYOR

-PREPARED BY AND RETURN TO: MMS CONSULTANTS, INC. 1917 S. GILBERT ST. IOWA CITY, IOWA 52240 (319)351-8282



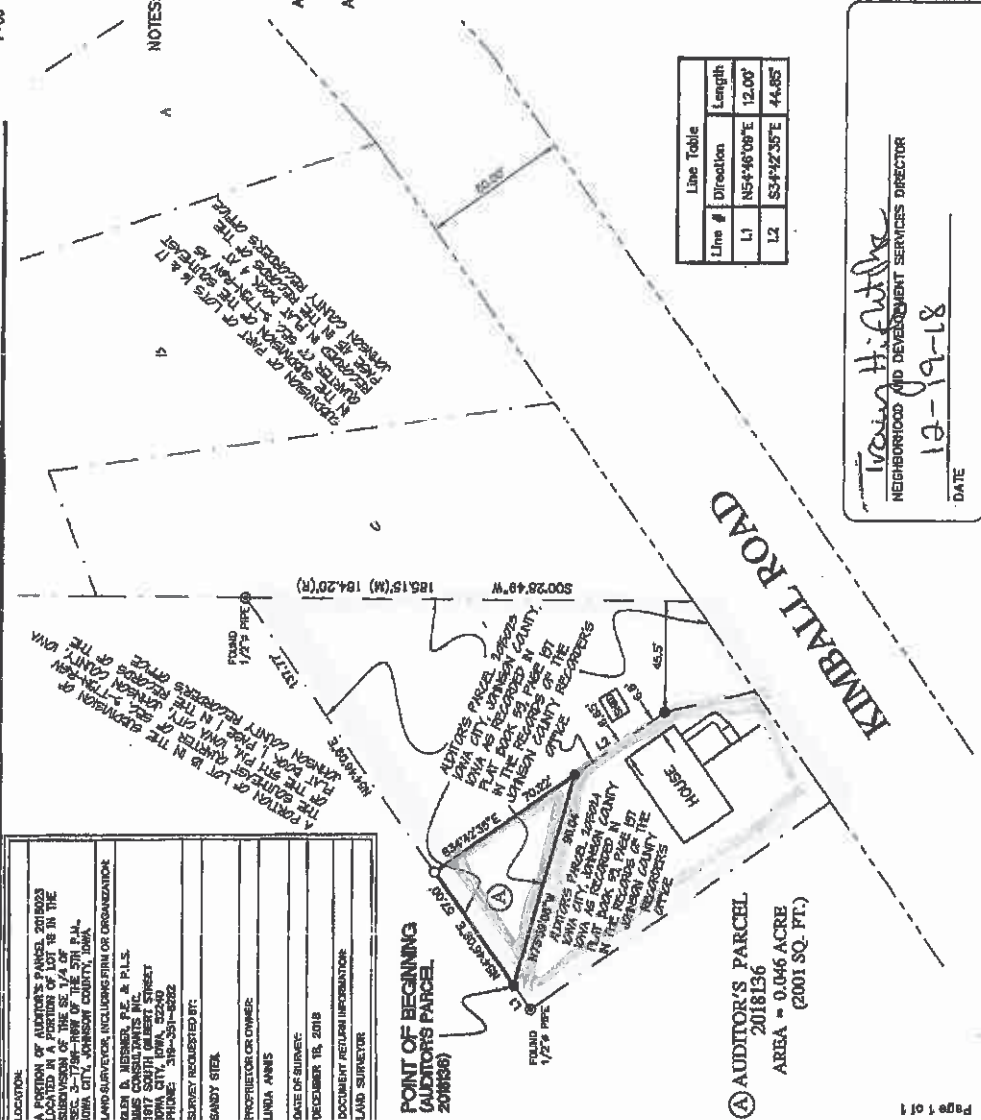
**PLAT OF SURVEY**  
**AUDITOR'S PARCEL 2018136**  
**CITY OF IOWA CITY, JOHNSON COUNTY, IOWA**

**LEGAL DESCRIPTION**  
 A PORTION OF AUDITOR'S PARCEL 2015023, LOCATED IN A PORTION OF LOT 18 IN  
 THE SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 19  
 NORTH, RANGE 6 WEST OF THE 5TH P.M., IOWA CITY, JOHNSON COUNTY, IOWA,  
 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**AUDITOR'S PARCEL 2018136**  
 BEGINNING AT THE MOST WESTERLY CORNER OF AUDITOR'S PARCEL 2015023,  
 IOWA CITY, JOHNSON COUNTY, IOWA, ACCORDING TO THE PLAT RECORDED IN  
 PLAT BOOK 39, PAGE 197 IN THE RECORDS OF THE JOHNSON COUNTY  
 RECORDER'S OFFICE, THENCE N44°46'09"E, ALONG THE NORTHWESTERLY LINE  
 OF SAID AUDITOR'S PARCEL, 2015023, A DISTANCE OF 57.00 FEET; THENCE  
 S34°42'35"E, 70.22 FEET TO ITS INTERSECTION WITH THE SOUTHWESTERLY LINE  
 OF SAID AUDITOR'S PARCEL, 2015023; THENCE N73°59'06"W, ALONG SAID  
 SOUTHWESTERLY LINE, 90.04 FEET TO THE POINT OF BEGINNING, CONTAINING  
 0.046 ACRE (2001 SQUARE FEET) AND IS SUBJECT TO EASEMENTS AND  
 RESTRICTIONS OF RECORD.

**NOTES:** 1) ALL FOUND PINS ARE 5/8"Ø REBAR PINS WITH YELLOW PLASTIC CAPS  
 NO. 8165 UNLESS NOTED OTHERWISE.  
 2) THIS PARCEL IS A PORTION OF GOVERNMENT LOT 4 IN SEC. 3-779N-  
 RBW OF THE 5TH P.M., IOWA CITY, JOHNSON COUNTY, IOWA.  
 3) SEE THE AREA SUMMARY NOTED BELOW.

**AREA SUMMARY**  
 AUDITOR'S PARCEL 2015024 + AUDITOR'S PARCEL 2018136 = 0.23 ACRE  
 8109 SQ. FT. + 2001 SQ. FT. = 10,110 SQ. FT.  
 AUDITOR'S PARCEL 2015023 + AUDITOR'S PARCEL 2018136 = 0.30 ACRE  
 1936 SQ. FT. + 2001 SQ. FT. = 12,935 SQ. FT.



**LEGEND AND NOTES**

- ▲ CONGRESSIONAL CORNER FROM ORIGINAL SURVEY
- △ CONGRESSIONAL CORNER, RECORDED LOCATION
- PROPERTY CORNERS, FOUND (as noted)
- PROPERTY CORNERS SET
- 1/2" Iron Pin w/ Yellow, Plastic LS Cap
- 5/8" Iron Pin w/ Yellow, Plastic LS Cap
- OUTLINE
- PROPERTY &/or BOUNDARY LINES
- CONGRESSIONAL SECTION LINES
- CENTER LINES
- LOT LINES
- LOT LINES PLATTED OR BY DEED
- EXISTING EASEMENT LINES, PURPOSE NOTED
- REDUCED DIMENSIONS
- UNLINED DIMENSIONS
- CURVE SEGMENT NUMBER

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS

I hereby certify that this land survey document was prepared and  
 has received my approval and that I am a duly licensed Professional Land  
 Surveyor under the laws of the State of Iowa.

