

## Minutes - Woodbury County Board of Adjustment – September 3, 2025 (Special Meeting)

The Board of Adjustment meeting convened on the 3rd of September 2025 at 5:00 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.

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### 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/](https://www.woodburycountyiowa.gov/committees/board_of_adjustment/)
  - YouTube Direct Link:
    - o <https://www.youtube.com/watch?v=fAiRN1Ehb80>
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BA Members Present: Daniel Hair, Pam Clark, Larry Fillipi, Tom Thiesen, Doyle Turner

County Staff Present: Dan Priestley, Dawn Norton

Public Present: Steven Sitzmann

### 1. Call to Order & Roll Call

- **Time:** 5:00 PM
- **Action:** Chair Daniel Hair called the meeting to order, confirming that all Board of Adjustment members were present.
- **Details:** The meeting was audio-recorded, and minutes were to be prepared. Attendees were requested to silence cell phones and complete the attendance sheet. Chair Hair reviewed the board's procedures, including handling public hearings, staff reports, applicant presentations, public comments, and board deliberations. He outlined the process for motions, votes, and appeals (within 30 days to a court of record), emphasizing respectfulness, avoidance of repetitious or irrelevant comments, and the need to disclose any ex parte communications prior to deliberations. No ex parte communications were reported.

### 2. Public Comment on Matters Not on the Agenda

- **Action:** Chair Hair opened the floor for public comments on non-agenda items.
- **Outcome:** No public comments were received.

### 3. Approval of Previous Meeting Minutes

- **Agenda Item:** Approval of the minutes from the August 4, 2025, meeting.
- **Action:**
  - o **Motion:** Pam Clark moved to approve the minutes from the previous meeting.
  - o **Second:** Doyle Turner seconded the motion.
  - o **Discussion:** No further discussion was held.
  - o **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The minutes were approved as presented.

### 4. Public Hearing: Conditional Use Permit Application for a Borrow Pit from Steven Sitzmann (Parcel #894608100010)

- **Agenda Item:** Conditional Use Permit Application (Action Item) from Steven Sitzmann (Owner/Applicant) to operate a borrow pit for earth materials in order to level the property for future development of a home to be built on Parcel #894608100010, 1546 110th Street, Sioux City, IA 51106/51108. Summary (from Agenda): Steven Sitzmann applied for a conditional use permit for a borrow pit under Section 3.03.4 of the Woodbury County Zoning Ordinance. The property is 3.99 acres in the Agricultural Estates (AE) Zoning District, T89N R46W (Concord Township), Section 8, in the R. Jacks Subdivision Lot 2 and part of Lot 1 of the McBalt Subdivision, approximately 1.3 miles east of Sioux City on the south side of 110th Street.
- **Public Hearing Opened:**
  - o **Time:** Approximately 5:05 PM
  - o **Action:** Chair Hair opened the public hearing.
- **Staff Report:**
  - o **Presenter:** Dan Priestley, Zoning Coordinator.



