

The City of *Atkins*

~~Settled 1882~~ ~~Incorporated 1917~~



Mavor:

Brian Cruise

Council:

Jade Nutt
Trevor Dursky
Kevin DeMeulenaere
Bob Stolen
Jeremy Rolando

City Administrator:

Scott Flory
sflory@cityofatkins.org

City Clerk/Treasurer:

Shelley Annis

Utility Clerk:

Marissa Stangl

Public Works

Director:

David Schrier

Public Works Dept:

Jarrod Tomlinson
Mike Rammelsberg

Fire Chief:

Dan Rammelsberg

Library Director:

Pamela Duball

ATKINS BOARD OF ADJUSTMENT
AGENDA
CITY HALL – COUNCIL CHAMBERS
WEDNESDAY, AUGUST 19, 2026
6:00 P.M.

1. Call to Order by Chairman Kevin Moser
2. Motion to approve meeting minutes from August 5, 2026 meeting.
3. Request for a variance – 308 Main Avenue: Appeal for a variance for a front yard setback and allow for an accessory structure in the front yard for a sunshade shelter:
 - Introduction by Brian Jensen, Building Official and Scott Flory, City Administrator.
 - Review of request by the applicant
 - Discussion and possible motion and action by the Board.
4. Adjournment

COUNCIL CHAMBERS
CITY HALL

August 5, 2026

BOARD OF ADJUSTMENT MEETING MINUTES

The Board of Adjustment was called to order at 6:00 p.m. by Scott L. Flory City Administrator.

Roll Call: Present: John Skow; Kevin Moser; Vonna Hayes; and Richard Wright

Absent: None

Also present: City Administrator Scott L. Flory and Mayor Brian Cruise

City Administrator Scott L. Flory explained that this was the inaugural meeting of the newly appointed Board of Adjustment for the City of Atkins and that the terms of all the prior Board members had expired and that the previous Mayor and Council had not appointed any members to succeed the terms of those members whose terms had expired. Flory explained that the group would need to select a Chairperson and a Vice-Chairperson.

The group selected Kevin Moser to serve as Chairman of the Board and John Skow to serve as Vice-Chairperson.

Flory reviewed the roles and responsibilities of the Board of Adjustment with the members. The Board then determined that their next meeting date would be August 19, 2026, at 6:00 p.m., in the Council Chambers, at City Hall, for the purpose of hearing a variance request concerning a building permit denial for 308 Main Avenue.

There being no further business to come before the Board, the Chairperson declared the meeting adjourned.

Kevin Moser, Chairperson

Attest:

Board Secretary

Dear Brian and the town of Atkins,

We have made many attempts over the years to get some shade in our front yard. Umbrellas, sitting in garage there has not been a good and safe way of trying to get shade.

We decided to try a more stable way of accomplishing this with a sturdy pergala. We were unaware a permit was needed and the pergala is many feet from the actual sidewalk and when looking up and down the streets it did not appear compared to others we were encroaching on what apparently is "city" ground.

This pergala is the only option. We apologize for not knowing a permit was needed and hope this can be rectified and we can continue with completion. We have not received one concern or complaint but rather compliments on the improvement.

We hope you will reconsider and allow us to complete.

Thank You,
Dave & Lisa Huber
308 Main Ave

Office Use Only		\$	
	Date Filed	Fee	Application Number

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APPLICATION FOR: SPECIAL EXCEPTION OR VARIANCE APPROVAL

Application is hereby made for approval of:

☐ Special Exception

☒ Variance

on property located at (street address if available or layman's description):

308 Main St Atkins Ia

Legal Description of Property: Single Family Home

Current Zoning: GRS Proposed Use of the Structure: Leisure

Reason for request: Accessory structure in front yard in set

Reason why building permit was declined: Accessory structure in front setback

For setback reduction requests (Special Exception or Variance) – complete the following:

	Front	Side	Side	Rear
Required Setback:	<u>20</u>			
Requested Setback:	<u>4</u>			

Brief cover letter MUST be included explaining the nature of the request, as well as detailing practical difficulty or unnecessary hardship

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this application being submitted, and said owners hereby give their consent for the city of Atkins (or representative) to conduct a site visit and photograph the subject property.