*Glen D. Hesner*  
 GLEN D. HESNER  
 L.S. License No. 116 8165  
 My license renewal date is December 31, 2020.

Page or sheets covered by this plat: 1 of 1

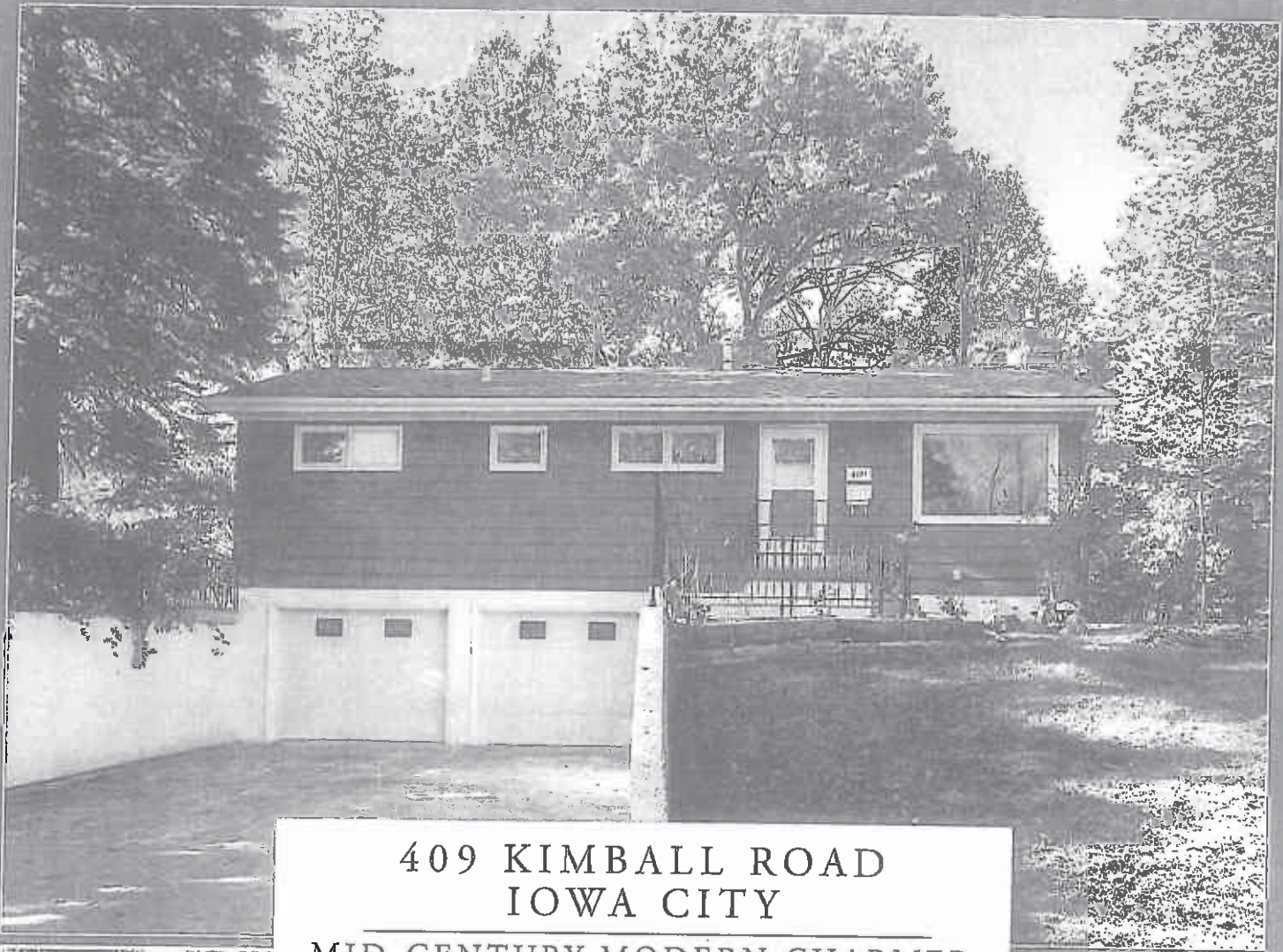
**NEIGHBORHOOD DEVELOPMENT SERVICES DIRECTOR**  
*Teresa H. Cuthbert*  
 12-19-18  
 DATE

**PLAT OF SURVEY**  
**AUDITOR'S PARCEL 2018136**

**A PORTION OF AUDITOR'S PARCEL**  
**2018023 LOCATED IN A PORTION OF**  
**LOT 18 IN THE SUBDIVISION OF THE SE 1/4 OF**  
**SEC. 3-779N-R6W OF THE 5TH P.M.**  
**IOWA CITY, JOHNSON COUNTY, IOWA**

**MMS CONSULTANTS, INC.**  
 Date: 12/17/2018  
 Surveyed by: JO 1059, 1238  
 Drawn by: MMS  
 Scale: 1"=50'  
 Checked by: SDM  
 Project No: 1  
 IC 10328-006 of 1

Attachment D



409 KIMBALL ROAD  
 IOWA CITY  
 MID-CENTURY MODERN CHARMER  
 \$220,000



*Professionally represented by*

LYNN WEINSTEIN

BLANK & MCGONE, THE REAL ESTATE COMPANY

Attachment  
 E

**LOTS/LAND AGENT REPORT**



MLS #: **20186075** Status: **New**  
 Ownership Type: **Lot/Land**  
 Address: **409 Kimball Lot 18**  
 Iowa City 52245  
 Area: **Iowa City**  
 List Price: **\$80,000** DOM: **7**  
 Original Price: **\$80,000**  
 Owner: **Annis, Linda** Virtual Tour: **Virtual Tour**  
 List Agent1: **Lynn Weinstein**  
 List Broker1: **Blank & McCune, The Real Estate Co., Inc.** Cell: **319-400-0355**  
 List Agent2: Off: **319-354-9440**  
 List Broker2:  
 Listing Date: **10/23/2018** Expiration Date: **12/31/2018**  
 County: **Johnson** Docs: **2** lynnkweinstein@gmail.com  
 Subd: **None**

Builder:		Tax ID:	<b>100345010</b>
Zoning:	<b>Residential</b>	Gross Tx (Cnty/City):	<b>\$928.92</b>
Lot Dim:	<b>45x150x154x150</b>	Tax Year Report:	<b>2017</b>
Plat Page:	<b>197</b>	Annual Assoc Fee:	<b>0</b>
Township/Range:	<b>79/6</b>	Elementary School:	<b>Shimek</b>
Section:	<b>3</b>	Jr./Middle School:	<b>Southeast</b>
Lot:	<b>18</b>	High School:	<b>City</b>
Block:	<b>0</b>	Variable Rate:	<b>No</b>
Acreage:	<b>0.34</b>	Comm. to SB (\$/%):	<b>2.5%</b>
Price Per Acre:		T-Val:	Lease Value:

Listing Office:	Fax: 319-354-4550	Buyers Name:		Closing Costs
Pending Date:	Sold Price:	Selling Agent 1:		
Closing Date:	Sales Term:	Selling Office 1:		

