



## **Agenda**

Zoning Board of Adjustment  
20 Second Avenue SW, Oelwein  
8:00 AM

July 23, 2020  
Oelwein, Iowa

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**Mayor:** Brett DeVore  
**Mayor Pro Tem:** Warren Fisk

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### **Roll Call**

### **Approve Minutes**

- [1.](#) Consideration of a motion to approve the minutes of the October 31, 2019 meeting

### **Variance Requests**

- [2.](#) Consideration of a request from RISE, Ltd. for a variance at 219 and 223 East Charles which would allow for the construction of a new group home

### **Old Business**

### **New Business**

- [3.](#) Discussion on a variance for 406 3rd Street SE

### **Adjournment**

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



City of Oelwein  
Zoning Board of Adjustment  
October 31, 2019

The October 19, 2019 meeting of the City of Oelwein Zoning Board of Adjustment was called to order at 8:00 A.M.

PRESENT: O’Connell, Ganske, Crawford  
ABSENT: Block  
ALSO PRESENT: Kim Boone-Wallis, Rod Eckhoff, Wes Dahl

Approve Minutes A motion was made by Ganske, seconded by O’Connell to approve the minutes of the August 1, 2019 meeting. All voted aye.  
Motion Carried

#19Z08: Hub Properties, 315 East Charles is seeking a variance which if approved would allow three front yard parking spaces. The Planning and Zoning Commission recommended denial of the request. No other comments were received.

Ganske questioned where the snow from the parking spots would be placed and suggested tenants park at Performance Rehab if permission was granted.

O’Connell suggested parking may be available to the north if the house gets torn town.

A motion was made by Ganske, seconded by O’Connell to deny the request. All voted aye.

Motion Carried

#19Z09: Wallis Transport, 103 6<sup>th</sup> Street NW requested a variance for a home occupation allowing for a business office with no employees, no traffic and not open to the public. The Planning and Zoning Commission recommended approval.

Kimberly Boone-Wallis stated the property was purchased because former tenants were destructive.

O’Connell asked how many trucks would be parked on the property and how much of the property would be utilized. Boone-Wallis stated there would be one truck, no trailer and one room on the main level.

Ganske had no opposition and felt the neighborhood would be improved.

A motion was made by Ganske, seconded by Crawford to approve the request provided there would be no signage. Two voted aye, one (O'Connell) voted nay.  
Motion Carried

#19Z10: Rod and Kim Eckhoff, 108 8<sup>th</sup> Avenue SE have requested a variance authorizing construction of a 6' privacy fence within 3" of the side (north) lot line. Planning and Zoning Commission recommended approval.

O'Connell asked why the posts are already set.

Eckhoff stated he will maintain the yard on the other side of the fence and the existing fence will remain until construction is completed on the new one. He was not aware a variance was required prior to setting the posts.

A motion was made by Ganske, seconded by O'Connell to approve the request. All voted aye.  
Motion Carried

#19Z11: A motion was made by Ganske, seconded by Crawford to table a request from Iowa RSA No. 12 Limited Partnership allowing for the construction of a 150' monopole communications tower on leased land as requested by company representative Julie Shebek. All voted aye.  
Motion Carried

Adjourn A motion was made and seconded to adjourn at 8:50 A.M. All voted aye.  
Motion Carried

Respectfully,

Jay Shekleton,  
Board Secretary



# Minutes

Planning and Zoning Commission  
Oelwein Community Plaza, 25 West Charles Street,  
Oelwein  
July 13, 2020 - 8:15 AM

The meeting was called to order at 8:15 A.M.

Roll Call            Present            Boleyn, Tousley, DeJong, Gearhart  
                         Also Present       Jessie Pensel, RISE, Ltd.

## Approve Minutes

Consideration of a motion to approve the minutes of the October 21, 2019 meeting

A motion was made by DeJong, seconded by Tousley. All voted aye.

