

Minutes - Woodbury County Board of Adjustment – September 9, 2026

The Board of Adjustment special meeting convened on the 9th of September 2026 at approximately 5:15 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 and was recorded.

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=5mLu_ELKM2c
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BA Members Present: Daniel Hair (Chair), Pam Clark (Vice-Chair), Larry Fillipi

BA Members Absent: Tom Thiesen, Doyle Turner

County Staff Present: Dan Priestley, Dawn Norton

Public Present: Lance Britton (Applicant)

1. Call to Order & Roll Call

- **Time:** 5:15 PM
- **Action:** Chair Daniel Hair called the meeting to order and conducted roll call.
- **Details:** The meeting was audio-recorded, and minutes were to be prepared. Attendees were requested to silence cell phones or set them to vibrate and complete the attendance sheet. Chair Hair reviewed the board's procedures for the meeting, including handling housekeeping items, public hearings, staff reports, applicant presentations, public comments, board deliberations, motions, votes, and appeals (within 30 days of the filing of the decision with the Planning and Zoning Office to a court of record). He emphasized 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. All members were present except Tom Thiesen and Doyle Turner.

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 (including via telephone).

3. Approval of Previous Meeting Minutes

- **Action:** Consideration of the minutes from the Board of Adjustment meeting held on August 3, 2026.
- **Motion:** Pam Clark moved to approve the minutes from the August 3, 2026 meeting.
- **Second:** Larry Fillipi seconded the motion.
- **Discussion:** None.
- **Vote:** 3-0 approval (Hair, Clark, Fillipi voting "Aye"). Motion carried.

4. Item 5.A: Public Hearing (Action Item) — Consideration of a Variance Application from Lance Britton on behalf of Lance & Kayci Britton for Relief to Complete an Existing Unfinished Detached Accessory Garage/Building Prior to the Principal Dwelling, to Locate It Closer to the Front Lot Line than the Front Edge of the Planned Principal Structure, and to Reduce the Required Front Yard Setback from 75 Feet to a Distance Deemed Appropriate on Parcel #894631100008 (5 Rose Lane, Sioux City, IA 51106)

- **Staff Report:** Zoning Coordinator Daniel Priestley presented the staff report. The applicants requested a variance to complete an existing unfinished detached garage/accessory building (already partially constructed with concrete walls and floor present at the time of purchase) prior to construction of the principal dwelling, to allow the accessory structure to be located closer to the front lot line than the front edge of the planned principal structure, and to reduce the required front yard setback in the Agricultural Estates (AE) Zoning District from 75 feet to an appropriate distance (suggested ranges of 65, 60, or 55 feet, or as deemed appropriate by the Board). The property is Parcel #894631100008, an approximately 2.11-acre lot at 5 Rose Lane, Sioux City, Iowa 51106 (Concord Township, T89N R46W, Section 31, NW ¼; Lot 5, Block 1, Sun View Addition). The structure is roughly three-quarters complete and sits at

approximately 65 feet from the relevant measurement point based on available mapping. Staff noted the property was purchased with the incomplete accessory structure already in place (prior house on the site had burned years earlier). Neighboring structures on Rose Lane are commonly closer to the roadway than current standards. Staff viewed the request as a clear practical difficulty consistent with the legislative standard, not of the applicants' own making, and recommended approval to allow completion of the garage in conjunction with the planned principal dwelling (for which a building permit application had already been pursued). Staff suggested a 55-foot setback would provide appropriate flexibility/cushion and noted the applicants intend to proceed with both structures on a similar timeline.

