

Minutes - Woodbury County Board of Adjustment Meeting November 6, 2017

The meeting convened on the 6th of November 2017 at 6:00 pm in the Board of Supervisor's Office Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Bob Brouillette, JoAnn Sadler, Tom Thiesen, Dwight Rorholm and Katie Colling. Staff members John Pylelo and Dawn Norton in attendance. Present from the public was Holly Petersen.

The 1st agenda item is any citizen wishing to be heard on a non-agenda item.

No citizen made comment pertaining to this agenda item.

The 2nd agenda item is the approval of minutes from the Board's October 2, 2017 meeting.

Dwight Rorholm requested a revision on page 1 of the August 7, 2017 minutes, which were revised in the October 2nd minutes as follows: The statement on page 7 of the August 7, 2017 should be stated as follows: "... *according to FEMA*" changed to "*according to Iowa drainage law*". Also on page 7, "... *can't do grading to change*" added, "*per Iowa DNR*". Corrected to "...*can't do any grading with respect to channel of the stream on that property. Iowa DNR is responsible for those drainage issues and the changes come from the Corp. of Engineers.*"

The following revision to the above correction was requested by Dwight Rorholm. "...*can't do any grading with respect to the channel of the stream on that property without review and approval of the Iowa DNR.*"

And the following sentence is removed: "~~*Iowa DNR is responsible for these drainage issues and the changes come from the Corp. of Engineers.*~~"

Katie Colling made a motion to approve the minutes with the above corrections; JoAnn Sadler seconded the motion; motion carried 5-0.

The 3rd agenda item is a public hearing and approval resolution Re: Conditional Use Permit by property owner applicants Daron and Holly Petersen.

The Board is specifically tasked with holding a public hearing on this agenda item. Then to vote on the approval of the Conditional Use Permit application.

BACKGROUND

Daron M. and Holly M. Petersen request the placement of a 26' by 24' accessory second dwelling for a relative upon a parcel they own in rural Woodbury County. The application states the accessory second dwelling will be permanently occupied by a child of the applicants. The son is medically diagnosed as high functioning special needs.

At this rural Woodbury County location, the applicants own 8 parcels totaling 300 congruent acres. The accessory second dwelling will be placed upon one of the eight parcels and on the same 40-acre parcel as the applicant's existing primary dwelling. The proposed second dwelling will be located approximately 110' southwest of the existing dwelling and will be serviced by the existing driveway addressed 4431 270th Street, Danbury. The second dwelling's placement will lie approximately 1,200' north of 270th Street ROW.

The building site is not impacted by special flood hazard or drainage district designations. Be advised a portion of the parcel in question is determined to be in the 100-year flood plain. However, the structure's placement is not within in the 100-year flood plain. This agenda item is before you as ordinances allow accessory second dwellings only by conditional use permit issuance from the County's Board of Adjustment.

The building site is located in the SE ¼ of the SW ¼ of Section 28 of Morgan Township known as GIS Parcel #8742278300004. The drive is located approximately 2,000' east of the intersection of 270th Street with Safford Avenue. Woodbury County zoning ordinances allow accessory 2nd dwellings for a relative as a conditional permitted use on this AP zoned parcel.

Find attached the following documentation exhibits to assist in your review:

- A. Woodbury Township TAM Mapping showing rural location
- B. The CUP application including Applicants' Response to Section 2.02:9.E standards and an Aerial Site Plan
- C. Beacon Aerial of site plan parcel
- D. Beacon Aerial of site plan parcel (closeup).
- E. Pictometry Aerial of site plan parcel
- F. Pictometry Aerial of site plan parcel (closeup)
- G. Beacon Parcel Information
- H. Beacon Aerial with flood plain layer
- I. Beacon Aerial with zoning layer
- J. On site photographs (13 photos)
- K. Letter from the Chair of the Zoning Commission re: recommendation per ordinance section 2.02:9.E