AMENITIES: **Close to School, Close to Shopping**  
 LOT SIZE: **Less Than .5 Acre**  
 TOPOLOGY: **Gentle Rolling**  
 PRESENT USE: **Platted**  
 POTENTIAL USE: **Residential**  
 IMPROVEMENTS: **Curb & Gutter, Partially Wooded**  
 STRUCTURE: **None**  
 ROAD FRONTAGE: **Pavement**  
 UTILITIES AVAILABLE: **Water-City**  
 WATER:  
 DOCUMENTS: **Aerial Photo**  
 POSSIBLE FINANCING: **Cash, Conventional**  
 PHOTO CODE: **Broker Loaded**  
 SHOWING INSTRUCTIONS: **See Remarks**  
 Directions: **Dubuque St to Ridge Rd to Whiting to Kimball Rd**

Remarks: **Rare City find. 1/3 acre wooded lot with close proximity to elementary school, town, shopping and Interstate. Park-like setting; walk-out possibilities. No further restrictions other than city requirements.**

Addendum: **\*View MMS Plat Map on associated docs \*Can be purchased as package with 409 Kimball Dr**

This information is deemed reliable, but not guaranteed.

Attachment  
F

December 5, 2018

Linda Annis  
409 Kimball Road  
Iowa City, IA 52245

Lynn Weinstein  
Blank & McCune  
506 E. College Street  
Iowa City, IA 52240

Frederick Boehmke & Cynthia Farthing  
415 Kimball Road  
Iowa City, IA 52245



CITY OF IOWA CITY  
410 East Washington Street  
Iowa City, Iowa 52240-1826  
(319) 356-5000  
(319) 356-5009 FAX  
www.icgov.org

Dear Ms. Annis, Ms. Weinstein, Mr. Boehmke, and Ms. Farthing:

On Wednesday, November 29, 2018, staff met with Ms. Annis and Ms. Weinstein to discuss the vacant lot located in between 409 and 415 Kimball Road (Auditor's Parcel 2015023). As we discussed in the meeting, this lot is not a buildable lot. The lot is zoned RS-5, which has a minimum lot width requirement of 60 feet, which is measured at the front setback line (i.e. 15 feet). The current lot width is less than 60 feet and therefore is a non-conforming lot under the City's zoning code. Staff would like to work with you on some possible solutions, which are outlined in this letter in no particular order.

**Options for the Current Property Owner (Linda Annis):**

**1. Special Exception**

The City's zoning code provides a special exception process for certain non-conforming lots. Specifically, the lots must be abutting and under single ownership. The requirements are outlined in Section 14-4E-7, Regulation of Non-Conforming Lots, of the City's zoning code:

*F. In cases where two (2) or more abutting lots of record have become in single ownership and are deemed a single parcel as set forth in subsection E of this section, the board of adjustment may grant a special exception to reestablish a lot of record previously combined with an adjacent lot in order to allow a single-family dwelling and accessory buildings to be installed on said lot, notwithstanding a failure to meet the requirements of the zone for lot area or lot width, provided the following conditions are met:*

1. *Granting of the requested exception results in appropriate, compatible development with surrounding residential development;*
2. *The dwelling must be located on a lot of record that is at least forty feet (40') in width; and* ✓
3. *The request meets all other standards and requirements of this title, including setback and frontage requirements.* ✓

All Special Exceptions must also meet the following criteria outlined Section 14-4B-3A:

Attachment G

*A. Approval Criteria: In order to grant a special exception, the board must find that the applicant meets the specific approval criteria set forth in this title with respect to the specific proposed exception. The board must also find that the applicant meets the following general approval criteria or that the following criteria do not apply:*

- 1. The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.*
- 2. The specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values in the neighborhood.*
- 3. Establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which such property is located.*
- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.*
- 5. Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets.*
- 6. Except for the specific regulations and standards applicable to the exception being considered, the specific proposed exception, in all other respects, conforms to the applicable regulations or standards of the zone in which it is to be located.*
- 7. The proposed exception will be consistent with the Comprehensive Plan of the City, as amended.*

A special exception requires review and approval by the Board of Adjustment. The application fee is \$450, which the City will waive in this instance, and requires notification of neighbors. In terms of the process, staff will work with the applicant, develop a staff report, and make a public presentation to the Board of Adjustment. The Board discusses the application and either votes to approve, approve with conditions, or deny the application. Staff will likely recommend a condition that will require a build-to line to ensure that any home built on the lot will have a similar setback to the homes in the immediate vicinity. In addition, approvals by the Board of Adjustment lapse in 6-months; however, the Board may extend this period or review a request for an extension. If the special exception is granted, the lot will be a buildable lot.

## *2. Re-Platting*

Another option is to submit an application for a Final Plat. In this case, the Final Plat process would allow for the re-subdivision of the land. This process would allow for the re-drawing of lot lines. In addition, this process would require coordination with the property owners at 415 Kimball Road since a portion of the property at 415 Kimball Road would need to be conveyed to the lot in question.

Prior to submitting this application, the applicant would need to work with a consulting firm to conduct a survey to ensure that the new lot boundaries meet the dimensional requirements of the zoning code and that the existing home at 415 Kimball Road meet other zoning regulations (e.g. open space requirements, driveway spacing distances, setbacks).

The Final Plat process requires review and approval by the City Council. Upon receipt of a Final Plat application, staff distributes the plat to a variety of different departments for review. After the staff review, a staff report is prepared and submitted to the City Council. The application fee for a Final Plat is \$775, which the City will waive. Upon approval by the City Council the Final Plat would be recorded with the Johnson County Recorder's Office. Approval of a Final Plat results in an official, recorded plat that identifies the legal lot of record.

### 3. *Boundary Line Adjustment*

A third option is a boundary line adjustment where the property owner requests a re-drawing of the existing parcel lines. In this instance, the current owner, Ms. Annis, would need to work with the property owners at 415 Kimball Road since a portion of the property at 415 Kimball Road would need to be conveyed to the vacant parcel in order for it to be buildable.

Similar to the re-platting option, approval of a boundary line adjustment depends on ensuring that both parcels meet the minimum dimensional requirements of the zoning code. In addition, the existing home on 415 Kimball Road would need to meet all other zoning regulations (e.g., minimum open space, driveway spacing distances, setbacks). Again, working with a consulting firm would be required.

A boundary line adjustment is an administrative process that does not require a public process. After review and approval by City staff, the boundary line adjustment is recorded with the Johnson County Recorder's Office. Unlike the re-platting process, a boundary line adjustment does not result in the creation of an official, recorded plat, but would result in a buildable parcel of land.

#### Options for a Future Buyer:

##### 1. *Special Exception*

The special exception process outlined above is only an option if the property owner at 415 Kimball Avenue or the future owner of 409 Kimball Avenue purchases the property, since a requirement of this process is that "(2) or more abutting lots of record have become in single ownership and are deemed a single parcel"

##### 2. *Re-Platting*

The re-platting process outlined above is only an option if the new property owner is able to coordinate with the property owners at 415 Kimball Road. This is necessary since a portion of the property at 415 Kimball Road must be conveyed to the vacant lot.

