

Staff Report

Story County Board of Adjustment

Date of Meeting:
August 9, 2012

Case Number VAR02-12
City of Zearing Variance Request

APPLICANT: City of Zearing

STAFF PROJECT MANAGER: Ryan Newstrom, County Planner





Property Information

GENERAL PROPERTY LOCATION

Northwest of the Northwest Section 21, Lincoln Township
Northeast corner of the Main Street and US Highway 65, Zearing Iowa

PARCEL IDENTIFICATION NUMBER

04-21-100-150

SIZE OF PARCEL

0.63 Gross Acres
0.63 Net Acres

CURRENT ZONING

A-1 Agricultural

CURRENT LAND USE

The site is assessed as Exempt.

LAND USE FRAMEWORK DESIGNATION

The subject property is designated as Cooperative Planning Area, Tier 3 of the Story County Development Plan.

REQUESTED ACTION

The request is for a variance to the total cumulative sign area of the Story County Land Development Regulations, Section 9.30.D.1.a, to allow for a 168-192 square foot city entrance sign.

Findings of Fact

1. The parcel currently contains a city entrance sign that is approximately 126 square feet and is considered a legally-established non-conforming structure.
2. The applicant has proposed to replace the old dilapidated sign with a new sign that measures approximately 168-192 square feet.
3. The application underwent Inter-Agency Review on July 11, 2012.

Analysis

Applicable Regulations and Legal Principles

Section 9.30.D.1.a allows for a total cumulative sign area of 32 square feet in the A-1 zoning district.



Legal Principles

According to Section 13.30 (D) 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 in order for the Board of Adjustment to grant a variance.

1. Finding of unnecessary hardship
 - a. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
 - b. 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
 - c. The use to be authorized by the variance will not alter the essential character of the locality.
2. Granting the variance will not be contrary to the public interest; and
3. The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.

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Staff Comment:

The proposed sign is to replace the old, dilapidated sign that, according to the applicant is approximately 125 square feet. The new sign will not be much bigger at 168-192 square feet. The old sign was placed prior to when the total cumulative sign area regulation was in effect, making it a legally-established non-conforming structure.

The current and proposed sign are of average size when compared to other city entrance signs throughout the county. A city entrance sign meeting the current regulation would lack the visibility that is provided by other city entrance signs.

The applicant is a government entity that wishes to place a city entrance sign on state property. This is the only feasible place to locate the entrance sign as it is the entrance to the town. The property owner on the south side of Main Street will not allow the sign to be placed there.

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



Staff Comment:

The sign regulations are in place to limit the location and intensity of commercial advertisements throughout the County. The proposal is for a city entrance sign that is appropriate and standard for all incorporated areas throughout the world. The sign will actually improve the aesthetics of the area beyond what is currently there. If anything, the proposed sign promotes the public interest.

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

Staff Comment:

The adopted Story County Development Plan (CDP) is oriented toward protecting and preserving the County’s agricultural resources, protecting and preserving the County’s natural resources, promoting and improving the mobility of the County’s residents and fostering cooperation and collaboration between rural and urban residents, and public and private enterprises that enhances the quality of life assets in the County. As far as this is concerned, the proposed city entrance sign is well within the spirit and intent of the CDP

The Statement of Intent for Chapter 9 – Signs, states;

“A. The purposes of these regulations are to encourage the effective use of signs; to protect and enhance the aesthetic environment; to create an environment that promotes economic development; and to protect and improve pedestrian and traffic safety.”

The city entrance sign that is proposed is well within the intent provided above.

Commentary

The following comments are part of the official record of the proposed City of Zearing Variance Request, Case No. VAR02-12. If necessary, conditions of approval may be formulated based off these comments.

Comments from the Interagency Review Team

The proposal underwent the usual Interagency Review and no concerns were identified.

Floodplain Management Program Comments

The property is not located in a Special Flood Hazard Area as defined by FEMA.

