



BOARD OF ADJUSTMENT TENTATIVE AGENDA

Wednesday, July 15, 2020
4:00 PM

Originating from Public Meeting Room - Story County Administration (900 6th Street) – Nevada, Iowa*

THIS MEETING IS OPEN TO THE PUBLIC PURSUANT TO CHAPTER 21 IOWA CODE.

SPECIAL NOTE TO THE PUBLIC: Due to recommendations to limit gatherings to no more than ten (10) people in order to help slow the spread of the COVID-19 virus, public access to the meeting will be provided via conference call to listen and participate in the meeting. Members of the public who would like to call in: Dial 918-221-0224 Enter 2225929465# when prompted for the access code **We ask that you mute your phone if possible. Audio recordings of all Board meetings will be posted on our website www.storycountyiowa.gov shortly after the meeting is concluded. You may access these recordings at any time by clicking on the Meetings and Agendas button on the home page.

1. CALL TO ORDER:
2. ROLL CALL:
3. APPROVAL OF AGENDA:
4. MINUTES OF PREVIOUS MEETING(S)

Documents:

[MINUTES 061720.PDF](#)

5. APPROVAL OF FINDINGS OF FACT FROM PREVIOUS MEETING

Documents:

[CUP03 20 04 20 05 20 STORYCOMM.PDF](#)

6. PUBLIC COMMENTS

This is the time for members of the public to offer comments concerning matters not scheduled to be heard before the Board of Adjustment

7. HEARINGS

- 7.I. Discussion And Consideration Of VAR02-20- Balbiani Variance Request - Amelia Schoeneman

Documents:

[STAFF REPORT.PDF](#)
[PLANS.PDF](#)
[APPLICATION DOCUMENTS.PDF](#)
[SITE PHOTOS.PDF](#)

- 7.II. Discussion And Consideration Of VAR01-20, Friend Variance Request - Marcus Amman

Documents:

STAFF REPORT.PDF
POWERPOINT.PDF
APPLICATOIN DOCUMENTS.PDF

8. BOARD/STAFF COMMENTS

9. ADJOURNMENT

The Board shall adjourn prior to but no later than 11:30 p.m. Any business not brought forth to the Board prior to adjournment shall be tabled to the next regularly-scheduled Board hearing.

*Story County strives to ensure that its programs and activities do not discriminate on the basis of race, color, national origin, sex, age or disability. Persons requiring assistance, auxiliary aids or services, or accommodation because of a disability may contact the county's ADA coordinator at (515)382-7204.

**For further information on these cases, contact the Story County Planning and Development Department at PZWeb@storycounty.com or by phone at (515) 382-7245. Case Files, including exact property locations, may be inspected in the Story County Planning and Development Department located in the Story County Administration Building, 900 6th Street, Nevada, Iowa.



**STORY COUNTY
PLANNING AND DEVELOPMENT
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201-2087**

"Commitment, Vision, Balance"

515-382-7245

**MINUTES
STORY COUNTY
BOARD OF ADJUSTMENT**

AN AUDIO RECORDING OF THE FULL MEETING MAY BE FOUND IN THE PLANNING AND DEVELOPMENT DEPARTMENT, OR BY VISITING WWW.STORYCOUNTYIOWA.GOV

DATE: June 17, 2020	Steve McGill, Chair	2022
	Randy Brekke, Vice Chair	2020
	Matthew Neubauer	2021
	Kelly Winfrey*	2024

CALL TO ORDER: 4:00 PM
PLACE: Public Meeting Room
Administration Building

*Absent (Due to HF 2512)

Special Note: Due to recommendations to limit gatherings to no more than ten (10) people in order to help slow the spread of the COVID-19 virus, public access to the meeting was provided via conference call to listen and participate in the meeting.

PUBLIC PRESENT BY CONFERENCE CALL: Andrew Friend, Jeff Vaske, Chuck Fisher, Rob Bowers, Tom Hackett, Nick Lennie, Dina McKenna

STAFF PRESENT: Jerry Moore, Planning and Development Director (Phone); Amelia Schoeneman (Phone); Stephanie Jones, Recording Secretary

ROLL CALL: McGill, Brekke, Neubauer (Board was present via conference call in response to COVID-19.)

ABSENT: None

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES

Motion by Neubauer, Second by Brekke to approve the April 15, 2020, minutes. (MCU)

APPROVAL OF FINDINGS OF FACT From April 15, 2020, Meeting

Motion by Brekke, Second by Neubauer (MCU)

Written Findings of Fact CUP02-90.6 Martin Marietta

Written Findings of Fact CUP02-20 Izaak Walton League

PUBLIC COMMENTS: None

HEARINGS:

CUP03-20, CUP04-20 And CUP05-20 To Construct Three Separate Communication Towers For The StoryComm Project

Amelia Schoeneman presented a summary of the Staff Report and stated that StoryComm is proposing to erect three communications lattice towers to provide two-way radio communications for Story County emergency services and public works agencies, including Story County, municipalities in Story County and Iowa State University. The proposed towers are as follows:

CUP03-20: A 255-foot lattice communications tower to be located in the southwestern portion of parcel 05-01-100-100 in Franklin Township. The parcel is located at the southeast corner of 550th Avenue and 160th Street. The communications tower will be 400 feet from the right-of-way of 550th Avenue and approximately 474 feet from the south property line or approximately 1,400 feet south of 160th.

The site and most surrounding parcels are in agricultural use. To the northwest is a dwelling over 2,000 feet from the tower site. To the west are two dwellings. One dwelling is located approximately 800 feet northwest of the tower site. The second dwelling is located approximately 600 feet southwest of the tower site.

The applicant indicated that they worked with southwestern's dwellings owner on the tower location and it has a substantial wind break providing screening—the applicant attempted to contact the northwest property owners but were unsuccessful. The northwest property owner provided a comment in opposition. The applicant and staff met with this property owner on their property and discussed why the location was selected (it was originally planned for property in Gilbert but encountered site distance issues with a water tower). It was suggested that StoryComm could move the tower's location on the site. However, the StoryComm working group discussed this and found it wasn't feasible as the site was selected to meet setback requirements and minimize impact to property owner's farming operation.

CUP04-20: A 285-foot lattice communications tower to be located in the southwestern portion of parcel 15-18-100-300 in Indian Creek Township. The parcel is located at the northeast corner of 620th Avenue and 305th Street. The communications tower will be 428 feet from the right-of-way of both 620th Avenue and 305th Street.

The site and most surrounding parcels are in agricultural use. There are three adjacent dwellings. One is 1,200 feet southwest from the proposed site location. One is 900 feet southeast from the tower location. To the west there is a dwelling approximately 700 feet away.

CUP05-20: A 265-foot lattice communications tower to be located in the southeastern portion of parcel 03-25-300-200 in Warren Township. The parcel is located on 150th Street. The communications tower will be 398 feet from the right-of-way of 150th Street and 133 feet from the east property line.

There are two adjacent dwellings. Other adjacent parcels are in agricultural use. To the north is a single-family dwelling is approximately 1,200 feet northwest from the proposed tower location. To the west is a parcel with a dwelling approximately 2,100 feet from the proposed tower site. The owner of the property to the north submitted a comment in opposition to the tower. StoryComm working group members and staff met the property owner on their property after receiving the comment. The tower is as far to the southeast from the dwelling as permitted by setbacks. This location was selected as it provided the required system coverage for the area and avoided interference with the microwave paths from the wind turbines located a half-mile north of the proposed site.

The Planning and Zoning Commission, at their June 16, 2020, meeting, found the proposed towers meet all standards of approval and supplemental standards required for a conditional use permit and recommended approval of the requests.

Brekke asked about the two closest residents and for clarification on the distance away from proposed tower.

Rob Browers thanked staff for a thorough report and stated that he does not have anything to add unless there are questions.

Andrew Friend stated that he lives NW of the proposed 255-foot lattice communications tower location and feels disadvantaged in the process as the tower being moved for the other neighbor that it made the tower location worse for him. Friend stated that the house view will be looking directly at the tower. Friend stated that he would like to request another meeting between himself and StoryComm and Planning staff to find out if there is a better location for the proposed tower to discuss the inconvenience of the tower location to try to find balance so that both property owners can be satisfied.

Schoeneman stated regarding Friend's concern (CUP03-20), the farmer wanted the tower to be able to farm around the compound area and that there are two terraces that are being considered as well, which make it difficult to move north or south. StoryComm had concerns about moving the location east, which would impact the improvement and the timing of the project. Bowers spoke about the temporary system that is currently being used and will end at the end of June.

Tom Hackett stated that he had conversations with the land owner regarding north or south movement of the proposed tower on the property and they were reluctant. Movement to the east would pose challenges for StoryComm during construction and the long-run with a longer access drive, and more maintenance, water drainage issues. Hackett stated that all factors have been considered and decided the current location met the long term goals for StoryComm and the land owner's preferences.

Neubauer asked for clarification on what guidelines would need to be followed in order to place a condition on CUP03-20. Schoeneman stated the Board would need to amend staff's findings and relate the condition to one or more of the standards for approval. Neubauer asked if the Assessor had any comments about impact on property value. Schoeneman stated there were no comments about impact on property values, but that the Assessor comments that the towers would be exempt as long as there are no for-profit leasing to other providers taking place. McGill stated that if the tower meets all the requirements there is really not a way to not approve the request.

The Story County Board of Adjustment approves the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP05-20, as submitted.

**Motion: Brekke
Second: Neubauer
Ayes: Brekke, Neubauer, McGill
Nays: None
Not Voting: None
Absent: None
Vote: (3-0)**

The Story County Board of Adjustment approves the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP03-20, as submitted.

**Motion: Neubauer
Second: Brekke**

Ayes: Neubauer, Brekke, McGill
Nays: None
Not Voting: None
Absent: None
Vote: (3-0)

The Story County Board of Adjustment approves the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP04-20, as submitted.

Motion: Brekke
Second: Neubauer
Ayes: Brekke, Neubauer, McGill
Nays: None
Not Voting: None
Absent: None
Vote: (3-0)

OTHER BUSINESS

House file 2512 Impact On Planning And Zoning Commissions And Board Of Adjustments

Jerry Moore stated that HF 2512 was signed by the Governor June 1, 2020, which unfortunately impacts Story County's and all County Planning and Zoning Commissions and Board of Adjustments in the state. Part of the law requires Planning and Zoning Commission and Board of Adjustment members to be eligible electors and reside within the area regulated by the County Zoning Ordinance, and it goes into effect immediately, however the law gives the Board of Supervisors one year to fill the appointment. Moore stated that this means that all Planning Zoning Commissioners and Board of Adjustment members who do not currently reside in the unincorporated area of Story County are not in compliance with this law and are no longer able to serve as Planning and Zoning Commissioners or Board of Adjustment members. This law impacts all 99 Counties. It is unfortunate we are losing good people at Story County and through-out the state who are dedicated to serving their counties.

Moore stated that the Planning and Zoning Commission was experiencing difficulty obtaining quorum so the Board of Supervisors took action on June 12, 2020, to appoint Wendie Schneider to the Planning and Zoning Commission because she had expressed interest in serving for that board if the need arose.

Moore stated that the notice for openings has been posted and normally there is a 90-day process to accept applications, but the BOS are looking at a shortened process to appoint new members.

BOARD/STAFF COMMENTS:

Staff: Moore stated that Iowa State University Extension will begin offering training in July for Planning and Zoning Commission and Board of Adjustment members. Staff and the County Attorney's office will also be providing information on the process that takes place about what staff does to communicate with the Attorney's office on items that are on the Planning and Zoning Commission and Board of Adjustment agendas and the input being received. Moore stated that the County will soon be implementing Zoom for meetings so it is likely that the July meeting will be via Zoom rather than conference call. McGill stated that finding additional members quickly will be beneficial. Brekke asked if the Planning and Zoning Commission

members were immediately gone from the board. Moore stated that the members who do not reside in an unincorporated area were no longer able to serve effective June 1, 2020.

Board: None

ADJOURNMENT: 5:03 PM

Approval of Minutes

Title and Date

Prepared by Amelia Schoeneman, Story County Planning and Development Department, 900
6th Street,
Nevada, Iowa 50201 515-382-7245

**STORY COUNTY, IOWA
CERTIFICATE OF CONDITIONAL USE PERMIT
AND WRITTEN FINDINGS OF FACT**

IN THE MATTER OF THE APPLICATION OF: : **PERMIT NO. CUP03-20,**
Rob Bowers on behalf of StoryComm, 2591 : **CUP04-20, and CUP05-20**
Osborne Drive, Ames, IA, 50011, for the request :
for a Conditional Use Permit for three :
communications towers, located as follows: :
CUP03-20, Section 01, Franklin Township, :
parcel number 05-01-100-100; CUP04-20, :
Section 18, Indian Creek Township, parcel :
number 15-18-100-300; and CUP05-20, Section :
25, Warren Township, parcel number 03-25-300- :
200 :

On June 17, 2020, the Story County Board of Adjustment approved the Conditional Use Permit for the StoryComm Communication Tower as put forth in case CUP05-20, as submitted.

Motion: Brekke
Second: Neubauer
Ayes: Brekke, Neubauer, McGill
Nays: None
Not Voting: None
Absent: None
Vote: (3-0)

AND

Approved the Conditional Use Permit for the StoryComm Communication Tower as put forth in case CUP03-20, as submitted.

Motion: Neubauer
Second: Brekke
Ayes: Neubauer, Brekke, McGill
Nays: None
Not Voting: None
Absent: None
Vote: (3-0)

AND

Approved the Conditional Use Permit for the StoryComm Communications Tower as put forth in case CUP04-20, as submitted.

Motion: Brekke
Second: Neubauer
Ayes: Brekke, Neubauer, McGill
Nays: None
Not Voting: None

Absent: None
Vote: (3-0)

Written Findings of Fact

Case Summary: StoryComm is proposing to erect three communications lattice towers to provide two-way radio communications for Story County emergency services and public works agencies, including Story County, municipalities in Story County and Iowa State University. The proposed towers are as follows:

CUP03-20: A 255-foot lattice communications tower to be located in the southwestern portion of parcel 05-01-100-100 in Franklin Township. The parcel is located at the southeast corner of 550th Avenue and 160th Street. The communications tower will be 400 feet from the right-of-way of 550th Avenue and approximately 474 feet from the south property line or approximately 1,400 feet south of 160th.

The site and most surrounding parcels are in agricultural use. To the northwest is a dwelling over 2,000 feet from the tower site. To the west are two dwellings. One dwelling is located approximately 800 feet northwest of the tower site. The second dwelling is located approximately 600 feet southwest of the tower site.

The applicant indicated that they worked with southwestern's dwellings owner on the tower location and it has a substantial wind break providing screening—the applicant attempted to contact the northwest property owners but were unsuccessful. The northwest property owner provided a comment in opposition. The applicant and staff met with this property owner on their property and discussed why the location was selected (it was originally planned for property in Gilbert but encountered site distance issues with a water tower). It was suggested that StoryComm could move the tower's location on the site. However, the StoryComm working group discussed this and found it wasn't feasible as the site was selected to meet setback requirements and minimize impact to property owner's farming operation.

CUP04-20: A 285-foot lattice communications tower to be located in the southwestern portion of parcel 15-18-100-300 in Indian Creek Township. The parcel is located at the northeast corner of 620th Avenue and 305th Street. The communications tower will be 428 feet from the right-of-way of both 620th Avenue and 305th Street.

The site and most surrounding parcels are in agricultural use. There are three adjacent dwellings. One is 1,200 feet southwest from the proposed site location. One is 900 feet southeast from the tower location. To the west there is a dwelling approximately 700 feet away.

CUP05-20: A 265-foot lattice communications tower to be located in the southeastern portion of parcel 03-25-300-200 in Warren Township. The parcel is located on 150th Street. The communications tower will be 398 feet from the right-of-way of 150th Street and 133 feet from the east property line.

There are two adjacent dwellings. Other adjacent parcels are in agricultural use. To the north is a single-family dwelling is approximately 1,200 feet northwest from the proposed tower location. To the west is a parcel with a dwelling approximately 2,100 feet from the proposed tower site. The owner of the property to the north submitted a comment in opposition to the tower. StoryComm working group members and staff met the property owner on their property after receiving the comment. The tower is as far to the southeast from the dwelling as permitted by setbacks. This location was selected as it provided the required system coverage for the area and avoided interference with the microwave paths from the wind turbines located a half-mile north of the proposed site.

The Planning and Zoning Commission, at their June 16, 2020, meeting, found the proposed towers meet all standards of approval and supplemental standards required for a conditional use permit and recommended approval of the requests.

Amelia Schoeneman, Story County Planner, reviewed the Conditional Use Permit Application, site plans, written narrative and other related submittal materials in accordance to Chapter 90

Conditional Uses of the Story County Land Development Regulations. Schoeneman presented the staff report at the June 17, 2020, Story County Board of Adjustment meeting.

Analysis

1. Applicable Regulations: Chapter 90.04: Standards for Approval

- A. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.**

Staff Comment: Communication towers and facilities are permitted as a conditional use in the A-1, Agricultural Zoning District if a conditional use permit is granted. The properties on which the towers are proposed to be constructed are large agricultural parcels. A majority of the surrounding land is also in agricultural row crop production.

These towers will be noticed by the nearby landowners due to the heights necessary to achieve the project goals. Required setbacks from property lines will be met to minimize impacts.

The tower requested as part of CUP03-20 is on a parcel adjacent to three dwellings. One is 800 feet northwest of the tower site, one is 600 feet southwest of the tower site, and one is over 2,000 feet from the tower site.

