

Minutes - Woodbury County Board of Adjustment – Special Meeting: January 9, 2023

The Board of Adjustment meeting convened on the 9th of January 2023 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available for public access via teleconference.

BA Members Present : Ashley Christensen, Pam Clark, Daniel Hair, Tom Thiesen
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Elizabeth Poulson

Call to Order

Chair Daniel Hair formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

No public comment for non-agenda items.

Election of Chair and Vice-Chair for 2023

Thiesen nominated Daniel Hair as Chair. Motion by Thiesen; second by Christensen. Approved 4-0.

Christensen nominated/motioned for Clark to be Vice-Chair; second by Thiesen. Approved 4-0.

Approval of Minutes

The November 7, 2022, minutes were approved. Motion by Clark to approve; second by Christensen. Motion passed 4-0.

Public Hearing: Variance Request for The Placement of An Accessory Structure Over A Well Pit Within The Front Yard Setback And In Front Of A House (Parcel #864426100016):

Priestley read into record the variance application from property owner(s) Donald and Elizabeth Poulson to construct a 12' x 12' accessory shed over a well pit located in front of the applicant's home, within the front setback of 75'. The property is located in the SW ¼ of the NW ¼ of T86N R44W, 300' west of the Smithland corporate boundary, addressed as 3485 Old Hwy 141, Smithland, IA. The parcel is in the Agricultural Estates (AE) Zoning District. The location of the proposed structure over the well pit is approximately 37' closer to the front lot line and 165.6' from the side yard property line. The purpose of the request is to protect the well pit from hazards and freezing. Elizabeth Poulson stated the shed will be placed to protect the well from collecting water and freezing, to prevent replacement of the pump pressure tank, and to divert water from entering the neighboring property. Notice was sent to adjacent property owners and stakeholders. MidAmerican Energy noted any relocation of facilities is the customer's responsibly. Siouxland District Health stated the shed over the pressure tank pit was acceptable, however the shed needs to meet requirements stated in Code 49.21(6). Hair clarified the variance would be for placement of the above ground structure, and all local, county, state, federal regulations regarding the pump pressure tank would need to be followed. Poulson stated they will work with Siouxland District Health to follow codes and regulations. Motion to close public hearing by Christensen; second by Clark. Motion passed 4-0. Motion by Christensen to approve the variance to allow for the the proposed accessory structure to be located closer to the front property line than the front of the house, within the front yard setback, and over the well pit with the condition that Iowa Administrative Code Chapter 49.21(6) be followed and that all federal, state, and local regulations be followed not limited to those of Siouxland District Health; second by Thiesen. Motion passed 4-0.

Discussion/Information: Commission to Assess Damages on Property Values for Issues of Eminent Domain - Opportunities Available

Board of Supervisors are looking for volunteers to fill seats on the Commission to Assess Damages.

Public Comment on Matters Not on the Agenda

None

Board Member Comment or Inquiry

None.

Staff Update

The Zoning Commission held a public hearing on November 28, 2023 to consider a zoning ordinance amendment for hazardous liquid pipelines. There were numerous concerns presented by the public. The Board of Supervisors received the Zoning Commission's recommendation to stay with the current conditional use permit process. There were concerns expressed by the Commission including the concept of reverse setbacks. Two Iowa counties have passed ordinances which are currently being challenged in federal court. County officials are monitoring the situation. Federal law has the ability to preempt local law. The State of Iowa could possibly pass some legislation. The Iowa Utilities Board has not announced their decision on whether the pipeline is a public or private entity.

Adjourn

Motion by Christensen to adjourn; second by Clark. Motion passed 4-0. Meeting concluded at 6:32 PM.