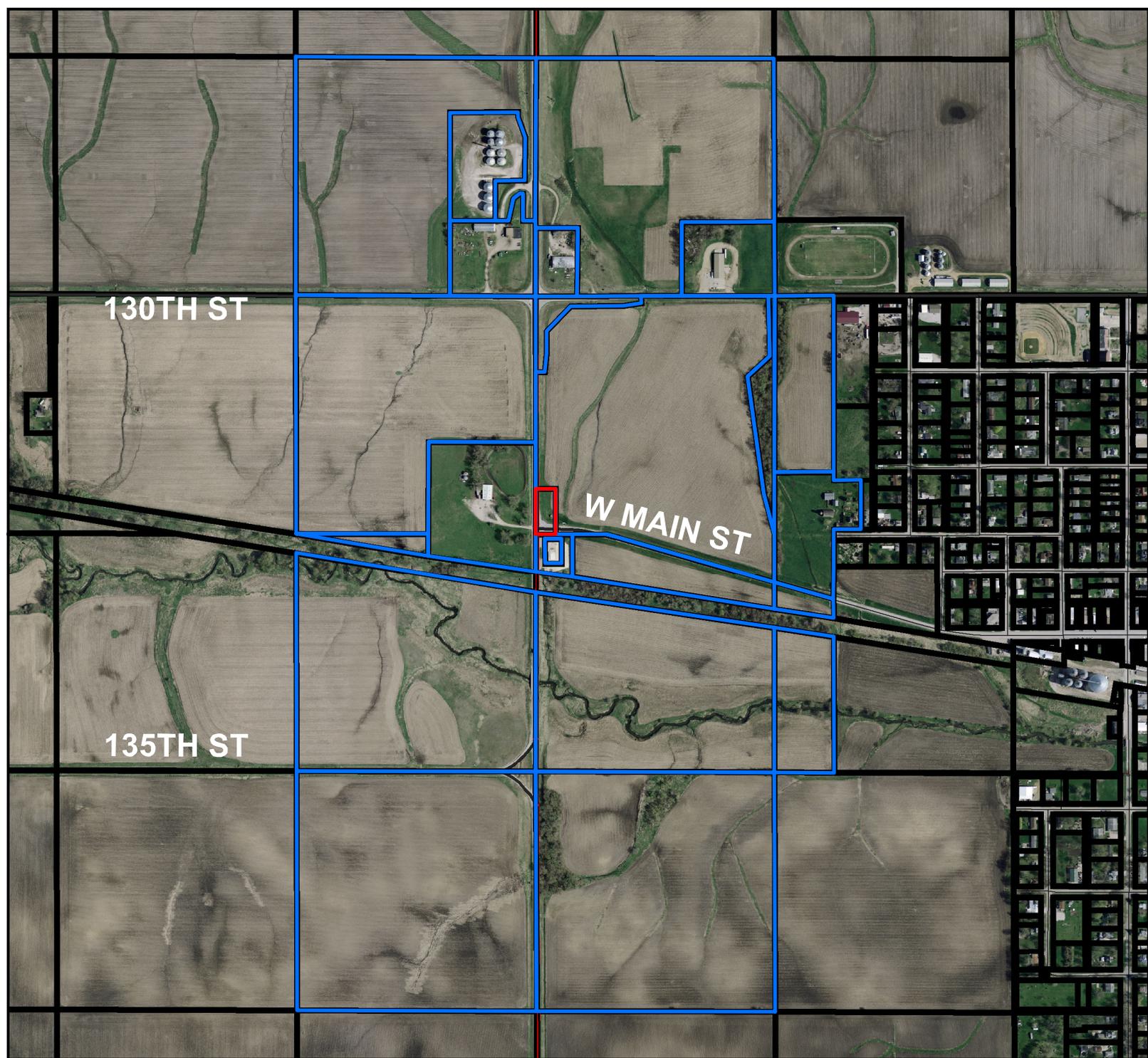
Comments from the General Public

Letters were mailed to surrounding property owners on [insert date], regarding the subject hearing on the request. No public commentary was received or recorded at the time this report was published.

