

Minutes - Woodbury County Board of Adjustment Meeting – October 3, 2022

The Board of Adjustment meeting convened on the 3rd of November 2022 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available for public access via teleconference.

BA Members Present : Ashley Christensen, Bob Brouillette, Pam Clark, Daniel Hair, Tom Thiesen
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Don Eggerling, Deb Main, Gayle Palmquist, Peggy Eggerling, Caryl Duck

Call to Order

Chair Daniel Hair formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

No public comment for non-agenda items.

Approval of Minutes

The September 6, 2022, minutes were approved. Motion by Brouillette to approve; second by Christensen. Motion passed 5-0.

Public Hearing: Variance Setback Reduction Request – Don Eggerling

Priestley read into record the proposed variance request submitted by Don Eggerling. Eggerling has filed a variance application to request to build a 42'W x 56'D x 25'H structure accessory storage shed 43 FT from the front right-of-way (ROW) line or equal to the distance in which his house is from ROW. The property owner's application indicates that his house is 76 FT from the center of the road which includes 30 FT of ROW and 43 FT of his front yard. The hardship is a result of not having an ideal location to place the accessory structure on the property as a result of the elevation and an existing accessory structure. The owner indicates that "without the variance I am unable to utilize my property to its fullest potential in a similar manner to the other property owners on our street and in our county. The proposed location is the only logical choice due the way the property is situated including the house, shed, and slope of the property." This proposal has been properly noticed in the Sioux City Journal Legals Section on September 28, 2022. The neighbors within 500 FT have been duly notified via a September 22, 2022, letter about the October 3, 2022, Board of Adjustment public hearing and have been requested to comment. As of September 29, 2022, no comments have been received in opposition. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Significant comments have been received by Siouxland District Health (SDH) and the Woodbury County Engineer (WCE). SDH indicated that they "would not recommend constructing a building over the connecting line of septic system, however, chapter 69 does not address connecting lines under prohibited construction, and we cannot prohibit the accessory building." The WCE does not support the variance as per his enclosed statement in the stakeholder comments section. The County Engineer noted the curb for a second driveway was cut without a permit and work does not conform to permit specifications. The damage to the curb will be reviewed and addressed by the County Engineer at a later date. This property is not located in the floodplain. The variance criteria was discussed. Eggerling addressed the Board stating he is not concerned about building over the septic line. Eggerling referenced irregularities in other neighboring properties. Caryl Duck stated she's against the request. States a building of its size would lower property values, distract from the beauty of the area, and set a precedence.

Motion to close public hearing: Hair. Second: Christensen. Motion approved 5-0. Further discussion by Board members. Christensen motioned to deny request. No second. Motion failed. Priestley read variance criteria standards into the record. Motion to accept with conditions by Clark; motion withdrawn. Clark restated motion with the following conditions: 1) The driveway access requirements shall be followed and met as determined by the Woodbury County Secondary Roads Department; 2) A site plan shall be submitted to Woodbury County as part of the building permit process that has been prepared by a certified professional to identify the location of the septic, septic lines, leach field, and distances from the property lines and other structures; 3) The setback requirements of the Woodbury County Zoning Ordinance and as required by the variance resolution shall be met; 4) The property owner shall consider the Board of Adjustment's recommendation to reroute the leach line in the future; 5) The property owner shall accept all responsibility and liabilities as it pertains to the construction and placement of the storage shed above the leach line and shall not hold the Woodbury County responsible for any subsequent failures to the leach line and septic system; 6) The storage shed shall not be constructed closer to the front lot line or right-of-way line than the front edge of the principal structure or single-family dwelling (house) and the shed shall not be located any closer to the lot line than 43 FT; 7) All federal, state, and local regulations shall be followed and met as it relates to the construction of the storage shed. Motion to approve the variance with the conditions by Clark. Second: Brouillette. Motion approved 5-0.

Information/Discussion: Zoning Requirements Concerning the Permitting of Hazardous Liquid Pipelines Including the Conditional Use Permit Requirements in the Zoning Ordinance and Possible Ordinances or Ordinance Amendments

Priestley offered information about recent proposals to consider amendments for the permitting of hazardous liquid pipelines including draft ordinance from other jurisdictions such as Shelby County. Three possible options include continuing with the existing zoning ordinance language for a condition use permit, adopting an amendment to the zoning ordinance to include additional criteria for consideration, and adopting a standalone ordinance where the Board of Supervisors become the permitting body. Staff has recently met with the county attorney's office and county engineer to review the proposal. Community and Economic Development staff recommends using the existing ordinance criteria and recommending that the Board of

Supervisors consider passing a resolution asking for the Zoning Commission and Board of Adjustment to ask for further information to assist with the clarification of the conditional use permit criteria.

Information/Discussion: Permitting of RAGBRAI Special Events for the Sales of Food, Beverages (With and Without Alcohol), Good and Services, When RAGBRAI Selects Woodbury County as a Location for the Annual Event.

Priestley presented a proposed Zoning Ordinance Text Amendment to allow for the sales of food, beverages, goods, and services when RAGBRAI selects Woodbury County as a location for their annual event. The proposal includes a temporary use provision and a Conditional Use Permit option if there is a desire to sell alcohol products. The temporary use provision allows for the sales of food, beverages (with no alcohol), goods, and services. A conditional use permit would be required if there is a desire to sell alcohol products.

Information/Discussion: Permitting of Special Events

Priestley offered information on the possible permitting of events other than RAGBRAI. He indicated that the Zoning Commission had reservations at their previous meeting about the affect of special use language on private events.

Public Comment on Matters Not on the Agenda

Deb Main and Gayle Palmquist spoke on the negative effects of pipelines. They encouraged the county to deny their presence in our area. Main indicated that the county should use their authority for the regulation of pipelines.

Board Member Comment or Inquiry

None

Staff Update

Priestley stated Zoning Commission will meet October 5th for a Special Meeting with a similar agenda as the Board of Adjustment.

Adjourn

Motion by Brouillette to adjourn; second by Thiesen. Motion passed 5-0. Meeting concluded at 8:32 PM.