



WOODBURY COUNTY BOARD OF ADJUSTMENT SPECIAL MEETING

Monday, March 3, 2025 at 5:00 PM

The Woodbury County Board of Adjustment will hold a public meeting on **Monday, March 3, 2025 at 5:00 PM** in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. Please use the 7th St. entrance. Public access to the conversation of the meeting will also be made available during the meeting by telephone. Persons wanting to participate in the public meeting may attend in person or call: **(712) 454-1133** and enter the **Conference ID: 742 346 123#** during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

AGENDA

1	CALL TO ORDER
2	ROLL CALL
3	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (INFORMATION ITEM)
4	APPROVAL OF PREVIOUS MEETING MINUTES (ACTION ITEM)
5	ITEM(S) OF ACTION / BUSINESS
»	APPROVAL AND ADOPTION OF RULES OF PROCEDURE FOR THE WOODBURY COUNTY BOARD OF ADJUSTMENT (ACTION ITEM). SUMMARY: At their meeting on February 11, 2025, the Woodbury County Board of Supervisors approved the Rules of Procedure for the Woodbury County Board of Adjustment. This agenda item is for the Board of Adjustment to formally adopt the Rules of Procedure as approved by the Board of Supervisors.
»	UPDATE ON NUCLEAR ENERGY FACILITIES DISCUSSION. (INFORMATION ITEM). SUMMARY: This item is to offer the Board of Adjustment and the public an informational update on the current progress of the Zoning Commission's work on nuclear energy.
6	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (INFORMATION ITEM)
7	STAFF UPDATE (INFORMATION ITEM)
8	BOARD MEMBER COMMENT OR INQUIRY (INFORMATION ITEM)
9	ADJOURN (ACTION ITEM)

Minutes - Woodbury County Board of Adjustment – February 3, 2025

The Board of Adjustment meeting convened on the 3rd day of February, 2025 at 6:00 PM in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse. The meeting was also made available for public access via teleconference.

Meeting Audio:

For specific content of this meeting, refer to the recorded video on the Woodbury County Board of Adjustment "Committee Page" on the Woodbury County website:

- County Website Link:
 - o https://www.woodburycountyiowa.gov/committees/board_of_adjustment/
- YouTube Direct Link:
 - o <https://www.youtube.com/watch?v=pHNIZISO1tI>

BA Members Present:
County Staff Present:
Public Present:

Daniel Hair, Doyle Turner, Pam Clark, Tom Thiesen, Larry Fillipi
Dan Priestley
David Peterson

CALL TO ORDER

Chair Daniel Hair formally called the meeting to order at 6:00 PM and welcomed new board member, Larry Fillipi to the Board of Adjustment who was recently appointed to the Board of Adjustment by the Board of Supervisors for a five-year term.

ELECTION OF CHAIR FOR 2025

Motion by Clark to nominate Daniel Hair. Second by Turner. Motion carried 5-0.

ELECTION OF VICE CHAIR FOR 2025

Motion by Turner to nominate Pamela Clark. Second by Thiesen. Motion carried 5-0.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

None

APPROVAL OF MINUTES

The minutes of the November 4, 2024, meeting were approved. Motion by Clark, second by Thiesen. Motion carried unanimously (5-0).

PUBLIC HEARING: VARIANCE REQUEST FOR ACCESSORY BUILDING CONSTRUCTION WITHOUT PRINCIPAL STRUCTURE AND REDUCED REAR YARD SETBACK ON PARCEL #894631300010; 5602 STONE AVENUE, SIOUX CITY, IA (AGRICULTURAL ESTATES ZONING DISTRICT). (ACTION ITEM).

