

Minutes - Woodbury County Zoning Commission Meeting

March 23, 2009

The meeting convened on the 23th of March, 2009 at 6:00 PM in the Board of Supervisor meeting room in the Woodbury County Court House, downtown, Sioux City, Iowa. Present were the following Commission members – Grady Marx, David McWilliams, Arvin Nelson, Christine Zellmer Zant and Michael Knight: Staff members present were Director John Pylelo and Clerk Peggy Napier. Present from the public were Karen Day, Bruce Hokel, Mark and Barbara Johnson.

The first agenda item was election approval of meeting minutes from January 26, 2009.

Commissioner McWilliams made the motion to approve the January 26, 2009 minutes; the motion was seconded by Commissioner Zelmer Zant; motion carried 4-0.

The second agenda item was a public hearing and consideration/recommendation to Supervisors of Re-Zoning Petition for Jerald R. Day and Karen H. Day.

The Woodbury County Office of Planning and Zoning has received a petition for rezoning from Jerald R. Day and Karen H. Day. The Day's request the 25.23 acre parcel be rezoned from AP (Agricultural Preservation) to AE (Agricultural Estates). The rezoning is requested as the AP zoning designation limits to two (2) the number of single family dwellings within a quarter-quarter section (40 acres). Should the rezoning petition be approved petitioner would then make application for a two lot subdivision; one lot for the existing single family dwelling upon the parcel and the remaining lot for new single family dwelling construction.

The Day's parcel is irregular in shape, abuts the west side of Buchanan Ave approximately 8/10ths of a mile east of the Sioux City and is addressed 1263 Buchanan Ave. Buchanan Ave. is graveled at this location. The closest hard surfaced county right-of-ways are approximately 2 miles to the north at Hwy D-12 and 2 miles to the south at Correctionville Rd. The parcel is not within a flood hazard area or drainage district.

The parcel in question is zoned AP and is located within close proximity to a number of parcels zoned AE (Agricultural Estates). Significant single family residential development has occurred within this area. The Harrison Addition, an AE zoned subdivision, abuts the Day's parcel to the north. The Concord Hills Addition, also an AE zoned subdivision, is located 350' to the south. Parcels with AP zoning designations exist to the east and west of the Day's parcel.

Letters have been sent to property owners within 1000' notifying them of this agenda

item and the public hearing. To date no comments have been received. A letter was also sent to the City of Sioux City due to its 2 mile radius. To date there has been no response from the City.

As the County's Future Land Use Mapping shows the intended development of the parcel to be Transitional Agriculture and; as the requested zoning is compatible with the transitional agriculture designation; the Woodbury County Office of Planning and Zoning recommends approval of the requested AP to AE rezoning for the parcel.

Discussion:

Chairman Marx initiated the discussion by suggesting this was the perfect opportunity to exercise their right to a "Grandpa House," (an Accessory Second Dwelling for relative or worker on property), thereby bypassing the necessity for rezoning and subdividing. Marx said the "Grandpa House" was created in part to allow a second home for their son, Bruce Hokel on the Day's 25.23 acre parcel.

A discussion ensued with Mr. Pylelo citing the current ordinance's table on page 32 for an *Accessory Second Dwelling* being allowed only as a Conditional Use in AP, AE and NR zoned districts.

Commissioners Zellmer Zant and Nelson agreed with Pylelo, stating their understanding was to allow a second dwelling only in an agricultural situation.

Mr. Hokel was asked if he intended to participate in agricultural endeavors on the 25.23 acres. Hokel said he did not. He further stated the bank financing his house had no interest in financing the entire 25.23 acres, requiring him to divide a smaller portion of the land to build his house on.

Mr. Marx insisted Hokel could have a metes and bounds division surveyed from his parents land without necessitating subdividing.

Mr. Pylelo, Ms. Zellmer Zant and Mr. Nelson disagreed with Mr. Marx emphasizing the county cannot override state statutes.

Mr. Marx suggested Mrs. Day and Mr. Hokel get legal counsel to assist them in establishing Hokels new house as a "Grandpa House."

Mr. Hokel and Mrs. Day said they were not interested in incurring more debt in the process of accomplishing their goals.

Mark and Barb Johnson, neighbors to the Day residence and present for the hearing, were asked if they had any comments.

The Johnson's had no objection to Mr. Hokel building a house. Their concerns were related to the possibilities of annexation and the creation of a development with multiple houses. They wanted to be assured the Day's rezoning would not create changes to their lot.

Mr. Hokel assured the Johnsons he had no intention of building more than one house. Mr. Pylelo added Hokel would be able to have additional houses considered in the future, but there was no guarantee the zoning commission would approve additional structures.

Chairman Marx made a motion to postpone any decisions until a lawyer could be consulted regarding discrepancies in the interpretation of *Grandpa House* or *Accessory Second Dwelling*. The motion died for lack of a second.

Commissioner Zellmer Zant made a motion to approve rezoning Karen Day's 25.23 acres from AP (Agricultural Preservation) to AE (Agricultural Estates). Commissioner McWilliams seconded the motion; motion carried 4-1 with Chairman Marx being the dissenting vote.

The next agenda item was Any Citizen Wishing to be Heard.

Citizens attending had already been heard.

Commissioner McWilliams made a motion to adjourn; Commissioner Zellmer Zant seconded the motion; motion carried 4-0.

Meeting adjourned at 6:40 PM.

Next meeting scheduled for Monday, April 27, 2009