- **Applicant Presentation:** Lance Britton addressed the Board. He confirmed the incomplete garage structure was already present when the property was acquired. The foundation/walls are not perfectly perpendicular to the road (slight angle), consistent with the prior house footprint visible on historical aerial imagery (staff displayed 2004 and 2014 imagery for context). The applicants wish to finish the garage (raising the ceiling slightly; stick-framing remaining) and construct the house concurrently, with exterior finishes completed together by the same crews. Framing and siding for both will proceed on essentially the same timeline; the smaller garage will logically be finished first. Britton indicated a desire to complete work as soon as possible (ideally within the current year if possible) but realistically within one year, subject to builder schedules. He confirmed no intention to move the structure closer to the street than its existing approximate 65-foot location.
- **Board Discussion:** Board members asked about the slight angle of the foundation relative to the road and neighboring properties (staff and applicant confirmed it tracks the prior house footprint and that nearby structures are often closer to the street). Questions addressed the existing foundation usability (approximately three-quarters complete; usable), construction sequence and timeline (garage finish first but house concurrent; within one year projected), and whether a time condition was needed for consistency with prior similar variances. Staff noted the structure is pre-existing (not created by the applicants), that a building permit for the house had already been sought, and that the option of removing the accessory structure had been offered but declined in favor of the variance. Prior practice on similar cases included timelines (e.g., up to two years) with flexibility. The applicants confirmed a two-year outer timeframe was feasible. Staff recommended a 55-foot setback reduction to provide cushion while covering the existing location (approximately 65 feet).
- **Public Hearing Closure:**
 - **Motion:** Larry Fillipi moved to close the public hearing.
 - **Second:** Pam Clark seconded the motion.
 - **Discussion:** None
 - **Vote:** 3-0 approval (Hair, Clark, Fillipi voting "Aye"). Public hearing closed.
- **Board Deliberation & Action:** The Board found the request straightforward and consistent with prior practical-difficulty variances involving pre-existing conditions. Members supported a 55-foot front-yard setback (providing cushion relative to the existing ~65-foot location) and a two-year timeline requiring completion of the principal dwelling if the accessory structure is finished first, to ensure the lot does not remain with only an accessory building.
- **Formal Motion:** Pam Clark moved to approve the variance request as presented by allowing the accessory structure to be completed prior to the principal dwelling, to be located closer to the front lot line than the front edge of the planned principal structure, and to reduce the front yard setback from 75 feet to 55 feet. If the shed/garage is completed first, the house must then be constructed by September 9, 2028.
- **Second:** Larry Fillipi.
- **Vote:** 3-0 approval (Hair, Clark, Fillipi voting "Aye"). Motion carried.
 - *Staff noted a formal resolution authorizing the variance would be prepared and that logistics would be coordinated with the applicants the following week (after meeting with the Chair).*

5. Item 5.B: Information Item — Woodbury County Zoning Commission's Direction from the Board of Supervisors to Review the Zoning Ordinance's Permitting Procedures for Industrial Data Centers for the Unincorporated Area of Woodbury County

- **Staff Overview:** Zoning Coordinator Daniel Priestley provided an informational briefing. The Board of Adjustment is not the decision-making body for the Zoning Commission's research and ordinance-development work. The Zoning Commission is examining industrial data-center permitting (including hyperscale facilities) pursuant to a one-year moratorium and directive from the Board of Supervisors, with latitude for as many meetings as needed. A first public town-hall listening session was held in Sloan on August 31, 2026, with good turnout and comments on both sides of the issue. A second session is scheduled for Moville on September 21, 2026, at 7:00 PM (Moville Area Community Center). The regular

Zoning Commission meeting follows on September 28, 2026, at 5:00 PM. Staff emphasized the complexity (power, water, noise, economic impacts, definitions, district placement, setbacks/separation, decommissioning, closed-loop systems, etc.), the need for thorough qualitative and quantitative data collection, comparison to other Iowa jurisdictions' ordinances, and lessons from prior solar and wind energy debates (including the value of extensive public process before recommendations reach the Board of Supervisors). The comprehensive plan emphasizes industrial uses in industrial areas; input is being sought on any interest in agricultural land. If data centers become conditional uses (or have enumerated standards layered onto CUPs), the Board of Adjustment would ultimately serve as the permitting body and must therefore stay informed. Members were encouraged (at their individual discretion) to follow the process, attend town halls if desired for background, and remain prepared on conditional-use principles (public health, safety, and welfare). No formal Board of Adjustment action is required or appropriate at this stage.

- **Outcome:** Information item only; no formal board action required. Board members asked clarifying questions about attendance at town halls (left to individual discretion while remaining unbiased) and received confirmation of the September 21 (Merville, 7:00 PM) and September 28 (regular meeting, 5:00 PM) dates.

6. Public Comment on Matters Not on the Agenda

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

7. Staff Update

Daniel Priestley reported that the office expects to remain busy heading into harvest season, with meetings planned. A regular Board of Adjustment meeting is expected next month; the next meeting date was noted as October 5, 2026. The Zoning Commission meets September 28, 2026. Agendas will be issued as the date approaches. (Staff also reiterated the Merville data-center town hall on September 21 at 7:00 PM for the record.)

8. Board Member Comment or Inquiry

- **Details:** No comments or inquiries were received.

9. Adjournment

- **Action:**
 - **Motion:** Pam Clark moved to adjourn the meeting.
 - **Second:** Larr Fillipi second.
 - **Vote:** Unanimous approval (all present voted "Aye").
- **Outcome:** The meeting was adjourned at approximately 5:51 PM.