

Minutes - Woodbury County Board of Adjustment Meeting May 7, 2018

The Board of Adjustment (BOA) meeting convened on the 7th of May 2018 at 6:00 pm in the Board of Supervisors' Meeting Room Number 104 in the County Courthouse, 620 Douglas Street, Sioux City, Iowa.

BOA Members Present: Bob Brouillette, Katie Colling, Tom Thiesen, Dwight Rorholm, JoAnn Sadler
Staff Present: David Gleiser, Dawn Norton, Dan Priestley
Public Present: Roy & Melanie Olsen, Tim & Amanda Gill

Chairperson Rorholm called the meeting to order at 6:00 p.m.

There were no citizen comments on non-agenda items.

The April 2, 2018 meeting minutes were approved. Motion by Colling, seconded by Sadler. Carried 5-0.

Dan Priestley introduced a variance request from Tim & Amanda Gill, parcel #894608300007. Due to the location of a creek running through the parcel, the Gills are requesting permission to construct a single-family dwelling with a front setback of 75' instead of the required 100'. The parcel is not located within a flood plain.

The County Engineer would recommend allowing the variance under the following conditions:

1. The 75' setback would only apply to the proposed house. Any future structures must be reviewed for reduced setbacks when they are proposed to be built.
2. A statement be signed by the Gill's to allow the county to obtain additional easement for making improvements to 120th Street, when funds become available.

The Board discussed the setback for accessory structures. The required 100' setback would apply. Any adjustments to that set back would need to be reviewed and approved accordingly.

Brouillette motioned to close public hearing; Colling second. Motion approved 5-0.

Brouillette motioned the variance be approved with the following conditions:

1. All federal, state, county and local regulations be followed for bank stabilization work.
2. This variance only applies to the proposed house. Any subsequent building must be reviewed and approved separately.
3. A statement be prepared with input by the County Attorney and County Engineer, signed by the Gill's, and recorded, stating the following conditions:
 - a.) A recorded affirmative statement from the landowner that, subject to fair compensation, the landowner would not resist the acquisition of new easement by the county for improvements to 120th Street. The additional right of way required would be between 17' to 22' beyond the existing right of

way line to allow improvement of the road for paving at some time in the future.

Colling seconded. Motion carried 5-0.

Gleiser gave background information of the CUP application by Roy & Melonie Olsen. This CUP request is to allow personal and commercial storage, and hosting events (banquet and reception halls). The Olsen's are also planning a bed & breakfast and vineyard-related activities on the parcel.

The Olsen's own two parcels, #894629300011 and #894629300010, neither have subdivision covenants. In November 2015, the Olsen's received a building permit to construct a storage building for equipment and cars on parcel #894629300011. There were no other structures on that parcel. The Olsen's home, septic system and well are located on parcel #894629300010. As Woodbury County ordinances do not allow construction of an accessory structure on a parcel until the construction of a primary structure commences, the approval of the permit created a zoning violation. If the two parcels had been combined into one, the construction of the accessory structure would have been allowed. The original permit did not indicate it would be used for purposes other than personal use.

In December of 2016, Roy Olsen requested a second driveway for the parcel that includes their home. The request was forwarded to the County Engineer. The request was not granted because it is the policy of Secondary Roads to not approve second drives on lots less than 10 acres (this parcel is 9.55 acres).

In January 2017, the County Assessor's office informed the Community & Economic Development department that the storage building was being used for a different purpose than originally stated. Gleiser and Priestley conducted a site visit. At that time the Olsen's stated they planned to use the building for commercial and personal storage, a bed and breakfast, winery and events facility.

In February 2017, a staff meeting with the Olsen's and the Deputy Assessor was held to discuss all intended uses of the property. It was determined that the agriculture exemption could apply to property being used for vineyard-related activities. The Assessor's office would allow the Olsen's parcels to be combined once it was determined they were being used for the same purpose (agricultural use). They would then be reclassified as Ag. for assessing purposes. The combination of parcels would also meet the Secondary Roads' requirement for 10 acres for a second drive.

Staff reported on the status of the Olsen's well and septic permits, hotel/lodging permit, food and beverage permits, parking plan, and determinations of the County Assessor and Engineer's offices. Siouxland District Health and the Iowa DNR have not been able to provide official determinations on the well and septic permits, and hotel/lodging permit. It is evident that the Olsen's will need to obtain food and beverage permits to sell beer and wine by the glass. Staff would prefer the Olsen's parking plan be reviewed by the County Engineer and that the spaces be installed prior to approval of any CUP. The County Engineer will not allow any parking on the road, and the Assessor will only combine the parcels once good faith has been demonstrated and it can be proven as agriculture use, not a hobby. Staff also requested verification of the farming business such as a Schedule F tax document.

The Board discussed the Zoning Commission's recommendation of the CUP for commercial and personal storage, event facility, and vineyard related events.

Brouillette suggested a condition of the CUP would be that all state, county and local regulations, licenses, and permits be obtained and followed.

Colling expressed concerns with approving the CUP prior to all state and local requirements being met. Sadler stated similar concerns with project starting and changing without prior approvals.

Brouillette asked if there was consensus amongst the Board that if all the conditions, permits and licenses were met, the CUP would be approved. Rorholm would like the CUP tabled until all permits and licenses issued.

Before approval, Sadler would like to see a business plan with specific information on uses, how much storage, how much income, etc. Rorholm agrees adding the uses have changed throughout the process.

Brouillette motioned to close the public hearing; Thiesen seconded. Motion carried 5-0.

Rorholm recommended a formal proposal stating the facility cannot be used for events or storage until all other issues and conditions are met, such as the septic system, well, combining of parcels, parking plan, liquor license, restaurant license, business plan.

Staff will identify items needing resolution and work with the Olsen's on a timeline for completion, then bring the CUP application back to the Board.

Colling motioned to table the CUP application until issues can be resolved; Sadler seconded. Motion carried 4-1; Brouillette opposed.

Items to be address before CUP will be voted on:

- Parcel combination
- Verification of Farming Business (Schedule F)
- Parking plan
- Well & Septic plans
- Verification from Siouxland District Health on Bed & Breakfast status
- All state, county and local permits and licensing obtained
- Occupancy limit from State Fire Marshall
- Business plan

There were no citizens wishing to be heard.

Gleiser gave staff update. CED is considering on-line Building Permit applications. There would be an initial startup fee and ongoing yearly fee. Gleiser is checking into budgeting for it.

The next meeting scheduled for June 4, 2018.

Meeting adjourned at 7:35 p.m. Motion by Colling; second by Sadler. Carried 5-0.