

# Minutes - Woodbury County Board of Adjustment Meeting - June 1, 2020

The Board of Adjustment meeting convened on the 1st of June 2020 at 6:00 PM via teleconference due to the social distancing recommendations as a result of the COVID-19 virus.

BA Members Present (Telephone):	Dwight Rorholm, Tom Thiesen, Katie Colling, Bob Brouillette, Ashley Christensen
County Staff Present (Board Room):	David Gleiser, Dan Priestley, Andy Pietz
Public Present (Telephone):	Penney Neuzil, Bill Holland, Elisa Zappacosta, Dan Kriener, Jamie Mattas, Rebecca Mattas, John Hardy

Chairperson Rorholm formally called the meeting to order at 6:00 PM.

No citizens present for non-agenda items. The May 4, 2020 minutes were unanimously approved.

A public hearing was conducted for MidAmerican Energy's conditional use permit request for the use of ash pond monofills on multiple parcels and a temporary borrow pit on Parcel #874730200005 in the NE of Section 30 on Tax Lot F in T87N R47W (Liberty Township). The ash pond monofills are located on Parcels #874825200002, #874825200003, and #874825400001 in Section 25 in T87N R48W (Liberty West Township) and #874730100001 and #874730100007 in Section 30 in T87N R47W (Liberty Township). The parcels are west of Port Neal Road and located in the General Industrial (GI) Zoning District on the MidAmerican Energy grounds. Bill Holland from JB Holland Construction answered questions from board members about the removal of the soil from the borrow pit and the use of the ash monofills including the type of soil, the project time frame, the type of vehicles used, and the conformity to EPA requirements. A motion was made by Brouillette to close the public hearing; second by Colling. Motion carried 5-0.

A motion was made by Brouillette to approve the conditional use with the incorporation of County Engineer Mark Nahra's conditions included along with those as presented by the Zoning Commission and staff. The conditions include that the applicants: Comply with any and all easements and encroachment agreements not limited to and including area utilities; Maintain a clean road by scraping the pavement clean of dirt and mud; A stop sign placed at the driveway. Truck drivers must stop before entering highway; Provide "Trucks Entering Highway" signs on skids on both sides of the borrow area and destination driveway during hauling and lay them down during off hours; Apply for Work-in-Right-of-Way permit from Woodbury County Secondary Roads if additional driveways or widened driveways are need; second by Colling. Motion carried. 5-0.

A public hearing for a variance request was conducted for Jamie & Rebecca Mattas, property owners at 632 Surrey Lane, Sioux City, IA 51106, Lot 33 in the Carriage Hills Subdivision on Parcel #884716276009 in the Agricultural Estates (AE) Zoning District. The applicants' request was to reduce the property's north side yard setback to allow for the construction and placement of a detached garage and an existing shed within the required 10' side yard setback approximately 1 ft. 6 in. from the property line. The property owners previously received approval from the homeowner's association to build a shed that did not receive a county permit as well as permission to build a garage. The property owner did not realize that the property line was not a perfect 90° angle from the front yard line thus resulting in the setback encroachment for both structures. The board examined issues with the association's restrictive covenants and potential issues between current and future property owners concerning the placement of the structures. A motion was made by Colling to close the public hearing; second by Brouillette. Motion carried 5-0.

Rorholm offered concerns about the restrictive covenants lacking language that would prevent this problem in the future. A recommendation has made to have staff author a letter to the homeowners' association that explains the issue and recommends they add language to the covenants that requires members to follow the ordinances of the applicable governing body.

A motion was made by Rorholm to approve the variance request as submitted with the condition that the staff send a letter to the association that explains the issues that may occur and recommends that the association amend their covenants to require property owners to abide by the local zoning ordinances; second by Colling. Motion carried 3-2.

Motion by Rorholm to adjourn; second by Thiesen. Motion carried 5-0. Meeting adjourned at 8:30 PM.