

BOARD OF ADJUSTMENT
ABBREVIATED MEETING MINUTES
October 28, 2025

A regular meeting of the Board of Adjustment was held at 4:51 p.m. on this date in the City Council Chambers located on 5th Floor, City Hall, 405 - 6th Street, Sioux City, Iowa. The following members were present on call of the roll: Ross, Bostinelos, Hegarty, Glisar, Wagner, and Reynolds. Absent: Brockshus (Excused).

The following staff members were also present: Marty Dougherty, Economic and Community Development Director; Chris Madsen, Planning Manager; Wade Schuldt, Planner; Gabriel Fordjour, Planner; Ron Kueny, Zoning Enforcement Officer; Steven Postolka, Assistant City Attorney; and Stefanie Konz, Administrative Secretary.

Glisar read the opening statement.

Agenda Item 2025-094: Requested variance from Municipal Code Subsection 25.03.0180.6 (4) Roof Mounted Equipment for the property located at 230 Nebraska Street. (Petitioner: Adam Wheelock).

Fordjour presented the requested variance for the property located at 230 Nebraska Street. The petitioner, Adam Wheelock, is working with the June E. Nysten Cancer Center to renovate their pharmacy to comply with the new requirements. The addition of an air handling unit is proposed to be located on the higher of the two roofs. The air handling unit would require a screen wall that is three to four times larger than what is needed. Fordjour also provided a review of House File 652 regarding variances.

Petitioner, Adam Wheelock, stated the renovation of the pharmacy is something the Cancer Center must do to comply with updated regulations regarding clean air hoods for pharmacies. Wheelock stated the Cancer Center is one of the nicer buildings downtown and they would like to keep it that way. Wagner asked about putting the equipment on the lower roof. Wheelock stated that the lower roof would not be able to hold the new equipment.

Kristin McCullough, Executive Director at June E. Nysten Cancer Center, stated that the Cancer Center relies on donations and grants and if they do not have to install the screen it would save them a lot of funding that can be used elsewhere.

Ross stated that the building looks better without the screen and feels the variance is warranted due to the government requiring the equipment.

Hegarty (Ross) moved to approve Agenda Item 2025-094. Motion carried. 5-1-0 (Yes: Ross, Bostinelos, Reynolds, Hegarty and Wagner. No: Glisar Abstain: 0).

Agenda Item 2025-096: Requested conditional use permit pursuant to Municipal Code Section 25.02.120 Commercial Uses for the property located at 1123-1125 Nebraska Street. (Petitioner: Muhammad Sajid).

Fordjour presented the requested conditional use permit for the property located at 1123-1125 Nebraska Street. The petitioner, Muhammad Sajid, is requesting the conditional use permit to allow for the off-premise sale of alcohol and tobacco. Fordjour stated that the Board of Adjustment approved the conditional use permit on July 23, 2024, but the permit expired after 12 months of inaction.

Representative of the petitioner, Dustin Carnes, stated that last year they did not have a tenant for the property and that is why the conditional use permit expired. They have done some renovations and now have a tenant.

Joe Twidwell representing the Warming Shelter and Brendyn Richards representing the Siouxland Community Health Center spoke in opposition to the requested conditional use permit with concerns regarding alcohol problems currently in the downtown area and the addition of a store with alcohol sales could make the issues worse. Both Twidwell and Richards agreed that having a grocery store downtown would be beneficial as long as there are no alcohol sales.

The Board of Adjustment held a general discussion regarding allowing the conditional use permit. Bostinelos stated that she is supportive of grocery stores in the community and does not think the sale of alcohol or tobacco would have a significant negative impact.

Hegarty (Reynolds) moved to approve Agenda Item 2025-096. Motion Carried. 5-0-1 (Yes: Reynolds, Hegarty, Wagner, Bostinelos, and Glisar. No: 0 Abstain: Ross).

Agenda Item 2025-097: Requested variance from Municipal Code Table 25.03.090.1 for the side yard setback and area for the proposed detached garage for the property located at 1005 Whitcher Avenue. (Petitioners: Brian and Chris Lake).