The tower requested as part of CUP04-20 is also on a property adjacent to three dwellings. One is 930 feet southeast from the proposed site location. The other dwelling is 700 feet southwest from the tower location.

The tower requested as part of CUP05-20 is on a property adjacent to two dwellings. One is approximately 1,200 feet northwest from the proposed tower location, one is approximately 930 feet southeast from the proposed tower location, and one is 2,100 feet west of the proposed tower site.

The tower compounds also include 20-foot-by-10-foot equipment shelter, an underground 1,000 gallon liquid propane tank, and an emergency generator inside of a metal cabinet for sound attenuation. The generator would produce a sound level of 64 dB. The FAA requires all three towers to be lit as a condition of the FAA Determination of No Hazard to Air Navigation. The towers will have dual lighting controlled by a photo sensor—from dusk to dawn, a top beacon will have a red, flashing light, with steady red side markers. During the day, the top because will flash white and the side markers will also be lit. The tower will be galvanized steel, as required by the supplemental standards for towers. The equipment shelter will also have lighting to illuminate the door—two fixtures with 40 watt LED bulbs are proposed and will be shielded.

- B. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.**

Staff Comment: The tower locations meet all setbacks and separation distance requirements as per the supplemental standards for a conditional use permit for communication towers and facilities.

The minimum setback requirement for the towers is 150 percent of the tower height from the road right-of-way and residential parcels and 50 percent of the tower height from other property lines.

The tower requested as part of CUP03-20 is proposed to be 255 feet in height. The 150-percent setback is 382.5 feet and the 50-percent setback is 127.5 feet. The setback from the closest property line (the west line adjacent to 550th Avenue) is 400 feet.

The tower requested as part of CUP04-20 is proposed to be 285 feet in height. The 150-percent setback is 427.5 feet and the 50-percent setback is 142.5 feet. The setback from the closest property lines (the west and south lines adjacent to 620th Avenue and 305th Street) is 428 feet.

The tower requested as part of CUP05-20 is proposed to be 265 feet in height. The 150-percent setback is 397.5 feet and the 50-percent setback is 132.5 feet. The setback from

the closest property lines (south line adjacent to 150th Street and the east line in common with a property in agricultural production) are 398 feet and 133 feet, respectively.

Also, per the supplemental standards, the applicant will be constructing a six-foot-tall chain-link fence around the tower compound with vinyl privacy slats.

C. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Staff Comment: The traffic impact of the proposed towers is expected to be minimal. Once construction of the proposed structure is completed, the only traffic that will visit the site is a service technician four times a year.

All towers will have new accesses reviewed by the Story County Engineer. The access drives to the towers will be 12-feet wide and gravel. In front of the tower compound, there will be a 25-foot-50-foot gravel parking area and turnaround area.

All accesses to the towers will be located on County gravel roads.

The tower requested as part of CUP03-20 will have an access from 550th. The Iowa Department of Transportation (DOT) shows a 2015 average daily traffic count for the road of 130 vehicles.

The tower requested as part of CUP04-20 will have an access from 305th. The Iowa DOT shows a 2015 average daily traffic count for the road of 100 vehicles.

The tower requested as part of CUP05-20 will have an access from 150th. The Iowa DOT shows a 2015 average daily traffic count for the road of 10 vehicles. The adjacent dwellings to this tower site take access on 670th Avenue north of 150th Street.

D. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Staff Comment: Each tower will have a 25-foot-by-50-foot gravel parking area and turnaround area adjacent to the tower compound. The subject properties are currently in row crop production.

E. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Staff Comment: The only signs and lighting that will be included in this development are signs and lighting required by the FAA posted on the compound fence. No advertising of any kind will be located at this development.

The FAA is requiring all three towers to be lit as a condition of the FAA Determination of No Hazard to Air Navigation. The towers will have dual lighting controlled by a photo sensor—from dusk to dawn, a top beacon will have a red, flashing light, with steady red side markers. During the day, the top because will flash white and white side markers will also be lit. The tower will be galvanized steel, as required by the supplemental standards for towers. The equipment shelter will also have lighting to illuminate the door—two fixtures with 40 watt LED bulbs are proposed and will be shielded.

F. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Staff Comment: No excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated.

Landscaping equivalent to 20% of the impervious area is proposed around the drive and compound to provide stormwater absorption, as required by Chapter 88.05 of the Story County Land Development Regulations. SUDAS Type 2 or Type 3 seed mixes are proposed, which would include Ryegrass or Little and Big Bluestem and other grasses. These can grow between two and six feet.

An erosion control plan is required with the zoning permit submittal to minimize erosion during construction, including stabilizing any disturbed area and providing a stabilized construction entrance.

A metal cabinet for sound attenuation proposed for the generator.

If the Board concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

- 1. not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Staff Comment: The towers will be built in compliance with the required setbacks from the right-of-way and adjacent property lines. The towers will be partially screened by a six foot fence. The lowest 8 feet of the towers will also have its rungs removed to discourage climbing.

- 2. impair an adequate supply (including quality) of light and air to surrounding properties.**

Staff Comment: The proposed communication towers will be a lattice type towers and will have little to no impact on the supply of light and air to surrounding properties.

- 3. unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Staff Comment: Following the construction of the proposed towers, there will be very little traffic to and from the tower. Traffic will be for maintenance only. The applicant will be required to obtain a new access permit and a 911 address for the proposed towers. The towers are not proposed to be located in the floodplain.

- 4. diminish or impair established property values on adjoining or surrounding property.**

Staff Comment: The Story County Assessor's Office raised no concerns with the request. No impacts on property values are anticipated.

- 5. not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.**

Staff Comment: The C2C plan is oriented toward preserving the county's rural character and high value agricultural land. The communication towers will be located on agricultural land and a small percentage of row crop will be impacted. The remainder of the parcels will continue to be farmed. Approximately 1.2 acres of land will be leased by StoryComm on the parcels—equivalent to 4.5% of the smallest parcel's land area.

D. When indicated in Table 90-1, Table of Conditional Uses, a conditional use shall be subject to the supplemental standards listed below, in addition to the standards for approval set forth in Section 90.04 and development impacts specified in Section 90.05 of this chapter.

Co-Location. Prior to applying for a conditional use permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on existing towers/facilities. As such, the applicant shall submit evidence demonstrating the following:

Staff Comment: A statement regarding the feasibility of collocating the proposed equipment on an existing tower was provided and a map showing the search rings for a tower within one mile of the selected sites that would support co-location was also submitted. The applicant indicates that "towers greater than 1 mile would require a total redesign of the system and would likely result in a loss of coverage" if equipment were

co-located on them instead. There were no towers within the one mile search rings from the selected sites. Further, “the system is designed to provide specific in-building coverage within Story County, Ames and ISU campus and therefore the site locations are critical in providing the proper signal level while minimizing co-site interference, minimizing the number of sites and providing an unobstructed microwave path between site”

Height. The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposal’s requirements, as documented by a qualified engineer.

Staff Comment: According to the applicant, “The Harris Corp. Private Radio Systems software program, RAPTR (Radio Analysis and Propagation Tool Repository) is a complete system design tool for the analysis and design of land mobile radio systems. The RACOM engineers use RAPTR to design the optimum location and minimum tower and antenna heights necessary to meet the coverage requirements for StoryComm’s radio system.”

Obstruction of View. The proposed tower/facility will not unreasonably interfere with the view from any publicly owned or managed areas or major view corridors.

Staff Comment: There are no adjacent publicly owned areas to the subject properties. A majority of the adjacent parcels are in agricultural use.

Submittal Requirement: A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-located established in the Ordinance.

Staff Comment: According to the applicant. “The tower is designed with 30% additional capacity and there will be additional room inside the compound. The StoryComm Board will consider applications for co-location on a case-by-case basis.”

Submittal Requirement: Copy of the signed lease agreement with the property owner.

Staff Comment: A copy of the signed leases and access easements were provided. The access easements are 30 feet in width for the 12-foot gravel drives. The leases include the 30-foot access easement areas and a 200-foot-by-200 foot area, which includes the 50-foot-by-50-foot tower compound

Comments from the General Public

Two comments were received from adjacent property owners in opposition to the towers requested as part of CUP03-20 and CUP05-20.

The owner of the property west of the tower proposed as part of CUP03-20 is concerned about the impact of the tower on their dwelling’s value and view (the tower is 800 feet southeast of the dwelling). The applicant attempted to contact the property owner but was unsuccessful prior to selecting the location. The applicant and staff met with this property owner on their property and discussed why the location was selected (it was originally planned for property in Gilbert but encountered site distance issues with a water tower). It was suggested that StoryComm could move the tower’s location on the site. However, the working group discussed this and found it wasn’t feasible as the site was selected to meet setback requirements and minimize impact to the farming operation.

The owner of the property to the north of the tower proposed as part of CUP05-20 is concerned about the impact of the tower on the value of their dwelling (1,200 feet northwest of the tower location). StoryComm working group members and staff met the property owner on their property after receiving the comment. The tower is as far to the southeast from the dwelling as permitted by setbacks. Moving the tower further east, as suggested by the property owner, would require another landowner’s permission/interest in leasing space to StoryComm. This location was selected as it provided the required system coverage for the area and avoided interference with the microwave paths from the wind turbines located a half-mile north of the proposed site.

Points considered

1. The communications towers will provide to provide two-way radio communications for Story County emergency services and public works agencies. The StoryComm system is designed to meet the Association of Public Safety Communications Officials Project 25 Phase 2 standards, which will replace proprietary radio technology that limited the interoperability of radio. Currently, the Iowa State University Police, Ames Police, and Story County Sheriff have interoperable radios but they are not interoperable with the other entities that are part of the StoryComm project.
2. The tower requested as part of CUP03-20 is on a parcel adjacent to three dwellings. One is 800 feet northwest of the tower site, one is 600 feet southwest of the tower site, and one is over 2,000 feet from the tower site. This location was selected to minimize the interference with the line of site from dwellings located to the west of the tower across 550th Avenue.
3. The tower requested as part of CUP04-20 is on a property adjacent to three dwellings. One is 1,200 feet southwest from the proposed site location. One is 700 feet west of the tower location. The other dwelling is 930 feet southeast from the tower location.
4. The tower requested as part of CUP05-20 is on a property adjacent to two dwellings. One is approximately 1,200 feet northwest from the proposed tower location and one is 2,100 feet west of the proposed tower site. This location was selected as it provided the required system coverage for the area and avoided interference with the microwave paths from the wind turbines located a half-mile north of the proposed site.
5. All supplemental standards for communications towers are met, including for setbacks and aesthetics.
6. Signs, lighting, and environmental protection measures will meet Story County Land Development Regulations and FAA requirements.
7. Traffic will be limited to maintenance and adequate parking and turnaround area are provided.
8. SUDAS Type 2 or Type 3 seed mixes are proposed around the compound and gravel drive, which would include Ryegrass or Little and Big Bluestem and other grasses. These can grow between three and six feet. A fence with vinyl slates is also proposed for screening. Climbing pegs on the lower eight feet of the tower will be removed.
9. A small percentage of row crop will be impacted. The remainder of the parcels will continue to be farmed. Approximately 1.2 acres of land will be leased by StoryComm on the parcels—equivalent to 4.5% of the smallest parcel's land area.

Public Hearing comments from June 17, 2020

Andrew Friend stated that he lives NW of the proposed 255-foot lattice communications tower location and feels disadvantaged in the process as the tower being moved for the other neighbor that it made the tower location worse for him. Friend stated that the house view will be looking directly at the tower. Friend stated that he would like to request another meeting between himself and StoryComm and Planning staff to find out if there is a better location for the proposed tower to discuss the inconvenience of the tower location to try to find balance so that both property owners can be satisfied.

Schoeneman stated regarding Friend's concern (CUP03-20), the farmer wanted the tower to be able to farm around the compound area and that there are two terraces that are being considered as well, which make it difficult to move north or south. StoryComm had concerns about moving the location east, which would impact the improvement and the timing of the project. Bowers spoke about the temporary system that is currently being used and will end at the end of June.

Tom Hackett stated that he had conversations with the land owner regarding north or south movement of the proposed tower on the property and they were reluctant. Movement to the east would pose challenges for StoryComm during construction and the long-run with a longer access drive, and more maintenance, water drainage issues. Hackett stated that all factors have

been considered and decided the current location met the long term goals for StoryComm and the land owner's preferences.

Neubauer asked for clarification on what guidelines would need to be followed in order to place a condition on CUP03-20. Schoeneman stated the Board would need to amend staff's findings and relate the condition to one or more of the standards for approval. Neubauer asked if the Assessor had any comments about impact on property value. Schoeneman stated there were no comments about impact on property values, but that the Assessor comments that the towers would be exempt as long as there are no for-profit leasing to other providers taking place. McGill stated that if the tower meets all the requirements there is really not a way to not approve the request.

Board of Adjustment Action on Written Findings of Fact

Date: July 15, 2020

VOTE: Ayes Nays

McGill

Brekke

Neubauer

Vote:

Chair: _____

Staff Report

Board of Adjustment

Date of Meeting:
July 15, 2020

Case Number: VAR02-20—Balbiani Variance Request

APPLICANT:

Eric and Judith Balbiani

STAFF PROJECT MANAGER:

Amelia Schoeneman, Planner
Emily Rizvic, Planning Intern

SUMMARY:

The request is for a variance to the minimum front setback for an attached garage at 27922 Timber Road. The zoning of the subject property is R-1 Transitional Residential, which establishes a minimum front setback of 40 feet. The variance request for an attached garage that is proposed to encroach on the front setback, requiring a variance of 7 feet. The attached garage is proposed to have a setback of 33 feet, be 39-feet-by-26 feet, and be located on the west side of the existing dwelling. The purpose of the variance is to preserve two trees on the site. A larger garage that encroaches on the setback would allow for the overhead garage door and driveway to be located further west, away from the trees. Planning and Development staff recommend denial of the variance.





Property Information

PROPERTY OWNER

Eric and Judith Balbiani

PROPERTY ADDRESS

27922 Timber Road,
Kelley, IA, 50134
SW SE of Section 34, Township 83, Range 24

LEGAL DESCRIPTION

SECTION: 34 TOWNSHIP: 83 RANGE: 24 LOWMAN'S 2ND SD PARCEL "D" PT LOT 8 SLIDE 284 PG 3

PARCEL IDENTIFICATION NUMBER

09-34-460-110

SIZE OF PARCEL

1.34 net acres

CURRENT ZONING

R-1 Transitional Residential District

AMES URBAN FRINGE LAND USE FRAMEWORK MAP DESIGNATION

Rural Residential

CITIES WITHIN TWO MILES

City of Kelley
City of Ames

Background

Subject Property

In 2007, Eric and Judith Balbiani purchased the property at 27922 Timber Road. The property is located in Section 34 of the Washington Township and is 1.34 net-acres. The property is zoned R-1 Transitional Residential. A 40-foot front setback is required.

The existing dwelling was built in 1960 with a 20-foot-by-26.5-foot (530 square foot) attached garage. The applicant indicates that the existing garage (20-feet-by-26.5 feet) is not large enough to accommodate two cars (a full-sized truck and SUV). The dwelling is 1,906 square feet, including 564 square feet of finished basement area. The existing attached garage is located on the west side of the dwelling and has a front setback of approximately 72 feet. The living room and kitchen are located on the west side of the dwelling, adjacent to the existing attached garage. The dwelling's bedrooms are on the east side of the dwelling. The laundry room is located in the basement. There is a 24-foot-by-24-foot detached garage to the northeast of the dwelling built and permitted in 2010 that is used for storage.

The property takes access from Timber Road, a gravel County Road with an average daily traffic (ADT)



count of 130 from 2015. This compares to the 6,600 ADT on Highway 69 to the west for the same year and 1,100 ADT on 280th Street to the south.

Variance Request

A variance is requested for the addition of a 39-foot-by-26 foot attached garage located on the west side of the existing dwelling. The overhead garage door will be south-facing. The attached garage also includes a 24-foot-by-10-foot area on the north side of the attached garage for a woodworking shop. The height of the garage addition to the roof gable is proposed to be 13.5 feet.

The attached garage is proposed to have a front setback of 33 feet. A variance of seven feet to the required 40-foot front setback is requested.

The purpose of the variance is to preserve two trees on the south side of the dwelling while completing the garage addition. The garage addition was initially proposed to be 32 feet in width. This size would have been adequate to accommodate the vehicles, however, it would have required the removal of/impacted the two trees as there was not adequate maneuvering room around the trees and the pavement would place strain on the roots. The trees have been on the property for 30 years and provide shading to the home. To preserve the trees, the relocation of the driveway was considered. A relocation so that the entry to the garage was on the west side of the garage, rather than the south, was not possible due to a curve in Timber Road north of the property that creates sight distance issues. The applicant also indicates a lack of maneuverability if a west-facing garage door was proposed with the existing drive. The larger garage, using the existing access, allows the overhead garage door to be on the south side of the proposed addition, however, further to the west to preserve the two trees on the site.

Constructing an attached garage or addition on another side of the house also posed issues: there are utility and septic lines on the north side of the dwelling, the east side of the dwelling is at the minimum required rear setback, and an addition on the south side of the dwelling would impact the trees and/or the layout and flow of the ranch-style home.

In addition to providing a larger attached garage, with the proposed attached garage addition, the property owners plan to renovate the existing attached garage into living space, including a den, laundry room, bathroom, and pantry. The laundry room is currently in the basement, accessible via stairs, and this and other improvements will allow the property owners to continue to live in their home in the long-term.