Chair Hair opened the public hearing. The hearing concerned the variance application submitted by David W. Peterson and Patricia J. Peterson. The applicants seek approval to construct an accessory building on a 0.72-acre lot that currently lacks a principal structure or single-family dwelling, as required under Section 4.12.2 of the Woodbury County Zoning Ordinance. Additionally, they request a reduction of the required 10-foot rear yard setback for accessory structures in the Agricultural Estates (AE) Zoning District, per Section 3.04, from 10 feet to 3 feet or less. The proposed accessory structure is planned, while subject to changes, to be approximately 18 feet by 52.5 feet with a height of around 10 feet. The property is located at 5602 Stone Avenue, Sioux City, IA 51106, on Parcel #894631300010 in T89N R46W (Concord Township), Section 31, Auditor's Subdivision of the W ½ of SW Fractional ¼ of Section 31. The parcel, situated in the AE Zoning District and outside the floodplain, directly abuts Sioux City's jurisdiction. Owner/Applicants: David W. Peterson and Patricia J. Peterson, Trustees of the Joint Revocable Trust of David W. Peterson and Patricia J. Peterson, dated November 15, 2023, 5600 Stone Avenue, Sioux City, IA 51106. Parcel Address: 5602 Stone Avenue, Sioux City, IA 51106.

Priestley read the staff report into the record. He outlined the criteria for granting a variance, focusing on practical difficulty and economic hardship. He highlighted that the hardship must be directly related to the property's use and not merely a preference. He noted that Sioux City's zoning could potentially allow the construction without a variance due to more lenient setback requirements, presenting this as an alternative route for Peterson, which complicates the county's decision-making process. Priestley referenced the evolution of variance standards since

1998, discussing how court interpretations have become stricter, emphasizing the need for clear demonstrations of hardship. He described the property's unique situation, abutting Sioux City, with two lots already within city limits, suggesting that annexation could be a simpler solution but acknowledging Peterson's reluctance. Priestley advised the board to invite Peterson to elaborate on the practical difficulties and economic implications if the variance were not granted, while also suggesting that the city's route should be considered.

David Peterson explained that he wanted to construct a three-sided storage shed to clean up his property, particularly to remove an unsightly semi-trailer and to store contractor attachments and other items currently lying around. He clarified that the proposed structure would be placed at the furthest east border of his property, directly behind an existing machine shed. He emphasized the need for the structure to be close to the south lot line due to the narrow space available when maneuvering with trucks and trailers, caused by a significant change in grade behind the existing slab. Peterson expressed a strong personal and familial opposition to annexing his property into Sioux City. He mentioned that his wife was against the idea, to the extent that she would cry over the thought of annexation, stating it would complicate selling the property in the future. Peterson firmly stated he would not pursue this route. He argued that not having the shed would not allow him to maintain his property effectively, suggesting that the structure would improve the aesthetics and functionality of his land without adversely affecting neighbors or traffic. When questioned about exploring city annexation, he reiterated his and his wife's stance against it, emphasizing that it was not just about economics but also about personal choice and quality of life.

Clark stated that she understands Peterson's desire to build a shed to enhance his property's aesthetics and functionality. She acknowledged that the structure would likely improve the neighborhood's appearance and wouldn't adversely affect surrounding properties, and most criteria could be met. Clark questioned the definition of the hardship. Priestley referenced the court's interpretation of economic hardship concerning yielding reasonable returns.

Turner indicated that variances should be granted only when there's no other feasible option. He felt that Peterson hadn't fully explored all avenues, particularly the annexation to Sioux City, which could potentially allow the construction without needing a variance. Turner discussed the necessity of demonstrating economic hardship or practical difficulty to justify a variance, suggesting that without this demonstration, the variance could not be granted.

Fillipi stated his appreciate for the practical reasons for wanting to build the shed, recognizing the property's unique situation and the applicant's desire to clean up and utilize the land effectively. He highlighted the constraints imposed by zoning laws and judicial interpretations on variance applications. He noted that the guidance they follow prevents them from granting variances based solely on practical benefits unless there's clear economic hardship.

Hair noted that while the application presented practical difficulties, it didn't align well with the legal definition of hardship, particularly due to the unexhausted annexation option.

