

Minutes - Woodbury County Board of Adjustment – October 6, 2025

The Board of Adjustment meeting convened on the 6th of October 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.

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=hflmByCowpc>
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BA Members Present: Daniel Hair, Pam Clark, Larry Fillipi, Tom Thiesen

BA Members Absent: Doyle Turner

County Staff Present: Dan Priestley, Dawn Norton

Public Present: Brian Struve

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 September 3, 2025, special meeting.
- **Action:**
 - o **Motion:** Pam Clark moved to approve the minutes from the previous meeting.
 - o **Second:** Tom Thiesen 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 (Action Item): Consideration of a Variance Application from the Kaylea A. Struve Revocable Living Trust (Kaylea Struve) who requests a reduction of the required setback in Section 3.04 of the Woodbury County Zoning Ordinance from 100 ft to 90 ft (a 10 ft reduction) or to a greater or lesser reduction as necessary to accommodate the project (within a range of 1 to 15 ft) on Parcel #884502400003. The property address is 1661 Hancock Ave., Merville, IA 51039.

- **Summary (from Agenda and Packet):** The variance application, filed by Kaylea A. Struve Revocable Living Trust, seeks approval to construct a new addition to the north side of the existing house that aligns with the existing front façade, requesting a reduction of the required setback in Section 3.04 of the Woodbury County Zoning Ordinance from 100 ft to 90 ft (a 10 ft reduction) or to a greater or lesser reduction as necessary to accommodate the project (within a range of 1 to 15 ft, likely under 10 ft). The property owner has filed this variance application to seek relief from Section 3.04 of the Woodbury County Zoning Ordinance pertaining to "Zoning District Dimensional Standards" which requires a minimum front yard setback of 100 feet in the Agricultural Preservation (AP) Zoning District. The proposed addition size is approximately 16' x 28' and subject to changes. The property is located on a 5.47 acre lot identified as

Parcel #884502400003 and is located in Section 2 in T88N R45W (Moville Township) and in the Agricultural Preservation (AP) Zoning District. The property is located about 1.5 miles southeast of Moville on the west side of Hancock Ave. Owner/Applicant: Kaylea A. Struve Revocable Living Trust, 800 Paige Pl., Moville, IA 51039.

- **Public Hearing Opened:** Chair Hair opened the public hearing.
- **Staff Report:** Dan Priestley, Zoning Coordinator.
 - **Details:** Priestley summarized the application, explaining the request for a setback reduction from 100 feet to 90 feet (or within 1-15 feet) to allow a home addition that aligns with the existing structure. He noted the project aims to modernize the home and that the 100-foot setback is problematic due to the existing house's position (built historically before the ordinance). Using Beacon GIS for demonstration, Priestley showed the property's layout relative to Hancock Avenue, highlighting a wider-than-typical right-of-way (about 40 feet instead of 33 feet), which results in the house being at approximately 93-94 feet from the road. The requested range provides flexibility to square the addition with the existing façade without significant constraint. Priestley emphasized that this is a reasonable request given the widened right-of-way and rural setting, aligning with variance criteria under recent Iowa Code amendments focusing on practical difficulties. No written concerns were received; staff recommended approval, as the request satisfies criteria for no public impacts, hardship due to pre-ordinance constraints, and minimal relief needed. He suggested a motion worded as on page 6 of the packet for flexibility.
- **Applicant Presentation:** Brian Struve, 800 Paige Pl., Moville, IA (representing the applicant).
 - **Details:** Struve explained that the addition would not encroach closer to the road than the existing house; it would align evenly with the current façade. The proposed addition is 16 feet by 28 feet on the north side. He confirmed working with builders to ensure feasibility.
- **Board Questions and Discussion During Presentation:** Priestley added that the request is straightforward, far from aggressive setbacks (e.g., not within 20 feet), and the 1-15 foot range provides practical flexibility for alignment. He noted it fits "practical difficulty" criteria, is not contrary to public interest, and does not amend the ordinance de facto. The board discussed motion wording, confirming flexibility up to 15 feet (e.g., reducing to 85-90 feet) based on the site plan. No other questions were raised.
- **Public Comments:** No public comments were received, either in person or via telephone. Priestley entered into the record a verbal inquiry from neighbor Darlow Janssen, who asked about the project and confirmed it was not near property lines; no opposition was expressed.
- **Public Hearing Closed:**
 - **Motion:** Tom Thiesen 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 application's straightforward nature, noting it as one of the easiest variances in recent memory, exemplifying the board's purpose for such minor, practical relief. No concerns were raised about public interest, hardship, or precedent.
- **Decision:**
 - **Motion:** Pam Clark moved to approve the variance application by Kaylea A. Struve Revocable Living Trust for Parcel #884502400003 at 1661 Hancock Ave., Moville, IA, reducing the front yard setback from 100 feet to 90 feet or minimally within 1-15 feet under Section 3.04.
 - **Second:** Larry Fillipi seconded the motion.
 - **Discussion:** No further discussion was held; Priestley noted post-approval paperwork would take a few days, including coordination with the chair for signature, after which building permits could proceed.
 - **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The variance was approved as requested. The permit will be issued upon administrative resolution preparation; staff will coordinate with the applicant,