Staff Recommendation

At the Board's request Planning and Zoning Office staff can present its evaluation if the Section 2.02-9(F) standards are; or can be; met. If the CUP application is approved staff would recommend the following conditions be placed on any permit:

1. That the applicants are required to notify in writing the Office of Planning and Zoning, 6th Fl. Courthouse, 620 Douglas Street, Sioux City, IA 51101 within 30 days from the date the accessory 2nd dwelling for a relative no longer is the primary residence for a qualifying relative; and
2. That should for any reason the accessory second dwelling no longer meet the above occupancy requirement that the parent parcel is to be split resulting in the two dwellings being sited on qualifying independent parcels. Or, in the alternative, one of the dwellings be permanently removed from the parcel.

Your Board is asked to hold a public hearing on this matter then consider approval of the conditional use permit application.

Comments

John Pylelo read a letter of recommendation from the Zoning Commission chairperson with the two recommendations listed above.

Holly Petersen explained how they chose the location for the 2nd dwelling; it would be close to the garage and convenient for parking.

John Pylelo asked about well and septic. Holly stated they will be using the same well; new septic will be put in.

Mr. Pylelo explained there are a few second dwellings located in the County that have been grandfathered in as legal, non-conforming. Other things to take into consideration before approval are well, septic and size of parcels. Also, ordinances state qualifying applicant must reside in the structure. He would recommend approval, with the Zoning Commissions conditions.

Bob Brouillette asked if the property could be split, John stated yes, it would be the first split so a subdivision wouldn't be necessary.

Bob asked since it's currently ag. except, would the zoning change, John said it would be grandfathered in. Conditional use permit would follow the property unless a timeline is set, or if the conditions are not met.

Mr. Pylelo stated this is a good location for the proposed use. Staff is in favor of approval and has no other conditions to add, other than those recommended from the Zoning Commission.

Dwight Rorholm asked Mrs. Petersen if she was comfortable with the conditions, she stated yes.

No comments have been received from neighboring land owners.

JoAnn Sadler asked for the definition of qualified relative. John said it's broad, would fall to State statute. The following would qualify – child, step-child, foster child, parents, grandparents, in-laws.

Bob Brouillette asked if this is intended to be a long- term structure. Holly answered yes.

Dwight Rorholm asked, if circumstances changed, would farm hand be able to live there. John answered yes, it is in the ordinance and it could be converted to a farm hand residence.

Katie referred to the recommendation to notify Planning and Zoning if any changes were made to the residing occupants.

Bob asked if there would be a basement, Holly answered yes. The structure could be moved later, if needed.

Dwight Rorholm requested the text should be include in motion.

Katie Colling made a motion to close the public hearing. JoAnn Sadler seconded; motion carried 5-0.

Discussion:

Bob Brouillette asked about 911 addressing, John said another 911 address would need to be added, along with a sign.

John Pylelo reminded Holly Petersen about well and septic, and building permits. John asked when construction may start. Holly stated most likely in the Spring. John asked if it will be a manufactured home. Holly stated no, it is a home that will be moved in after the basement is in.

Dwight Rorholm made a motion to approve the conditional use permit, including recommendation items 1 and 2. JoAnn Sadler seconded; motion carried 5-0.

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The 4th agenda item is any citizen not on the agenda wishing to be heard.

None heard.

The 5th agenda item is any citizen not on the agenda wishing to be heard.

John Pylelo brought up a request made by the Zoning Commission chair to look at moving meeting times.

Dwight Rorholm expressed that meetings should be held at times when most people would be able to attend.

John agrees that moving the time would limit public accessibility. On the other hand, it is more cost effective to have meetings during regular business hours because of issues such as security, and union contract pay obligations.

After discussion, the Board members agreed the meeting time should remain the same to encourage public involvement.

Dwight Rorholm wants meeting time discussion on next agenda.

A motion to adjourn was made by JoAnn Sadler; seconded by Dwight Rorholm seconded; motion carried 5-0. Meeting adjourned at 6:40

There are no agenda items for December. Next possible meeting 8th, 2018.