Motion Carried

## Variance Requests

20 Z 01 - Discussion and recommendation of a request from RISE, Ltd. for a variance at 219 and 223 East Charles which would allow for the construction of a new group home

Gearhart questioned what would happen to the other two properties. Pensel stated a realtor looked at the properties one year ago. Most likely property values have increased since that time. Gearhart is concerned the property on North Frederick would become a rental property.

A motion was made by DeJong, seconded by Tousley to recommend approval of the request. All voted aye.

Motion Carried

20 Z 02 - Discussion and recommendation of a request to construct a 15' x 10' bedroom addition within three feet of the front (north) property line at 201 6th Avenue SE

Discussion was held in regards to the addition being too close to the road. Mulfinger stated it would not be in the right of way.

A motion as made by DeJong to table the request pending additional information. The motion died for lack of a second.

Tousley questioned if the addition was two story or 1 story. Gearhart stated it would be nice to have a picture of the addition.

A motion was made by Gearhart, seconded by DeJong to table the request until more information is provided. All voted aye.

Motion Carried

## Old Business

## New Business

Discussion on variance for 406 3rd Street SE

Mulfinger requested members to provide any questions for review at the next meeting.

Gearhart questioned if a parking lot would be in the front or back of the complex. Mulfinger stated some units will have garages available. Gearhart would like to push to have it in the back.

Tousley asked how many units and if they will be sound proofed. Mulfinger stated today's construction and developers work to construct quality buildings.

DeJong is concerned this complex will face the same housing issues as Buffalo Run face. Mulfinger stated rent would be in the \$700/month range and they are not working towards any housing assistance programs. The developers are not looking to sell in 10 years and intentions are to build nice apartments with garages on the main highway.

DeJong questioned how many bedrooms. Mulfinger stated most will be two bedroom with a few one and three bedroom.

Tousley asked the square footage of the apartments. Mulfinger stated 800-1000 square feet.

Gearhart asked if the location would block the hotel. Mulfinger said Occo Drive would be removed and would not block the hotel.

Boleyn questioned the height of the building. It will be three stories so it would be taller than the hotel. Boleyn asked if the Fire Department would be able to handle a three story fire. Mulfinger stated the building will be required to meet all fire safety regulations and the fire department does have a ladder truck.

Mulfinger will have more information available for next month's meeting.

#### Adjournment

A motion was made by DeJong, seconded by Boleyn to adjourn. All voted aye.

Motion Carried

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Dylan Mulfinger, City Administrator

**CITY OF OELWEIN**

**Office of**

**BUILDING AND ZONING INSPECTOR**

**NOTICE TO INTERESTED PROPERTY OWNERS**

**BOARD OF ADJUSTMENT**

Refer to Appeal No. 20 Z 01

Date June 5, 2020

Dear Property Owner:

An application for an appeal from the City of Oelwein Zoning Ordinance has been filed with the Board of Adjustment by RISE Ltd.. The property is situated in the C1 Commercial Zoning district and is located at 219 and 223 East Charles Street. The request, if approved, would authorize Construction of a new group home.

The Zoning Administrator was required, under the provision of the Zoning Ordinance, to deny the request because Zoning Ordinance Section 206.3 requires a  
Special Exception.

However, the Board of Adjustment, under certain conditions and safeguards, may have the authority to grant the request. A public hearing will be held by the Board of Adjustment on June 25, 2020 at 8:00 A.M. in the Council Chambers at City Hall, at which time you may submit your views on the matter in person, by writing, or by representative.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing.