Surrounding and Adjacent Land Use

The subject property is 1.5 miles south of Ames and 1.5 miles east of Kelley. The subject property is located on the east side of Timber Road, approximately 350 feet north of 280th street. Highway 69 is located approximately .70 miles to the east of the subject property. The subject property is part of the Lowman's Second Addition Subdivision. Adjacent properties on the east side of Timber Road include:

- To the northeast, a 1.51 net-acre parcel with a single-family dwelling constructed in 1973 as part of the Lowman's Second Addition Subdivision. The dwelling includes a 23-foot-by-24-foot attached garage. The property is zoned R-1 and all setbacks are met.
- To the east, a .57 net-acre parcel with a single-family dwelling constructed in 1965 with a 22-foot-by-26-foot attached garage. The property is zoned R-1 and all setbacks are met.
- To the southeast, a 2.37 net-acre parcel with a single-family dwelling built in 2006. The dwelling includes a 33.75-foot-by-25-foot attached garage. There is also a 14-foot-by-24-foot detached



garage on the property. This property is part of the Lowman's Fourth Addition Subdivision and is zoned A-R Agricultural Residential. All setbacks are met. There are two other lots to the south of this property in the subdivision that are 1.55 and 1.31 net-acres and undeveloped.

On the west side of Timber Road, there are two adjacent properties zoned A-1 Agricultural.

- One is a 1.55 net-acre parcel with a dwelling constructed in 1920. It is unclear if the dwelling meets the required front setbacks, however, is considered legal nonconforming as it was constructed before Story County's adoption of zoning. The dwelling includes a detached frame garage with a carport between the garage and dwelling. The garage is 50-feet-by-30-feet. When the garage was initially proposed, a variance was requested to the side setback from the north property line, citing topographical limitations due to trees on the property. To meet the required 10-foot side setback, the applicant would have had to remove two trees on the property. The Board of Adjustment remanded the request and asked the applicant to work with staff to meet the required setback—the garage was constructed meeting the 10-foot side setback.
- A second property is 13.87 net-acres and contains a dwelling that was constructed in 1900. There is no garage on the property, however, there are ten accessory buildings used for agricultural purposes and several bins.

There are 37 parcels within a quarter-mile of the subject property. 27 parcels contain a single-family dwelling. There are 5 subdivisions within a quarter-mile including Finch's Subdivision, Lowman's 2nd Subdivision, Lowman's 4th Subdivision, Sterling Subdivision, and Timber Road Estates.

Future Land Use

The subject property is designated as Rural Residential in the Ames Urban Fringe Plan. Policy 1 of this designations "includes all single-family residential land uses/developments that involve maximum average net densities of one unit per acres." The variance will not alter the density of the property.

Other policies include:

RR Policy 5: Make provisions to protect environmental resources, environmentally sensitive areas and adjacent Natural Areas. (Relates to RSACA Goal 2.3, 2.4)

RR Policy 7: Protect the rural character of the Rural Service and Agricultural Conservation Area through residential density requirements, buffering requirements between conflicting land uses and other appropriate transitions from urban to rural areas. (Relates to RSACA Goal 2.1)

The northern-most portion of the subject property where the detached garage is located is designated as Natural Area in the Ames Urban Fringe Plan. The location of the dwelling and proposed attached garage is not in a natural area.

Legal Principles

According to Section 92.03(4) of the Story County Land Development Regulations, in deciding whether to grant a variance request, the Board of Adjustment shall consider all the following legal principles. **All legal principles shall be satisfied for the Board of Adjustment to grant a variance.**



- A. Finding of unnecessary hardship
 - 1. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
 - 2. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and
 - 3. The use to be authorized by the variance will not alter the essential character of the locality.
- B. Granting the variance will not be contrary to the public interest; and
- C. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

The property owners and their contractor provided the following responses to the legal principles. Staff’s analysis of the legal principles can be found below under the Findings of Fact section.

Encroaching into the setback does not impede any adjacent properties as there are none that exist in close proximity that would have an adverse condition by granting this request. (See attached site plan for reference). Having conferred with Eric and Judy Balbiani, I am respectfully providing you the requested response to your questions and fulfillment of documentation in support of their request for a variance of 7’ from the required 40-foot setback. We request your sincere consideration of our request as we believe that the principals of Story County Land Development Regulations Ch 92.03 are being met and the special circumstances requested do not harm, nor are contrary to the public interest. In fact, we believe presented design solutions are well-reasoned within the parameters of the site, sensitive to the essential character of the locality as well as the architecture of the house. We strongly believe the spirit and intent of the Story County Development Plan and Development Regulations are protected. Our design goal strives to provide long-term value to this property without unnecessary hardship to the homeowners, whether through extraneous cost, environmental disruption, or visual discordance with their property. The homeowners aspire to improve their homestead so that its use can serve and support them as they age in place, while also adding long-term value for their investment in step with surrounding neighborhood investment.

Findings of Fact

- A. Finding of unnecessary hardship
 - 1. **The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;**

Staff Comment: The principle of reasonable return asks the Board to consider if, without a variance, a property owner cannot establish any beneficial use on their property.

The variance is being requested to protect two trees on the property by allowing the garage door and driveway to be located further west. The applicant indicates that if the trees were removed, “new trees could be planted but would not provide the energy conservation that the current trees do. These trees are beautiful in the fall and everyone feels this adds value to the property. The new trees would take 15 to 20 years to provide the cooling benefit that the existing trees do, plus the removal of the trees would reduce the character and value of the property. We estimate that the value loss of the trees to be \$10 - 15,000, and the cost to remove them will be \$5 - 7, 000.00.”



However, staff finds that as the alternative exists to remove the trees and construct a smaller attached garage addition, meeting the setback and applicant's needs, reasonable return is established without the variance. If the trees were impacted, the garage addition and interior improvements could occur while meeting setbacks. A smaller garage addition, 32 feet-by-26-feet, would meet the applicant's needs to have garage space that allows for adequate parking of the two vehicles, entry to, and exit from the vehicles and would meet the required setback. This smaller garage would still be 832 square feet (excluding the workshop) and is 57% larger than the existing garage. Further, a smaller garage that meets setback would not prohibit the conversion of the existing attached garage into living space. A smaller garage is not the preferred alternative due to the impact on the two trees.

Further, reasonable return is established on the property as there is an existing dwelling, built in 1960, with a 530 square-foot attached garage, that meets the required setbacks. The property owners purchased the property in its current configuration in 2007.

2. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and

Staff Comment: The principle regarding unique circumstances asks the Board to consider if topography or other limiting factors, outside of the property owner's control, create the need for the variance request.

There are unique circumstances requiring the attached garage to be located on the west side of the dwelling and the overhead garage door to be located on the south side of the garage:

- The septic system and water lines are located on the north side of the home.
- The house is already located at the minimum 35-foot rear setback from the east property line. Any garage on this side of the dwelling would require a variance for the entire structure. Additionally, the bedrooms are located on the east side of the home and the location of a garage on the east side would not be a logical or desirable flow for the living space versus a location on the west side with garage access through the mudroom and laundry area.
- The applicant indicates that "Aesthetically, placing a garage south of the house impedes the view for which they bought the house, and erodes the character of the home and its value would likely be impacted as well."

As an attached garage would most logically be placed on the west side of the property given these circumstances, the relocation of the driveway so that the entry to the garage was on the west side of the garage, rather than the south, was considered as an alternative to protect the trees. However, it was not possible due to a curve in Timber Road north of the property that creates sight distance issues. The applicant also indicates a lack of maneuverability if a west-facing garage door was proposed with the existing drive location.

The Board must determine if the location of the two trees can be considered a unique circumstance requiring a variance. Again, an attached garage with a south-facing door is



proposed. The garage could function if it were 32 feet in width and would meet setbacks but would impact the two existing trees. A width of 39 feet would allow the overhead door and driveway to be located further west away from the trees but would encroach seven feet on the required 40-foot front setback.

In 2002, a similar variance was requested for an adjacent property to the west across Timber Road to reduce the side setback for a detached garage to protect two trees. The Board concluded the trees were not a unique circumstance and remanded the variance for the applicant to redesign the garage to meet setbacks. The garage was constructed meeting the setback in this case. Staff concludes that the trees are not a unique circumstance meeting this criterion.

3. The use to be authorized by the variance will not alter the essential character of the locality.

Staff Comment: The average attached garage size of adjacent dwellings is 675 square feet and sizes range from having no attached or detached garage to a 1,500 square foot garage. The second-largest existing attached garage on an adjacent property is 843 square feet. The proposed garage is 1,014 square feet, excluding the workshop area. The neighborhood is a combination of older subdivisions with similar-sized dwellings and garages, houses in new subdivisions with larger garage sizes, and farmsteads with large accessory structures. The proposed garage would maintain the existing roofline and height of the home. The essential character of the locality would not be altered.

B. Granting the variance will not be contrary to the public interest; and

Staff Comment: Following the Story County Land Development Regulations, the public interest in enforcing the bulk requirements associated with an R-1, Transitional Residential District is “to provide a district for single-family detached dwellings between a rural and urban density” (see section 86.07(1)). Similarly, the property is designated as Rural Residential in the Ames Urban Fringe Plan. The public interest in enforcing the policies and principles related to the Rural Residential Area relates to the policy that the designation “includes all single-family residential land uses/developments that involve maximum average net densities of one unit per acres” and to protect the rural character of the area “through residential density requirements, buffering requirements between conflicting land uses and other appropriate transitions from urban to rural areas.” The variance will not change the density of the property. However, because the property is zoned R-1, it already has a smaller setback permitted than that of other adjacent properties that are zoned A-R or A-1, where a 50-foot front setback applies. Allowing an even more reduced front setback may set a precedent for the area that could affect the buffering between properties and character.

The public interest in enforcing the bulk requirements in the Story County Land Development Regulations and setbacks relates to building separation and uniform location, providing light and air between buildings, separation from roadways for inhabitant and motorist safety as well as access to utilities and the right-of-way. Timber Road is a gravel,



County Road with an average daily traffic (ADT) count of 130. The level of traffic on the roadway or how the property owner’s access the road will not change with the variance request. The height of the dwelling will be maintained.

C. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

Staff Comment: The Story County Comprehensive Plan and the Story County Land Development Regulations have similar spirits/intents to maintain the county’s rural character.

The Statement of Intent for the R-1 Transitional Residential Zoning District is:

“The R-1 Transitional Residential District is designed to provide a district for single-family detached dwellings between a rural and urban density. Subdivisions created within the R-1 district may also include community facilities and open space uses, with special provisions to protect the residential character of the District. This District is not intended to permit isolated rural dwellings incompatible with surrounding land uses and not in conformance with the Cornerstone to Capstone (C2C) Comprehensive Plan.”

Similarly, the property is designated as Rural Residential in the Ames Urban Fringe Plan, which “includes all single-family residential land uses/developments that involve maximum average net densities of one unit per acre.”

The proposed garage will not allow for denser residential development.

However, because the property is zoned R-1 Transitional Residential, it already has a smaller setback permitted than that of other adjacent properties that are zoned A-R or A-1, where a 50-foot front setback applies. Allowing an even more reduced front setback may set a precedent for the area that could affect the buffering between properties and character.

Commentary

Comments from the Interagency Review Team

The complete application was forwarded to the members of the Interagency Review Team on Monday, June 29, 2020. The following comments were received:

Story County Environmental Health: Environmental Health has no concerns for this proposal, as it will not impact the septic system or well. The system was designed for a three-bedroom house. If the expanded living space will add a bedroom, it will be necessary to apply for a septic permit and to upsize the septic system. As a reminder, proper maintenance of the septic system involves pumping your septic tank every five years.

Story County Engineer: No Comments

Story County Assessor: No Comments

Story County Planning and Development:



1. What is the proposed living space and what is planned for the garage addition?

While we addressed this item in our cover letter, let it also be known that property was acquired in 2007 in good faith and use of the property will remain the same. Only its functionality to the occupants will be enhanced and elevated, and the future service to others will be increased. We did attempt to comply using a western entry option, but the required driveway was closer to the blind corner. To use the current driveway was disjointed and provided for hard maneuvering. It was determined that a southern garage was ultimately a safer solution for clients and public alike, and the outcome provided visual continuity with the current façade of the house.

The footprint of existing garage, which is currently very limited for two sized vehicles, is the space of the interior renovation, as noted in the drawings. The footprint of the garage is west of the original garage and is noted on the floor plan. Square footage is noted within each area of the updated plans.

50% of the proposed living space will provide for to expansion of living space to be used as a new/additional family room. The other half of the existing garage will be for new upstairs bathroom, laundry room, mudroom and pantry. These renovations are necessary to accommodate the ability of Eric and Judy age in place within in our house. The current laundry is in the basement and it will be increasingly more difficult to access over time. Improved storage, and mudroom will accommodate extended family visits, grand kids and accessibility.

The new garage addition will be utilized to accommodate a full-size tuck and a SUV. The additional space will allow rom to fully open the vehicle doors which the current garage does not allow. This new space will create a worship/woodworking area the house currently does not have, and the homeowners will be able to enjoy it in retirement.

2. In the narrative, it was stated that a detached garage was not an option because the owners are accustomed to having an attached garage. Could you please elaborate why the following options are not viable for this property:

- a. Could the existing garage remain and the proposed living addition be added elsewhere, such as the north or south side of the dwelling?

Current garage is inadequate. The garage is not currently large enough to open the car doors without hitting the walls or hitting the car door of the other vehicle sitting next to it. One of the vehicles has to be backed into the garage with it tightly up against the wall which blocks access to the passenger doors. This configuration causes a tight area between the two cars that makes it hard to open the doors without banging into the other vehicle. But as the occupants age, navigating this space will be increasing[ly] difficult. Additional space for vehicles and a shop is necessary.

To build to the front would detract from the façade and character of the house. To build to the rear could be a possibility, but the shade tree for the deck would need to be removed and the waterline, sewer line and well lines would all become effected, as the additional living space would need to be centrally located to make functional sense.



- b. Could the proposed garage be placed on the north or south side of the dwelling?
Similar to the above concerns, an addition of the family room to the north is not financially affordable because of the additional requirements of the foundation, not to mention adding a finished basement level to provided rear access congruent with existing house. Plus, there is additional costs associated with moving water utilities, sewer and well services lines.

An addition to the south is not desirable as this would also cost more, not would such a solution provide the living space which Eric and Judy's growing family needs. Placing services like laundry and bathroom space makes better sense near the kitchen and utilizing the drain lines accessible on west side of the house. The utilization of the current garage as living space is cost effective and avoids moving unnecessary services. As noted, many of these utilities are located within inside of the basement and are in close proximity of the proposed laundry and bathroom of the new living space and would be easy to hook up to.

- c. Could a small breezeway be constructed to connect a new a detached garage to the dwelling?

No. We are trying to avoid the changing/adding new roof lines. The goal is to use the current roof line thus avoiding the loss of mature trees to the south and north, while also protecting the visual continuity of the ranch style home. A breeze way is not desirable and would not gain any purpose other than to detach the garage from the house. An acceptable solution using a breezeway has not been achieved.

- d. Could the proposed garage be reduced in size by 7' to meet the required 40' setback?
The current proposal shows the west edge of the garage close to the 40' setback mark which puts the east edge of the garage door in line with the trees and doesn't provide enough clearance to maneuver a car in and out of the door. The proposed variance request is asking for a few additional feet to move the garage door away from the trees to create the clearance for parking the cars in the garage. In doing so, we can also eliminate any pavement and undue strain on the trees root balls as a result of traffic or impervious surfaces.

3. Could you elaborate why a garage approximately 13' longer than the current existing garage is needed?

The 13' extension to the rear of the garage is to provide for a distinct shop / woodworking area from the garage. The rear 'bump out' also helps screen the deck from the street, adding privacy for the deck's use because of the house's atypical orientation. This helps to optimize the 'rear' family space, while also providing positive circulation and flexibility for the house for extended family gatherings. Adding space in this way allows for improved functionality but remains within the rear site limitations defined by the water services into the house.

4. In the narrative, it is stated that the property is not setup to reasonably add a detached garage while making the property functional. Could you please elaborate on what factors or features exist that would make this the case?



The Balbiani's do not desire a detached garage. Their goal is to stay in their home as long as possible as they age. A detached garage would limit this ability, making it less safe to access during garage during icy/snowy weather, especially as they mature. A detached garage simply does not solve any of their long-term issues and raises functional, safety concerns.

Aesthetically, placing a garage south of the home impedes the view for which they bought the house, and erodes character of the home and its value would likely be impacted as well. To build to the rear, would require relocating additional utilities as seen in the updated site plan. Placement of the garage addition on the western side of the house makes the most economical sense as it allows the existing structure to be continuous and integrated.

5. In the narrative, it was stated that the goal of the variance is to preserve two trees providing home cooling and preventing direct southern sun exposure to the home. From review of the aerial of the property, there appears to be a discrepancy on where the trees are located and where they are shown on the site plan drawing. With the proposed plan, will trees need to be removed? Also please elaborate why new trees could not be planted to provide heat relief?
Currently there are only 2 trees to the south of the house and one to the north. A tree that was to the west of these trees has already been removed as it was dying and needed to be removed. The southern 2 trees have been on the property for over 30 years, and the rear tree is even older. We have added them to the site plan to highlight their location. These trees provide shade to the roof and reduce our cooling costs which helps reduce our overarching energy consumption, and subsequently help us maintain our household operation as we retire. We will attach photos of the trees to show their proximity to the existing house, and why we are so carefully designing this addition to the west.