Motion to close the public hearing by Turner. Second by Clark. Carried 5-0.

The board weighed the criteria for granting a variance, focusing on economic hardship and practical difficulty, thus citing insufficient demonstration of economic hardship and practical difficulty. Concerns were raised about the availability of alternative zoning options through annexation, which could negate the need for a variance.

Motion by Turner to deny the variance request due to insufficient economic hardship and practical difficulty, with the option to revisit if annexation with Sioux City fails. Second by Fillipi. Carried 4-1 (Clark voted "No").

Priestley suggested that Mr. Peterson visit with the city to receive assurances on his building permit plans prior to pursuing annexation.

REVIEW OF THE BOARD OF ADJUSTMENT RULES OF PROCEDURES FOR ANY POTENTIAL CHANGES NOT LIMITED TO MEETING LOCATION AND MEETING TIME (ACTION ITEM).

Priestley read the staff report into the record. A discuss was conducted on changing the meeting time from 6:00 p.m. to 5:00 p.m. and permanently moving the meeting location to the basement Board of Supervisors meeting room for better capacity and audio recording.

Clark motioned to amend the rules to reflect these changes including amending the Board of Adjustment's Rules of Procedure, Section 2. Regular Meetings to read "The Board of Adjustment is on-call for its regular meeting scheduled on the first Monday of every month beginning at 5 PM in the Board of Supervisors' meeting room in the basement at the Woodbury County Courthouse, subject to formal business to be considered..." Second by Mr. Turner. Carried 5-0.

UPDATE ON NUCLEAR ENERGY FACILITIES PROPOSALS TO AMEND THE WOODBURY COUNTY ZONING ORDINANCE. (INFORMATION ITEM).

An update was given by Priestley on potential amendments to the zoning ordinance to allow nuclear energy facilities as a conditional use. No specific projects were discussed, but the board was informed of ongoing considerations and public hearings.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA.

None.

STAFF UPDATE

Priestley briefed the Board of Adjustment on recent actions of the Zoning Commission including a public hearing concerning a proposal to possibly remove or reduce the minimum dimension of 23 FT for single family dwellings.

BOARD MEMBER COMMENT OR INQUIRY

None.

MOTION TO ADJOURN

Clark motioned. Second by Tuner. Carried 5-0. Meeting adjourned at 8:05 PM

**RULES OF PROCEDURE
FOR THE
WOODBURY COUNTY BOARD OF ADJUSTMENT**

ARTICLE I: PURPOSE

The Woodbury County Board of Adjustment created the foregoing rules with the intent of making its procedures clear, clean, and easy to follow, both for the Board members and for members of the public.

The following rules of procedure have been approved by the Board of Supervisors on **February 11, 2025** and are hereby adopted by the Woodbury County Board of Adjustment.

ARTICLE II: MEMBERS

There are 5 members of the Woodbury County Board of Adjustment. They shall be residents of unincorporated Woodbury County, Iowa and are appointed by the Woodbury County Board of Supervisors.

ARTICLE III: OFFICERS

Section 1. Officers

The Board shall select from its membership a Chair and a Vice-Chair who will perform the usual duties pertaining to such office. Per Section 2.01: B of the County Zoning Ordinance, the Zoning Director or his/her appointee, will serve as Secretary.

Section 2. Selection

At the first regular meeting of the calendar year the Board will pick its officers from its membership. All officers are eligible for re-election.

Section 3. Tenure

The Chair shall take office immediately following their selection and shall hold office for a term of 1 year or until their successor is selected and assumes office.

The Vice-Chair shall take office immediately following their selection and shall hold office for a term of 1 year or until their successor is selected and assumes office.

Section 4. Duties

The Chair will preside at all regular meetings and hearings, appoint committees, and perform such other duties as may be ordered by the Board. The Vice-Chair shall act in the capacity of the Chair in their absence. If the Chair and Vice-Chair are both absent from a meeting and there is a quorum, the most-senior Board member shall serve as Chair of that meeting. The Secretary will record and maintain minutes of the meetings, maintain all records, and perform such other duties as the Board of Adjustment may determine.

