

Minutes - Woodbury County Board of Adjustment Meeting December 5th, 2011

The meeting convened on the 5th of December, 2011 at 6 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Russell Walker, David Scholten, and Corey Meister. Chairman Brian Crichton chaired the meeting. Zoning staff John Pylelo and Peggy Napier were also in attendance. Bernard Steffe, Jeff Brouillette, and Tim Skidmore were present from the public.

Chairman Brian Crichton called the meeting to order at 6 PM.

The first agenda item approval of the August 1, 2011 meeting minutes.

Mr. Scholten made a motion to approve the minutes as written. Mr. Walker seconded the motion; motion carried 3-0.

The next agenda item is a public hearing and consideration of an accessory structure rear yard, side yard setback variance and maximum lot coverage area percentage variance for Bernard C. and Nancy A. Steffe.

The applicants have filed an application for two variances for an unpermitted and partially constructed accessory structure on their property. The office of planning and zoning was notified of construction at the applicant's parcel and record's indicated permitting had not been processed. An onsite visit confirmed the existence of a partially completed structure with the dimensions of 42.2' by 24.2' or 1021sf. A departmental investigation determined permitting had not been applied for and a stop work order was issued. It should be noted certain additional construction requested by the property owner was allowed in order to protect the structural integrity and provide a safe construction site on the parcel.

Mr. and Mrs. Steffe purchased SR (Suburban Residential) zoned parcel in 1994 as a lake home. The Steffe's primary residence is currently in Sioux City. The 0.14 acre parcel is known as 115 Halls Beach Path, Salix, IA. and has approximate dimensions of 40' by 150'. The parcel is a legal but non-conforming parcel as it does not meet the following zoning district dimensional standards:

Minimum Lot Area of 10,000sf
Minimum Lot width of 80'

The parcel currently has a 42.4' by 28.5' (1208sf) two story single family dwelling with an 14' by 28' wood deck attached to the west side of the dwelling. A detached 240sf garage was

recently removed from the parcel to accommodate the non-permitted accessory structure in question.

The parcel abuts the west side of Halls Beach Path which is a privately owned and maintained drive/roadway. Access to the parcel's eastern lot line is provided by permanent easement through property owned by Jeffrey and Leah Brouillette.

The applicant has applied for the following variances:

- 1) A 21.2' rear yard accessory structure setback variance from the parcels eastern lot line. The ordinance required set back is 25' and the existing structure's actual setback being 3.8'
- 2) A 1.9' side yard accessory structure setback variance from the parcels southern lot line. The ordinance required set back is 3' and the existing structure's actual setback being 1.1'.
- 3) A 6.9 % maximum lot coverage area percentage variance. Within this zoning district designation not more than 30% of the parcel's area can be covered by structures. Deck's less than 30' above grade are exempt from the computation.

The parcel's dimensions are 40' by 150.4' or 6,032sf. The single family dwelling is 1,208.4sf. The proposed accessory structure is 1,021.2sf. With variance approvals #1 and #2 total structure coverage is 2,229.6sf. or 36.9%. of total parcel area.

Well and septic system locations do not appear to conflict with the accessory structure construction. The applicant states he has a store and pump septic system. However, we await comment from Siouxland District Health Department.

Following letter came from Siouxland District Health Department;

11/30/2011
Re: Steffe Variances

On afternoon of November 30th we received a call from Ron Brandt of Siouxland District Health Department (SDHD) offering comment on the Bernard Steffe Variance Hearing set for Dec 5, 2011. Steffe states he has a store and pump septic system

Brandt informed us:

- No SDHD records on septic system at 115 Halls Beach Path. Thus no confirmation of type of septic system
- Only SDHD record was for well installation in 1995
- Brandt states the following required setbacks for Store and pump septic system tank:
 - 10 feet from parcel/lot lines
 - 10 feet from Occupied Structures

- 10 feet From Unoccupied Structures but SDHC allows some flexibility
- 50 feet from Wellhead

The parcel is located within Section 33 of Liberty Township and listed as GIS parcel #8747 33 251 009. The current use of the existing and proposed structures as a single family dwelling and an accessory structure for storage of vehicles, personal property and equipment to maintain the parcel are all permitted use s. The property does not lie within a flood hazard area as the parcel was removed in its entirety from a Zone A flood hazard area by Letter of Map Amendment (LOMA) dated March 11, 2011 which was subsequently re-validated effective September 30, 2011.