The goal was to preserve these trees when planning the addition as this is environmentally responsible. New trees could be planted but would not provide the energy conservation that the current trees do. These trees are beautiful in the fall and everyone feels this adds value to the property. The new trees would take 15 to 20 years to provide the cooling benefit that the existing trees do, plus the removal of the trees would reduce the character and value of the property. We estimate that the value loss of the trees to be \$10-15,000, and the cost to remove them will be \$5-7,000.00

6. How are the trees preserved by increasing the garage size and/or how a smaller garage has a negative impact on the trees?
By adding to the size of the garage the trees will not be disturbed, as noted above in 5d. The new driveway will be less likely to disturb the root system and will reduce the chance of damaging the cars, and trees, as homeowners enter/exit the garage.
7. Could the southern section of the home be provided shade form an awning, extended overhangs, a covered deck or the installing of freestanding shade structures, if the trees are removed?
An awning or extending the overhands or a covered deck would not provide shade to the roof line as the trees do now. Keeping the trees is environmentally responsible. The trees, as they are now, are aesthetically pleasing to the homeowners, and it's a prerequisite of the design and placement of the addition.



8. Will the existing electric pole structure located on the northwest side of the home need to be relocated for the proposed project? Please contact your provider Consumers Energy for more details regarding overhead line clearance at (641) 752-1593 or info@consumersenergy.coop **Consumers have already been contacted and the utility is currently working on plans to remove the existing pole and overhead lines and will be running the lines underground. See drawings for anticipated placement. See photograph to verify new service transformer box.**

Comments from Cities within Two Miles

Notification was provided to Kelley, Ames, and Gilbert on July 9, 2020. No comments were received at the time of the writing of this report.

Comments from the General Public

Notification letters were mailed to surrounding property owners regarding the variance request on July 9, 2020. No comments were received at the time of the writing of this report.

Points to Consider

1. The variance is being requested to protect two trees on the property by allowing the overhead garage door and driveway to be located further west.
2. The proposed garage will be 39-foot-by-26 feet and located on the west side of the existing dwelling. The overhead garage door will be south-facing.
3. The average attached garage size of adjacent dwellings is 675 square feet and sizes range from having no attached or detached garage to a 1,500 square foot garage. The proposed attached garage (1,014 square feet) is more similar in size to the larger garages in the area.
4. The proposed 39-foot-by-26-foot attached garage is 91% larger than the existing 530 square-foot attached garage. A 32-foot-by-26-foot attached garage is 57% larger than the existing garage.
5. The garage addition was initially proposed to be 32 feet in width. At this size, the required setback would be met. This size would also have been adequate to accommodate the vehicles, however, it would have required the removal of two trees to the south of the dwelling as there was not adequate maneuvering room around the trees and the pavement would place strain on the roots.
6. Constructing an attached garage or addition on another side of the poses several issues: there are utility and septic lines on the north side of the dwelling, the east side of the dwelling is at the minimum required rear setback, and an addition on the south side of the dwelling would impact the trees and/or the layout and flow of the ranch-style home. The kitchen and proposed laundry room are on the west side of the dwelling. The bedrooms are located on the east side.
7. In 2002, a similar variance was requested for an adjacent property to the west across Timber Road to reduce the side setback for a detached garage to protect two trees. The Board concluded the trees were not a unique circumstance and remanded the variance for the applicant to redesign the garage to meet setbacks.
8. The variance will not change the density of the property. However, because the property is zoned R-1, it already has a smaller setback permitted than that of other adjacent properties that are zoned A-R or A-1, where a 50-foot front setback applies. Allowing an even more reduced front setback may set a precedent for the area that could affect the buffering between properties and rural character.

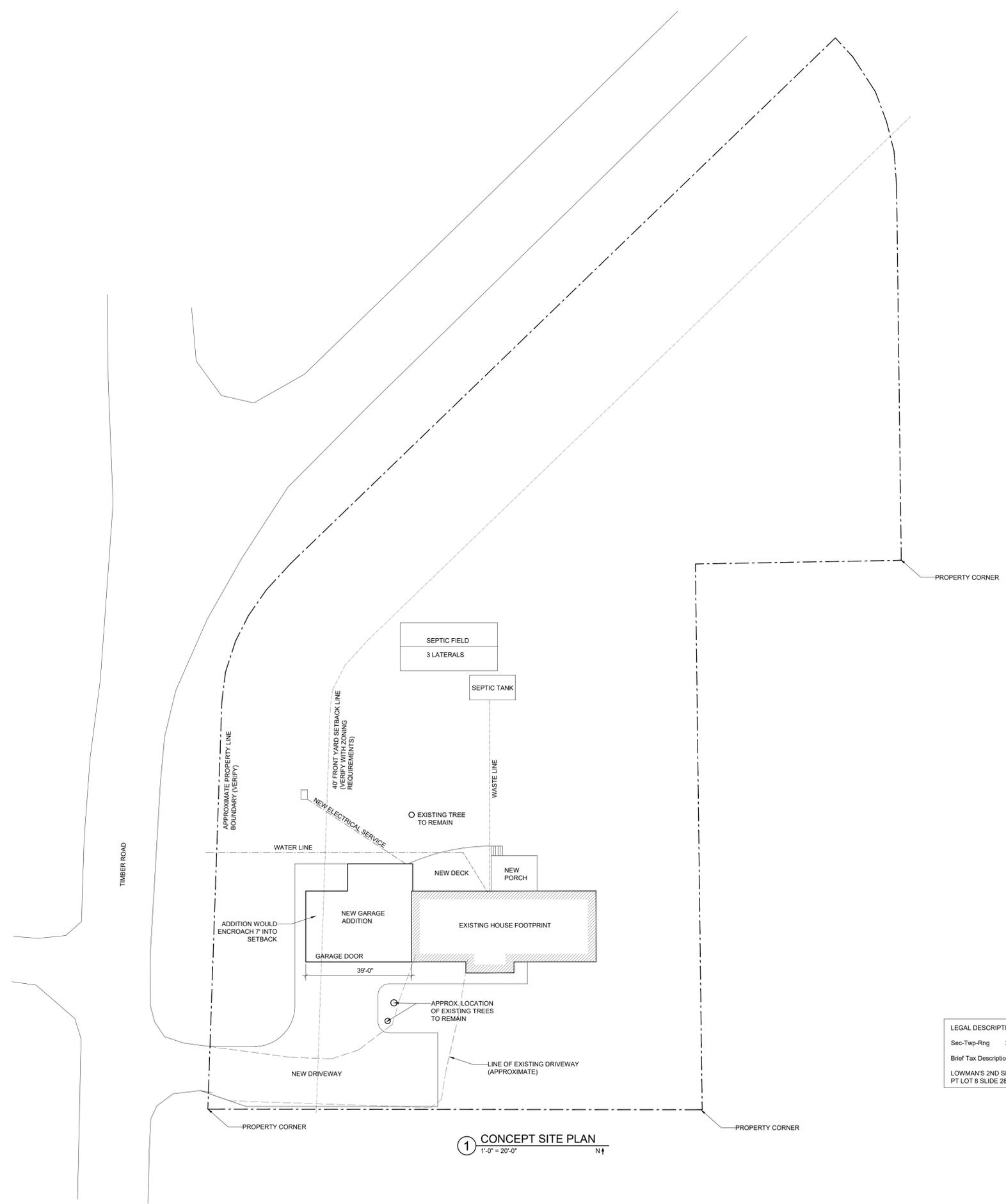


Staff Recommendation and Alternatives for VAR02-20

Staff concludes that the request to allow the front setback variance of seven feet to allow the construction of a 39-foot-by-26-foot attached garage does not meet all legal principles necessary for the granting of a variance.

The Story County Board of Adjustment may consider the following alternatives on the Balbiani Setback variance request, VAR02-20:

1. The Story County Board of Adjustment approves the Balbiani variance request, as requested by the applicant and put forth in case VAR02-20, for a variance of seven feet from the required 40-foot front setback for the construction of a 39-foot-by-26-foot attached garage at a setback of 33 feet from the front property line.
2. The Story County Board of Adjustment approves the Balbiani variance request with conditions, as requested by the applicant and put forth in case VAR02-20 for a variance of seven feet from the required 40-foot front setback for the construction of a 39-foot-by-26-foot attached garage at a setback of 33 feet from the front property line.
3. **The Story County Board of Adjustment denies the Balbiani variance request, as requested by the applicant and put forth in case VAR02-20, for a variance of seven feet from the required 40-foot front setback for the construction of a 39-foot-by-26-foot attached garage at a setback of 33 feet from the front property line.**
4. The Story County Board of Adjustment tables the Balbiani variance request, as requested by the applicant and put forth in case VAR02-20, for a variance of seven feet from the required 40-foot front setback for the construction of a 39-foot-by-26-foot attached garage at a setback of 33 feet from the front property line and requests Planning and Development Staff place the item on the August 19, 2020, Board of Adjustment agenda.



LEGAL DESCRIPTION:
 Sec-Twp-Rng 34-83-24
 Brief Tax Description
 LOWMAN'S 2ND SD PARCEL "D"
 PT LOT 8 SLIDE 284 PG 3

1 CONCEPT SITE PLAN
 1" = 20'-0" N↑

REVISIONS	DATE
UPDATED SITE INFO	7/7/20

PRINT RECORD
 SITE PLAN REVIEW 6/29/20

REVIEW

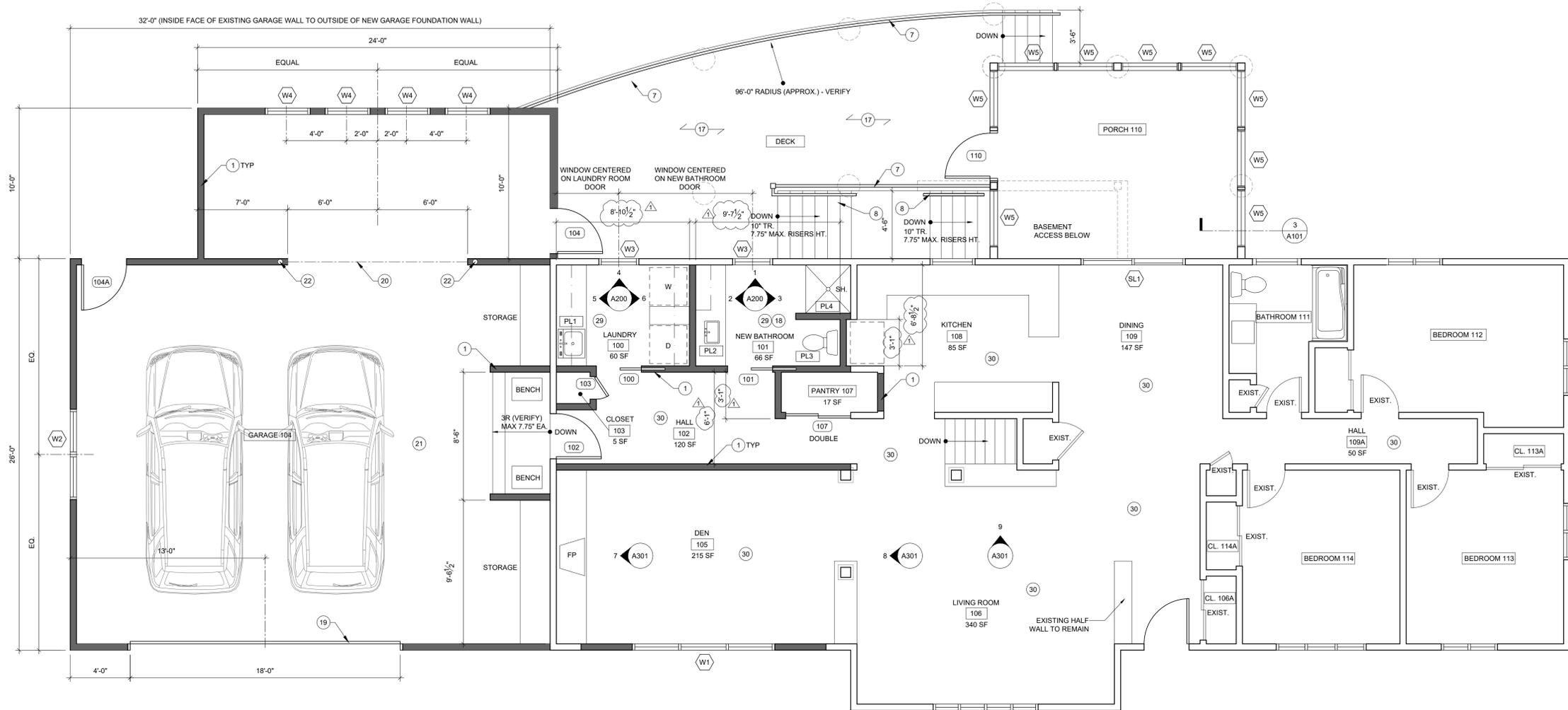
BALBIANI RESIDENCE
 27922 TIMBER ROAD
 KELLEY, IA

COVER SHEET

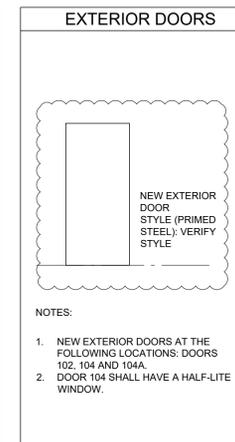
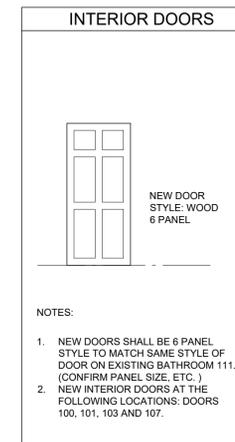
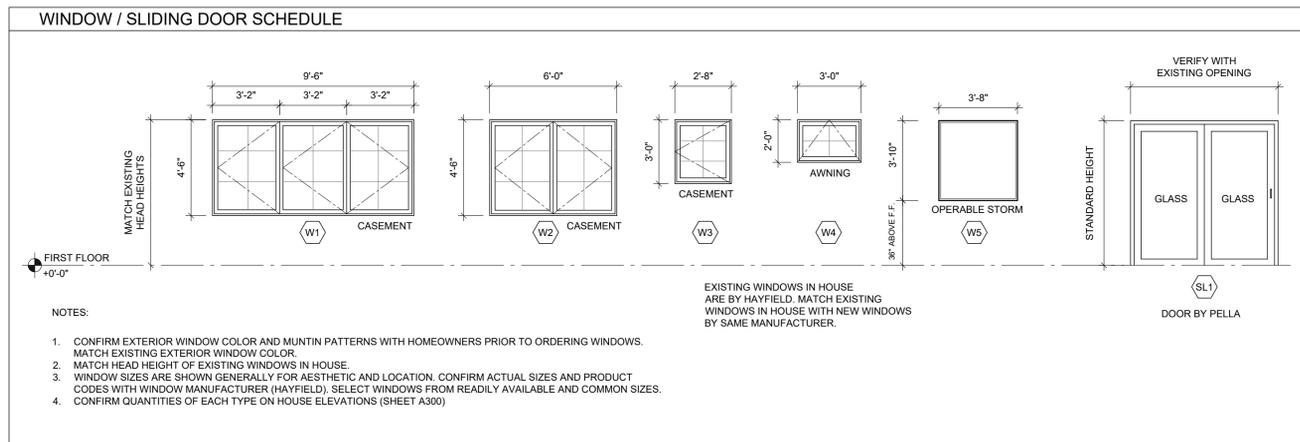
SHEET
G100

KEYED NOTES / MATERIALS LIST

- 1 NEW WALL LOCATION
AS INDICATED ON PLAN
- 2 CONCRETE POST FOOTING OR SQUARE PAD FOOTING TO CARRY NEW BEAM AND FLOOR STRUCTURE.
- 3 EXISTING EXTERIOR WALL
- 4 REMOVE EXISTING WALL AREA TO ADD BLOCKING TO SIT END OF BEAM TO BEAR ON EXISTING FOUNDATION WALL.
- 5 LAMINATED BEAM OR DOUBLE 2 X BUILT UP BEAM TO CARRY NEW FLOOR FRAMING. (LIMIT DEPTH TO NOT CONFLICT WITH EXISTING SLAB)
- 6 NEW FLOOR FRAMING MEMBERS 16" O.C. (11-7/8" TJI OR 2 X FRAMING MEMBERS). FRAMED INTO SIDES OF BEAM TO LIMIT DEPTH OF STRUCTURE TO MATCH FIRST FLOOR FINISHED ELEVATION.
- 7 WESTBURY GLASS RAILING SYSTEM - "VERANDA" STYLE. BLACK WITH CLEAR GLASS
- 8 WALL MOUNTED HAND RAIL. CONFIRM STYLE WITH OWNER.
- 9 BEARING POINT FOR PORCH ABOVE. ATTACHED TREATED WOOD POSTS TO TOP OF WALL TO SUPPORT BEAM ABOVE.
- 10 CONCRETE POST FOOTINGS (SONOTUBE OR EQUAL - ASSUME 18" DIA.)
- 11 TREATED WOOD POST FOR BEAM BEARING
- 12 NEW CONCRETE RETAINING WALL (OR BLOCK RETAINING WALL) ON CONCRETE SPREAD FOOTING - REINFORCE AS REQUIRED.
- 13 EXISTING AREA DRAIN. REPAIR AS REQUIRED TO FUNCTION PROPERLY.
- 14 DECK BEAM - DOUBLE 2 X FRAMING MEMBER SITTING ON 6 X 6 TREATED WOOD POSTS
- 15 BLOCK OUT FOR GARAGE DOOR - VERIFY DOOR SIZE
- 16 2" LEDGE ON CONCRETE FOUNDATION WALL FOR GARAGE SLAB BEARING
- 17 FINISH DECKING MATERIAL (CEDAR OR OTHER - VERIFY WITH OWNER)
- 18 IN-FLOOR HEAT IN NEW BATHROOM (ELECTRIC OR HYDRONIC - VERIFY)
- 19 18" WIDE GARAGE DOOR - VERIFY STYLE AND TYPE WITH OWNER
- 20 BEAM ABOVE CARRYING ROOF TRUSS LOAD
- 21 IN-FLOOR HEAT IN NEW GARAGE (HYDRONIC - CONFIRM LOCATION OF NEW BOILER)
- 22 STEEL PIPE COLUMN TO CARRY BEAM (PAD FOOTING BELOW)
- 23 PARTIAL HEIGHT GARAGE FOUNDATION WALL ON CONTINUOUS 16" X 8" FOOTING (FOOTING AT FROST DEPTH). REINFORCING PER BUILDING CODE FOR WALL AND FOOTING. EMBED BOLTS AT TOP OF WALL FOR SILL PLATE ATTACHMENT. WATERPROOF EXTERIOR OF FOUNDATION WALL.
- 24 CEMENT BOARD LAP SIDING (ENTIRE HOUSE) - PAINT OR PREFINISH (VERIFY)
- 25 EXISTING CONCRETE BLOCK FOUNDATION WALL (PAINT)
- 26 NEW GARAGE DOOR (VERIFY STYLE WITH OWNER)
- 27 NEW WALL MOUNTED LIGHT FIXTURE (SEE ELECTRICAL)
- 28 "SHAKE" STYLE CEMENT BOARD SIDING
- 29 NEW FLOOR FINISH: TILE (VERIFY STYLE WITH OWNER)
- 30 NEW FLOOR FINISH: LVT (VERIFY STYLE WITH OWNER)
- 31 CEDAR SHUTTERS (VERIFY STYLE WITH OWNER)
- 32 NEW SHINGLES ON ENTIRE HOUSE