Alternatives

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

1. Approve Variance Case No. VAR02-12 as proposed and with conditions.
2. Approve Variance Case No. VAR02-12 as proposed.
3. Deny Variance Case No. VAR02-12 as proposed.
4. Table Variance Case No. VAR02-12 for further information from staff and/or the applicant.



VAR02-12
City of Zearing
Variance Request

Legend

- Subject Property
- Surrounding Properties

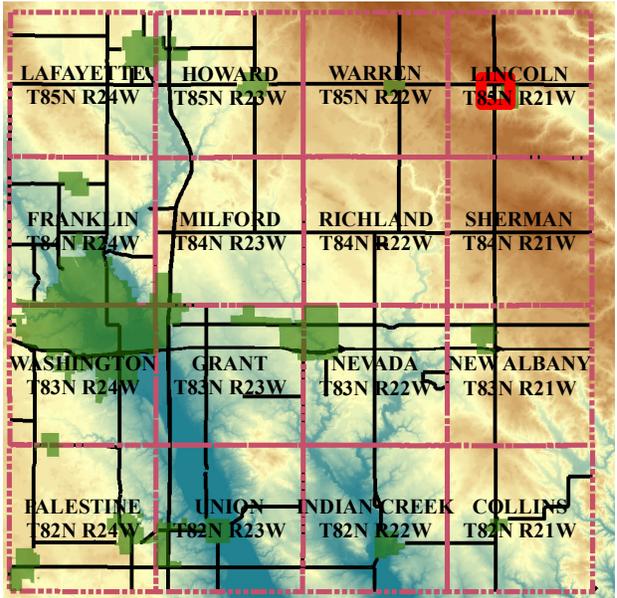
Mapping
 And
 Policy
 Support



Map created on
 7/25/2012
 by the
 Story County
 Planning and Development
 Department.



DISCLAIMER:
 Story County's digital cadastral data is a representation of recorded plats and surveys for use within the Geographical Information System for the purpose of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.





FORM D - Development Application

Type of Request Please indicate the type of application(s) submitted by checking the box preceding the appropriate request.

BOARD OF ADJUSTMENT

- Appeal of Director's Decision
- Conditional Use Permit
- Conditional Use Permit Modification
- Floodplain Variance
- Variance *02-12*

BOARD OF SUPERVISORS

- Agricultural Subdivision Plat
- CDP Amendment
- LDR Text Amendment
- Major Subdivision—Preliminary and Final
- Minor Subdivision
- Official Zoning Map Amendment
- R-C Overlay District Initial
- Right-of-Way (ROW) Vacation
- RMH Site Development Plan
- Road Renaming
- Waiver Request
- Zoning Permit—Commercial and Industrial

ADMINISTRATIVE (STAFF)

- Agricultural Exemption*
- Conditional Use Permit Modification
- E911 Address
- Floodplain Permit*
- Home Business Permit*
- Property Research
- Sign Permit Application
- Zoning Permit—Non-commercial

*See Form E on reverse.

GENERAL INFORMATION TO BE COMPLETED

E911 Address: NA Parcel Number (PIN): 0421100150

Type of Structure/Use: CITY ENTRY SIGN Dimensions: 24' x 8' Height: 8'

Applicant/Property Owner: IOWA STATE OF DOT
(Last Name) (First Name)

(Address) (City) (State) (Zip)

(Phone) (Email)

Main Contact: EWALT TREVER
(Last Name) (First Name)

307 E. MAIN ZEARING IA 50278
(Address) (City) (State) (Zip)

515-450-3503 trever.ewalt@gmail.com
(Phone) (Email)

SITE PLAN REQUIREMENTS

Applicants must SUBMIT A SITE PLAN for the following types of applications: Zoning Permits, Floodplain Permits, E911 Address, Agricultural Exemption Request, and Sign Permits showing the following:

SETBACK DISTANCES FROM ALL EXISTING AND PROPOSED STRUCTURES (INCLUDING SIGNS) MUST BE SHOWN, MEASURED AT A RIGHT ANGLE FROM LOT LINES.