BOARD OF ADJUSTMENT

BY Jay Shekleton  
Jay Shekleton, Secretary

NUMBER 20 Z 01

APPEAL TO BOARD OF ADJUSTMENT  
CITY OF OELWEIN

APPLICANT RISE Ltd.  
ADDRESS 106 Rainbow Drive  
LOT DESCRIPTION 219 and 223 East  
Charles  
ZONE C1 Commercial

DATE June 5, 2020  
FILING FEE \$ \_\_\_\_\_  
xx LETTER STATING NATURE OF APPEAL ATTACHED  
6/15/20 DATE REFERRED TO PLANNING COMMISSION  
\_\_\_\_\_ ADMINISTRATIVE OFFICER'S REVIEW ATTACHED

SHOW LOT DIMENSIONS

SEE ATTACHED

LOCATION AND SIZE  
OF BUILDING

ADJOINING PROPERTY OWNERS NAMES AND ADDRESSES

DATE OF HEARING 6/25/2020

DATE PLAN COMMISSION'S  
RECOMMENDATION RECEIVED  
\_\_\_\_\_ ATTACHED \_\_\_\_\_

Timothy Barker 1021 21st Avenue S  
Wisconsin Rapids, WI 54495

Timothy Wright 920 7th Avenue NE

DATE OF PUBLICATION NOTICE  
6/19/2020

John & Lennora Steinbronn 16271 50th Street  
Oelwein Iowa 50662

REMARKS:

James & Jayme Hurley 2036 Wapsie Access Blvd  
Independence Iowa 50644

Reed/Medina Trust 218 East Charles

Cardin Mgr. Trust 1802 Jonas Dr, Unit 1  
Toni Lynn Rabroker Trustee Kerrville TX 78028

**RISE, Ltd.**

106 Rainbow Dr  
Elkader, IA 52043  
(563) 245-1868

June 2, 2020

Subject: Request for Variance

RISE, Ltd. is requesting a variance for the lots at 219 and 223 E. Charles St.

We are currently working towards building a new home to replace our current group home located at 303 N. Frederick Ave. This would be the home to five of our clients who are cared for by one to two staff on site at any given time. In total we currently employ 13 residential staff in Oelwein and are working to add another service area and would anticipate the addition of up to 6 additional staff at that site. Those that live in the home have intellectual and physical disabilities. These lots are attractive for this project in that they are close to the library and other downtown businesses, thus allowing those living in the home to have walking access to the downtown businesses and services.

We initiated the processes of replacing our current group home at 303 N. Frederick Ave because the home is not handicapped accessible. It is an older two story home. While a ramp has been added to the back of the home it is not ideal and a bit challenging to use. The interior of the home has a very small bathroom on the main level and thus is not safe for someone with a walker or arm crutches to use, and is impossible for someone who is wheelchair bound to use. There is only one large bedroom on the main level. The other bedrooms are on the 2nd level which involves stairs that are narrow and steep, again not ideal, if not impossible to navigate for someone with a physical disability. In addition the living area on the first floor does not have walkways that are easy to navigate for someone who uses a walker, arm crutches, or a wheelchair. Also the other two bathrooms upstairs are small and again difficult to use for our clients with disabilities.

These accessibility issues limit our current residents, as well as those who we may consider in the future. Anyone that has a physical limitation is almost always impossible to consider for services in that home, and could also force those currently living in the home to have to move out should they become dependent on a wheelchair for mobility. In time, this could limit our ability to keep this home full and open. Not only does this affect those living in these homes but it could eliminate 5-6 job opportunities.

The new home construction would involve creating a space that is a flush entry into the home, a one level home that is slab on grade with an above ground storm shelter, and fully handicap accessible space. This would be impossible to achieve in our group home located at the 303 N. Frederick home. I have included an initial blueprint that we created with Jesse Dinsdale and his students enrolled in one of his design classes. While this is not the blueprint for the group home we would build at this location, it will give you a good idea of what we are trying to achieve. Our intentions are to work with a local Architect to create a new blueprint once we have removed the zoning barrier we are currently working with you on. I also would like to point out that while RISE, Ltd. has no intentions of this home being a short term venture, should circumstances outside of our control dictate otherwise, the home could easily be converted into a very attractive family home.