##### 3. *Boundary Line Adjustment*

The boundary line adjustment process outlined above is only an option if the new property owner is able to coordinate with the property owners at 415 Kimball Road. This is necessary since a portion of the property at 415 Kimball Road must be conveyed to the vacant lot.

December 5, 2018  
Page 4

#### Verification on Utilities

Additionally, you requested verification that public water and sewer are available and accessible to the vacant, currently unbuildable lot. Public Works staff confirmed that the lot has access to public water and sanitary sewer. There is 6-foot diameter cast iron watermain and 8-foot diameter V.S.P. sanitary sewer in the Kimball Road right-of-way adjacent to the property.

Thank you again for your time. Please feel free to contact me should you have any questions or require additional information. I can be reached at either [sue-dulek@iowa-city.org](mailto:sue-dulek@iowa-city.org) or at (319) 356-5030. If you would like to pursue any of the options listed above, please contact Anne Russett at [anne-russett@iowa-city.org](mailto:anne-russett@iowa-city.org) or at (319) 356-5251. Anyone needing legal advice should consult with his or her attorney.

Sincerely,



Susan Dulek  
Assistant City Attorney

Copy to: Tracy Hightshoe, Director NDS  
Anne Russett, Senior Planner  
Danielle Sitzman, Development Services Coordinator

## Summary of Facts:

- 1) Kimball Road is not "fully developed" as there are 8 vacant lots (not including the Annis lot) that have "Kimball Road" as an address, 3 of which have direct street access and are currently buildable as per current city code.  
*Please see page 2 for the parcel information for the 8 other vacant lots.*
- 2) There are a wide range of house types on Kimball Road including rental units. A majority of these homes (as per the Johnson County Web Site) have assessed valuations that are under \$195,000 (including both house and land values).  
*Please see page 3 for the details.*
- 3) The Annis lot has plenty of room to build a very nice, modestly priced house (under \$199,000) that would be completely within the City's mission of creating more owner occupied "affordable housing." This lot is compliant with city code with one exception: the 15' rule. Furthermore, the residents (owners and renters) would not be harmed in any way, in fact, a new house will often helps inflate adjacent property values.  
*Please see page 4 for the anticipated impact to the street and adjacent house.*  
*Please see page 5 and 6 for photographs of the Annis lot.*  
*Please see page 7 for conformation of the City's earlier safety approval.*
- 4) Ms. Annis has spoken with several experienced builders (including Mike Hodge and Kevin Hanick) regarding the modest (2 bedroom, 2 bath house with an unfinished basement and an attached garage) she would like to build for herself and has confirmed this can be done within her limited budget.  
*Please see page 8 for an example of a new listing of a new house built in 2019 in this price range.*
- 5) One of the vacant lots referenced on page 2 originally had a house located on it. It was demolished by the new owner, resulting in a loss of property taxes derived from Kimball Road. This potential new house could replace that property tax loss and have a positive effect to all the beneficiaries of our real estate tax dollars.
- 6) There has been significant property sales on Kimball Road only 1 from "death of owner"  
*Please see pages 9- 11 for the details.*
- 7) And last, the denial of this request would result in hardship for Ms. Annis both financially (for surveys, consulting and legal fee, etc.) as well as emotional damage. Ms. Annis is a single, elderly woman (63 years old) that has numerous medical issues. She has worked at the University of Iowa for over 40 years and always dreamed of building an energy efficient ranch on a wooden lot, close to campus and UIHC for her retirement years in a safe area within walking distance of amenities (groceries, medications, gas etc.) for which this property is perfect. Please also note that Ms. Annis is a safe, cautious, conservative, and considerate driver that has never been in a traffic accident and drives a small car (2017 Spark). She has spent thousands of dollars landscaping her current property (409 Kimball Road) and would do the same at her new house. Furthermore, she is a devout tree lover and would never remove a tree unless it was absolutely necessary.



65' X 188'	100' X 220'	2 Acres
12,220 SF	22,000 SF	87,991 SF
Sold 11/2000 for <b>\$110,000</b>		
Owner demolished the house in 2003 		

Parcel Number:	1003404003	1003404003	1003453002
Property Address:	535 KIMBALL RD	KIMBALL RD (next door to 311)	KIMBALL RD (next door to 330)
PDF Name:	Residential	Residential	Residential
Class:	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
Map Area:	20100-Res	20100-Res	20100-Res



1.72 Acres  
74,923 SF

.17 Acres  
7,418 SF

1.77 Acres  
76,927 SF

323' X 86'	60' X 130'
.64 Acres	.179 Acres
Sold 9/2014	Sold 12/17
for <b>\$250,000</b>	for <b>\$156,000</b>

Parcel Number:	1003453013	1003403021	1003403014	1003403014	1003479002
PDF Name:	Residential	Residential	Residential	Residential	Residential
Class:	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
Map Area:	20100-Res	20100-Res	20100-Res	20100-Res	20100-Res

HOUSES with Valuations <u>less than \$200,000</u> (including land): 34		
1003405013	\$ 106,380	530 KIMBALL RD
1003405011	\$ 108,090	536 KIMBALL RD
1003479003	\$ 115,820	506 KIMBALL RD
1003405010	\$ 116,670	538 KIMBALL RD
1003481010	\$ 116,950	428 KIMBALL RD
1003479004	\$ 126,040	502 KIMBALL RD
1003451005	\$ 126,870	311 KIMBALL RD
1003405009	\$ 127,920	540 KIMBALL RD
1003479001	\$ 131,830	508 KIMBALL RD
1003402006	\$ 139,100	800 KIMBALL RD
1003403019	\$ 139,710	507 KIMBALL RD
1003403011	\$ 140,380	701 KIMBALL RD
1003402014	\$ 148,010	624 KIMBALL RD
1003481011	\$ 149,630	420 KIMBALL RD
1003451011	\$ 152,500	409 KIMBALL RD
1003402015	\$ 153,490	620 KIMBALL RD
1003481026	\$ 155,110	440 KIMBALL RD
1003405012	\$ 157,970	532 KIMBALL RD
1003402007	\$ 159,370	724 KIMBALL RD
1003451004	\$ 160,160	315 KIMBALL RD
1003481027	\$ 161,420	432 KIMBALL RD
1003403002	\$ 162,570	721 KIMBALL RD
1003453008	\$ 164,500	302 KIMBALL RD
1003481015	\$ 165,550	412 KIMBALL RD
1003403003	\$ 167,540	711 KIMBALL RD
1003405014	\$ 173,190	520 KIMBALL RD
1003480004	\$ 174,590	417 KIMBALL RD
1003404002	\$ 176,820	539 KIMBALL RD
1003453005	\$ 177,600	312 KIMBALL RD
1003453001	\$ 183,090	402 KIMBALL RD
1003404005	\$ 183,940	525 KIMBALL RD
1003403017	\$ 188,840	505 KIMBALL RD
1003481014	\$ 189,550	418 KIMBALL RD
1003453007	\$ 193,490	304 KIMBALL RD