- | | |
|---|--|
| Indicate the front of the principal building. | Dimensions of all lot lines. |
| Location and size of existing and proposed signs (if permitted). | All roads and private lanes abutting the property. |
| Location, size, height and use of all existing and proposed buildings | Landscaping: location, type and size of plant materials |
| Parking lots, driveways and loading areas: signage/markings, parking stalls including total | Wells/waste treatment systems: location and type. |
| Any other information determined need by Planning and Development staff. | Drainage patterns: method/area for disposal of surface runoff with calculations of design. Identify erosion and siltation control. |
| | Outside lighting: location, height and type of existing and proposed. |

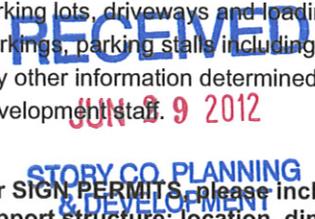
For SIGN PERMITS, please include a SKETCH/DRAWING for the sign(s) demonstrating proposed sign and support structure; location, dimensions and height of all existing external signs on the structure. (if applicable); dimensions of and location on the surface to which the sign will be attached.

CERTIFICATION 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, and, if necessary, for posting a public notice on the property.

SIGNATURE [Signature] DATE 6.29.12

**If signature is not the owner of the property, a written statement from the owner of record stating the applicant signing this form may act on his/her behalf must be submitted.

Receipt # 567824
 Amt: 166.91



Official City and County Signs

Official signs authorized by local jurisdictions that display general noncommercial destination information. To qualify as an official city, county or public agency sign, the sign must:

- Be erected and maintained by a public officer or agency (a city or county can authorize a group to erect and maintain the sign on their behalf).
- Be erected within the territorial or zoning jurisdiction of the public officer or agency (a city may extend two miles outside its corporate limits under extraterritorial zoning).
- Be erected according to directions or authorizations contained in federal, state or local law (an ordinance, resolution or law authorizing erection of the sign must be passed).
- Be erected for the purpose of carrying out an official duty or responsibility.
- Be located beyond the highway right-of-way at a location that will not obstruct the vision of a driver approaching an intersection;
- Not imitate or resemble traffic control devices governed by the Manual on Uniform Traffic Control Devices (MUTCD);
- Not contain any commercial message or business name.

Local jurisdictions and agencies have considerable latitude in the type of messages that can be displayed on the signs. Messages that provide a welcome at entrance points, identify jurisdiction boundary lines, direct motorists to public buildings, parks or recreation areas, or which generally reference motorist services and community attractions are acceptable. Messages that include specific business names, products, commercial messages or promotions for private non-profit groups, however, are not allowed on this type of sign.

The local jurisdiction or public agency would just need to secure a lease or other interest in a site to erect such a sign. **No approval or involvement by the DOT is required.** However, the department would be willing to assist cities, counties and public agencies in meeting the requirements needed to qualify for official signing.

If you have any questions regarding Official City or Official County signs, please contact the Iowa DOT's Agent [Eileen Buchanan](#) at 515-239-1449

June 29, 2012

Story County Planning and Development
900 6th Street
Nevada, IA 50201

To Whom it May Concern:

Re: City of Zearing Entry Sign – Variance

The City of Zearing is interested in constructing a new entry sign that will take the place of the current dilapidated sign. The new sign would be constructed in the exact location of the old sign but slightly angled to face the intersection. The sign falls outside of the right-of-way but is on DOT ground. I have contacted the DOT and they express no concerns regarding the construction of a new sign. Under current law, the new sign can not exceed 32 SF. The sign we are proposing will be approximately 168-192 SF. The new sign would be a stone veneered concrete wall with columns at both ends. Aluminum lettering that spelled 'ZEARING' would be attached to the veneer and cinder core with epoxied dowels. The existing sign also exceeds the current regulations at a size of approximately 126 SF. The current sign is made of wood, has painted lettering and has been deteriorating over the last few years. The City of Zearing is in desperate need of a face lift and I feel this is the perfect thing to spark that interest. The majority of the materials for the sign have already been donated and nearly all of the labor will be volunteered as well. Although our proposed sign is larger than typically allowed, it isn't much larger than what already exists. It would be a considerably large improvement aesthetically over the current sign. Please consider granting the City of Zearing a variance to construct the proposed sign. I have attached two drawings showing our plans for the new sign. Thanks so much for your time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Ewalt', written in a cursive style.

