

Minutes - Woodbury County Board of Adjustment Meeting August 4, 2008

The meeting convened on the 4th of August, 2008 at 7:04 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: David Scholten, Robert Brouillette, Russell Walker, Corey Meister and Brian Crichton. Zoning Director John Pylelo and Clerk Peggy Napier were also in attendance. Present from the public were Brian Paulsen and Mike Barkley.

Mr. Walker called the meeting to order at 7:04 PM.

The first agenda item was election of 2008 Chairman and Vice Chairman.

Mr. Walker was elected Chairman with three (3) votes; Mr. Brouillette received one (1) vote and Mr. Scholten received one (1) vote.

Mr. Meister was elected Vice Chair with three (3) votes; and Mr. Brouillette received two (2) votes.

The second agenda item was approval of the April 7, 2008 meeting.

Mr. Crichton made a motion to approve the minutes of April 7, 2008 subject to:

- **Changing the spelling of “*Ron*” Earleywine in the first paragraph, last line, to “*Rod*” Earleywine.**
- **In the first sentence after “Discussion” on page 2 eliminate the word “*the*” after “*through*” and before “*as*.”**

Mr. Meister seconded the motion; motion carried 4-0.

The third agenda item was a public hearing for a Septic System Setback Variance for Anca Properties, LLC.

Anca Properties, LLC is in the construction phase of a new 100' by 250' commercial structure for the expansion of business operations associated with the auto restoration business known as *Healey Werks*.

The applicant is requesting a septic system set back variance along the 4.38 acre parcel's east property line. The parcel is addressed 1821 US Hwy 20, located on the north side of the Hwy 20 approximately 4.5 miles east of Sioux City and located in the SE ¼, SW ¼, Section 35, Concord

Township. The property is zoned GC-CU (General Commercial-Conditional Use) (*the new zoning does not impact this issue*). The parcel is known as GIS# 8946 35 300 016 includes other commercial structures currently housing the existing auto restoration business operation and another business operation which leases storage units.

The applicant request is for up to a 10' septic system set back variance along the parcels eastern property line shared with Midwest Investment, LLP. The required set back for septic system components, including drain fields, is 10' from any property line. Due to space limitations the applicant alleges no other location is available to meet the required setback.

The septic system would include a chambered drain field of two (2) 100' foot runs either together or 5' apart. It is anticipated the applicant's septic system installer will be present to answer any technical questions.

The applicant is requesting a set back variance of up to 10'; or up to Anca Property's eastern property line which is shared with Midwest Investment, LLP. The applicant has stated Midwest Investment LLP has, or is in the process of, selling the property. (*Mr. Pylelo stated property has been sold to Icon AG Solutions. Mike Oolman of Icon asked Pylelo is there was anything he needed to be concerned with. Mr. Pylelo replied "Not unless you intend to put a well in close proximity."*) The applicant states the attempt to negotiate with the new property owner for the purchase of a strip of adjacent property. This variance is requested should a timely real estate transaction not take place.

Board members should note a Zone A flood hazard area lies near this parcel but no portion of the applicant's parcel lies within the hazard area. Any septic system installed would require separate permitting from Siouxland District Health. The location of any septic system component would be required to meet any minimum separation distance requirement from wells and from any nearby FEMA flood hazard area.

Discussion:

Mr. Mike Barkley will be installing the new septic system for Anca Properties, LLC. He wants the new system to be as far from the foundation as possible. He stated Chapter 69 of the Iowa Code says the tank cannot be nearer than five (5) feet. Barkley is considering installing what he described as a "cluster" in a "massive trench" in the drain field. The property line is close but meets other required distances and does not require a rock base in the drain field. If anything was questionable with this process, it would be advisable to consult with Ron Brandt of Siouxland District Health.

Mr. Brouillette asked if downspouts will affect this drain field. Mr. Barkley suggested tiles be laid to direct flow until ground is healed but noted the natural flow direction is to the north.

Mr. Barkley also noted this business's water use averaged eight (8) gallons a day versus seventy five (75) gallons on a typical residential lot.

Mr. Pylelo asked if there were any activities in car rebuilding that uses a lot of water. Mr. Paulsen answered there were not.

Mr. Barkley stated he had no control over how the system would be used other than leaving them with cautionary instructions. He preferred erring on the side of heavy duty pipes.

Mr. Crichton asked if there were any floor drains. Paulsen replied only in the bathroom.

Mr. Barkley's comments:

- He attends regular conferences and applies knowledge gained to his jobs
- Because of what he's learned, it's best to double the size of the septic tank needed; therefore, he wants to go with a 1,250 gallon tank for Anca Properties, LLC.
- He would like to put it right on the property line. It won't add more infringement than what already exists since even a ten (10') foot distance can cause migration.
- The soil type dictates the pipes will be three (3') feet into the ground.

Mr. Brouillette suggested at some point in the future their neighbors will be affected.

Mr. Crichton commented on the possibility of Healy Werks purchasing the sliver of land affected. Mr. Pylelo noted the portion purchased would be the least desirable part of their neighbors' parcel.

Mr. Barkley has a drawn diagram of the proposed septic system on record with Siouxland District Health. SDH has told Mr. Pylelo they think the proposed plan will work. Pylelo asks for assurance of permits from SDH and would condition the approval on disclosure to the neighbors who were invited to attend the meeting but declined.

The board decided to approve the variance up to nine (9') feet. If this was not approved by SDH the variance would be revoked and Mr. Barkley will have to find another means of providing a septic system.

Mr. Crichton made a motion the Septic System Setback Variance be approved for Anca Properties, LLC on the following conditions:

- **The septic permit application is approved and inspected by SDH**
- **The property owners to the East of Anca Properties, LLC be notified and have no objection**

Mr. Scholten seconded the motion; motion carried 4-0.

The next item was any Citizen wishing to be heard by the Board.

There were not citizens wishing to be heard by the Board.

Mr. Pylelo used this time to apprise the Board of the adopted zoning and subdivision ordinances effective as of August 1, 2008.

Mr. Brouillette made a motion to adjourn; seconded by Mr. Meister. Motion carried 4-0.

Meeting adjourned 8:15 PM.

The next meeting is scheduled to be Monday, September 8, 2008 at 7:00 PM pending agenda items.