- **Details:** Priestley summarized the application, noting that the activity had begun prior to the permit but was halted for compliance. The project involves leveling a sloped hill to facilitate parcel splitting and building a new home, technically classifying as a borrow pit since earth materials are being removed to off-site locations. The property footprint is near or below the one-acre threshold, avoiding some state-level requirements (e.g., full Iowa DNR NPDES #2). Priestley explained the irony with a similar prior case and how recent ordinance amendments by the Board of Supervisors allowed conditional uses in AE districts. Staff and the Zoning Commission supported approval with conditions, but Priestley recommended tailoring them to the project's small, temporary scale: a one-year permit expiration, erosion control (e.g., vegetation, silt fences, hay), haul route reporting, hours of operation, and restoration to a reasonable state via a grading permit. No written concerns were received; one phone inquiry was addressed without follow-up. Priestley emphasized the project's reasonableness for future home development and suggested hearing from the applicant.
- **Applicant Presentation:**
  - **Presenter:** Steven Sitzmann, 1546 110th Street, Sioux City, IA.
  - **Details:** Sitzmann explained the project: leveling a sloped hill to split his 3.99-acre parcel (after purchasing 0.75 acres from a neighbor) and build a smaller home, as his current house is too large for two people. The hill will be moved straight back. Dirt is being hauled by a contractor (who demolishes buildings in Sioux City) at no cost to Sitzmann, as the contractor needs fill material. Work started but stopped for permitting; approximately half to three-quarters is done, with 100-200 side-dump loads remaining. Hauling is sporadic (3-4 trucks at a time, 8:00 AM to 3:30 PM), tied to the contractor's demolition schedule. Winter will pause work; completion is expected by mid-summer 2026 to allow home construction before next winter. Erosion control was managed until halted (now rutted and weedy; he sprayed weeds and plans cleanup, silt fencing, and ditch maintenance). Haul route is primarily west on 110th Street to Highway 75 into Sioux City, with varying destinations; he agreed to notify staff of changes. Final grade will match the adjacent property's house and shed. Topsoil (minimal, inches-thick) is stockpiled for re-spreading and grass seeding.
- **Public Comments:** No public comments were received, either in person or via telephone.
- **Public Hearing Closed:**
  - **Motion:** Doyle Turner moved to close the public hearing.
  - **Second:** Larry Fillipi seconded the motion.
  - **Discussion:** No further discussion was held.
  - **Vote:** Unanimous approval (all present voted "Aye").
  - **Outcome:** The public hearing was closed.
- **Board Deliberation:**
  - **Discussion:** The board discussed the project's straightforward nature as a temporary one-off for home development. Key conditions included: one-year permit timeline (starting from chair's signature), returning property to reasonable state, controlling erosion/sediment/runoff/weeds (with vegetation establishment), notifying planning and zoning of haul route changes one business day in advance (or 24 hours if weather-dependent; staff flexible), and compliance with state/federal regulations (e.g., if exceeding one acre, requiring DNR NPDES #2 and SWPPP). Priestley clarified the grading permit (no charge) would oversee erosion and site plans. Haul routes focus on county roads; city portions are city's responsibility, but notifications aid transparency for complaints. The board noted the project's minimal impact, applicant's cooperation, and alignment with zoning criteria (Section 2.02-9), minimizing adverse effects. No perpetual operation intended.
- **Decision:**
  - **Motion:** Pam Clark moved to approve the conditional use permit for Steven Sitzmann with the following conditions:
    1. Adhere to the one-year permit timeline (starting from the date of the chair's signature on the resolution).
    2. Return the property to a reasonable state and condition.
    3. Control erosion, sediment runoff, and weeds; establish vegetation cover when needed.
    4. Notify planning and zoning if the haul route changes, one business day in advance.
    5. The permit is subject to all applicable state and federal regulations.
  - **Second:** Doyle Turner seconded the motion.
  - **Discussion:** Priestley confirmed the one-year timeline starts upon signature; conditions align with the temporary project and potential DNR thresholds.
  - **Vote:** Unanimous approval (all present voted "Aye").



- **Outcome:** The conditional use permit was approved with the specified conditions. The permit will be issued upon administrative resolution preparation; staff will coordinate with Sitzmann on the grading permit and compliance.

## 5. Public Comment on Matters Not on the Agenda

- **Action:** Chair Hair opened the floor for additional public comments.
- **Outcome:** No comments were received.

## 6. Staff Update

- **Presenter:** Dan Priestley, Zoning Coordinator.
- **Details:** Priestley updated on upcoming Zoning Commission items (September 22, 2025, at 5:00 PM):
  - Ordinance amendment for public service garages as conditional uses in Agricultural Preservation (AP) districts, allowing scrutiny via Board of Adjustment (e.g., secondary roads facilities near cities; comprehensive plan considerations).
  - Revisiting accessory dwelling units: Cap at 1,000 sq ft and exempt from state building codes (as Woodbury County lacks them).
  - Housekeeping amendments: Fix references (e.g., telecommunication towers notifications), remove non-compliant colocation requirements (per state law), correct road use agreement sections, and ensure ordinance flow without policy changes.
  - Other: A subdivision/rezone (AP to AE) for a house split. Nuclear zoning amendments passed last month. The Board of Adjustment operates under the ordinance but does not approve amendments.
- **Board Inquiry:** Daniel Hair asked about public service garages; Priestley clarified they are government-related (e.g., county engineer sheds, DOT facilities) for public benefit, not private. Doyle Turner inquired on location guidance; Priestley explained conditional use permits allow case-by-case evaluation for suitability, considering public input, comprehensive plans, and adjacency to cities (board can deny unsuitable locations).

## 7. Board Member Comment or Inquiry

- **Details:**
  - Pam Clark noted the Duane Arnold nuclear plant in Iowa is restarting, sparking state/federal debate on energy needs. Priestley agreed, linking to Woodbury County's recent nuclear discussions.
  - Doyle Turner expressed concern over closely spaced driveways on farm-to-market roads, creating safety hazards for semis and treating rural roads like city streets. He opposed 35 mph speed limits (reroutes traffic unsafely) and suggested frontage roads or restrictions for rural living. Priestley acknowledged the debate; no action taken.

## 8. Adjournment

- **Action:**
  - **Motion:** Doyle Turner moved to adjourn the meeting.
  - **Second:** Pam Clark seconded the motion.
  - **Discussion:** No further discussion was held.
  - **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The meeting was adjourned at approximately 7:00 PM.