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0" N ↑

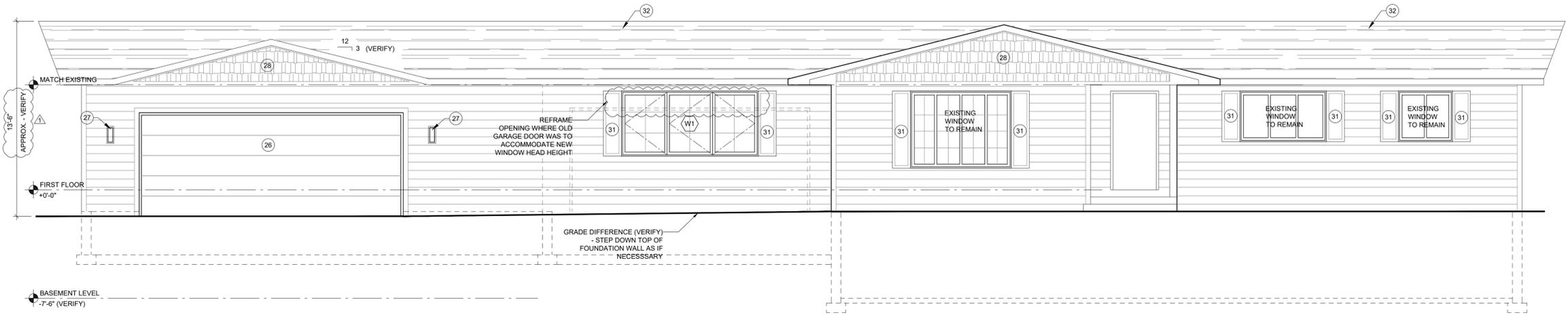


PLUMBING FIXTURE NOTES

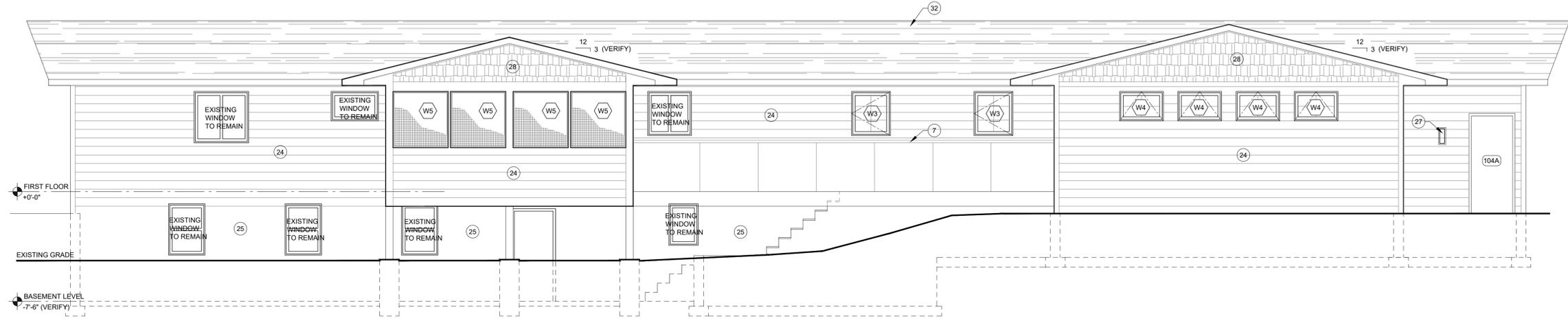
MARK	DESCRIPTION	NOTES
PL1	NEW LAUNDRY SINK & FAUCET	VERIFY WITH OWNER
PL2	NEW BATHROOM SINK & FAUCET	VERIFY WITH OWNER
PL3	NEW TOILET	VERIFY WITH OWNER
PL4	NEW SHOWER FIXTURES	VERIFY WITH OWNER

KEYED NOTES / MATERIALS LIST

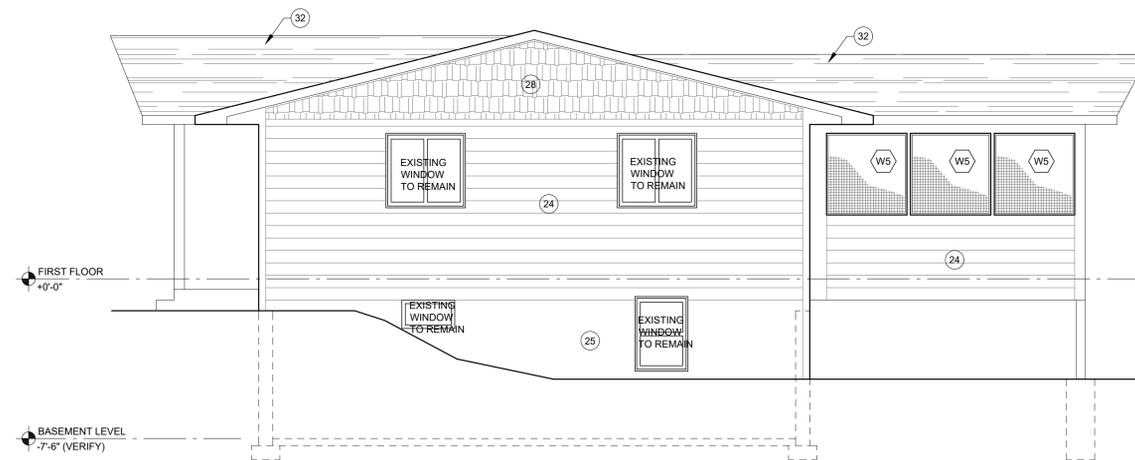
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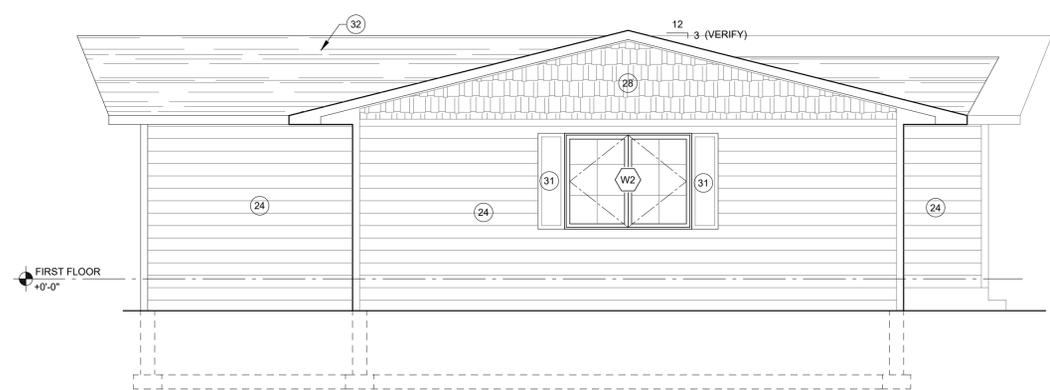
1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 BACK ELEVATION
SCALE: 1/4" = 1'-0"



3 SIDE ELEVATION
SCALE: 1/4" = 1'-0"



4 SIDE ELEVATION
SCALE: 1/4" = 1'-0"



REVISIONS	DATE
ADDED DIMENSIONS	7/17/2020

PRINT RECORD REVIEW 6/18/20

REVIEW

BALBIANI RESIDENCE
27922 TIMBER ROAD
KELLEY, IA

EXTERIOR ELEVATIONS

SHEET

A300

Story County Planning and Development

900 6th Street, Nevada, Iowa 50201

(515) 382-7245 — pzweb@storycountyia.gov — www.storycountyia.gov

VAR02-20

VARIANCES, WAIVERS, APPEALS



1. Property Owner* (Last Name) <u>Balbiani</u> (First Name) <u>Eric and Judy</u> (Address) <u>27922 Timber Road</u> (City) <u>Kelley</u> (State) <u>IA</u> (Zip) <u>50134</u> (Phone) _____ (Email) _____	2. Applicant (if different than owner) (Last Name) _____ (First Name) _____ (Address) _____ (City) _____ (State) _____ (Zip) _____ (Phone) _____ (Email) _____
---	--

3. Property Address <u>27922 Timber Road, Kelley, IA 50134</u>	Parcel ID Number(s) <u>09-34-460-110</u>
---	---

4. Certification and Signature

I/we certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owners of the property. Pursuant to said authority, I hereby permit County officials to enter upon the property for the purpose of inspection.

***Acknowledgement of property owner is required and may occur via email or by signature of this application.**

Property Owner Signature _____ **Date** _____ **Applicant Signature** _____ **Date** _____

Variances are considered by the Story County Board of Adjustment and are requests to vary the strict application of the height, area, setback, parking or density requirements. Waivers are considered by the Story County Planning and Zoning Commission and Board of Supervisors and are requests to minimally ease the requirements for property development. Appeals are considered by the Story County Board of Adjustment where it is alleged that there is an error of law in any order, requirement, decision or determination made by the Planning and Development Director or his/her designee on enforcement of the Ordinance.

Variance

Ordinance Section: 92.03

Submittal Requirements:

- Legal description of area
- Filing Fee (required prior to processing):
\$175 per request
- Proposed site plan
- Written narrative explaining justification for proposed variance and response to the legal principles outlined in Section 92.03(4) of the Story County Code of Ordinances

Waivers

Ordinance Section: _____

Submittal Requirements:

- Filing Fee (required prior to processing):
\$175 per request
- Written narrative explaining justification for proposed waiver and response to the legal principles outlined in Section 92.02 (4) of the Story County Code of Ordinances and standards in Section 92.04

Appeal of Director's Decision

Date of Director's Written Decision: _____

Submittal Requirements:

- Filing Fee (required prior to processing):
\$175 per request
- Written narrative specifying grounds for appeal

Receipt No. 570322
 Receipt Amount \$175

27922 Timber Road

Kelley, IA 50132

Variance Narrative

This application is for a variance to the 40' front yard setback requirement at the above referenced property. An upcoming construction project includes a home renovation and new garage addition. The garage addition is anticipated to encroach 7' into the setback. The reason for pushing the new attached garage into the setback is that there are 2 trees on site near the garage door that are to be preserved. These trees are shade trees that provide needed relief to the home for cooling and are critical to the livability of the home, shading direct southern exposure to the home.

The renovation of the home includes adding living space where the old garage previously exists so that the owners can age in place in the home. A detached garage is not an option for this property due to it being a condition that the owners are not accustomed to considering they have lived there with an attached garage previously, and inclement weather makes leaving a detached garage to walk outside to enter the home not desirable. The site is also not setup to reasonably add a detached garage and make the property functional.

Encroaching into the setback does not impede any adjacent properties as there are none that exist in close proximity that would have an adverse condition by granting this request.

(See attached site plan for reference)

Stephanie L. Jones

From: Chaden Halfhill <chaden@iowahomecrafters.com>
Sent: Monday, June 29, 2020 4:19 PM
To: Amelia Q. Schoeneman
Cc: Dan Nutini
Subject: Fwd: PROPERTY AT 27922 TIMBER ROAD

[External Sender - Please Use Caution]

Consent email from homeowners to apply for variance.

Sent from my iPhone

Begin forwarded message:

From: eric balbiani
Date: June 29, 2020 at 4:02:32 PM CDT
To: Chaden Halfhill
Subject: **PROPERTY AT 27922 TIMBER ROAD**

TO WHOM IT MAY CONCERN.

ERIC AND JUDY BALBIANI GIVE IOWA HOME CRAFTERS PERMISSION TO ACT ON OUR BEHALF TO APPLY FOR A VARIANCE FOR THE PROPERTY, LOCATED AT 27922 TIMBER ROAD KELLEY, IA 50134, TO ALLOW FOR THE ADDITION OF A GARAGE.

THANK YOU.

ERIC BALBIANI

Eric Balbiani | Technical Services, Incorporated
57006 241st Street Ames, IA 50010
e: eric.balbiani@tsiames.com p:515.232.3188 f:515.232.2953

www.tsiames.com







Staff Report

Board of Adjustment

Date of Meeting:
July 15, 2020

**Case Number: VAR01-20—Friend Front Setback Variance
Request for An Attached Garage**

APPLICANT: Andrew Friend

STAFF PROJECT MANAGER: Marcus Amman, Planner

SUMMARY:

The request is for a variance to the minimum front set back at a nonconforming dwelling located in the A-1 District, which establishes a minimum front set back of 50 feet. The variance request is to permit the construction of an attached garage to the single family dwelling that would encroach on the front setback requiring a variance of 20 feet from 50 feet to 30 feet. The property is located in Section 2 of Franklin Township parcel number 05-02-200-230. Planning and Development Staff is recommending approval of the variance.





Property Information

PROPERTY OWNER

Andrew J & Naomi A Friend

PROPERTY ADDRESS

NE NE of Section 02, Township 84, Range 24

LEGAL DESCRIPTION

SECTION: 02 TOWNSHIP: 84 RANGE: 24 NE NE BEG 522'S NE COR S435.5' W328.1' N430.7' E328.8' TO BEG

PARCEL IDENTIFICATION NUMBER

05-02-200-230

SIZE OF PARCEL

2.92 net acres

CURRENT ZONING

A-1 Agricultural District

CURRENT LAND USE

Residential

LAND USE FRAMEWORK MAP DESIGNATION

Agriculture Conservation Area

CITIES WITHIN TWO MILES

Gilbert

REQUESTED ACTION

The variance request is to permit the construction of an attached garage to the single family dwellings encroachment on the front setback requiring a variance of 20 feet from 50 feet to 30 feet.

Background

Applicable Story County Land Development Regulations Sections

All permitted uses in the A-1 district of the Story County Land Development Regulation require a 50 foot setback from the front property line.

Subject Property

In 2013 Andrew and Naomi Friend purchased the property at 16117 550th Ave. The property is located in Section 2 of the Franklin Township. The dwelling is located on 550th Ave, a gravel road, with an average daily traffic (ADT) count of 130 from 2015. This compares to the 4,700 ADT on Highway 69 to the west for the same year. The existing dwelling was built in 1930 before zoning was adopted by the county and was the location of the original farmstead. It is also one of the oldest dwellings in the area. The original barn that was located near the right of way has been torn down. There is also a detached



garage (24'x24') to the northwest of the dwelling. The Friend family recently updated the second story of the dwelling and is currently constructing an addition to the house granted through the variance request 04-19. This variance request was for 33 feet from the minimum 50 feet to 17 feet. These updates to the dwelling will match the needs of modern homes.

The existing detached garage is used as a farm building to store tools, equipment, and supplies for our flower farm, and as a work space for our flower farm (arranging bouquets). The future use is the same. The applicant considered adding lean-to additions to the existing detached garage but that space would be used in conjunction with the flower farm and not for storing of vehicles.

The dwelling is situated such that the septic system constrains any construction on the west side of the dwelling. The proposed attached garage was granted a variance from Environmental Health to be 6 feet from the septic tank instead of the usual 10 feet requirement. The south side of the dwelling does not have an access, and the eastside is already inside of the required set back area. To the south of the dwelling is a well which limits the possibility for expansion directly south along with the new addition. North of the dwelling is the access to the property which limits the placement of the proposed attached garage to the location the Friend family has proposed. This access and driveway is also used to enter and exit the detached garage.

The dwelling was built prior to the zoning ordinance for setbacks, and due to this the dwelling is in a unique circumstance to the neighborhood. It is one of the oldest homes in a 1 mile radius with some of the closest homes being built between 1970 and 2010. These two homes have attached garages. The proposed layout is the only location to allow for an attached garage to the dwelling. South of the proposed attached garage addition is an existing entry, mudroom which leads to the kitchen. The location of the proposed attached garage is logical as it will be adjacent to the mudroom which leads to the kitchen. Also the design of the proposed attached garage will match the country style design of the dwelling. Due to the neighborhood being large agricultural parcels in row crop production with dwellings on few of them, this variance would not affect the essential character of the neighborhood. It will still be a large single family home on an acreage in the country keeping with the character of the neighborhood.