34

HOUSES with Valuations between <u>\$201,000 and \$299,000</u> (including land): 17		
1003453006	\$ 209,100	308 KIMBALL RD
1003403012	\$ 209,370	631 KIMBALL RD
1003451001	\$ 214,410	401 KIMBALL RD
1003481016	\$ 215,840	406 KIMBALL RD
1003480001	\$ 216,520	435 KIMBALL RD
1003480002	\$ 216,800	431 KIMBALL RD
1003453003	\$ 221,500	330 KIMBALL RD
1003481005	\$ 222,690	500 KIMBALL RD
1003403001	\$ 228,740	729 KIMBALL RD
1003402009	\$ 229,610	700 KIMBALL RD
1003402008	\$ 232,360	712 KIMBALL RD
1003480003	\$ 253,740	421 KIMBALL RD
1003453009	\$ 255,120	300 KIMBALL RD
1003453004	\$ 264,950	316 KIMBALL RD
1003402021	\$ 265,970	632 KIMBALL RD
1003404004	\$ 273,960	531 KIMBALL RD
1003403022	\$ 291,120	501 KIMBALL RD

17

HOUSES with Valuations between <u>\$300,000 and \$360,000</u> (including land): 5		
1003453010	\$ 300,290	250 KIMBALL RD
1003403013	\$ 318,460	621 KIMBALL RD
1003402020	\$ 325,950	686 KIMBALL RD
1003404001	\$ 346,720	609 KIMBALL RD
1003480005	\$ 351,690	415 KIMBALL RD

5

HOUSES with Valuations between <u>\$400,000 and \$500,000</u> (including land): 1		
1003403015	\$ 469,560	445 KIMBALL RD

1

HOUSES with Valuations between <u>\$700,000 and \$750,000</u> (including land): 1		
1003451009	\$ 706,830	7 KIMBALL RD

1

HOUSES with Valuations over <u>\$1,000,000</u> (including land): 1		
1003376006	\$ 1,235,440	5 KIMBALL RD

1

There is plenty of room to create a safe driveway from the street to the house and back. With 45' of street frontage, we plan to have at least 10' on each side of the driveway and the house. We anticipate the front setback to be at least 30' and the back setback will have even more that 30' (the lot is 150' deep).

We are also optimistic that no trees will need to be removed.



Only one neighbor will face the new home and she uses that portion of her front yard for parking. A beautiful landscaped front yard with a retaining wall will enhance the view from the street as well as the **one person** that owns 406 pictured below. Her lot is 109' in the front and back and 231' on both sides. Her house was built in 1948 and has a current assessed value of \$135,780 (her land is assessed at \$80,060).



**VEIW TO THE RIGHT (and the neighbor's garage)**



**VEIW TO THE LEFT (and the lot owner's house)**



**VIEW TO THE BACK OF THE LOT (and the building site)**



**VIEW TO THE FRONT OF THE LOT (and the street)**



Thank you.

Jim Throgmorton  
District C, Iowa City City Council

Please Note: No correspondence (including emails) to City Council is confidential. All correspondence (including emails) to me as a City Council member about City issues is a public record.

From: Cameron Vanni [camvanni@gmail.com]  
Sent: Saturday, June 06, 2015 9:20 AM  
To: Jim Throgmorton  
Subject: From C. Vanni re: Kimball Road concerns

CRV email ?'s  
re: 409 Kimball →  
DB = Doug Boothroy's

Dear Mr. Throgmorton,

We have been Kimball Road residents for 30 years. It is a beautiful neighborhood despite the narrow road and cut-through traffic.

This spring the 409 Kimball Road property has come to our attention. It was sold last summer and appears to have become a rental property. This spring surveyor pins appeared between the adjacent properties. Then about a week ago another set of pins towards the center of the property appeared.

The word is that the current property owner has obtained permission to split the property and build another home behind the existing home.

As I've driven the streets of I.C. I've noticed signs reading: Special Exceptions or at least some formal notification of a change of status with an existing property.

I am very curious about:

1. How a single property will allow for safe driveway access to the street?

DB The lot in question was divided by the owner to allow her to construct a single family home Kimball Rd.'s safety has been improved with the City's installation of "traffic calming" measures which has reduced speeds and "cut through" traffic. One additional curb cut to serve one infill single family unit should not pose a safety issue. Preliminary plans by the owner show a small two bedroom home under consideration for the new lot. \*

2. Can any of our Kimball Road properties become "stacked" properties holding several buildings without proper notification of the city/neighbors.

DB Any property owner has the right to divide their property once without City Council approval. However, any division of land that exceeds 1000sq. ft. in area must go through a City administrative review which is done by this office (Dept. of Neighborhood & Development Services). The purpose of the administrative review is to ensure compliance with the City's Zoning / Subdivision codes. An administrative review was done and the division was approved.

3. How will the Mid-American easement be treated IF such changes will occur.

DB The division has no bearing on the enforceability of existing easements. Any change to existing easements

2  
↳ the easement for electricity is on the City's ROW !



**List Price:** \$269,900

**MLS Number:** 20190683

**Bedrooms:** 3

**Bathrooms:** 2

**Schools:** Highland, Highland, Highland

**Total Sq Ft:** 1492

**Year Built:** 2019

**Heating:** Gas, Forced Air

**Cooling:** Ceiling Fan, Central

## 103 Cherry Ln, Riverside IA

**HOUSE COST:** \$ 199,900

Sale Date	Amount	Non-Useable Transaction Code	LOT SIZE
07/11/2018	\$70,000	34 - Vacant lot	84' X 120'
<b>Sales Detail</b>			
<b>Buyer:</b>		CJ'S CONSTRUCTION, INC.	

**Melissa Hodapp**

[Send Email](#)

Cell: 319-929-4520

**Emilie Walsh**

[Send Email](#)

Cell: 319-936-2073

Off: 319-423-4139

Justed listed  
2/6/2019



**General Information**  
 Deedholder: BOEHMKE, FREDERICK J  
 Street Address: 415 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 01/10/2012  
 Buyer: BOEHMKE, FREDERICK J & FARTHING, I  
 Seller: POELTLER, MATTHEW G  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: 4864-463  
 Recording: \$355,000  
 Amount:



**General Information**  
 Deedholder: MOBUS, CHRISTINE MARIE  
 Street Address: 432 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 06/02/2011  
 Buyer: MOBUS, CHRISTINE MARIE & PHILIPPE  
 Seller: HU, HUNG-SHU ; HU, JUDY C  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: 4760-269  
 Recording: \$137,500  
 Amount:



**General Information**  
 Deedholder: LUKAS, MARY F  
 Street Address: 406 KIMBALL RI  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 07/25/1994  
 Buyer:  
 Seller:  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: 1789-317  
 Recording: \$110,000  
 Amount:



**General Information**  
 Deedholder: SCHMIDT, ANDREW  
 Street Address: 402 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 07/25/2016  
 Buyer: SCHMIDT, ANDREW ; BELDING, ELIZABETH  
 Seller: WOODWARD, RACHEL NICHELE  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: 5542-817  
 Recording: \$199,000  
 Amount:



**General Information**  
 Deedholder: LANKINS, ROBERT J  
 Street Address: 417 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 06/19/2013  
 Buyer: LANKINS, ROBERT J & I  
 Seller: KEITEL, DENNIS J ; KEI  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: 5112-928  
 Recording: \$177,000  
 Amount:



**General Information**  
 Deedholder: GOLLETTE, SHANN  
 Street Address: 440 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 09/06/2018  
 Buyer: GOLLETTE, SHAWN  
 Seller: TACKABERRY, JEFF  
 Sales Type: Deed  
 NUT Code: 15 - Improvements  
 Remark: of the sale  
 Complete Remol  
 A/C (A/C, A/D/D/A  
 Recording: 5834-508  
 Amount: \$255,500





**General Information**  
 Deedholder: MS WARD PROPERTIES LLC  
 Street Address: 508 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 12/15/2017  
 Buyer: MS WARD PROPERTIES LLC  
 Seller: CABRERA, ALYSSA J ; CABRERA, JI  
 Sales Type: Deed  
 NUT Code: 17 - Sale between family members  
 Remark: MOTHER AND DAUGHTER SALE  
 Recording: 5740-629  
 Amount: \$155,000



**General Information**  
 Deedholder: PACKER, ALESHA LANDRE HI  
 Street Address: 435 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 06/29/2012  
 Buyer: PACKER, ALESHA & AMBON  
 Seller: PRO HOME SOLUTIONS LLC  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: 4950-74  
 Recording: \$210,000  
 Amount:



**General Information**  
 Deedholder: BRP RENTALS LLC  
 Street Address: 507 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 09/18/2017  
 Buyer: PLATT, BRANDON R  
 Seller: LANKFORD, MARCUS  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: 5705-591  
 Recording: \$150,000  
 Amount:



**General Information**  
 Deedholder: BRUNNA, MICHAEL C  
 Street Address: 431 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 06/29/2012  
 Buyer: BRUNNA, MICHAEL C & MARY  
 Seller: CRAMPELL, ANN MELISSA  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: 4937-925  
 Recording: \$210,000  
 Amount:



**General Information**  
 Deedholder: REAGAN, MARK KENYON  
 Street Address: 500 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 06/23/2016  
 Buyer: REAGAN, MARK KENYON  
 Seller: FARRER, DAVID W ; FARRER  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: 5527-139  
 Recording: \$229,000  
 Amount:



**General Information**  
 Deedholder: KRANER, TAMARA  
 Street Address: 300 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 09/01/2009  
 Buyer: KRANER, TAMARA  
 Seller: 300 CLUB, LLC  
 Sales Type: Deed  
 NUT Code: 0 - Normal  
 Remark: SEE NOTES  
 Recording: 4501-646  
 Amount: \$290,000

only 1 From "death of owner" and

and

Year Built

1964



**General Information**  
 Deadholder: KRAVIN, JACQUELINE  
 Street Address: 304 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**  
 Sale Date: 12/19/2008  
 Buyer: KRAVIN, JACQUELINE  
 Seller: WINDAHL, DAVID B.  
 Sales Type: Dead  
 NUT Code: 0 - Normal  
 Remark:   
 Recording: 4389-826  
 Amount: \$191,000

**General Information**

Deadholder: DAWSON, EMMA R.  
 Street Address: 312 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**

Sale Date: 06/30/2014  
 Buyer: DAWSON, EMMA R & MATT  
 Seller: WALDEN, JAMES S ESTATE  
 Sales Type: Dead  
 NUT Code: 14 - Exchange, trade, gift, t  
 Remark: 1031 Exchanges)  
 Recording: 566-100  
 Amount: \$190,000

**General Information**

Deadholder: DAWSON, EMMA R.  
 Street Address: 312 KIMBALL RD  
 Map Area: 20100-Res  
 Class: RESIDENTIAL

**Sales Details**

Sale Date: 10/31/2002  
 Buyer: WALDEN, JAMES S  
 Seller: GREEN, LEON C  
 Sales Type: Dead  
 NUT Code: 0 - Normal  
 Remark:   
 Recording: 3425-244  
 Amount: \$166,500

→ death, but He bought it



**RELEASE FROM PURCHASE**

(This form approved by the Iowa City Area Association of REALTORS®)

This RELEASE FROM PURCHASE is entered into by and between

Linda Annis (the "Sellers") and  
Cynthia M Farthing and Frederick J Boehmke (the "Buyers").

Buyers and Sellers entered into that certain Purchase Agreement dated the 28th day of  
November, 2018 for real estate locally known as: 409 Kimball, 18, Iowa City, IA 52245 (the "Purchase Agreement")

Sellers and Buyers hereby terminate the Purchase Agreement effective immediately and release each other, the Sellers' broker, Blank & McCune, The Real Estate Co., Inc., and the Buyers' broker, Lepic-Kroeger, REALTORS (LKR), from any and all obligations under the Purchase Agreement. The parties agree to hold each other, and their respective brokers, harmless from any claims of any nature whatsoever based on any of the terms conditions or obligations contained in the Purchase Agreement.

The reason(s) this transaction failed includes, but is not limited to:

Contingencies were not met.

The Earnest Money Buyers paid pursuant to the Purchase Agreement shall be released as follows:

\$ 1,000.00 to Buyers  
\$ \_\_\_\_\_ to Sellers  
\$ \_\_\_\_\_ to pay the following costs incurred to date:  
\$ \_\_\_\_\_ due to \_\_\_\_\_ . \$ \_\_\_\_\_  
due to \_\_\_\_\_.

Dated this 31s day of December, 2018 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

BUYERS:

SELLERS:

 dotloop verified 12/31/18 12:46 PM CST

\_\_\_\_\_

 dotloop verified 12/31/18 12:50 PM CST GCOM-BTOJ-U974-7HZH

\_\_\_\_\_

**PROCEDURAL RULES**  
Iowa City Board of Adjustment  
July 2018

**ARTICLE I. AUTHORITY:**

The Iowa City Board of Adjustment shall have that authority which is conferred by Chapter 414 of the Code of Iowa; City Code Title 14, Chapter 7, entitled "Administration," Article A, entitled "Board of Adjustment," and through the adoption of these procedural rules stated herein.

**ARTICLE II. MEMBERSHIP:**

Section 1. **Qualifications.** The Board of Adjustment shall consist of five (5) members appointed by the City Council. All members of the Board shall be residents of Iowa City, Iowa. A majority of the members of the Board shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate.

Section 2. **Compensation.** Members shall serve without compensation, but may be reimbursed for expenses incurred for travel outside the city on designated Board business. Such expenses must be submitted to the City Manager.

Section 3. **Orientation for New Members.** Prior to the first regular meeting following their appointment, each new member shall be given an orientation briefing by City staff and be provided with the Board's procedural rules and other information that may be useful to Board members in carrying out their duties. The City Zoning Chapter and the Comprehensive Plan are available on line.

Section 4. **Absences.** Three consecutive unexplained absences of a Board member from regular Board meetings may result in a recommendation to the City Council from the Board to discharge said member and appoint a new Board member. Members shall be removable for cause by the City Council upon written charges after a public hearing.

Section 5. **Vacancies.** Any vacancy on the Board because of death, resignation, long-term illness, disqualification, or removal shall be filled for the unexpired term by the City Council after at least thirty (30) calendar days of public notice of the vacancy as required by law.

Section 6. **Terms.** Members shall be appointed for terms of five years. No members shall be appointed to succeed themselves. However, a member appointed to fill an unexpired term with one year or less remaining may also be appointed concurrently for one full five (5) year term.

