

Minutes - Woodbury County Board of Adjustment Meeting Oct. 10th, 2009

The meeting convened on the 10th of Oct., 2009 at 7 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: David Scholten, Robert Brouillette, Russell Walker, Corey Meister, and Brian Crichton. Zoning Director John Pylelo and Clerk Peggy Napier were also in attendance. Present from the public were David Shea, Bonnie Shea, Glenn Jones and Elizabeth Jones.

Mr. Walker called the meeting to order at 7 PM.

The first agenda item was approval of the Sept. 8th, 2009 meeting.

Mr. Crichton made a motion to approve the minutes of Sept. 8th, 2009 as written. Mr. Scholten seconded the motion; motion carried 4-0.

The second agenda item was a public hearing and consideration of primary structure front set back variance request for Glenn Paul and Elizabeth I. Jones.

Mr. and Mrs. Jones own and reside on a 38 acre parcel in rural Woodbury County addressed 2780 Jasper Avenue, Oto. The Jones' daughter and her husband wish to place a manufactured home upon a 2 net acre portion of the 38 acre parcel to be used as their residence. As ordinances allow only one single family dwelling per parcel the Jones' have hired surveyor, Alan L. Fagan, to prepare a plat of survey in order a new parcel can be created for the residence.

The new single family dwelling would have dimension of 28' by 48'; have 8' sidewalls; a 3/12 pitched roof and an overall height of 14' 08". It has not been determined if a basement will exist below the dwelling. Access to the proposed structure will be provided from a graveled drive north of 2780 Jasper Ave. address. A graveled parking area will be added.

The location is in the SW1/4 of the SW1/4, Section 32 of Grant Township and the originating parcel is listed as GIS parcel #8744 32 300 003. The zoning designation of the existing parcel is AP (Agricultural Preservation) and the intended use of the proposed structure as a single family dwelling is a permitted use. The proper does not lie within a flood hazard area or any drainage district. Jasper Avenue is a graveled, County maintained roadway with a 66' wide right-of-way at this location. The new construction would be the 2nd single family dwelling in the quarter-quarter section indication AP density restrictions would continue to be met.

The setbacks for the AP zoning district are:

Front: 100' from ROW
Rear: 50' from property line
Sides: 20' from property lines

It is the desire of the Jones' family that the manufactured home is located up to within 35' of Jasper Avenue roadway right-of-way. The applicant requests up to a 65' primary structure front set back variance to allow construction of up to within 35' of Jasper Avenue roadway right-of-way.

Notices of the public hearing were sent to the six (6) adjacent property owners. To date we received;

- A telephone call to the Office of Planning and Zoning from a concerned neighbor of Glenn Jones saying he had no issue with the Jones' variance except that he did not wish to have any issues arise regarding his and neighboring farmers' fertilizing and spraying practices. His concern was more about changes on Mr. Jones' North 40 acres than the South 38 acres where the variance is located.
- The County Engineer recommends approval of up to a 65' variance with the following condition:
 - Additional SFD construction or other structures are to be east of the proposed SFD's placement. If the variance is approved with the condition the net effect would be that additional construction could occur only 63'+ (35'+28') from Jasper Ave. ROW. The net effect would limit any addition to the SFD be only on the east side of the dwelling.

Included in the packet for the Board members were:

- Parcel location information
- Letters from the applicant and Centennial Homes
- A site plan
- Alan L. Fagan's plat of survey
- A portion of the Fagan plat of survey showing the location of the proposed structure in relationship to the property lines.
- Recent pictures of the adjacent roadway, the existing primary structure, the parcel, the drive accessing the proposed parcel and the proposed location of the accessory structure.

Mr. Jones read the reason for his request into the minutes (attached as Exhibit A) and also a letter to Mr. Pylelo from Terry Mulder, service manager for Centennial Homes (attached as Exhibit B).

The Board was asked to consider approval of the Jones' variance request for up to a 65' primary structure front set back variance to allow construction of up to within 35' of Jasper Avenue roadway right-of-way.

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

Discussion:

It was noted Mr. Meister and Mr. Crichton, Board members, did not visit the site.

Mr. Brouillette commented he would like to see the proposed house set back further than planned. He noted the location was staked out very well.

Chairman Walker said it looked like more trees needed to be removed.

Mr. Crichton wondered if the board needed to discuss placement of accessory structures.

Mr. Pylelo explained accessory structures are driven by property lines; i.e. the proposed 35' set back variance determines how close other accessory structures can be. Pylelo noted the County Engineer Mark Nahra asked accessory structures (and additions) not be closer than the proposed 35'. Planning and Zoning would comply with Nahra's recommendation.

Mr. Brouillette made a motion to approve the front set back variance subject the following condition:

- **The primary structure front setback variance allow up to a 65' variance for the 28' by 48' foot primary structure. The primary structure to be placed upon the parcel within up to 35' from Woodbury County roadway right-of-way along Jasper Avenue.**
- **Placement of the single family dwelling within up to 35' from roadway right-of-way may restrict the corrective measures available to resolve any snow trap at this location.**
- **No additional structures may be placed closer to the right-of-way than the primary structure without an additional favorable variance ruling from this Board.**

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.

Mr. Meister made a motion to adjourn; seconded by Mr. Scholten. Motion carried 4-0. Meeting adjourned 7:30 PM.

The next meeting is scheduled to be Monday, November 2, 2009 at **7:00 PM** pending agenda items