The proposed 24'x24' garage addition will not be contrary to the public interest as it will still be separated from the road by approximately 56 feet to the west edge and 30 feet from the front setback line. This will also not likely affect any public systems. This is also in line with the Story County Comprehensive Plan land use designation of Agricultural Conservation Area. This dwelling and proposed addition keeps with the rural nature of the spirit and intent of the C2C plan designation that it falls under. A single family dwelling is permitted in the A-1 district and this is an expansion of an existing dwelling that captures the rural character of a farm dwelling and no new development lots would be created.

Future Land Use

This property is located in the Story County Agriculture Conservation Area. The subject property includes a residence with no area in agriculture production.

Surrounding Land Use

The property that surrounds the subject property is a 35.23 net acre parcel that is entirely in row crop production. This parcel is the original farm that the subject parcel was divided from. It surrounds the parcel on all sides excluding the east.



The property adjacent to the subject property to the east contains 54.41 net acres entirely in row crop production. This parcel was also selected as a site for a StoryComm Communications tower that was approved under CUP03-20 on June 17, 2020.

There is a residential property to the south that is 5.82 net acres none of which is in agriculture production. The dwelling was built approximately 1,004 feet from the subject property dwelling and has a front set back of approximately 85 feet. This dwelling has an attached garage.

There is a dwelling on a 38.81 acre parcel to the north. The majority of that parcel is in row crop production. The dwelling was built approximately 1,542 feet to the north of the subject dwelling and has a front setback of approximately 67 feet. This dwelling has an attached garage.

The subject property is located approximately 1.89 miles northeast of the City of Gilbert, and 1 mile east of US Highway 69. The subject property is located just 700 feet to the south of the intersection of 160th ST (gravel road) and 550th Ave (gravel road). The area surrounding the subject property is primarily in row crop production.

All of the parcels within a quarter mile are zoned A-1 Agricultural. The tax classes of the parcels are either agricultural or residential. The average parcel size for a parcel within a quarter mile of the subject property is approximately 40 acres.

There is no floodplain on the subject parcel. The nearest flood plain is to the northeast and is approximately 3,700 feet away.

Legal Principles

According to Section 92.03(4) of the Story County Land Development Regulations, in deciding whether to grant a variance request, the Board of Adjustment shall consider all the following legal principles. **All legal principles shall be satisfied for the Board of Adjustment to grant a variance.**

- A. Finding of unnecessary hardship
 - 1. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
 - 2. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and
 - 3. The use to be authorized by the variance will not alter the essential character of the locality.
- B. Granting the variance will not be contrary to the public interest; and
- C. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

Findings of Fact

- A. Finding of unnecessary hardship
 - 1. **The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;**



Applicant Comment: As noted in VAR04-19, the three main features that our house lacks that are common place in modern houses are: a first floor bathroom, a large, first floor master bedroom, and main floor laundry. Granting of this new variance would allow for the addition of an attached garage, which would bring the house in line with modern homes and would allow us to realize a reasonable return if we were to sell the property.

Staff Comment: The principle of reasonable return asks the Board to consider if, without a variance, a property owner cannot establish any beneficial use on their property.

Due to the year the home was built its current layout does not match the needs of modern homes. With this home being one of the oldest in the area it is reasonable to request certain updates to be able to yield a reasonable return if the Friend family were to sell it. When the Friend family applied for the variance for the living space addition to the dwelling the size of the garage had not been decided yet. It is practical to want to add an attached garage in their location as their dwelling is the only one without an attached garage in the area. There is also a level of protection from the elements by having an attached garage. The cost of moving the laterals and the septic system would likely negate any increase in the dwelling value and the Friend family has received a variance to the required 10 feet setback from septic systems to 6 feet. Building to the south is also not feasible due to the lack of an access from the road. Lastly the Board of Adjustment granted the applicant a variance in 2019 for an addition to the dwelling to add needed amenities.

- 2. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and**

Applicant Comment: Due to the layout of the house as approved in VAR04-19, the best location for an attached garage is on the north side of the dwelling. This location also allows for convenient access from the current driveway. Finally, the current septic tank location prevents the proposed attached garage from being located any further west.

Staff Comment: The dwelling was constructed in what would become the front setback area in 1930 prior to zoning being adopted in the county. The septic system blocks any construction on the western side of the dwelling. To the south of the dwelling is a well which limits the possibility for expansion directly south along with the new addition. This is one of few dwellings in the area that was built prior to the implementation of the zoning ordinance at a location that currently encroaches the required 50 foot front setback. The Friends did not construct this dwelling. As such the Friend family is in a unique set of circumstances that most of the neighborhood do not experience. The Friends have made other improvements to the property in places where it is feasible while being constrained by the septic system. This supports that the dwelling is a unique circumstance to the property that was not caused by the Friends. The existing access and driveway location also serves as the entrance and exit to the existing detached garage limits placement or the proposed attached garage.

- 3. The use to be authorized by the variance will not alter the essential character of the locality.**



Applicant Comment: *Since the current footprint of the dwelling is already close to the road, the addition of an attached garage will not alter the essential character of the property or locality.*

Staff Comment: The property is located on a not heavily trafficked gravel road. The dwelling is located on 550th Ave, a gravel road, with an average daily traffic (ADT) count of 130 from 2015. This compares to the 4,700 ADT on Highway 69 to the west for the same year. The dwelling is also one of the oldest properties within a mile with the nearest dwellings being significantly newer. The nearby dwellings all have attached garages. The property had a barn on it that was located very near the right of way but has been torn down since the last variance request. The location of the proposed attached garage is logical as it will be adjacent to the mudroom which leads to the kitchen. Also the design of the proposed attached garage will match the country style design of the dwelling.

B. Granting the variance will not be contrary to the public interest; and

Applicant Comment: *The traffic along 550th Ave is minimal. Also, the garage will not be any closer to the edge of the road than the current dwelling already is. In fact the eastern edge of the proposed attached garage will be 6 ft further back from the road than the rest of the current dwelling.*

Staff Comment: Granting the variance would not be contrary to the public interest of the Land Development Regulations to protect public health, safety, and welfare without significant investments/improvements made to the subject property.

There is 30 feet of separation from the proposed attached garage and the front property line and over 56 feet from the proposed addition to the western edge of the road. Speeds of vehicles driving past the pond are likely to be slower as it is a gravel road with a 3 way intersection 660 feet to the north. The closest dwelling is located approximately 1000 feet south of the dwelling and has a large wind break on its north side buffering it from the subject property. The variance would allow the Friend family to add an attached garage to their dwelling to meet the current needs of the family, without a significant financial impact of moving the dwelling, constructing a new dwelling, or moving the septic system to another part of the property.

C. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

Applicant Comment: *This property is zoned A-1 agricultural and a house dwelling is a permitted structure. The garage addition would not be introducing a new structure type to the property.*

Staff Comment: The Story County Comprehensive Plan and the Story County Land Development Regulations have similar spirits/intents to maintain the county's rural character.



The Statement of Intent for the A-1 Agricultural Zoning District is:

“The A-1 District is intended and designed to accommodate land uses compatible with agriculture and to protect agricultural land from encroachment of urban land uses. The County Development Plan designates priority agricultural land as Agricultural Conservation Areas. These areas are intended to preserve rural character by limiting the development of most new non-farm dwellings to large lots. In some instances, the A-1 District permits non-farm residential development on smaller lots in furtherance of the County Development Plan goals and objectives.”

The property is designated Agriculture Conservation Area. The primary land use of the subject parcel is the residence which has been on the property since 1930. Due to the location of the property in a rural setting, anticipated lower speeds of vehicles, large agricultural properties and nearby single family dwellings on large parcels, all items contributing to meeting the spirit and intent of the ordinance.

Commentary

Comments from the Interagency Review Team

The complete application was forwarded to the members of the Interagency Review Team on Thursday, June 25, 2020. The following comments were received:

Story County Environmental Health: Septic permit #2813 issued to applicant addresses our concerns for site. Environmental Health

Story County Engineer: No Comments

Story County Assessor: The Assessor's Office will review the improvements for the 01/01/2021 Assessment.

Story County Auditor: No Comments

Story County Emergency Management: No Comments

Story County Planning and Development:

1. What is the current and future use of the existing detached garage on the property?
 - a. **The current use of the detached garage is as a farm building to store tools, equipment, and supplies for our flower farm, and as a work space for our flower farm (arranging bouquets). The future use is the same.**
2. Have you considered the use of a breeze way to attach the garage to the house, enabling you to meet the setback requirements?
 - a. **The current septic system limits the placement of the attached garage any further west than shown on the proposed drawing.**
3. Have you considered adding on to the existing detached garage? What other options have you considered?



- a. **We have considered adding lean-to additions on the west and north sides of the detached garage to store farm equipment. A greenhouse is planned for the south side of the detached garage. Even if we built the lean-to additions to free up space within the detached garage, we would still use the inside portion as a work space for flower arranging, which would limit the amount of space available for parking cars inside.**
4. How would the property as it is currently, not yield a reasonable return?
 - a. **As I said in the first round of questions, a main feature that our house lacks that is commonplace in modern homes is an attached garage. Granting of this new variance would allow for the addition of an attached garage, which would bring the house in line with modern homes and would allow us to realize a higher selling price than we would be able to realize without an attached garage.**
5. What is the condition of the existing detached garage?
 - a. **Average. It has a new concrete floor and electrical wiring. The structure is sound, but it needs new siding, a new roof, and new garage doors.**
6. Is the mudroom proposed or existing?
 - a. **The mudroom is existing. There is an existing, smaller mudroom that is getting torn down in favor of the larger mudroom and hopefully attached garage.**

Comments from Cities within Two Miles

Notification was provided to the City of Gilbert on July 7, 2020. The City of Gilbert responded on July 9, 2020 stating they did not have any concerns regarding the proposed front setback variance.

Comments from the General Public

Notification letters were mailed to surrounding property owners regarding the variance request on July 8, 2020. No comments were received at the time of the writing of this report.

Points to Consider

1. The project is necessary to add amenities that are common and essential for daily living found in most single family dwellings.
2. Due to the nature of the year that the dwelling was built, 1930, there was no zoning ordinance in place for setbacks.
3. The dwelling currently is located inside the front setback by 18 feet with an approximate front setback of 32 feet.
4. The traffic is limited on 550th AVE with an annual average of 130 trips per day compared to Highway 69's annual average of 4,700 trips per day.
5. The proposed attached garage would be approximately 56 feet from the west edge of 550th AVE. the Board of Adjustment granted the applicant a front yard setback variance in 2019 for an 33 foot variance from the minimum 50 foot setback to 17 feet.
6. The proposed location on the north side of the dwelling is a logical location for an attached garage to the dwelling.
7. The nearest dwelling is over 1,000 feet to the south and has an established wind break between the two dwellings. This dwelling was constructed in 2010 and has a setback of 85 feet and also has an attached garage.
8. The existing character of the area of the property is a mix of few residential dwellings on large lots and adjacent parcels in row crop production.



Staff Recommendation and Alternatives for VAR01-20

Based on consideration of variance application submittal, proposed project, location of property, comparison of surrounding dwellings, review of responses to county comments or questions, and site review, it can be concluded that the request to allow the front set back variance of 20 feet, does meet all legal principles. Therefore, Staff recommends approval of the request.

The Story County Board of Adjustment may consider the following alternatives on the Friend Setback variance request, VAR01-20:

1. **The Story County Board of Adjustment approves the Friend Setback variance request, as requested by the applicant and put forth in case VAR01-20, for a variance to allow the proposed attached garage to have a front setback of 30 feet in the A-1 District.**
2. The Story County Board of Adjustment approves the Friend Setback variance request with conditions and as put forth in case VAR01-20, for a variance to allow the proposed attached garage to have a front setback of 30 feet in the A-1 District.
3. The Story County Board of Adjustment denies the Friend Setback variance request, as requested by the applicant and put forth in case VAR01-20, for a variance to allow the proposed garage addition to have a front setback of 30 feet in the A-1 District.
4. The Story County Board of Adjustment tables the Friend Setback variance request as put forth in case VAR01-20, for a variance to allow the proposed attached garage to have a front setback of 30 feet in the A-1 District and request Planning and Development Staff to place the item on a future Board of Adjustment agenda.



Board of Adjustment

July 15, 2020

VAR01-20 Friend Front Setback Variance Request

Applicant & Property Owner

Andrew Friend

16117 550th Ave

Story City, Iowa 50248

Property Location

NE NE 02-84-24

1.875 Miles Northeast of
Gilbert



Nature of Request

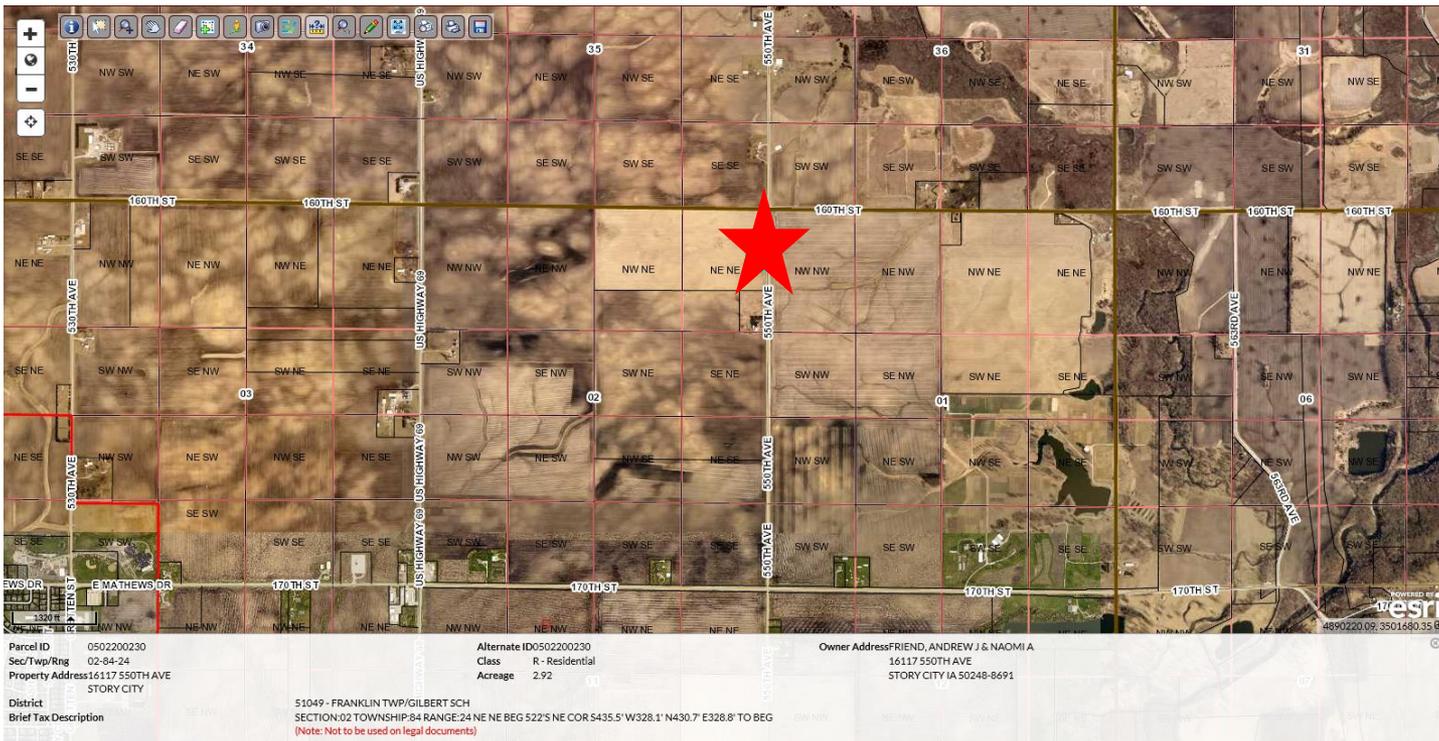
- **Variance Request of 20 feet from 50 foot required to 30 foot front setback**
- **Request includes:**
 - Variance Request for Front Setback
 - Attached garage will be 56 feet from the west edge of 550th Ave
 - Septic system provides a unique set of circumstance for the Friend family.
 - Dwelling lacks attached garage. Dwellings nearby currently have attached garages.