Notices of the public hearing were sent to the four (4) adjacent property owners. To date there have been no comments received. As the variances do not impact County roadway right-of-way comment was not requested from the Woodbury County Engineer.

Attached find:

- Parcel location information
- Aerials of the parcel
- A plat of survey from Alan Fagan dated November 15, 2011 which includes the location of the parcel's structures, well and septic systems, all in relation to each other and lot lines.
- A site plan prepared by the applicants. Note: certain measurements on the applicant's site plan appear to differ than from the plat of survey. Where discrepancies plat of survey measurements were used.
- Recent pictures taken by zoning staff of the existing primary structure; the partially constructed accessory structure and the proposed location of the accessory structure in relation to the southern and eastern lot lines.

Note: the application provided no written statement from the property owner.

Your Board is asked to hold a public hearing on this matter and consider approval of the Steffe variances for a 21.2' rear yard accessory structure setback variance from the parcels eastern lot line; a 1.9' side yard accessory structure setback variance from the parcels southern lot line; and a 6.9 % maximum lot coverage area percentage variance.

It is staff's recommendation you hold a single public hearing for the three variance requests; deliberate but then vote upon each variance request separately.

Mr. Pylelo asked to defer Planning and Zoning recommendations until after the public hearing.

Mr. Steffe approached the Board and explained he thought his first contractor had obtained a building permit and assumed their measurements were correct. He claimed the garage was placed in the same relative position as his neighbors' garages. Steffe and his neighbor to the south, Mr. Brouillette, thought the lot line to the south was south of the utility pole.

Mr. Steffe's surveyor, Mr. Al Fagan, advised him of his correct lot lines.

Mr. Steffe had planned to build the new structure far enough away from the back porch to accommodate a ramp for his wife's wheelchair.

Mr. Steffe felt getting the variances should not create an issue because many other lot owners in his neighborhood failed to follow the ordinances as well. Mr. Brouillette, Steffe's neighbor to the south, said mistaking the south lot line was an honest mistake since all the lots were old, small and the lot lines were easily confused and complicated.

Mr. Pylelo agreed most houses in the area are non-conforming and are "*grandfathered in*" creating a nightmare for the office of planning and zoning. Destroyed buildings were allowed to be replaced on exact footprints. Pylelo stated he had reservations about allowing approval in this case because of the message it sends to other lot owners; i.e. build what you want and then come in for a variance.

Mr. Pylelo would recommend denying the variance to the east since that can be resolved by Mr. Steffe purchasing enough of the private drive from Mr. Brouillette to satisfy the east setback and the 30% use of space issue when the new piece is combined with the existing Steffe lot.

Mr. Walker made a motion to close the public hearing. Mr. Scholten seconded the motion; motion carried 3-0.

Discussion:

Mr. Meister was not comfortable with the issue but felt everyone involved was acting in good faith to resolve them.

Mr. Scholten agreed.

Mr. Crichton would need as a basis for his decision the property getting purchased and combined.

Mr. Meister made a motion to deny Variance #1 which would grant a variance to the eastern lot line setback. Mr. Scholten seconded the motion to deny; motion carried 3-0.

Mr. Meister made a motion to deny Variance #2 which would grant a 6.9 % maximum lot coverage area percentage variance. Mr. Scholten seconded the motion to deny; motion carried 3-0.

Mr. Meister made a motion to grant Variance #3 which would grant a 1.9' accessory structure side yard setback to the eastern lot line. Mr. Scholten seconded the motion; motion carried 3-0.

Mr. Pylelo required a written statement from the County Assessor's Office the newly purchased land has been combined with Mr. Steffe's lot.

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. Walker made a motion to adjourn; seconded by Mr. Scholten. Motion carried 3-0.

Meeting adjourned 6:50 AM.

Next meeting is Tuesday, January 3, PM, 2012.