Section 5. Vacancy

If office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Board shall select a successor to the office of Vice-Chair for the unexpired term. If only the office of the Vice-Chair becomes vacant, the Board shall select a successor to the office of Vice-Chair for the unexpired term.

ARTICLE IV. MEETINGS

Section 1. Compliance with the Open Meetings Law

All meetings of the Board shall be conducted in compliance with Chapter 21 of the Code of Iowa and other applicable law.

Section 2. Regular Meetings

The Board of Adjustment is on-call for its regular meeting scheduled on the first Monday of every month beginning at 5 PM in the Board of Supervisors meeting room in the basement at the Woodbury County Courthouse, subject to formal business to be considered. Notice of the regular meeting shall typically be sent by the Secretary to the members at least 2-days prior to such meeting and shall state the purpose and time of the meeting.

Section 3. Special Meetings

Special meetings may be called at the request of the Chair from time to time as required to conduct the business of the County, provided that at least 24-hours notice of such meeting is given to each member.

Section 4. Quorum and Consensus

The presence of three members shall constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place.

Section 5. Majority Required

A majority of the quorum present is required for the adoption of any matter to come before the Board.

Section 6. Manner of Acting

Any question to come before the Board shall be in the form of a motion by a Board member and shall require a second for consideration. Remarks made by a Board member shall be limited to 10-minutes unless an extension is granted by a majority of the Board. Board members shall address the Chairperson and confine their remarks to the question before the Board and shall be respectful of other Board members and avoid referencing or questioning the motives of another Board member.

Section 7. Roll Call Votes.

The Chair shall order a roll call vote when requested by a member. The roll shall be called alphabetically, except the Chair shall be called last.

Section 8. Effects of Abstention.

When a Board member abstains due to a conflict of interest, the vote of the Board shall be computed on the basis of the number of Board members not disqualified by reason of conflict of interest. However, at least 3 Board members eligible to vote are required for a quorum on any matter. Abstentions that are not due to a conflict of interest shall be counted as a "no" vote.

Section 9. Electronic Participation

Members of the Board may participate in a meeting by electronic means only in circumstances where participation in person is impossible or impractical. Any member participating electronically shall be connected by a speaker phone, video conference, or other device or software, so that the public can hear any discussion by that member. The vote of any member participating electronically must be made public at the meeting and the minutes of the meeting shall include sufficient information to indicate the vote of each member participating.

ARTICLE V: ADMINISTRATION

Section 1.

Board meetings are administered by the Chair. The Chair has the right to:

1. Call the meeting to order
2. Recognize speakers
3. Call for motions on agenda items, and facilitate debate
4. Preserve order and decorum
5. Determine points of order

ARTICLE VI. ORDER OF BUSINESS

Section 2.

The Secretary will prepare an agenda for each meeting and send it to each member typically at least 2-days before the meeting. The order of business shall typically be as follows:

1. Call to order and opening statement by Chair
2. Roll call
3. Public comments on matters not on the established agenda (3-minute limit)
4. Approval of minutes
5. Item of business
6. Public comments on matters not on the established agenda (3-minute limit)
7. Board member comments
8. Adjournment

Section 3.

As to an item of business, the order shall typically be as follows:

1. Staff report
2. Petitioner comments
3. Board member comments and questions for staff/petitioner
4. Staff/petitioner rebuttal opportunity
4. Public comments
5. Staff/petitioner rebuttal opportunity
6. Vote

ARTICLE VII. MOTIONS AND VOTING

Section 1.

Motions may be made by anyone on the Board. The Chair will restate the motion before a vote is taken. The Board typically recognizes three kinds of motions:

- A. Main Motion – request for action on an item; can be made by any member, including the Chair.
- B. Motion to Amend a Motion – which the Board must vote on first, then the Board votes on the underlying motion.
- C. Motion to Postpone discussion of a matter until a future meeting.