History

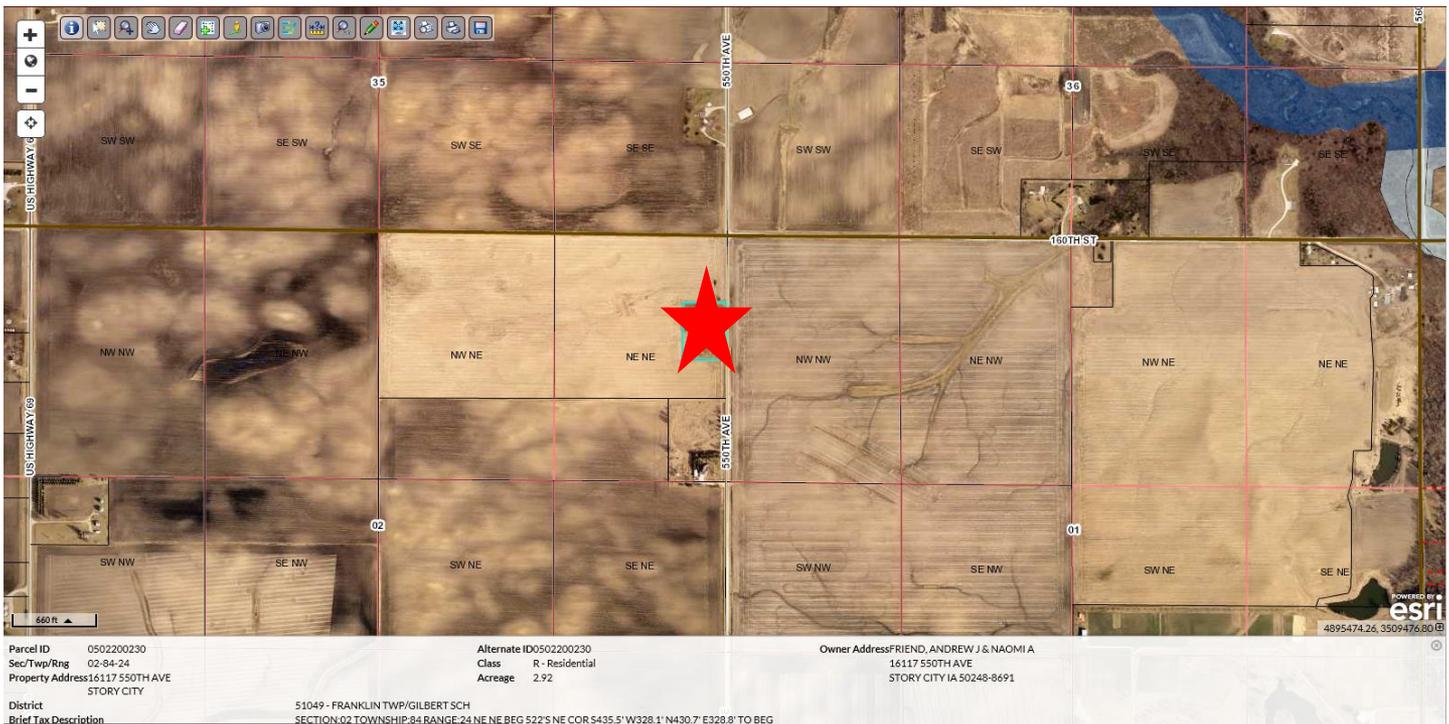
In 2013 Andrew and Naomi Friend purchased the property at 16117 550th Ave. The property is located in Section 2 of the Franklin Township. The dwelling is located on 550th Ave, a gravel road, with an average daily traffic (ADT) count of 130 from 2015. This compares to the 4,700 ADT on Highway 69 to the west for the same year. The existing dwelling was built in 1930 before zoning was adopted by the county and was the location of the original farmstead. It is also one of the oldest dwellings in the area. The original barn that was located near the right of way has been torn down. There is also a detached garage (24'x24') to the northwest of the dwelling. The Friend family recently updated the second story of the dwelling and is currently constructing an addition to the house granted through the variance request 04-19. This variance request was for 33 feet from the minimum 50 feet to 17 feet. These updates to the dwelling will match the needs of modern homes.

The dwelling is situated such that the septic system and recent additions to the dwelling, constrain the west, north, and east sides. The proposed location is logical as it will lead into the mudroom which leads into the kitchen

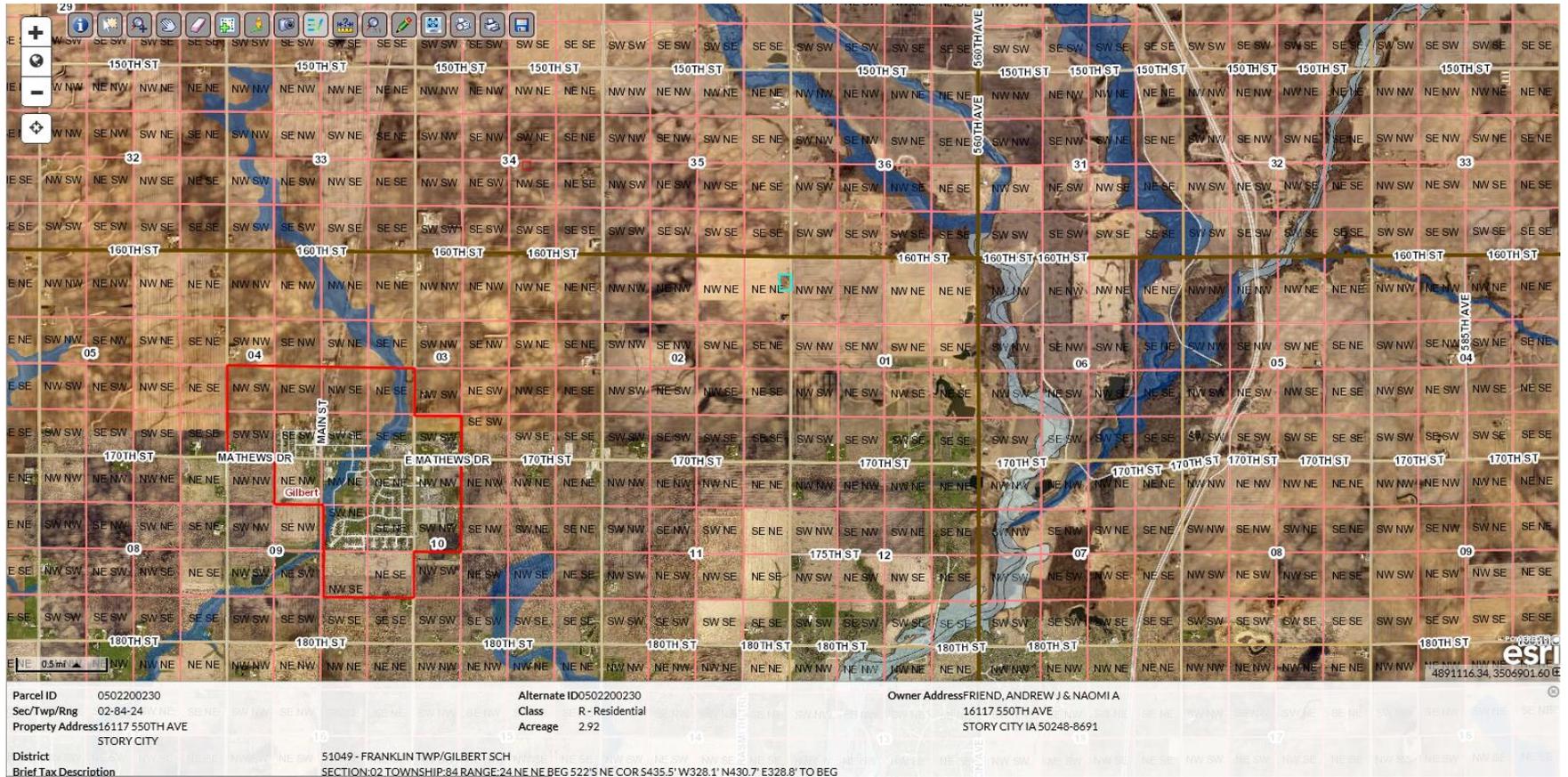
Vicinity Map



Area Map



FEMA Flood Plain



Friend Property



Friend Setbacks



Southside of dwelling looking north



East side of dwelling looking west



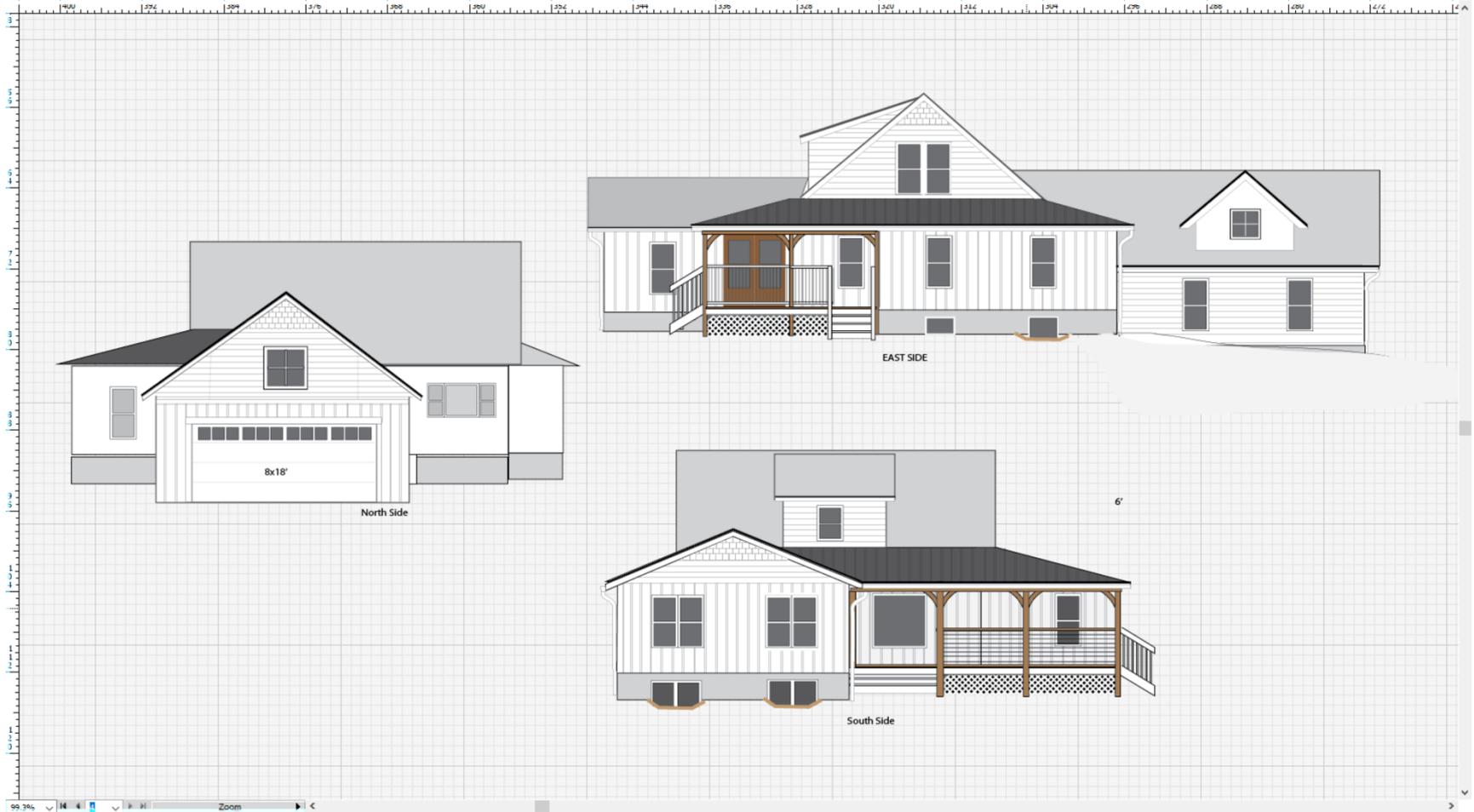
North Side of dwelling looking southwest



Existing Detached Garage

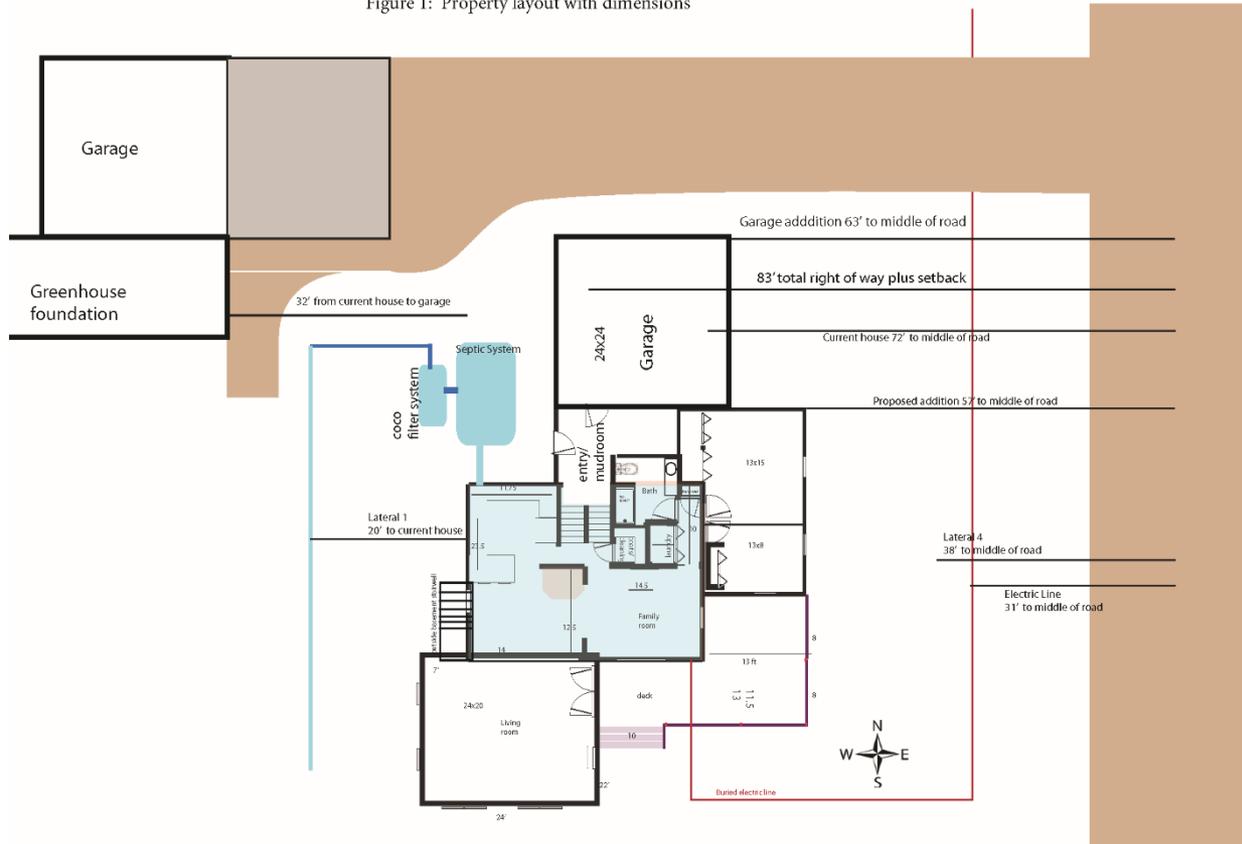


Proposed Layout



Proposed Siteplan

Figure 1: Property layout with dimensions



Variances

STANDARDS OF APPROVAL



Legal Principles

All legal principles shall be satisfied in order for the Board of Adjustment to grant a variance.

A. Finding of unnecessary hardship

1. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
2. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and
3. The use to be authorized by the variance will not alter the essential character of the locality.

B. Granting the variance will not be contrary to the public interest; and

C. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

Finding of Unnecessary Hardship

- **The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;**
- **A The septic system, recent renovations, and a well to the south limit the options for the location of the attached garage**
- **It is practical to want to add an attached garage in their location as their dwelling is the only one without an attached garage in the area. There is also a level of protection from the elements by having an attached garage.**
- **The cost of moving the laterals and the septic system would likely negate any increase in the dwelling value and the Friend family has received a variance to the required 10 feet setback from septic systems to 6 feet.**

Finding of Unnecessary Hardship

- **The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself;**
- **The dwelling was constructed in what would become the front setback area in 1930 prior to zoning being adopted in the county.**
- **The septic system blocks any construction on the western side of the dwelling.**
- **The Friends have made other improvements to the property in places where it is feasible while being constrained by the septic system.**

Finding of Unnecessary Hardship

- **The use to be authorized by the variance will not alter the essential character of the locality.**
- *The property is located on a not heavily trafficked gravel road. The dwelling is located on 550th Ave, a gravel road, with an average daily traffic (ADT) count of 130 from 2015. This compares to the 4,700 ADT on Highway 69 to the west for the same year. The dwelling is also one of the oldest properties within a mile with the nearest dwellings being significantly newer. The nearby dwellings all have attached garages. The property had a barn on it that was located very near the right of way but has been torn down since the last variance request. The location of the proposed attached garage is logical as it will be adjacent to the mudroom which leads to the kitchen. Also the design of the proposed attached garage will match the country style design of the dwelling.*

Granting the Variance Will Not be Contrary to the Public's Interest

- There is 30 feet of separation from the proposed attached garage and the front property line (VAR04-19 was for 17 feet) and over 56 feet from the proposed addition to the western edge of the road. Speeds of vehicles driving past the pond are likely to be slower as it is a gravel road with a 3 way intersection 660 feet to the north. The closest dwelling is located approximately 1000 feet south of the dwelling and has a large wind break on its north side buffering it from the subject property. The variance would allow the Friend family to add an attached garage to their dwelling to meet the current needs of the family, without a significant financial impact of moving the dwelling, constructing a new dwelling, or moving the septic system to another part of the property.

The Spirit and Intent of the C2C and Story County Land Development Regulations are Protected

- The property is designated Agriculture Conservation Area. The primary land use of the subject parcel is the residence which has been on the property since 1930. Due to the location of the property in a rural setting, anticipated lower speeds of vehicles, large agricultural properties and nearby single family dwellings on large parcels, all items contributing to meeting the spirit and intent of the ordinance.

