

Minutes - Woodbury County Board of Adjustment Meeting June 6th, 2011

The meeting convened on the 6th of June, 2011 at 6 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Brian Crichton, Russell Walker, David Scholten, JoAnn Sadler and Corey Meister. Zoning staff John Pylelo and Peggy Napier were also in attendance. Edward Forst and Mrs. Pearl Forst were present from the public.

Chairman Brian Crichton called the meeting to order at 6 PM.

The first agenda item approval of the May 2, 2011 meeting minutes.

Mr. Scholten made a motion to approve the minutes as written. Ms. Sadler seconded the motion; motion carried 4-0.

The second agenda item was to reconvene the public hearing and consideration of a Primary Structure Front Yard Setback Variance for Edward W and Pearl C Forst; GIS Parcel #8846 21 100 001.

This item was on your May 2, 2011 agenda. The public hearing was opened wherein the applicant requested a postponement of the public hearing and deliberation of his variance application. Your Commission voted and approved the request and to reconvene the public hearing and deliberation until the 6th of June, 2011 at 6:00 PM, or as soon thereafter as the matter may be considered, in the Board of Supervisor's meeting Room, Number 104, Woodbury County Courthouse, Seventh and Douglas Streets, Sioux City, Iowa.

Pearl Forst and her son, Edward, own a 12,95 acre parcel in rural Woodbury County addressed 2012 190th St. Bronson where Edward resides. Pearl Forst built the residence with her now deceased husband; later sold the property to her son on contract; and now wishes to move back home to reside with her son. The property owners wish to construct an addition upon the easterly side of the residence to provide additional living space. An addition at the proposed parcel location places the dwelling up to within 58' of 190th St. roadway ROW; 17' closer than the 75' front setback required within the ordinances. Accordingly the applicant requests up to a 17' front set back variance.

The proposed resident's addition would be 32' by 28'. Sidewalls and roof pitch would match the existing residence. Access and egress to the parcel will remain the same. The exact location of the septic system is unknown but the proposed addition's location is not expected to be in

conflict with septic construction should the variance be approved. The existing residence lies 73' from the right of way and is classified as a legal non-conforming structure.

The location is in the NW1/4 of the NW1/4, Section 21 of Floyd Township and the parcel is listed as GIS parcel #8846 21 100 001. The zoning designation of the existing parcel is AE (Agricultural Estates) 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 190th St. is a graveled and county maintained roadway.

The setbacks for the AP zoning district are:

Front: 75' from ROW
Rear: 50'
Sides: 20'

Notices of the public hearing were sent to the six (6) adjacent property owners. To date there have been no comments received. As the variance is in relation to roadway right-of-way comment was also requested from the Woodbury County Engineer. (Following) is the Engineer memo of April 25, 2011 which recommends the variance be allowed but only up to 2'. The engineer recommends the addition be no closer to roadway ROW than the existing dwelling.

Attached to packet were:

- Parcel location information
- Letter dated April 15, 2011 from the applicant
- Aerials of the parcel
- A site plan prepared by the applicants
- Pictures taken by the applicants
- Recent pictures taken by zoning staff of the existing primary structure, the parcel, the proposed location of the addition
- County Engineer Mark Nahra's memo of April 25, 2011

To: John Pylelo, Woodbury County Planning and Zoning Administrator

From: Mark J. Nahra, County Engineer

Date: April 25, 2011

Subject: Forst Variance Request – Building setback

On behalf of the Secondary Road Department I have reviewed the request for variance by Edward W. and Pearl C. Forst at 2012 190th Street, Bronson, Iowa.

I reviewed your information packet and made a site visit. I do not recommend that the setback variance be allowed as proposed in the request. In my opinion, the near face of any new addition should be set at a line not closer 73 feet behind the right of way line, matching the existing set back distance for the rest of the house.

The lot on which the house is located sits on a very high bank that would be lowered significantly when and if 190th Street is re-graded and improved for snow removal. This high bank forms a significant snow trap when winds are blowing out of southerly quadrants and would be a likely location for improvement should the county work on this

road. Residences east of the Forst property would benefit were the banks lowered in the vicinity of the house. The existing house set back is already closer than optimum for road improvement work. I cannot recommend a closer setback. I would not object to any addition that does not shorten the setback beyond the existing 73 foot setback.

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

Mr. Forst read his letter to the board explaining his and his mother's reasons for wanting the variance. Forst stated he had a conversation with County Engineer Nahra regarding snow traps off the gravel road. Nahra forwarded a recap of the conversation via email to Mr. Pylelo;

Email to: John Pylelo, Woodbury County Planning and Zoning Administrator

From: Mark J. Nahra, County Engineer

Date: April 29, 2011

Subject: Forst Variance Request – Building setback

John:

I spoke this afternoon with Mr. Ed Forst concerning his variance request with your office to add to their home at 2012 190th Street. While he understands my concerns with potential conflicts with future construction to remove snow traps on this road, he questioned whether my department had requests pending or plans ready to make improvements to that leg of 190th Street. In response to that inquiry, I responded that we have no plans at this time to undertake any projects on 190th Street in the vicinity of his residence.

Mr. Forst understands that my comments remain unchanged in regard to setback variances. I explained to him that I have consistently objected to encroachments on building setbacks and only concurred with a setback request only when the dwelling comes no closer to the road than existing residential structures on a property. I explained to him that I had no objections with the house not coming any closer to the right of way line, but he felt that the esthetics of the home would be radically altered by "bending" the house to construct an addition that would come no closer to the right of way line.

I wanted to make you and your board aware of the discussion I had with the applicant after he received the packet with the information presented at the hearing.

Mark J. Nahra, P.E.

Woodbury County Engineer

Mr. Forst explained his mother's wishes were to change the house according to his original plan or not at all.

Mr. Pylelo would allow a two (2) foot variance bringing the house to the acceptable 75' front setback. Allowing more would not meet the term of "hardship" as defined by Section 2.02:(8)(F) in Woodbury County Zoning Regulations.

Mr. Scholten made a motion to close the public hearing. Mr. Meister seconded the motion; motion carried 4-0.

Discussion:

Mr. Meister commented in the number of years he had been Board member he had never seen the Board of Adjustment go against the County Engineer's recommendation.

Mr. Pylelo stated as Planning and Zoning Director he would not recommend approval regardless of the County Engineer's comments as the applicants did not meet standards of Section 2.02:(8)(F) of the Zoning ordinances.

Chairperson Crichton identified his career as an architect and suggested the addition be moved back in such a way to comply with ordinances rather than "bending" the house.

Mr. Forst explained this would be an "eyesore from the other windows of the house" and he didn't want to "ruin the house from the original design."

The discussion ensued and options were discussed.

The email of April 29, 2011 from Mr. Nahra was read into the record.

Mr. Meister made a motion to deny the variance. Mr. Scholten seconded the motion; motion carried 4-0.

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

There were no citizens wishing to be heard by the Board.

The next item was Planning and Zoning Office updates.

Mr. Pylelo discussed tower replacements/enhancements.

Mr. Walker made a motion to adjourn; seconded by Ms. Sadler. Motion carried 4-0.

Meeting adjourned 6:45 AM.

Next meeting is Tuesday, July 5th, 6 PM.