

## **Minutes - Woodbury County Board of Adjustment Meeting December 1, 2014**

The meeting convened on the 1<sup>st</sup> of December, 2014 at 6 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Robert Brouillette, Brian Crichton, Corey Meister, JoAnne Sadler and Katie Colling. Staff members John Pylelo and Peggy Napier were also in attendance. Present from the public was Willard B. McNaughton.

### **The First agenda item was approval of minutes of October 6<sup>th</sup>, 2014 meeting.**

Mr. Cory Meister made a motion the minutes be approved as read subject to changing the second on the final motion from “Meister” to “Brouillette.”

Brouillette also noted all of the motions were “5-0” when one of the commissioners was not present. The motions noted were changed to “4-1.”

Mrs. JoAnn Sadler seconded the motion; motion carried 5-0.

### **The next agenda item was a public hearing and consideration of a primary structure front yard setback variance for property owner Cindy Fink and buyer Willard B. McNaughton; GIS Parcel #894504400007.**

John Pylelo read into the record the following:

Mrs. Fink purchased the 2.0 acre parcel addressed 2245 110<sup>th</sup> St, Lawton in 2006. On November 7, 2014 a deed was recorded showing Mrs. Fink selling the parcel to Willard B. McNaughton who intends to renovate the parcel. Existing structures on the parcel include:

- An abandoned single family dwelling construction date unknown
- A detached garage
- A 10’ by 16’ shed constructed in 2010
- A 24’ by 52’ single family dwelling in which Mrs. Fink resided and constructed in 1976.

As part of the parcel renovation Mr. McNaughton will totally remove both single family dwellings retaining the foundation of the 24’ by 52’ dwelling; He will then construct a 28’ by 52’ structure in part using the old foundation and footings.

A primary structure front yard setback variance is required as Mr. McNaughton wishes to enlarge a currently legal but non-conforming structure. The structure is non-conforming as it is located closer to 110<sup>th</sup> St. ROW than required by current zoning ordinances.

Below is provided distance information related to the variance request confirming the request for up to a sixty-three foot (63') primary structure front setback variance in order5 a 28' by 52' residential structure can be placed up to within 37' of 110<sup>th</sup> St. roadway right-of-way.

Variance Distance Information

Front Setback Requirement:	100' from ROW
Width of ROW at subject site:	80'
Requested Distance from ROW:	Up to within 37' of ROW
Front setback variance requested:	Up to 63' (100'-37')

Distance of current structure foundation from ROW 37'

The parcel location is within part of the SW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 4 of Banner Township. The zoning designation of the parcel is AP (Agricultural Preservation) and the intended use of the proposed structure as a single family dwelling is a permitted use. The property does not lie within a flood hazard area or any drainage district. At this location 110<sup>th</sup> St is a hard surfaced and county maintained roadway.

Notices of the public hearing were sent to the four (4) adjacent property owners. To date there have been no comments received. Written comments have also been requested from the Woodbury County Engineer. (Comments below:

*November 20, 2014  
Re: Clausen Acres Addition*

*The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo dated November 12, 2014.*

*I am offering the following comments for your consideration.*

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.*
- I have reviewed existing driveway location for Lot 1. Sight distance is adequate. A proposed driveway was noted on the plat for Lot 1 coming onto 155<sup>th</sup> Street. Since Lot 1 has an existing entrance, a second entrance would not be allowed unless the driveway off of Buchanan is abandoned. This second driveway location was not reviewed and reference to it should be removed from the final plat. Driveways for Lots 2 and 3 off of 155<sup>th</sup> Street also exist, but were not reviewed for sight distance adequacy. The existing access driveway from Buchanan Avenue to Lot 3 also appears to have adequate sight distance. If any new driveways are requested, a permit must be obtained from this office.*
- I have no other concerns or issues with this subdivision.*

*I there are any more questions or issues that arise later, please contact this office.*

Attached find:

- Parcel location information
- An aerial site plan
- Pictures taken by the Office of Planning and Zoning showing the parcel in its current condition.
- Copy of the Variance Application
- Proposed Floor Plan for Proposed subject Structure

#### Staff Recommendation

Subject to public testimony the Office of Planning and Zoning recommends approval of any portion of the variance request for the following reasons:

- Renovation of the parcel incorporates existing infrastructure; i.e. the existing foundation.
- Moving the subject structure to the north would require one or more existing accessory structures on the parcel, detached garage and barn to be removed or relocated.
- The fact roadway ROW at this location is 80'; 20' wider than most county gravel roads
- The Woodbury County Engineer' preliminary comments indicate he sees not negative impact to 110<sup>th</sup>
- St. roadway right-of-way; or to safety thereon; should the variance be granted

Subject to public testimony the Office of Planning and Zoning feels the totality of the facts meet the standards established within section 2.02(8)(F) of the ordinance allowing your Board to approve any or all of the 63' primary structure front setback variance applied for.

**You are asked to hold a public hearing on this matter then consider approval of the variance application for up to a 63' primary structure front yard setback variance to allow construction of a 28' by 52' single family dwelling to be within 37' of 110<sup>th</sup> St. roadway right-of-way.**

Mr. Pylelo commented on the removal of the remaining vacant house on the parcel. He also explained to the commission Mr. McNaughton intended to replace the remaining manufactured home with a new manufactured home that will be four feet (4') wider than the existing one.

Mr. McNaughton addressed the commission with his intentions to prune and remove much of the overgrown trees and shrubs hindering visibility. He also explained the placement of existing garages, septic, and well prevent alternative placements of the new house.

Mr. Pylelo said the one condition on the variance was to remove the abandoned house. The variance will give Mr. McNaughton up to 62' variance. No addition or improvements making the parcel more non-conforming will be allowed.

**Mrs. Colling made a motion to close the hearing. Mr. Brouillette seconded the motion; motion carried 5-0.**

Discussion:

Mr. Crichton was impressed that Mr. McNaughton was considering the visual appeal of the entire parcel; not just the house.

Mr. Brouillette agreed the parcel will become an attractive addition to the area in Mr. McNaughton's care.

**Mr. Brouillette made a motion to approve a 62' front yard variance subject to the removal of the abandoned house.**

**Mrs. Sadler seconded the motion; motion carried 5-0.**

**The next agenda item shall be any Citizen wishing to be heard before the Board.**

There was no one present.

Mr. Pylelo thanked Corey Meister for the ten years he has spent as a Board of Adjustment member and invited him to return should he be so inclined after his one year hiatus.

**Mr. Meister made a motion to adjourn the meeting. Mrs. Sadler seconded the motion; motion carried 4-0.**

Meeting was adjourned at 7:40 PM.

Next meeting will be 6 PM, January 7, 2015.