

**BOARD OF ADJUSTMENT**  
**ABBREVIATED MEETING MINUTES**  
**September 13, 2016**

*A regular meeting of the Board of Adjustment was held this date in the City Council Chambers located on 5<sup>th</sup> Floor, City Hall, 405 - 6<sup>th</sup> Street, Sioux City, Iowa, at which time the following items were considered.*

**MEMBERS PRESENT**

Suzan Stewart, Chair  
Joe Krage  
Lee Beukelman  
Jean Calligan  
Ryan Ross  
Michelle Bostinelos

**MEMBERS ABSENT**

Jason Geary, Vice Chair

**STAFF PRESENT**

Chris Madsen, Senior Planner  
Ron Kueny, Zoning Enforcement Officer  
Justin Vondrak, Assistant City Attorney  
Kelly Leigh, Administrative Secretary  
Jeff Hanson, CD Operations Manager

*Stewart called the meeting to order at 4:56 p.m., and read the opening statement explaining the procedure. She then introduced the Board members and City staff to the audience. The Board was asked if any had contact with the owner, petitioner, agent, or anyone listed on the notification list regarding the agenda items.*

**Agenda Item 2016-0065:** Requested variance from Municipal Code section 25.02.180(2) Commercial Use Standards for the properties located at 2324 and 2326 Transit Avenue. (Petitioner: Transit Avenue Center)

Dan Moore (representing the petitioner) (501 Pierce St. Suite 300) spoke on the item asking for this variance for the following reasons: the property in question is 295 ft. from Pulaski Park equating to a 2% variance from the code. Sacajawea Park is currently not used by the public as a park and hasn't been for some time. The petitioner, Raleigh Zucker, has tried for a long time to get a grocery store in the Center and has been unable to get a tenant in the space. In order for a grocery store/convenient store to make a reasonable return for profit, tobacco and alcohol sales are necessary. There will be no danger or change to the neighborhood by allowing this variance. The neighborhood is in need of groceries as there has not been a grocery supplier in the area since Fareway left. The hardships endured here are for the Transit Avenue Center itself, and the tenant that is currently leasing the space now as he is unable to be released from his current lease until another tenant is found. Lastly, it is not a good situation to leave the current space vacant.

Raleigh Zucker (401 Pelletier Drive), petitioner, echoed most of Dan's statements and adding that she has been diligently looking for a tenant to rent the space for a long time and has been very proactive in her search. She also added that the tenant that this variance has been requested for has a great track record, owns 8 other properties and is very selective in whom he sells liquor to. She ensured the Transit Avenue Center will not tolerate any unruly activity.

Stewart posed the question if there is any other use of this property. Moore answered most likely not considering the size of the space in question. Zucker also restated that she has tried for a very lengthy time to find a tenant for the Transit Avenue Center.

Ross (Bostinelos) moved to approve the item. Motion Failed. 2-4-0 (Yes: Calligan, Bostinelos/ No: Ross, Krage, Stewart, Beukelman/ Abstain:0). Voice Vote

Other Business

- a. Other items brought forward by the Board and / or staff.
- b. Approval of July 26, 2016 minutes.  
Ross (Calligan) moved to approve the minutes. Motion Carried. 4-0-2 (Yes: Ross, Krage, Calligan, Beukelman/ No: 0/ Abstain: Stewart, Bostinelos).  
Voice Vote

**There being no further business, the meeting was adjourned at 5:56 pm.**

*Submitted by  
Kelly Leigh*

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*CHAIR*

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*PLANNING DIRECTOR*