This construction will be a collaboration from the Alternative Living Corp Board of Directors and RISE, Ltd. RISE, Ltd. purchased Alternative Living Corp on 9/1/18, and the ALC Board has committed some of their



remaining funds to this project. RISE, Ltd. will be committing their own cash reserves to this project. I share this because I feel it is important that this will be a cash project, and will not involve grants or loans. RISE, Ltd is committed to standing on it's own with the support of the Alternative Living Board to fund this project and make a business presence in the Oelwein area.

The home at 303 N. Frederick once vacated will be listed for sale, thus creating more housing. The house is a 7 bedroom home with 3 bathrooms. The home is in good condition and has some very beautiful characteristics. It would make a great home for a family due to its size.

Finally, I would also like to share a bit of RISE, Ltd's history:

*RISE Ltd. is a private, nonprofit, 501c3 Corporation. It receives revenue through the receipt of donations, grants, and fees for services.*

*RISE Ltd. is governed by an at-large voluntary elected Board of Directors who oversee the operations.*

*RISE, Ltd. began in 1976 by parents of adults with disabilities. It started in the basement of Scenic Acres, formerly the Clayton County Care Facility, as an activity program. RISE, Ltd. formally incorporated in May 1980. In June 1981 RISE, Ltd. became licensed as a Work Activity Center and offered its first residential services in November 1982.*

*RISE, Ltd. purchased Alternative Living Corporation on September 1, 2018 which began its expansion of its business into the Oelwein area.*

*RISE, Ltd.'s primary purpose is to provide an array of services to people with disabilities. The service that RISE, Ltd. provides is provided with the intent of being the least restrictive and integrated as we can make available at any given time. RISE, Ltd. strives to change its services to reflect each individual's respective needs.*

*We are a private non-profit organization whose purpose is to provide services to adults who are disabled, primarily persons with intellectual disability (mental retardation), mental illness, and other developmental disabilities.*

*RISE, Ltd. offers a variety of services including residential supports and supervision and day habilitation services.*

*Today RISE, Ltd. is certified to provide the following services:*

- *Hourly and Daily Supported Community Living (SCL)-MR Waiver*
- *Consumer Directed Attendant Care (CDAC)-MR Waiver*
- *Home & Vehicle Modification-MR Waiver*
- *Respite-MR Waiver*
- *Day Habilitation-MR Waiver*
- *Transportation-MR Waiver*
- *Home Based Habilitation*
- *Supported Community Living (SCL)-Chapter 24*
- *Elderly Waiver*

What this means is that we provide services that allow individuals to live in the least restrictive/most independent setting. We want to provide a space that gives them a home environment that they can take

ownership and pride in. It is our hope that those around us do not even know we exist because we blend the neighborhood just as any homeowner/family would. I understand that the last time we asked for variance there were concerns that we would be disruptive to the neighborhood, however I wonder if we are even noticed in our current locations. I know I personally have mentioned to many individuals that I have met and done business with in Oelwein in the last nearly two years that RISE, Ltd. purchases Alternative Living Corp and the majority of the time they did not know either entity. In my opinion that is a testament to how well our services go unnoticed.

If you should have any further questions or need any further clarification please do not hesitate to contact me by email ([jpensel@riseltd.net](mailto:jpensel@riseltd.net)) or by phone 563-245-1868, ext. 101.