Section 7. **Resignations.** Resignation should be submitted in writing to the Board Secretary, who will transmit the resignation to the City Council with copies to the City Manager, the Director of Neighborhood and Development Services, and the Board Chairperson, preferably at least sixty (60) days prior to the date of intended departure.

Section 8. **Temporary Alternate.** An alternate member, if available, shall be appointed as provided herein, to replace a member who is unable to participate in an appeal of an administrative decision due to a conflict of interest. Any person who has served as a member of the Board within the 5 years preceding the filing of the appeal, and who

represents the public at large and is not involved in the business of purchasing or selling real estate, shall be qualified to serve as an alternate. When the member has recused himself/herself due to a conflict and the date of hearing before the Board has been set, the Secretary of the Board shall notify all such persons and the first to agree to serve as the alternate is hereby appointed to do so.

### **ARTICLE III. OFFICERS:**

Section 1. **Number.** The officers of the Board shall be a Chairperson and a Vice-Chairperson, each of whom shall be elected by a majority vote of the members of the Board. The Board Secretary shall be a staff person, who is appointed by the Director of Planning and Community Development.

Section 2. **Election and Term of Office.** The Chairperson and Vice-Chairperson shall be elected annually at the first regular meeting of the Board each year.

Section 3. **Vacancies.** A vacancy in the office of Chairperson or Vice-Chairperson because of death, resignation, removal, disqualification, or other cause shall be filled by election from the members of the Board for the unexpired portion of the term.

Section 4. **Chairperson.** The Chairperson shall, when present, preside at all meetings, call special meetings, and in general perform all duties incident to the office of a Chairperson, and such other duties as may be prescribed by the members from time to time. Such Chairperson may administer oaths and compel the attendance of witnesses.

Section 5. **Vice-Chairperson.** When the Chairperson is absent or abstaining, the Vice-Chairperson shall perform the duties of the Chairperson and shall have all the powers of and be subject to all the restrictions upon the Chairperson.

Section 6. **Acting Chairperson.** In the absence and/or due to the abstention of both the Chairperson and Vice-Chairperson, the remaining three-member Board may elect a member to serve as Acting Chairperson. The Acting Chairperson shall perform the duties of the Chairperson and when so acting shall have all the powers of and be subject to all the restrictions upon the Chairperson.

Section 7. **Secretary.** The appointed staff person, who serves as the Board's Secretary, shall be responsible for maintaining the office of the Board, receiving and filing Board decisions and orders, posting and publishing notices as required by law, and for maintaining minutes and other records of the Board's proceedings.

### **ARTICLE IV. APPLICATIONS:**

Section 1. **Application Forms.** Any application for a request or appeal to the Board of Adjustment shall be filed with the City Clerk on forms provided by the Secretary of the Board. The Secretary's office is located in the Department of Neighborhood and Development Services. Forms are available in the office of the City Clerk and on the City's website. In the appropriate cases, the Building Inspector shall transmit to the Secretary all documents constituting a record, upon which the Board shall act.

Section 2. **Application Submittal.** Appeals to the Board shall be filed with the City Clerk within a reasonable time period, not to exceed thirty (30) calendar days after the action appealed from, and shall specify the grounds for such appeal. An appeal from a decision

by the Building Inspector to issue a building permit shall not be deemed to have been filed within a reasonable time if such appeal is filed more than ten (10) business days after construction work pursuant to such permit is observable from adjacent properties of the public right-of-way or ten (10) business days after an alleged violation of the zoning code is similarly observable. Applicants may appeal an approval or a denial of a Certificate of Appropriateness from the Historic Preservation Commission within a conservation district by filing a letter with the City Clerk within ten (10) business days after a Resolution of Denial is filed by the Commission.

Section 3. **Application Filing Fee.** The applicant shall complete the required forms, providing all information requested on the form, and any additional information as requested by the Secretary of the Board. A filing fee shall be paid upon presentation of the application. Application fees are established by resolution of the City Council.

Section 4. **Party of Interest.** Requests for a variance or special exception must be filed on behalf of the real party in interest, such as the owner or contract purchaser.

Section 5. **Case Number.** An application filed according to the above procedure shall be given a case number within five (5) business days of the filing date. Case numbers will be assigned according to the order in which applications are received.

#### **ARTICLE V. NOTICE:**

Section 1. **Notice Letters.** No less than seven (7) business days prior to the public hearing, the Secretary of the Board shall send notice by mail to all property owners of record within 300 feet of the subject property. Such notice shall include a description of the action requested along with the time and location of the meeting. The applicant shall be formally notified of the time and place of the hearing, in writing, by the Secretary of the Board.

Section 2. **Newspaper Notice.** Notice of the time and place of public hearings shall be published in a newspaper of general circulation not more than twenty (20) calendar day nor less than seven (7) business days prior to the hearing. It shall contain the street address or location of the property and a brief description of the nature of the application or appeal.

Section 3. **Notice Sign.** No less than seven (7) business days prior to the public hearing, the Applicant shall post a sign on or near the property upon which the application is being made, and shall remove the sign immediately following the public hearing on the application. The sign will be provided to the applicant(s) by the Board Secretary.

#### **ARTICLE VI. HEARING:**

Section 1. **Regular Hearings.** Hearings will be held as needed at a regular time and place to be set by the members of the Board.

Section 2. **Special Hearings.** Special hearings or meetings of the Board may be called by the Chairperson and shall be called by the Chairperson or Vice-Chairperson at the request of three (3) or more members of the Board.

Section 3. **Place of Hearings.** All hearings and meetings of the Board shall be open to the public and shall be in a place accessible to people with disabilities.

Section 4. **Quorum.** Three members of the Board shall constitute a quorum.

Section 5. **Applicant Representation.** The applicant may, at the time of the public hearing, appear on their own behalf and be represented by agent and/or counsel. The applicant or their representative may present oral argument and testimony; witnesses, including experts; and may submit written evidence and exhibits in the form of statements, photos, charts, or other relevant evidence. In the absence of the applicant or their representative(s), the Board may proceed to act on the matter based on the information provided.

Section 6. **Briefs.** The Board may request written briefs for legal argument. Applicants may submit written briefs if they so choose.

Section 7. **Conduct of Hearing.** Order and decorum shall be maintained at the hearing by the Chairperson of the Board of Adjustment, so as to allow an orderly presentation of evidence wherever possible. The Chair may swear witnesses and direct order of testimony. The Chair shall avoid testimony that is overly redundant. The Chair may provide for recesses during the deliberation, as appropriate.

Any Board member who has a legal conflict of interest shall recuse him/ herself from the decision-making process. A member who has a legal conflict of interest or otherwise elects to recuse him/herself due to a perceived conflict of interest shall state the reason for recusal prior to discussion of the matter under consideration and may choose to leave the meeting room for the duration of the proceedings for that application.

Section 8. **Hearing Order.** The order of hearing shall be as follows:

1. Staff presentation of the facts of the case and recommendation to the board.
2. Statement by proponents of the application.
3. Statement by opponents of the application.
4. Rebuttal by proponents and then by opponents.
5. General discussion by the Board.

