

## **Minutes - Woodbury County Board of Adjustment Meeting September 10, 2007**

The meeting convened on the 10<sup>th</sup> of September, 2007 at 7:05 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Chairperson Willard B. McNaughton, Robert Brouillette, Corey Meister; Brian Crichton arrived at 7:25 PM. Russell Walker asked to be excused from tonight's meeting. Zoning Administrator John Pylelo and Peggy Napier were also in attendance. Present from the public was Craig Hillinger. The Chairman informed those present the meeting was being audio taped.

**The first agenda item was approval of the previous meetings.**

**Minutes of the August 6th, 2007 Board of Adjustment meeting were approved on motion by Mr. Brouillette; the motion was seconded by Mr. Meister; motion carried 3-0.**

**The second agenda item is a Rear Variance consideration for Craig D. and Shari L. Hillinger.**

Mr. and Mrs. Hillinger intend to construct a 100' by 250' commercial structure for the expansion of business operations associated with their auto restoration business known as *Healey Werks*. The proposed structure will have 18' sidewalls and an overall height of approximately 21'.

The Hillingers are requesting a rear set back variance along the 4.38 acre parcel's north property line. The parcel is addressed 1821 US Hwy 20, located on the north side of Hwy 20 approximately 4.5 miles east of Sioux City and located in the SE ¼, SW ¼, Section 35, Concord Township. The property is zoned GC-CU (General Commercial-Conditional Use). The parcel is known as GIS# 8946 35 300 016 and includes other commercial structures currently housing the existing auto restoration business operation totaling 9,848 square feet and another business operation leasing storage units which total 10,908 square feet.

The applicants request is for up to a 15' rear set back variance. The required rear set back in the General Commercial zoning district is 40'. Accordingly the applicants are asking to place the commercial structure up to within 25' of the north property line of the parcel. The north property line is shared with adjacent property owner to the north, Theresa Kuhlmann.

Board members should note that a Zone A flood hazard area lies near this parcel but no portion of the Hillinger parcel lies within the hazard area. Attached are mapping, aerials and site plan information relative to the application.

Discussion:

Chairman McNaughton polled the board for a positive result to give Mr. Hillinger the opportunity to table the variance pending the presence of all the board members.

**Mr. Meister made a motion to grant a variance up to 15' of rear setback. Hillinger will be able to use as much as he needs of the 15' granted. Mr. Brouillette seconded the motion; motion approved 3-0.**

**The next agenda item was the Planning and Zoning office's request for interpretation of a portion of Section 23 of the ordinances, OFF STREET PARKING ARE REQUIRED.**

Section 26(E) of County zoning ordinances, addressing Board of Adjustment Powers, allows the Board of Adjustment to have consultation with the Zoning Administrator upon his request to interpret the ordinance. The office of Planning and Zoning wishes to consult upon the issue of the required parking area on the parcel referred to in the previous agenda item for Craig D. and Shari L. Hillinger; GIS Parcel 8946 35 300 016.

The activity of a used car restoration and storage unit rentals are not specifically referred to in Section 23 of the ordinances, *Off-Street Parking Area Required*.

The business categories listed within Section 23 which are closest to the actual uses of the parcel are listed within section 23(1) *Automobile Sales and Service Garages* and Section 23(16) *Wholesale establishment or warehouse*. The two categories require different parking square footage areas for their respective uses.

*Automobile Sales and Service Garages* require parking space equal to 50% of gross floor area within the structures. *Wholesale establishment or warehouse* activity requires 1 space for each 2 employees but in no case less than 1 space for each 1,000 square feet of gross floor area. There are additional parking maneuvering areas required to the percentages listed but those areas are not well defined within the ordinance. The calculations below would require the Hillinger's site plan include a total of one hundred eight (108) – 180 square foot parking spaces.

Computation:

Auto restoration operation (34,848 square feet of structures x .50 or 17,424 sf / 180sf equals)

94 parking spaces

Rental Storage operation (10,908 square feet / 1000)

11 parking spaces

The Hillinger's business operations create very little retail traffic while the referred to categories within the ordinances weigh heavily toward providing parking for significant retail traffic volumes.

Our last unannounced onsite visit was the afternoon of August 27, 2007 when 15 vehicles were located upon the parcel. No customers were noted to be on the site and thus it was presumed all vehicles were company or employee owned.

The required 108 parking spaces do not physically fit on this parcel. The office of Planning and Zoning would request your Board consider allowing this office to evaluate permitting the proposed structure based upon the following components as they impact parking spaces required:

1. The total number of employees currently reporting to work at the parcel site; plus
2. The anticipated increase in employees due to the proposed construction; plus
3. Company owned vehicles used on site; plus
4. A factor of 25-50% for future growth, vendor delivery and any unanticipated retail traffic which may develop.

Based upon the above four criteria the Planning and Zoning Office projects approximately thirty-five (35) 180 square foot parking spaces; plus adequate parking maneuvering areas; would adequately service the business operations proposed upon the parcel. Section 23 of the ordinances is attached for your review.

Discussion:

It appears that Mr. Hillinger does not have adequate parking spaces required for the size of his business. Mr. Hillinger's primary concern was for vehicles entering his facility from Hwy 20 and coming too close to the buildings. Adequate access to driving and parking areas are crucial.

Mr. Hillinger showed the board what additional areas will become graveled and/or hard surfaced for parking. Hillinger said he will be able to accommodate 35 total spaces for parking. Should the business expand he will either consider relocation or purchasing additional land east of his present location. All current vehicles for the business will be able to park inside the buildings.

A discussion ensued.

**A motion was made by Mr. Crichton to approve the variation subject to the following conditions:**

- **Mr. Hillinger needs to provide a minimum of 40 parking spaces. Once he needs his 26<sup>th</sup> employee parking space, he will need to communicate again with the Board for a review of his parking spaces.**
- **Future additional delivery trucks will need to be able to circumvent the buildings to exit the business.**

**Mr. Brouillette seconded the motion; motion carried 3-0.**

**The next agenda item was a Request for Additional Continuation of Public Hearing on Condition Use Permit Re: Tower Development Permit for Jerry and Marlene Witt/Verizon Wireless Tower.**

At your Board's meeting of July 2, 2007 the office of Planning and Zoning received an email from Verizon Wireless representative Robert Herlihy requesting an additional continuance of the conditional use public hearing until your Board's October 01, 2007 meeting. It is anticipated Verizon's collocation study will be completed prior to the October 1<sup>st</sup> date. Attached is Mr. Herlihy's email.

Discussion:

Mr. Pylelo suggested giving Verizon another month while they consider collocation. Your Board decided to table the agenda item until the Board of Adjustment October 1<sup>st</sup> meeting.

**October 1<sup>st</sup>, 2007 Board of Adjustment hearing. Mr. Meister seconded the motion; motion carried 3-0.**

**The next agenda item was any citizens wanting to be heard. Public was no longer present.**

**Mr. Meister made a motion to adjourn; seconded by Mr. Brouillette. Motion carried.**

Meeting adjourned 8:35 PM.

The next meeting is scheduled to be Monday, October 1, 2007 at 7 PM pending agenda items.