Dave Huber
Name of Owner

Name of Applicant (if different)

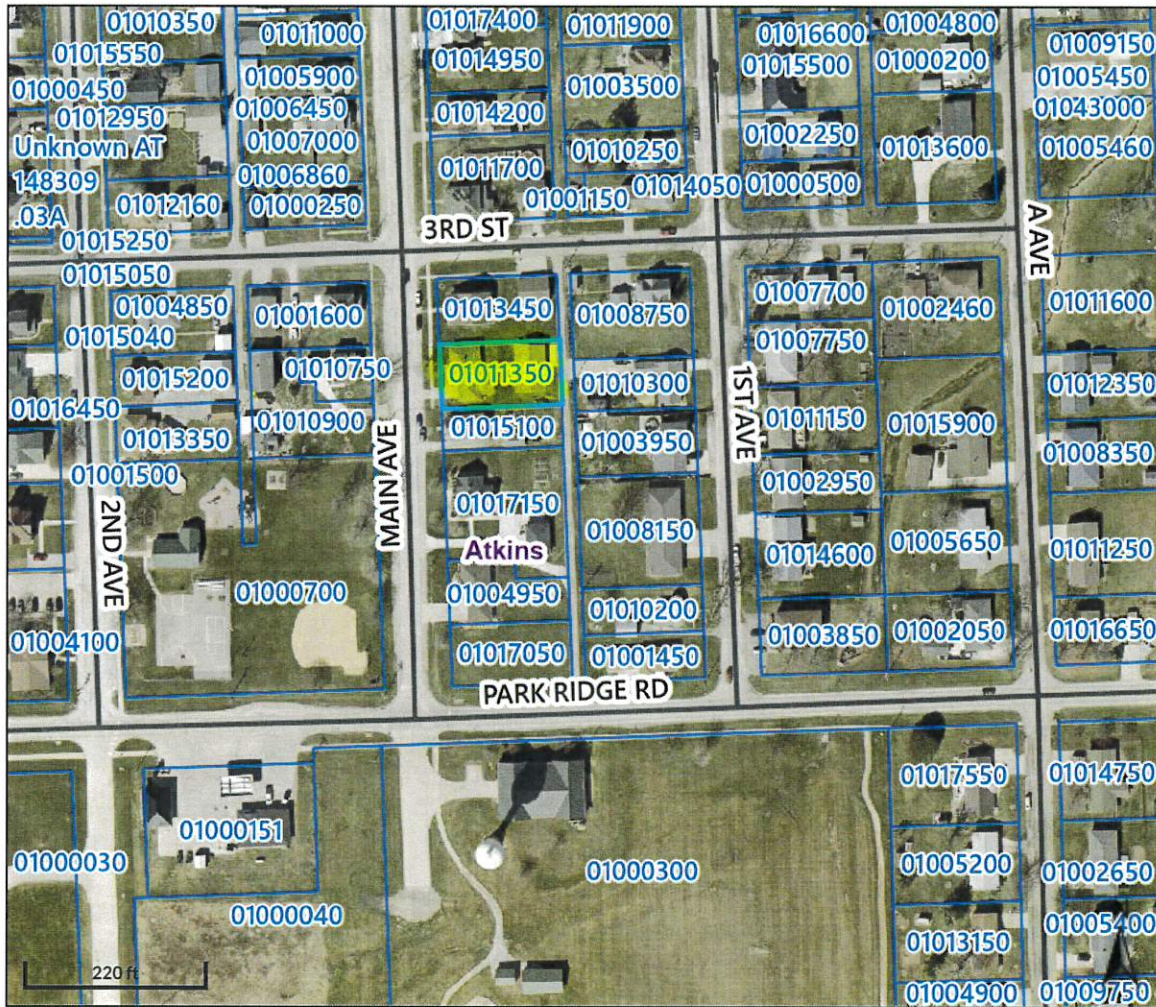
308 main Ave Atkins Ia. 52206
Applicant Street Address (including City, State, Zip)

319-361-2995 huberfan02@gmail.com
Applicant Phone Applicant Email

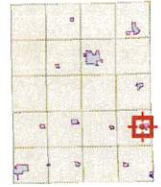
Dave Huber
Applicant Signature

Applications will be reviewed by city staff and reviewed by Board of Adjustment (if applicable)

Applications should be emailed to cityclerk@cityofatkins.org and delivered to City Hall



Overview



Legend

-  Corporate Limits
-  Political Townships
- Parcels**
 -  Parcel
 -  BLL
 -  Condo
 -  Roads

Parcel ID	01011350	Alternate ID	1614459005	Owner Address	HUBER,DAVID J HUBER,LISA
Sec/Twp/Rng	n/a	Class	R		PO BOX 139
Property Address	308 MAIN AV	Acreage	0.245		ATKINS, IA 52206
	ATKINS				

District 010
 Brief Tax Description ATKINS LOTS 13, 14 & 15 BLK 12
 (Note: Not to be used on legal documents)

Date created: 8/14/2026
 Last Data Uploaded: 8/13/2026 9:53:13 PM

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165.24 R-S – RESIDENTIAL SINGLE-FAMILY DISTRICT.