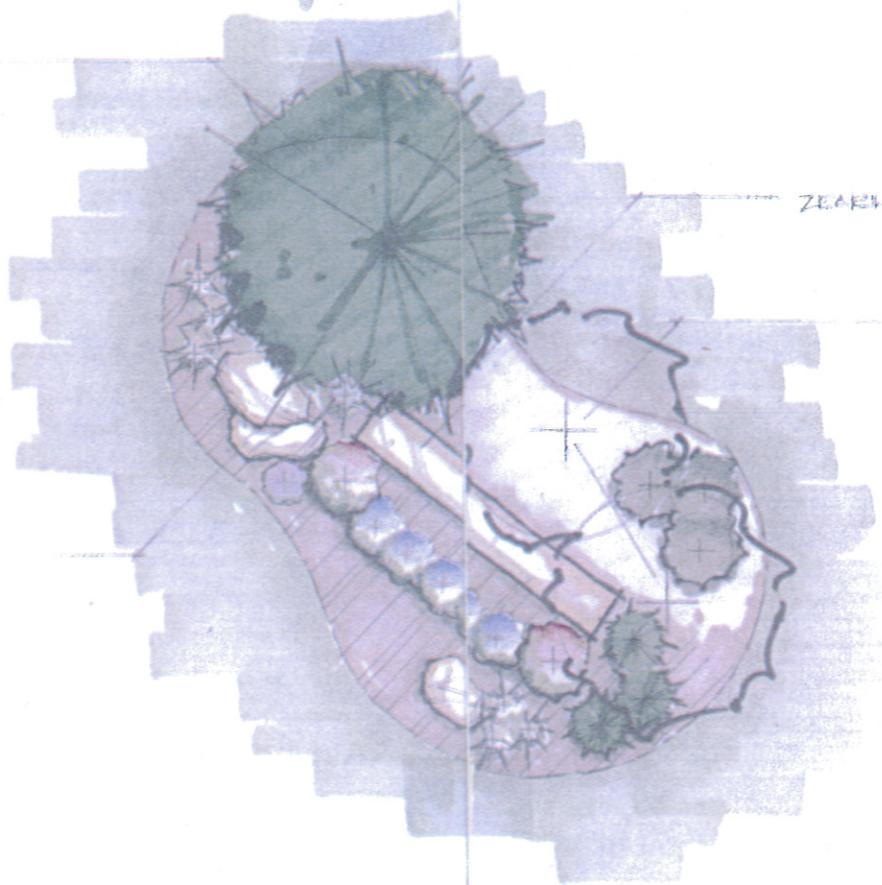
Trever Ewalt

EVERGREEN TREE

ZEARNO WELCOME SIGN

PERMANENTAL TREE

UNIFORMITY W/OUTLINE ACCENTS



ZEARNO

WELCOME SIGN

NORTH	DATE	SCALE
	MAY 2012	1/8" = 1'-0"
	DRAWN	CLIENT ID
	MEL	



COUNTRY
LANDSCAPES, INC.
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STONE STRUCTURE

(2) 36" COLUMNS
15-18' WIDE
TOTAL LENGTH IS 24'
8' HEIGHT FOR
COLUMNS
7.5' HEIGHT FOR
WALL

SIGNAGE

LETTERS TO BE
22" TALL
"LEAVING"
LETTERS TO SPAN
13-15' OF
18' WIDE

DRAWING NOT TO SCALE