Comments from the Interagency Review Team

Interagency Review Team – June 25, 2020

Story County Environmental Health: Septic permit #2813 issued to applicant addresses our concerns for site. Environmental HealthStory County Planning and Development:

1. What is the current and future use of the existing detached garage on the property?
 - a. **The current use of the detached garage is as a farm building to store tools, equipment, and supplies for our flower farm, and as a work space for our flower farm (arranging bouquets). The future use is the same.**
2. Have you considered the use of a breeze way to attach the garage to the house, enabling you to meet the setback requirements?
 - a. **The current septic system limits the placement of the attached garage any further west than shown on the proposed drawing.**

Comments from the Interagency Review Team

Interagency Review Team – September 5th, 2019

1. Have you considered adding on to the existing detached garage? What other options have you considered?
 - a. **We have considered adding lean-to additions on the west and north sides of the detached garage to store farm equipment. A greenhouse is planned for the south side of the detached garage. Even if we built the lean-to additions to free up space within the detached garage, we would still use the inside portion as a work space for flower arranging, which would limit the amount of space available for parking cars inside.**
2. How would the property as it is currently, not yield a reasonable return?
 - a. **As I said in the first round of questions, a main feature that our house lacks that is commonplace in modern homes is an attached garage. Granting of this new variance would allow for the addition of an attached garage, which would bring the house in line with modern homes and would allow us to realize a higher selling price than we would be able to realize without an attached garage.**
3. What is the condition of the existing detached garage?
 - a. **Average. It has a new concrete floor and electrical wiring. The structure is sound, but it needs new siding, a new roof, and new garage doors.**
4. Is the mudroom proposed or existing?
 - a. **The mudroom is existing. There is an existing, smaller mudroom that is getting torn down in favor of the larger mudroom and hopefully attached garage.**

Points to Consider

- 1. The project is necessary to add amenities that are common and essential for daily living found in most single family dwellings.**
- 2. Due to the nature of the year that the dwelling was built, 1930, there was no zoning ordinance in place for setbacks.**
- 3. The dwelling currently is located inside the front setback by 18 feet with an approximate front setback of 32 feet.**
- 4. The traffic is limited on 550th AVE with an annual average of 130 trips per day compared to Highway 69's annual average of 4,700 trips per day.**
- 5. The proposed attached garage would be approximately 56 feet from the west edge of 550th AVE. the Board of Adjustment granted the applicant a front yard setback variance in 2019 for an 33 foot variance from the minimum 50 foot setback to 17 feet.**

Points to Consider (cont.)

6. The proposed location on the north side of the dwelling is a logical location for an attached garage to the dwelling.
7. The nearest dwelling is over 1,000 feet to the south and has an established wind break between the two dwellings. This dwelling was constructed in 2010 and has a setback of 85 feet and also has an attached garage.
8. The existing character of the area of the property is a mix of few residential dwellings on large lots and adjacent parcels in row crop production.

Recommended Conditions

Planning and Development staff recommend approval of the Variance Request application as put forth in case VAR01-20

Board of Adjustment Alternatives

The Story County Board of Adjustment may consider the following alternatives:

- 1. The Story County Board of Adjustment approves the Friend Setback variance request, as requested by the applicant and put forth in case VAR01-20, for a variance to allow the proposed attached garage to have a front setback of 30 feet in the A-1 District.**
2. The Story County Board of Adjustment approves the Friend Setback variance request with conditions and as put forth in case VAR01-20, for a variance to allow the proposed attached garage to have a front setback of 30 feet in the A-1 District.
3. The Story County Board of Adjustment denies the Friend Setback variance request, as requested by the applicant and put forth in case VAR01-20, for a variance to allow the proposed garage addition to have a front setback of 30 feet in the A-1 District.
4. The Story County Board of Adjustment tables the Friend Setback variance request as put forth in case VAR01-20, for a variance to allow the proposed attached garage to have a front setback of 30 feet in the A-1 District and request Planning and Development Staff to place the item on a future Board of Adjustment agenda.



E911 Address:

Parcel Identification Number (PIN): 05-02-200-230

Applicant

(ALL CORRESPONDENCES, INCLUDING ISSUED PERMITS, WILL BE SENT TO APPLICANT)

X Please check here if the Applicant is the Property Owner. If the Applicant is not the Property Owner, please attach consent and authority of the Property Owner for you to apply on his/her behalf.

(Last Name) Friend

(First Name) Andrew

(Address) 16117 550th Ave.

(City) Story City (State) IA (Zip) 50248

(Phone) 515-337-2029

(Email) andrewjamesfriend@gmail.com

Property Owner

(IF SAME AS APPLICANT; DISREGARD THIS SECTION)

(Last Name) Friend

(First Name) Andrew

(Address) 16117 550th Ave.

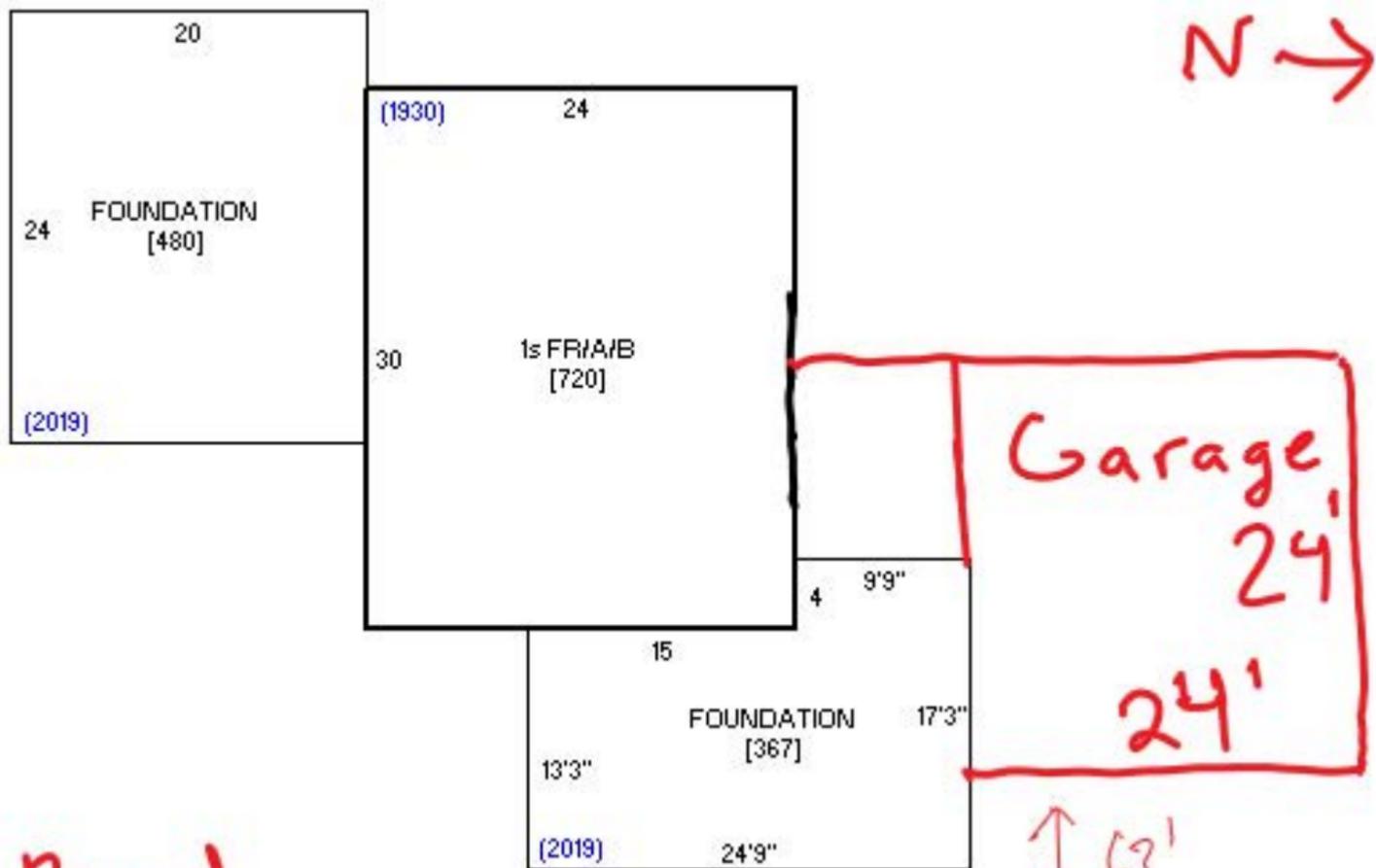
(City) Story City (State) IA (Zip) 50248

(Phone) 515-337-2029

(Email) andrewjamesfriend@gmail.com

Nature of Request: (Variance) as required/allowed in the Story County Land Development Regulations: (Please cite appropriate Code sections)

Requesting a variance to add an attached garage to an existing dwelling. The garage will be within the required setback from the road.





North Side



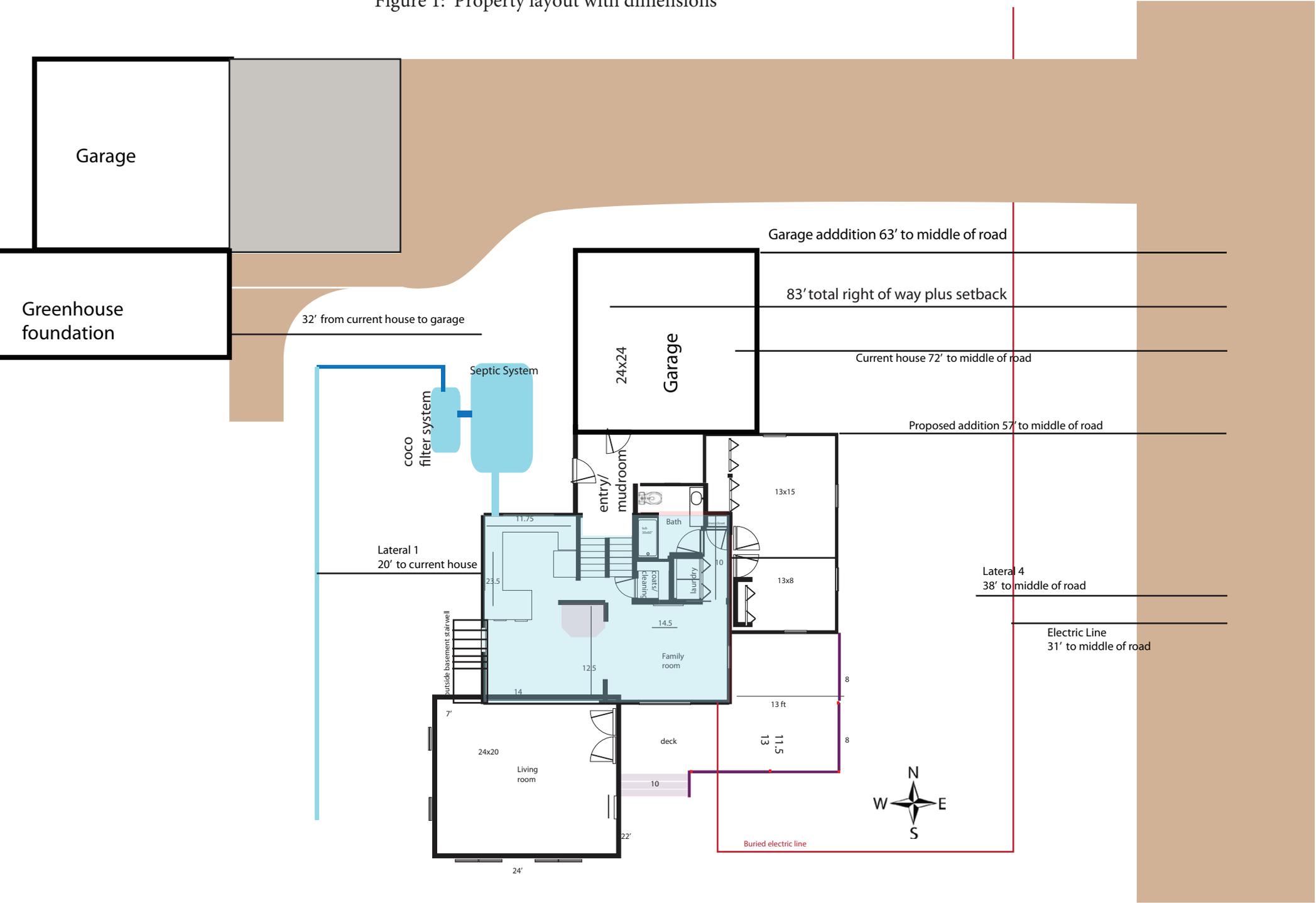
EAST SIDE



South Side

6'

Figure 1: Property layout with dimensions



Marcus T. Amman

From: Marcus Amman <marcus.amman@gmail.com>
Sent: Thursday, July 9, 2020 1:42 PM
To: Marcus T. Amman
Subject: Fwd: Friend Variance Request
Attachments: image001.jpg; Friend 2020 Application.pdf; Friend 2020 Site Plan.pdf; Friend 2020 Variance Request Answers June 2020.pdf; Friend 2020 House drawing January.png

[External Sender - Please Use Caution]

----- Forwarded message -----

From: **Sonia Arellano Sundberg** <sonia@cityofgilbertiowa.org>
Date: Thu, Jul 9, 2020 at 1:40 PM
Subject: Fwd: Friend Variance Request
To: <marcus.amman@gmail.com>

Marcus,

The City of Gilbert has no concerns with this variance request.

----- Forwarded message -----

From: **Marcus T. Amman** <MAmman@storycountyiowa.gov>
Date: Tue, Jul 7, 2020 at 11:34 AM
Subject: Friend Variance Request
To: Sonia Arellano Dodd <sonia@cityofgilbertiowa.org>

Sonia,

Attached is the application for the Friend Variance request. The request is for a variance of 20 feet from the required 50 foot front setback. It is to build an attached garage. The dwelling is constrained on all sides but the north. Please let me know if you have any concerns.

Best,



Marcus Amman

Planner

Planning and Development

Story County

900 6th Street | Nevada, Iowa 50201-2087

Phone: (515) 382-7249 | MAmman@storycountyiowa.gov

--

Sonia Arellano Sundberg

City Clerk

City of Gilbert

PO Box 29

Gilbert, IA 50105

(515)233-2670

www.cityofgilbertiowa.org



--

Best,

Marcus Amman

A. Finding of unnecessary hardship

1. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone.

Applicant Comment: As noted in VAR04-19, the three main features that our house lacks that are common place in modern houses are: a first floor bathroom, a large, first floor master bedroom, and main floor laundry. Granting of this new variance would allow for the addition of an attached garage, which would bring the house in line with modern homes and would allow us to realize a reasonable return if we were to sell the property.

2. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and

Applicant Comment: Due to the layout of the house as approved in VAR04-19, the best location for an attached garage is on the north side of the dwelling. This location also allows for convenient access from the current driveway. Finally, the current septic tank location prevents the proposed attached garage from being located any further west.

3. The use to be authorized by the variance will not alter the essential character of the locality.

Applicant Comment: Since the current footprint of the dwelling is already close to the road, the addition of an attached garage will not alter the essential character of the property or locality.

B. Granting the variance will not be contrary to the public interest; and

Applicant Comment: The traffic along 550th Ave is minimal. Also, the garage will not be any closer to the edge of the road than the current dwelling already is. In fact the eastern edge of the proposed attached garage will be 6 ft further back from the road than the rest of the current dwelling.

C. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

Applicant Comment: This property is zoned A-1 agricultural and a house dwelling is a permitted structure. The garage addition would not be introducing a new structure type to the property.

Marcus T. Amman

From: Andrew Friend <andrewjamesfriend@gmail.com>
Sent: Wednesday, June 24, 2020 3:50 PM
To: Marcus T. Amman
Subject: Re: Variance request
Attachments: House drawing January 2020.png

[External Sender - Please Use Caution]

Hi Marcus,

I don't have time to edit the drawing right now, but the garage will sit 30 feet west of the right-of-way line. The right-of-way from the center of the road is 33 feet. Does this help?

Also see attached for an artist's rendering of the house with the garage added.

Thanks,
Andrew

On Wed, Jun 24, 2020 at 9:02 AM Marcus T. Amman <MAmman@storycountyiowa.gov> wrote:

Andrew,

Thank you for all of that. I still need the proposed setback from the right-of-way line. You provided from the center of the road but I need it from the ROW.

Best,



Marcus Amman

Planner

Planning and Development

Story County

900 6th Street | Nevada, Iowa 50201-2087

Phone: (515) 382-7249 | MAmman@storycountyiowa.gov

From: Andrew Friend <andrewjamesfriend@gmail.com>
Sent: Monday, June 22, 2020 12:43 AM
To: Marcus T. Amman <MAmman@storycountyiowa.gov>
Subject: Re: Variance request

[External Sender - Please Use Caution]

Hi Marcus,

You probably remember, but please reference VAR04-19 for this application. When we applied for VAR04-19, we hadn't yet decided to add an attached garage to our house. After we started construction for the additions in VAR04-19, we determined that it would be possible to add an attached garage. We cannot move the garage any further to the west than shown in the attached plans as that would require moving the current septic tank, and we were recently issued a new septic permit.

Attached are answers to your questions, drawing heavily from your VAR04-19 staff report.

Let me know what else you need.

Thanks!

Andrew

On Wed, Jun 17, 2020 at 3:25 PM Marcus T. Amman <MAmman@storycountyiowa.gov> wrote:

Mr. Friend,

I have received your variance request application.

I will need a few things to being review.

Answers/responses to each of following questions:

A. Finding of unnecessary hardship

1. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
2. The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself; and
3. The use to be authorized by the variance will not alter the essential character of the locality.

B. Granting the variance will not be contrary to the public interest; and

C. THi he spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

I also need a site plan identifies the setback from the road right-of-way not the road. However, If the garage could be moved to the west to be in line with the original house a variance request would not be needed.

Best,



Marcus Amman

Planner

Planning and Development

Story County

900 6th Street | Nevada, Iowa 50201-2087

Phone: (515) 382-7249 | MAmman@storycountyiowa.gov