1. Intent. This district is intended to provide for a variety of single-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various residential areas of the City.
2. Permitted Uses. The following uses are permitted in the R-S District:
 - A. Single-family detached dwellings.
 - B. Family homes.
 - C. Home occupations.
3. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the R-S District are allowed:
 - A. Private garages.
 - B. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing two acres or more and except within an enclosure at least 150 feet from any residence now existing or hereafter erected.
 - C. Private recreational facilities.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the R-S District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Nursery schools.
 - B. Public or private utility (substations, relay stations, etc.)
 - C. Churches.
 - D. Publicly owned and operated buildings and facilities.
 - E. Private schools with a curriculum similar to public schools.

F. Golf courses, but not miniature courses or separate driving tees.

G. Satellite dishes. (The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings, except that a 72-hour temporary use is allowed. No satellite dish shall exceed a diameter of 12 feet.)

H. Bed and breakfast houses.

I. Hospitals.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the R-S District:

Minimum Zoning Symbol	Minimum Lot Area	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height (the lesser of)
6 R-S	6,000 sq. ft.	60	20	6	20	2½ stories or 35 feet
10 R-S	10,000 sq. ft.	100	25	10	25	2½ stories or 35 feet
15 R-S	15,000 sq. ft.	150	35	15	35	2½ stories or 35 feet
Where public sewer facilities are not available, not less than one acre of lot area is required.						

6. Off-Street Parking. The following off-street parking requirements shall apply in the R-S District:

A. Dwellings: two parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two parking spaces on the lot for each 1,000 square feet of floor area.

B. Churches: one parking space on the lot for each five seats in the main auditorium.

C. Public buildings and facilities: one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.

D. Elementary, junior high and equivalent private or parochial schools: one parking space for each classroom and office plus one parking space for each 300 square feet of gross floor area in the auditorium or gymnasium.

- E. Senior high schools and equivalent private or parochial schools: one parking space for each employee and one parking space for each ten students.
 - F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one parking space for each employee and one parking space for each five students.
 - G. Public buildings and facilities: one parking space for each 300 square feet of gross floor area.
 - H. Nursery schools: one parking space per employee.
7. Off-Street Loading. The following off-street loading requirements shall apply in the R-S District:
- A. All activities or uses allowed in the R-S District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
 - B. Loading shall not be permitted to block public right-of-way.
8. Signs. The following sign regulations shall apply to the R-S District:
- A. Off-premises signs are not permitted.
 - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - D. No sign may imitate or resemble an official traffic control sign, signal or device.
 - E. Signs shall not encroach or extend over public right-of-way.
 - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

5. Accessory Buildings. No accessory building may be erected in any required front yard and no separate accessory building may be erected within ten (10) feet of a main building. Where a garage is entered perpendicularly or nearly perpendicularly from the alley it must be kept 15 feet from the alley line. In no case, however, shall the accessory building shall be closer than six feet to the rear lot line. Accessory buildings located in the rear yard may not occupy more than thirty percent (30%) of the rear yard or be greater than 16 feet in height. No accessory building shall be used without occupancy of the principal building.

6. Fences. No fence or hedge more than 30 percent solid or more than three feet high may be located within 30 feet of a street intersection. Fences or hedges less than four feet high may be located on any remaining part of a lot. Fences or hedges less than seven feet high may be erected on those parts of a lot that are as far back or farther back from a street than the main building. Higher fences may be allowed by special exception only. Any fence that has an unfinished side and a finished side must be built with the unfinished side facing the owner's property and the finished side facing the adjoining property owners or public right-of-way.

7. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from the height regulations provided in specific district regulations.

8. Front Yards. Where, on the effective date of the Zoning Ordinance, 40 percent or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:

A. Where the building farthest from the street provides a front yard not more than ten feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.

B. Where the condition described in paragraph A is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.