

Minutes - Woodbury County Board of Adjustment Meeting February 3, 2014

The meeting convened on the 3rd of February, 2014 at 6 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Corey Meister, JoAnn Sadler, Brian Crichton and Katie Colling. Robert Brouillette had previous commitments. Zoning staff John Pylelo and Peggy Napier was also in attendance. Also present were David Benson, Fran Mitchell and Lee Mitchell.

The first agenda item was election of 2014 Chairperson and Vice-Chairperson.

Brian Crichton was elected Chairperson with a 4-0 vote.
Corey Meister was elected Vice-Chairperson with two votes for Meister, one for Sadler, and one for Brouillette.

The next agenda item was approval of minutes of October 7th, 2013 meeting.

Mr. Meister made a motion the minutes be approved as read.
Mrs. Sadler seconded the motion; motion carried 4-0.

The next agenda item was a Public Hearing and Consideration of a Variance Application for David K. Benson and Krista R. LaCroix Benson.

Mr. and Mrs. Benson own a 4.23 acre parcel in rural Woodbury County addressed 3181 Hancock Ave., Hornick. The Bensons resided on the parcel up to the time a fire destroyed the residence. The current condition of the parcel shows the former dwelling site has been cleared and brought to grade. The parcel septic system has also been removed. Two wells and accessory structures remain on the parcel.

The application is related to the proposed residential construction of a Benson's replacement residence. The proposed location for the Benson's new residence will place it closer to Hancock Ave. roadway right-of-way than is allowed within Woodbury County zoning ordinances. The Benson's have filed the appropriate variance application with the county's Office of Planning and Zoning. The variance is required due to Section 4:02:4B Damage and Destruction which states: *If a nonconforming structure is damaged or destroyed by any means, to the extent of more than sixty percent of its replacement value, such structure shall not be restored except in conformance with the dimensional requirements for the zoning district in which it is located.*

Below is provided distance information related to the variance request confirming the request of up to an eighty-five foot (85') variance so the new residential structure can be placed up to within 15' of Hancock Ave roadway right-of-way.

The parcel location is in the E½ of the SW¼ of Section 23 of Willow 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 Hancock Ave. is a hard surfaced and county maintained roadway.

The Benson's purchased the parcel including the destroyed dwelling from the Helming Family in December of 2000. The former dwelling was 24' by 28' with the following additions:

- 8' by 14' music room
- 6' by 8' back porch addition
- 2 level wood decking to the rear of the dwelling

Variance Distance Information

Front Set Back Requirement:	100' from ROW
Requested Distance from ROW:	Up to within 15' of ROW
Front setback variance requested:	Up to 85' (100'-15')

Former Dwelling Distance Information

Distance from ROW	10'
-------------------	-----

Proposed Dwelling Distance Information

Depth Dimension:	28'
Distance ROW to Parcel elevation Change	75'

Notices of the public hearing were sent to the three (3) adjacent property owners. To date there have been no comments received. Written comments have also been requested from the Woodbury County Engineer.

Attached find:

- Parcel location information
- An aerial site plan

- Post-fire/Pre-demolition pictures of the parcel provided by the applicant. The pictures represent the former dwelling's relationship to the roadway prior to its demolition.
- Post-fire pictures taken by the Office of Planning and Zoning showing the parcel in its current condition.

You are asked to hold a public hearing on this matter then consider approval of the Benson's variance application for up to an 85' primary structure front yard setback variance to allow construction of up to within 15' of Hancock Ave. roadway right-of-way.

Mr. Benson related the history of the house that had been lost in the fire and explained from a personal point of view and topographically by he could not place the house as far from the county right-of-way as required. Mr. Pylelo also explained the county right-of-way was exceptionally deep where Mr. Benson's house was. The grade goes down considerably behind Benson's house and there are wetlands at the base which would create problems in the basement.

Frances Mitchell lives across the road and south of Benson's property at 3208 Hancock Ave. Her son, Lee, also lives nearby. They consider Mr. Benson and his family valuable neighbors and wish to have him living near them again. Mrs. Mitchell feels safer when she knows he is there.

Mr. Meister made a motion to close the public hearing. Mrs. Sadler seconded the motion; motion carried 3-0.

Discussion:

At this time Mr. Pylelo read the staff recommendations into the record;

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:

1. Elevation of the parcel changes significantly at a point approximately 75' from ROW impacting the dwelling placement options.
2. The existing accessory structures also limit placement options of the new dwelling.
3. The previous dwelling on the parcel was approximately 10' from Hancock Avenue roadway right-of-way; 5' closer than the maximum variance requested.
4. The County Engineer's lack of negative comment for the requested location.

5. The fact roadway ROW at this location is 130'
6. Although not technically pertinent to the proof of hard-ship standard required of variance approval the Planning and Zoning office is aware that the applicants were flexible in respecting our County Engineer's recommendations by agreement to move the new dwelling's location from their initial location of choice.

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 portion of the primary structure front set back variance applied for.

Mr. Meister made a motion to approve subject to the following condition:

1. IA Code 479-479A

Mrs. Colling seconded the motion; motion carried 3-0.

The next agenda item is any citizen wishing to be heard by the Board.

There were no longer any citizens present.

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

Meeting was adjourned at 6:35 PM. Next meeting is March 5th, 2014.