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 provided a brief update on new Iowa legislation affecting elected and appointed officials, requiring training on the Sunshine Law (public meetings, notifications, and board interactions) for new members within approximately 90 days of taking office. Existing members (including reappointments) are grandfathered but encouraged to participate. Training is free, 1.5-2 hours, and covers curriculum from institutions like Iowa State; Priestley is exploring internal delivery options. Failure to complete could result in fines. He distributed information from the Iowa Public Information Board and requested it be received into the record. Additionally, he noted the Board of Supervisors' upcoming public hearings at 4:30 PM on accessory dwelling units and public service garages (starting October 7, 2025, over three weeks). The county is in the open application stage for board positions, with ads in local papers.
- **Action on Distributed Information:**
 - **Motion:** Tom Thiesen moved to receive the Iowa Public Information Board document into the record.
 - **Second:** Pam Clark seconded the motion.
 - **Discussion:** No further discussion was held.
 - **Vote:** Unanimous approval (all present voted "Aye").
 - **See appendix.**
- **Board Inquiry:** No questions were raised.

7. Board Member Comment or Inquiry

- **Details:** No board member comments or inquiries were made.

8. Adjournment

- **Action:**
 - **Motion:** Pam Clark moved to adjourn the meeting.
 - **Second:** Larry Fillipi seconded the motion.
 - **Discussion:** No further discussion was held.
 - **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The meeting was adjourned at approximately 5:18 PM.

Appendix – Received Material. See subsequent pages.



IPIB

Iowa Public Information Board

Advisory Opinion 25AO:0008

DATE: July 1, 2025

SUBJECT: Training requirements for newly elected and

This opinion concerns training requirements for newly elected and appointed government officials. Advisory opinions may be adopted by the board pursuant to Iowa Code chapter 21. “[t]he board may on its own motion issue opinions with respect to the application of Iowa Code chapters 21, 22 and 22A. Advice in a Board opinion, if followed, constitute facts and circumstances.”

H.F. 706 took effect on July 1, 2025. It created a requirement that newly elected government body attend training on Iowa’s Sunshine Access Act. The government body must retain a certificate verifying completion of the training.

Is there a specific training required?

The training must be at least one hour, but should not be more than two hours. The Iowa Public Integrity Board (IPIB) will provide training free of charge. The training is required for all newly elected and appointed officials. The IPIB may develop training materials to meet the needs of public officials. The IPIB will also recruit and identify training resources. A list of approved training providers will be maintained by the IPIB.

When must the training be completed?

All newly elected or appointed officials must complete the training within 90 days of the following: 1. assuming the responsibilities of the office; 2. after being elected to the office.

How will I document that I have completed the training?

All approved training providers, including IPIB, must provide a certificate of completion. The entity providing the training is responsible for maintaining this documentation and providing the training. If IPIB provided the training, IPIB will keep a record of the training.

What if the certificate is lost or never received?

The entity providing the training will provide a replacement certificate if the individual has completed the training program.

What if I don't complete the training?

If an individual who is required to complete the training does not complete the training upon notice of the deficiency, the individual may be fined. The fines are outlined in Iowa Code § 21.6(3).

Iowa Code Chapter 22

- Who is subject to Chapter 22 (public records)? (Iowa Code § 22.1(1))
- What is a record, including discussion of public records law (Iowa Code § 22.1(3); *Linder v. Eckard*; *Kirkwood Institute v. Board of Regents*)
- What is a lawful custodian and how to handle the request (Iowa Code § 22.2)
- Who may request public records and how (Iowa Code § 22.3)
- Time frame for responding to a records request and fees (Iowa Code § 22.8; see also *Horsfield Materials. v. City of Dye*)
- Costs allowed, small requests, estimates of costs (Iowa Code § 22.3)
- Costs for legal review for redaction and confidentiality (Iowa Code § 22.7)
- Redaction and confidential records, including cost balancing tests or factors (Iowa Code § 22.7 and *Cedar Rapids*)
- Settlements by government bodies (Iowa Code § 22.9)
- Enforcement (Iowa Code § 22.10)

What must be included on the certificate provided to the public official?
The certificate must include the following information:
1. The name of the public official; 2. The position on which the public official serves; 3. The training program in which the public official participated; 4. The date the training was completed.

How can I get my training approved by IPIB?

BY DIRECTION AND VOTE OF THE BOARD:

Joan Corbin
E.J. Giovannetti
Barry Lindahl
Catherine Lucas
Luke Martz
Joel McCrea
Monica McHugh
Jackie Schmillen

SUBMITTED BY:

Erika Eckley
Executive Director
Iowa Public Information Board

ISSUED ON:

July 1, 2025

Pursuant to Iowa Administrative Rule 497-1.3(3), a person requesting the issuance of the opinion, request modification or reconsideration shall be deemed denied unless the board at the time of the request. The IPIB may take up modification or reconsideration of an issuance of an opinion.

Approved by the Iowa Administrative Board on July 1, 2025