Section 9. **Board Deliberation.** After all parties have been heard, the public hearing will be declared closed so that the Board may deliberate the case. The Board must state findings of fact and conclusions of law. These facts and legal conclusions must be set forth in writing as required by Iowa Law. The Board may request additional comments from the participants. An application may be deferred or withdrawn at the request of the applicant at any time before a decision is made by the Board.

Section 10. **Board Motions.** Motions may be made and seconded by any member of the Board other than the Chair. Motions are always made in the affirmative, approving the requested action.

Section 11. **Board Voting.** After a motion and discussion, the Board shall be polled for votes. A board member may abstain from voting, which is a non-vote. The concurring vote of three (3) members of the Board shall be required to uphold an appeal, to decide in favor of a special exception, or to grant a variance.

Voting on Board decisions will be by roll call and will be recorded by yeas and nays. Proxy votes are not allowed.

Section 12. **Legal Advisor.** The City Attorney or a designated representative shall act as legal counsel to the Board.

Section 13. **Conduct of Meetings.** Except as otherwise provided herein, Roberts Rules of Order Newly Revised shall be used to conduct Board hearings and meetings.

## **ARTICLE VII. RECORDS:**

Section 1. **Record of Hearings.** Audio recordings shall be made for all hearings and such recordings shall be kept for a period of no less than six (6) weeks. Minutes shall be produced from such recordings, and forwarded to the City Council after approval by the Board or the Secretary of the Board. All minutes shall be maintained by the Secretary of the Board, and shall also be on file at the City Clerk's office. The applicant may request a court reporter at the applicant's own expense.

Section 2. **Case Files.** The Secretary of the Board shall keep a file of all cases, including forms and additional information. Said file shall be a public record and available for public inspection during business hours. Copies may be made available upon request, at cost.

Section 3. **Transcript.** Upon request, a transcript or the audio recording of the Board's deliberation will be made, at cost to the requestor. In the case of an appeal to district court there is no charge for the transcript.

## **ARTICLE VIII. DECISIONS:**

Section 1. Whenever possible, decisions by the Board shall be made at the same hearing wherein the testimony and presentation of evidence are considered.

Section 2. Formal decisions shall be made in writing, setting forth findings of fact and conclusions of law as required by Iowa law.

Section 3. Each decision shall be filed with the City Clerk within a reasonable time after the Board hearing, and shall be stamped by the Clerk to indicate the date and time of filing. The Clerk will forward the decision to the Johnson County Recorder's Office, for recording at the city's expense.

Section 4.

A copy of said decision shall be forwarded by the Secretary of the Board to the applicant, the Building Inspector, the City Attorney's Office, and any Attorney of Record within a reasonable time after filing with the City Clerk.

Section 5.

**Reconsideration:** Upon written request, the Board may reconsider a decision on a special exception or variance application. A request for reconsideration must be made within ten (10) business days of the meeting at which a vote on the application was



originally taken and shall articulate and be based on evidence that was not presented or was unavailable at the time of the original hearing. A motion to reconsider must be made at the subsequent meeting by a member of the Board who voted on the prevailing side. If a motion to reconsider is approved, the application will be placed on the agenda of the next meeting in order to satisfy the requirement for public notice and hearing. No decision may be reconsidered more than once. Appeals to the Board may not be reconsidered.

## **ARTICLE IX. AMENDMENTS TO THE PROCECURAL RULES.**

Section 1. A concurring vote of three (3) of the members of the Board shall be necessary to amend these procedural rules. Such proposed amendments shall be presented in writing at any regular meeting or at any special meeting called for that purpose. Amendments shall go into effect upon approval by the City Council.

(Adopted Reso. No. 18-195)

### **14-7A-2: BOARD OF ADJUSTMENT**

E. Alternate Member: An alternate member, if available, shall be appointed as provided herein, to replace a member who is unable to participate in an appeal of an administrative decision due to a conflict of interest. Any person who has served as a member of the board within the five (5) years preceding the filing of the appeal, and who represents the public at large and is not involved in the business of purchasing or selling real estate, shall be qualified to serve as an alternate. When the member has recused himself/herself due to a conflict and the date of hearing before the board has been set, the Secretary of the board shall notify all such persons and the first to agree to serve as the alternate is hereby appointed to do so. (Ord. 18-4749, 5-1-2018)

**MINUTES  
BOARD OF ADJUSTMENT  
DECEMBER 12, 2018 – 5:15 PM  
EMMA J. HARVAT HALL, CITY HALL**

**PRELIMINARY**

MEMBERS PRESENT: Gene Chrischilles, Connie Goeb, Ryan Hall, Tim Weitzel

MEMBERS ABSENT:

STAFF PRESENT: Susan Dulek, Sarah Walz, Jesi Lile

OTHERS PRESENT:

**CALL TO ORDER:**

The meeting was called to order at 5:15 PM.

**ROLL CALL:**

Walz announced the member Bryce Parker was deployed to Germany and therefore has resigned his position on the Board. The City Council has selected one new member (to replace Chrischilles), Amy Pretorius, and they will now have to select another member to replace Parker. Walz noted in January they will do some Board training since there will be two new members. At the January meeting they will also nominate a new Chair and Vice Chair, traditionally they have gone with seniority which would make Goeb the new Chair and Weitzel the Vice Chair but that can be changed and it will be discussed next month.

A brief opening statement was read by Chrischilles outlining the role and purpose of the Board and the procedures that would be followed the meeting.

**CONSIDER THE AUGUST 18, 2018 MINUTES:**

Goeb moved to approve the minutes of August 18, 2018. Weitzel seconded the motion.

A vote was taken and the motion carried 4-0.

**REVIEW BOARD PROCEDURES:**

Walz explained that every year they review the Board procedures and noted there were some updates that were made in 2018 like language changes (i.e. the name of the Neighborhood Services Office). Walz handed out current Board procedures and asked the Board to review and noted Staff are not requesting any updates or changes at this time. Walz said another recent update had been to clarify the recusal process and how that works as well as if somebody wanted to abstain from a vote.

Chrischilles said he reviewed the document and doesn't see anything that needs updating.

Weitzel agreed. Hall noted he doesn't think the document online is the updated version as it is dated 2012 and Walz said that would be corrected. Hall said the information regarding the temporary alternate for the Board is not in the document online. Dulek said that is not in the Rules of the Board but rather in the City Code and was codified by ordinance.

Chrischilles noted that when his term is done he is willing to be on the alternate list when needed. Dulek stated the language regarding the alternate that is in the City Code could be added to the end of the Board Procedures document as well.

**STAFF ANNOUNCEMENTS:**

Walz said they have one application they are working on they believe will be ready for the January meeting. Dulek noted the application will have a conflict with their office so the Board will be represented by Ryan Moss who is an Assistant County attorney. Dulek stated in the past when there was a conflict with the City Attorney's office they would hire outside council but the decision has been made to now use the City of North Liberty attorney or Johnson County Attorney's office.

Walz thanked Chrischilles for his service on the Board and presented him with a certificate.

Walz introduced Jessica Lile who will be the staff contact for the Board moving forward.

**ADJOURNMENT:**

Goeb moved to adjourn this meeting.

Weitzel seconded.

A vote was taken and the motion passed 4-0