

Minutes - Woodbury County Zoning Commission Meeting October 23, 2017

The meeting convened on the 23rd of October, 2017 at 6:00 PM in the Board of Supervisor's meeting room on the first floor of the Court House, downtown, Sioux City, Iowa. Present were the following Commission members – Tom Bride, Shawn Streck, Christine Zellmer-Zant and Barb Parker. Bruce Garbe was absent. Zoning Staff Present: John Pylelo and Dawn Norton.

1. **The 1st agenda item is hearing any person not on any non-agenda item.**
None were heard.
2. **The 2nd agenda item is approval of the minutes from the September 25, 2017 meeting.**

Barb Parker made a motion to approve the minutes; Tom Bride seconded the motion; motion carried 4-0.

3. **The 3rd agenda item is Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment Re: Conditional Use Permit Application by Property Owner Applicants Daron and Holly Petersen.**

Your Commission is specifically tasked with reviewing the Conditional Use Permit application and provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met.

You are further tasked with authorizing your Chairperson to provide your recommendation in writing to the Chairperson of the Woodbury County Board of Adjustment. The Section 2.02-9.F standards are as follows:

Section 2.02-9.F

- (1) *In order to grant a conditional use the Board of Adjustment must determine that:*
 - (a) *The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.*
 - (b) *The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.*
 - (c) *The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.*
 - (d) *The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.*
 - (e) *Essential public facilities and services will adequately serve the proposed use or development.*

- (f) *The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.*
- (2) *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
 - (a) *The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community.*
 - (b) *All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development.*

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 existing primary dwelling. The 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 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.

The ordinances allow accessory second dwellings only by conditional use permit issuance from the County's Board of Adjustment.

The building site is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 locationThe CUP application including Applicants' Response to Section 2.02:9.E standards and an Aerial Site Plan
- B. Beacon Aerial of site plan parcel
- C. Beacon Aerial of site plan parcel (closeup).
- D. Pictometry Aerial of site plan parcel
- E. Pictometry Aerial of site plan parcel (closeup)
- F. Beacon Parcel Information
- G. Beacon Aerial with flood plain layer
- H. Beacon Aerial with zoning layer
- I. On site photographs (13 photos)

At the Commission's request Planning and Zoning Office staff can present its evaluation if the Section 2.02-9(F) standards are; or can be; met. It is anticipated your Commission's recommendation will be presented to the Board of Adjustment at their Monday November 6, 2017 meeting.

Your Commission is tasked with reviewing the Conditional Use Permit application. You are then to provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met. You are further tasked with authorizing your Chairman to provide your recommendation in writing to the Chairperson of the Woodbury County Board of Adjustment.

COMMENTS:

John Pylelo introduced the application. This is the first request of this kind he has received for a secondary dwelling since the ordinances were revised in 2008. He stated the secondary address would share the existing driveway but be addressed separately. The Conditional Use Permit would be tied to the restriction a relative must occupy the structure.

Shawn Streck asked if a farm employee paying rent would be allowed to live there. John said yes, if it was a farm operation employee.

Tom Bride mentioned that there may be some insurance issues the owners may need to be aware of. If there would be damage more than 50% done to the structure, such as fire, the insurance company may say it can't be replaced.

John Pylelo stated when a qualified person is no longer living in the secondary residence, the owners must notify the Planning and Zoning department in writing. Then there would either need to be a parent parcel split or the secondary dwelling would need to be removed.

Chris Zellmer-Zant mentioned there could be problems with resale if the parcel wasn't split from the parent parcel, marketability may be affected, as well as a possible decrease in resale value.

Tom Bride asked if there would be any issues with a shared driveway. Mr. Pylelo states secondary roads would not have an issue with it.

STAFF RECOMMENDATION:

Due to the nature of the location, the impact of a second dwelling is negligible. The proposed site is not visible from the road. Staff will notify owners of insurance and marketability concerns. The Planning and Zoning staff would be in favor of forwarding the application to the Board of Adjustment with the following conditions:

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.

Shawn Streck made a motion to approve and recommend the application to the Board of Adjustment with the two above recommendations. Seconded by Barb Parker; motion passed 4-0.

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

The Office of Planning and Zoning is not aware of any citizen planning to be in attendance to be heard on any non-agenda item.

5. The 5th agenda item is any commissioner comment of inquiry. Staff is available to address any commissioner inquiry.

Upcoming meeting dates were discussed. The next meeting will be November 27th, December's meeting will be scheduled for the 18th.

Barb Parker made a motion for the meeting to be adjourned; Tom Bride seconded; carried 4-0.

Meeting adjourned 6:25 pm. Next meeting is scheduled for November 27, 2017.