

## **Minutes - Woodbury County Board of Adjustment Meeting December 5, 2005**

The meeting convened on the 5th of December, 2005 at 7:00 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members – Kenneth Gard serving as Chairperson in the absence of Willard B. McNaughton, Christine Zellmer-Zant, Corey Meister, and Russell Wagner: zoning staff John Pylelo and Peggy Napier. Mark Pottorff from the public was also in attendance. The Chairman informed those present the meeting was being audio taped.

**The first agenda item was approval of the previous meeting's minutes of May 2, 2005.**

**Minutes of the May 2, 2005 Board of Adjustment meeting were approved on motion by Ms. Zellmer Zant; seconded by Mr. Meister with the correction of Mr. Walker's name from "Wagner" to "Walker;" motion carried.**

**The next agenda item was consideration of a Variance Application for Mr. Mark Pottorff; parcel #754473; GIS 874620178003:**

At your Board's meeting of November 7, 2005 Mr. Pottorff was granted a conditional use permit for construction of an accessory structure upon this parcel. The conditional use permit was required as the parcel is within a zone A flood hazard area (a/k/a 100 year floodplain) per FEMA map 36 of Community 190536B. The proposed building site is located within parcel 754473 located at 2525 Dallas Avenue in Luton. The parcel is part of the NW ¼, Section 20, Grange Township. The intended use of the structure is permitted under the applicable Light Industrial (ML) zoning designation.

The site currently has an office/scale building and a fertilizer containment building. Mr. Pottorff operates a business upon the site where he maintains an inventory of agricultural fertilizers along with the equipment for the sale, delivery and application of his product line.

Mr. Pottorff proposes to construct a 42' by 60' accessory structure to be used in conjunction with his business operation at this site. The proposed structure will have dirt flooring, 14' sidewalls and exterior lighting.

The proposed structure will be used for storage of assorted business vehicles, trailers and equipment including empty fertilizer storage tanks. Fertilizer or fertilizer components will not be stored within the proposed structure. Mr. Pottorff has represented there will be no state licensing required for the proposed structure. This parcel has no well or septic system.

Pertinent elevations on the parcel in question are:

Certified Floodplain Elevation upon the parcel	1080.0'
Lowest point of surface of concrete floor within the existing fertilizer confinement structure	1081.9'
High point of confinement curb around existing fertilizer confinement structure	1082.5'
Lowest point of floor in proposed structure	1082.0'
Excess Elevation of lowest point in proposed structure in relation to certified Floodplain Elevation	+2.0'

Your Board has made the following previous decisions related to the parcel:

On September 3, 2002 in regard to the existing office/scale building:

- Passed a resolution (#BA244) granting a reduction in the right-of-way setback along Dallas Avenue to 32';
- Passed a resolution (#BA244) granting a reduction in the right-of-way setback along Luton Trail to 56';

On September 3, 2002 in regard to the existing fertilizer containment structure:

- Passed a resolution (#BA244) granting a reduction in the rear setback to 18'.
- Denied a request (#BA244) to reduce the required right-of-way setback.

On July 15, 2003 in regard to the existing office/scale building and the existing fertilizer containment structure:

- Passed a resolution granting approval of construction within a zone A flood hazard area subject to significant conditions.

On November 7, 2005 in regard to the structure in question for storage of equipment, vehicles, trailers and empty fertilizer storage tanks:

- Passed a Conditional Use Permit for construction of the 42' by 60' structure.

There has been additional and unapproved grading which has occurred to partially prepare the building site location for the variance request before you tonight. The unapproved grading has resulted in elevation changes on the parcel not included in the grading plan your Board took into consideration in past resolution approvals. The

unapproved grading raised elevation at the proposed building site from as low as 1078.0' up to 1082.0'.

The seven (7) property owners adjacent to this parcel have been notified of this variance hearing. To date no contacts have been received by any of these property owners.

Of note is the fact that the Hunt family was in my office on another matter. We discussed this matter. They reiterated they are totally in favor of Mr. Pottorff's project.

Of note is the following information of what may be additionally perceived as setback requirements. For your analysis the setback requirements for the ML zoning district for this parcel are:

Front: 75' from ROW

Sides: None

Rear: 10' to 50' dependent upon front set back excess credit.

No right of way setback variance is requested along Luton Trail as the structure will be no closer than 108' to the County roadway ROW which is 33' in excess of the 75' ROW setback requirement.

No rear set back variance is requested opposite Luton Trail as the rear setback requirement is met pursuant to section D(3) (page Z 36) of the ordinances; i.e. the distance from roadway centerline to structure is 127'. The 127' minus the 19' County roadway ROW equals 108' less the 75' required setback equals 33' excess. The ordinances allow the excess to be proportionally applied toward reduction of the rear set back requirement of 50'. Computation of the rear set requirement is computed as follows: 33' divided by the required 75' equals a 0.44 proportional excess. The 50' required setback times (1.0 - .044) equals a 28' minimum rear set back requirement opposite Luton Trail. The actual rear setback is 46' and is 18' in excess of the 28' required amount.

Mr. Gard asked for comments from Mr. Pottorff. Pottorff said his desire was the setback variance be approved. Discussion ensued which particular setback variance was required. Mr. Pylelo reiterated using minutes from the previous meeting and aerial image on the overhead screen.

**Mr. Meister made a motion to approve the rear set back variance from Dallas Avenue up to 10' reducing from 50' down to 40' providing minimums equal distance between existing chemical containment structure and proposed 42' x 60' structure. Mr. Walker seconded the motion; motion carried.**

**The next agenda item was an update on the 2005 General Development Plan.**

Mr. Pylelo apprised your Board the Board of Supervisors unanimously approved the 2005 General Development Plan with a few minor changes to the future land use map pursuant to the testimony of Robert Logan from Menville which extended the Rural

Residential (the yellow) up Highway 140 to the north through property he owns and requests be zoned Rural Residential. Copies of the 2005 General Development Plan and future land use map will be provided the Board after they have been distributed to the Zoning Commission. The Zoning Commission is having a special meeting on Thursday, December 15<sup>th</sup>, in the conference room of the Zoning office on the sixth (6<sup>th</sup>) floor of the Courthouse to begin designing regulations and ordinances for the 2005 General Development Plan.

**General Discussion:**

Mr. Pylelo discussed Ms. Zellmer Zant would no longer be on the Board as of January, 2006. He asked for potential applicant recommendations from the Board and distributed applications for them to give to potential applicants. Several names were mentioned by various Board members. Pylelo made note to send them applications.

**Motion was made by Ms. Zellmer Zant to adjourn; seconded by Mr. Meister.  
Motion carried.**

Meeting adjourned 7:20 PM.