Section 2.

Another Board member may then second a motion. The motion dies if no member seconds it.

Section 3.

The Board may then debate the motion further.

1. Members should keep their discussion concise and limited to the motion on the table.
2. A member may withdraw his/her own motion at any time during debate.

Section 4.

The Chair may then conclude debate by calling for a vote. Each member must respond:

1. Yes ("aye")
2. No ("nay")
3. Abstain

Section 5.

The Chair shall then state whether the motion passes or fails, and the final vote tally.

ARTICLE VIII. PUBLIC PARTICIPATION

Section 1.

Any member of the public wishing to address the Board may do so during the appropriate "public comments" section of the Order of Business.

Section 2.

Comments by any one member of the public shall be limited to 3 minutes.

Section 3.

Any person so addressing the Board shall step up to the microphone and give their name and address for the record.

Section 4.

Should a person engage in slanderous remarks, personal attacks, or boisterous behavior, the Chair may refuse to recognize the speaker, may ask the speaker to leave, or may have the speaker removed.

ARTICLE IX. AMENDMENTS

Section 1.

The Board may suspend or amend these rules at any regular or special meeting by a majority vote of the members present.

DATE ADOPTED

CHAIRPERSON

ATTESTOR

Intro to Planning and Zoning Workshops

The Introduction to Planning and Zoning for Local Officials workshop is a three-hour session designed to introduce the basic principles of land use planning and development management to elected officials, planning and zoning officials, and board of adjustment members without formal training in the subjects. Using case scenarios in a highly-interactive format, the workshop highlights issues frequently faced in the land use process, such as the roles and responsibilities of the planning and zoning commission, the board of adjustment, and the elected council and board of supervisors. It also will highlight legal issues frequently faced by local officials, such as variances, special uses, nonconforming uses, spot zoning, hearing procedures, and conflicts of interest.

We offer between 6 and 8 workshops conveniently located across the state each spring. Be on the lookout for an announcement of the 2025 workshop locations and dates soon! We also offer 'a-la-carte' trainings for cities, counties, and other organizations tailored to your individual needs anytime throughout the year.

2025 Planning and Zoning

Iowa State University Extension and Outreach is pleased to announce the 2025 edition of the popular Introduction to Planning and Zoning for Local Officials workshops. These 3 hour-long workshops cover the essentials of land use planning and Iowa zoning law, featuring relevant examples, common situations, and a newly updated and revised curriculum for 2025. Workshop registration costs \$65 per person, but if three or more participants from the same city, county, or nonprofit register, their registrations are discounted to \$55 per

Contact Information

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person. Registration includes a light dinner and a spiral bound copy of the presentation and our series of land use planning fact sheets.

- April 2: Spirit Lack @ Dickinson County Extension Office - <https://go.iastate.edu/8YNHRB>
- April 8: Iowa City @ Johnson County Extension Office - <https://go.iastate.edu/GBWTXX>
- April 16: Fort Dodge @ Webster County Extension Office - <https://go.iastate.edu/PAWMW6>
- April 22: Sioux City @ Woodbury County Extension Office - <https://go.iastate.edu/LFDSJZ>
- April 29: Dubuque @ Dubuque County Extension Office - <https://go.iastate.edu/XBPMSF>
- May 6 : Des Moines @Hilton Garden Inn Des Moines/Urbandale - <https://go.iastate.edu/7ZTPBY>

Certification Credits

The workshop has been pre-approved by the Iowa Municipal Finance Officers Association and the Iowa League of Cities for credits toward certification.

Other matters?

Does your community have new board or commission members? We can offer a customized workshop for your community's needs anytime throughout the year.

Community and Economic Development

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This institution is an equal opportunity provider. For the full non-discrimination statement or accommodation inquiries, go to www.extension.iastate.edu/leq