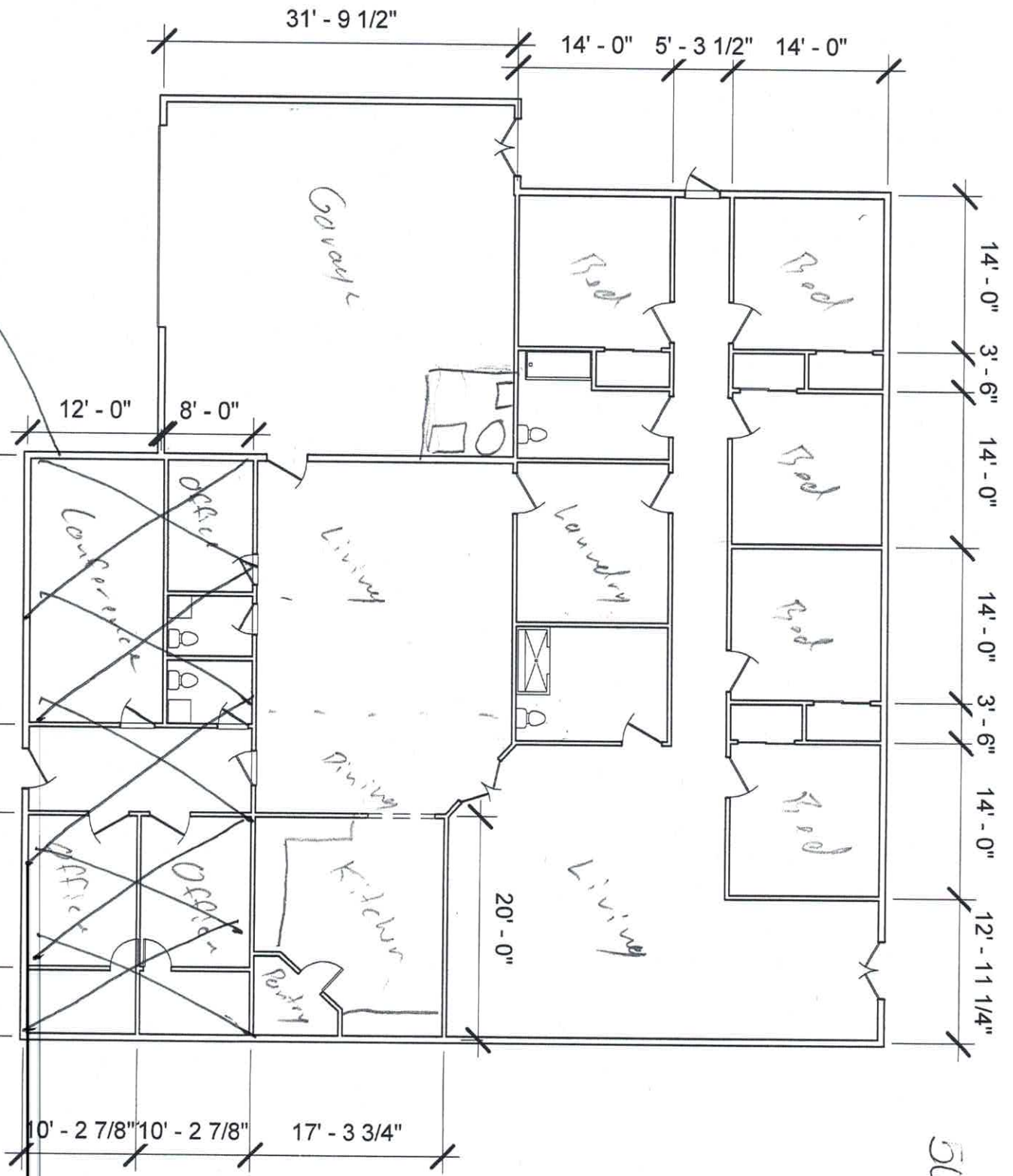
Thank you for your time, consideration, and support of our mission.

Sincerely,

*Jessica A. Pensel*

Jessica A Pensel  
Executive Director  
RISE, Ltd.

The office space will be included in new plans



5625

The City is working with a development group to build a 30 unit apartment complex on 406 3<sup>rd</sup> Ave SE. This apartment complex will also include a commercial component on the end of the building. The commercial unit is zoned appropriately, but in order to put in the apartment, a variance for multi family must be provided. City staff wants to work with both planning and zoning and board of adjustment to understand the need for this variance and how this will help the community. This discussion will allow for the commission to work on questions for staff before a recommendation is needed to board of adjustment.

**Dylan Mulfinger**

City Administrator

City of Oelwein

20 2<sup>nd</sup> Ave SW Oelwein, Iowa 50662

319-283-5440



