

Minutes - Woodbury County Board of Adjustment Meeting July 3, 2006

The meeting convened on the 3rd of July, 2006 at 7:02 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Willard B. McNaughton serving as Chairperson, Kenneth Gard, Corey Meister, Russell Walker and Robert Brouillette; Zoning Administrator John Pylelo. Richard Derocher 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 1, 2006.

Minutes of the May 1, 2006 Board of Adjustment meeting were approved on motion by Mr. Brouillette; seconded by Mr. Gard with the correction approving the change requested by Mr. Pylelo to the last sentence of May 1, 2006 agenda's item #2 on page 4 of the minutes in order the sentence reads:

“Mr. Pylelo promised to mail out the resolution to Chairman Mc Naughton for signature and to provide copies to Mr. Flewelling and Mr. Wilks.”

The next agenda item is a variance consideration for Richard K. and Connie L. Derocher.

Mr. and Mrs. Derocher reside at 4900 Derocher Path, Sioux City and operate Derocher Service, a heating and air conditioning contracting business from a separate structure at that same address. They also own the adjacent parcel to the east addressed 4800 Derocher Path on which they wish to construct a 40' by 80' accessory structure for personal usage and the stated use of storing farming equipment.

This parcel is located in the NE ¼ Section 20 Concord Township (GIS # 8847 20 200 013) consisting of 78.80 acres and zoned AR (AG-Residential). The proposed structure type and stated use are permitted within this zoning district. Access to the property is along Derocher Path which is currently a gravel county maintained roadway. The County Engineer has stated his intention to hard surface Derocher Path later this summer.

At present the parcel contains a single family, unoccupied, two story, frame dwelling; with existing septic and well servicing the residential dwelling. The parcel also has a number of existing accessory structures. The Derocher's have applied for and have been granted a building permit for the removal of the existing single family dwelling (SFD) and garage to the west and for the construction of a new SFD southeast of the existing SFD. The proposed structure related to this variance is positioned on the site plan in such a way that requires the existing SFD and the unattached garage to the west must be removed or demolished.

The Derochers are requesting Board consideration for a variance to construct a 40' x 80' metal building partially within the current front yard of the parcel. Upon demolition of the existing SFD the proposed accessory structure will be totally within the front yard. Enclosed is a letter

from Mr. Derocher outlining his reasoning why the location requested has been selected. His letter will be read into the record at the hearing.

The following measurements may be of value in analyzing the Derocher's application:

Set back requirement from ROW for primary structure	75'
Set back requirement from lot lines for accessory structure	2'
Distance of existing Primary structure from ROW	111'
Distance of future primary structure from ROW	280'
Distance Derochers propose to set back accessory structure from ROW	75'
Height of proposed structures sidewalls	12'
Proposed structures over all height	22'

Note: applicant represents that on the structure's north side approx. 8' of structure's overall 22' height will be below grade

If granted the variance would result in the proposed accessory structure being placed 36' closer to the front lot line than the current SFD and 205' closer than the future SFD site plan indicates. Should your Board approve any variance it is recommended the distance granted be stated to include distance it relates to the current roadway ROW. Should the variance be granted as requested that distance would be 75' from roadway ROW.

The Derochers have submitted the attached site plan showing the location of the proposed structure in relationship to lot lines, ROW and existing structures. Should the variance be granted the proposed structure would meet setback requirement along Derocher Path. It should be noted in April of 2005 Woodbury County vacated certain road right of way to the Derochers which reduced the roadway ROW along Derocher Path at this location to a uniform 33' width. The proposed location of the accessory structure would meet all set back requirements for this zoning district.

Due to the proposed structure's close proximity to the Derocher's adjacent parcel to the west which is zoned CG-PD (General Commercial-Planned Development) it is recommended any approval be conditioned with the Derocher's understanding the proposed accessory structure's permitted uses do not include any uses related to a general commercial business operation.

Notices were sent to the 34 property owners within 500' of the site. Mr. Gary Strawn of 4601 Derocher Path telephoned the zoning office and inquired of the exact placement of the accessory structure. Mr. Strawn did not convey any objection to the variance being approved. Mr. Ben Kristijanto telephoned the zoning office on behalf of Anton N. Kristijanto of 5502 Old Lakeport Rd. inquiring as to the nature and details of the variance request. Mr. Kristijanto voiced no objection to the Derocher's variance request.

Mr. Derocher's letter attached to his variance application was read into the record and by attachment hereto is made a part of these minutes.

Mr. Gard inquired of Mr. Derocher as to the placement of the accessory structure in relationship to other structures along Derocher Path. Mr. Derocher advised the Board the accessory structure would be the same 75 foot distance from roadway right of way as his existing structure to the west.

Chairman McNaughton inquired of Mr. Derocher to the amount of the structure's north wall which would be below grade and advised he would not have issue with up to 6 feet of structure north wall was above grade to avoid any potential for drainage problems.

Mr. Brouillette inquired of Mr. Pylelo as to the reasoning for front yard accessory structures not allowed within Woodbury County ordinances. Mr. Pylelo advised the Board the rule has been in existence since 1971 for what he understood were visibility and sight distance concerns along roadways and for the increased potential for the structures being used for non-permitted uses.

Mr. Derocher then explained why this location was necessary and stated a former Planning and Zoning employee had advised him the location was acceptable. Mr. Derocher stated over the years he had made improvements to the parcel to facilitate the requested location based upon this oral approval.

Mr. Meister inquired of Mr. Derocher why the utilities of water (well) and sewer (septic system) were being provided the proposed structure. Mr. Derocher stated those utilities were close by and he wished the structure have restroom facilities due to the personal use of the structure he anticipated.

Discussion ensued between Board members of the intended use and potential of the use of the structure for general commercial operations. Mr. Derocher stated he understood the use limitation. Mr. Gard stated should the County receive a complaint that Mr. Derocher's commercial vehicles are being park upon the parcel that a violation would exist to be dealt with.

Mr. Gard stated he wished to make a motion approving this variance as the proposed structure fits within the landscaping; that the structure is to be located upon a parcel which approximates 80 acres; and some of the uses upon the parcel arguably indicate the potential for the owner being exempt from local zoning ordinances under Iowa law.

Motion was made by Mr. Gard to approve Richard K. and Connie L. Derocher's request for a front yard accessory structure placement variance for placement of a 40' by 80' accessory structure up to within 75' of the roadway right of way along Derocher Path; seconded by Mr. Meister; carried.

Mr. Gard made a motion to adjourn; seconded by Mr. Meister. Motion carried.

Meeting adjourned 7:32 PM.