Schuldt presented the requested variance for the property located at 1005 Whitcher Avenue. The petitioners, Brian and Chris Lake, are proposing to construct a detached garage and are requesting a reduction in side yard setbacks of 1' and area as the proposed garage exceeds the primary structure by 8 square feet. Schuldt provided a description of the property and a review of House File 652 regarding variances.

Petitioner, Brian Lake, stated that the proposed garage would be an improvement to the neighborhood. Lake stated he would like the garage large enough to put his vehicles and be able to open the car doors.

Ross (Wagner) moved to approve Agenda Item 2025-097. Motion carried. 6-0-0 (Yes: Wagner, Bostinelos, Reynolds, Glisar, Hegarty, and Ross. No: 0 Abstain: 0).

Agenda Item 2025-100: Requested conditional use permit pursuant to Municipal Code Section 25.02.170 Institutional, Recreation and Amusement Uses for the property located at 4212 Gordon Drive. (Petitioner: Crittenton Center).

Schuldt presented the requested conditional use permit for the property located at 4212 Gordon Drive. The petitioner, the Crittenton Center, is proposing to move their childcare facility from their current location on Morningside Avenue where they are renting to the property located at 4212 Gordon Drive which they would own. Schuldt stated the property is zoned as PI (Public and Institutional) and would require a conditional use permit for a childcare facility.

Petitioner, Beau Sudtelgte, Crittenton Center, stated they are wanting to move their childcare facilities from Morningside Avenue to Gordon Drive. Sudtelgte stated they have about 80-100 children and they do plan on installing a playground, fence and emergency exits to follow DHS (Department of Human Services) regulations.

Jessica Felix, Iowa Department of Transportation, stated she is speaking as an advisory position that Gordon Drive is a primary highway and access to the property is close to an existing intersection. Felix stated that the increased traffic would be a concern. Felix also stated that sidewalks should be required. Wanger asked staff if a site plan was reviewed. Schuldt stated that

since there is not an addition being made to the property a site plan is not required. John Waller also shared concerns with the possible increased traffic of the childcare facility. Waller states that there have been many accidents at that intersection. Ross asked if Engineering has reviewed the request. Schuldt stated that Engineering received the agenda and had no comments regarding this item. Hegarty asked the petitioner if the childcare facility would be an overnight facility. Sudtelgte stated that it would not be overnights and that the hours of operation would be 6 a.m. to 5 p.m.

Glisar (Hegarty) moved to approve Agenda Item 2025-100. Motion Carried. 6-0-0 (Yes: Glisar, Wagner, Reynolds, Hegarty, Ross, and Reynolds. No: 0 Abstain: 0).

Other Business

- a. Other items brought forward by the Board and / or staff.

Madsen stated that there was a concern brought up at the City Council meeting regarding notices and the postal service. Madsen stated that the application deadlines may need to be extended to account for extra mail time. Glisar asked if there was a way to extend the notification area on items in certain zones. Madsen stated that is something staff can look into as well.

Marty brought up the conditional use process and what is told to petitioners regarding when they can begin after the Board of Adjustment approves the conditional use permit. Steven Postolka, Assistant City Attorney, stated that the petitioners should wait until City Council acknowledges the action, but the opening statement is correct in saying that if they proceed beforehand then they do so at their own risk.

- b. Approval of the minutes from the October 14, 2025, meeting.

Wagner (Hegarty) moved to approve the minutes of the October 14, 2025, meeting. Motion carried. 6-0-0 (Yes: Glisar, Ross, Bostinelos, Wagner, Reynolds, and Hegarty. No: 0 Abstain: 0)

There being no further business, Wagner motioned, Hegarty seconded, and with a 6-0-0 vote the meeting was adjourned at 5:55 p.m.

Submitted by Stefanie Konz

ANDREW GLISAR, CHAIR

MARTIN J. DOUGHERTY, ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR