

STORY COUNTY PLANNING AND ZONING

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201-2087

515-382-7245



"Commitment, Vision, Balance"

MINUTES STORY COUNTY BOARD OF ADJUSTMENT

DATE: November 7, 2012

CALL TO ORDER: 6:02 p.m.

PLACE: Assessor's Conference Room
Administration Building

ADJOURNMENT: 7:07 p.m.

*David Miller, Chair	2015
Stephen McGill, Vice Chair	2012
*Victoria Feilmeyer	2014
Lynn Scarlett	2013
Aaron Steele	2016
(*) Absent	

PUBLIC PRESENT:

Steven Soupir, Michelle Soupir, Steven Kaltenheuser, Barb Kaltenheuser, Eileen Adams

STAFF PRESENT:

Charlie Dissell, Planner; Kristin Cook, Recording Secretary; Leanne Harter, Planning and Development Director

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES

August 9, 2012 - Tabled

PUBLIC COMMENTS: Opened 6:04 p.m. - Closed 6:04 p.m.

None

OLD BUSINESS:

None

NEW BUSINESS:

7.1 VAR03-12: SOUPIR VARIANCE

Property Owner: Brian Sansgaard

Applicant: Steven Soupir

Nature of Request: Variance to the minimum lot size requirement.

Staff Member: Charlie Dissell

Parcel Number(s): 05-31-200-215

STAFF PRESENTATION:

Mr. Charlie Dissell presented the current land use, parcel size, zoning, and vicinity map of the proposed Variance as submitted.

Mr. Dissell reviewed the zoning history and regulation history of said parcel. Mr. Dissell gave an overview of a Property Research Report that was conducted on August 30, 2012 stating that none of the exceptions to the minimum lot size requirements of the A-1, Agricultural Zoning District applied and as such, a zoning permit for a single family dwelling could not be issued.

Mr. Dissell reviewed the legal principles regarding the proposed variance, history of ownership, topography, soils, and erosion conditions. Mr. Dissell went on to state the use of adjacent parcels as being residential and agricultural in nature.

Mr. Dissell gave an overview of the Story County Development Plan and Ames Urban Fringe Plan.

Mr. Dissell reviewed other avenues the appellant could use to create a buildable lot on the subject parcel.

Mr. Dissell also reviewed the dates of legal notification and publication requirements.

Mr. Dissell outlined the Conceptual and Interagency Reviews completed by the Interagency Review Team.

Mr. Dissell provided the Board with four alternatives:

- 1) Approve Variance Case No. VAR03-12 as proposed and with conditions.
- 2) Approve Variance Case No. VAR03-12 as proposed.
- 3) Deny Variance Case No. VAR03-12 as proposed.
- 4) Table Variance Case No. VAR03-12 for further information from staff and/or the applicant.

APPLICANT COMMENTS:

Mr. Steven Soupir

Mr. Soupir stated he feels he has met all legal principles and gave examples such. Mr. Soupir went on to state that the property yields a very small return.

Mr. Steven McGill asked the applicant where the home would be built on the subject parcel. Mr. Soupir indicated on the map where he intended to place the single family dwelling and stated the location is away from any floodplain and a located on land that is more flat. Mr. McGill also asked where the access to the parcel is located. Mr. Soupir complied stating an access road has been created since the latest 2008 map provided on the Assessor's webpage. Mr. Dissell stated there is also a recorded easement to the property in question.

Mr. Aaron Steele questioned staff about the ownership of adjacent parcels. Mr. Dissell gave an overview of the current adjacent property owners. Mr. Steele questioned what the LESA, Land Evaluation Site Assessment, threshold is in the Ag and Farm Services area. Mr. Dissell gave an overview of a LESA report and thresholds.

Mr. Steele questioned whether the applicant understands the necessary legal standards that need to be met to grant the proposed variance. Mr. Soupir concurred. Mr. Steele asked whether staff had explained to the applicant that the legal standards are hard to meet. Mr. Steele stated that staff had discussed such with him, but felt the definition of a reasonable return could be a matter of opinion.

Staff and Board members discussed surrounding parcel zoning, subdivision history and size.

PUBLIC COMMENTS:

Mr. Steve Kaltenheuser questioned whether the proposed variance would open the door to future development in the area. Mr. McGill stated the proposed variance is for the proposed parcel only and stated future development would need permitting and possible approval from the City of Ames.

Mr. Dissell provided a letter submitted by Terry Lewis to the Board of Adjustment. Said letter was in favor of the proposed variance.

Eileen Adams questioned whether 35 acres was required to build a single family dwelling. Staff concurred.

Mr. Steele asked for clarification as to when the 35 acre minimum went into effect. Mr. Dissell stated said regulation went into effect on June 30, 1977.

Mr. Soupir questioned whether the parcel meets the farmstead exemption due to the fact that a farmstead was on the original parcel before being split. Mr. Dissell reviewed why this parcel does not meet this exception.

Mr. McGill asked for clarification of staff recommendations regarding rezoning said parcel. Mr. Dissell stated the proposed parcel is eligible for rezoning and may be more in the spirit and intent of the Land Development Regulations.

Mr. Kaltenheuser questioned if being within two miles of a city had any bearing on further splitting of said parcel. Mr. Dissell reviewed the agreement between Ames and Gilbert Urban Fringe Plan with the County.

Mr. Soupir asked for clarification regarding possible conditions. Mr. McGill reviewed suggested conditions submitted by the City of Ames and also stated Board members may also approve their own conditions as they deem necessary.

BOARD COMMENTS:

None

MOTION: Move to adopt the Findings of Fact in the Staff Report prepared for and presented to the Story County Board of Adjustment.

VOTE: *Scarlett/Steele (3-0) (Feilmeyer, Miller Absent)*

Motion: Scarlett

Second: Steele

Voting Aye: McGill, Steele, Scarlett

Voting Nay: None

Not Voting: None

Absent: Feilmeyer, Miller

Board discussed the proposed Variance.

MOTION: Move to adopt the Decision regarding the Findings of Fact in the Staff Report, prepared for and presented to the Story County Zoning Board of Adjustment.

VOTE: *Steele/Scarlett (3-0) (Feilmeyer, Miller Absent)*

Motion: Steele

Second: Scarlett

Voting Aye: Steele, Scarlett, McGill

Voting Nay: None

Not Voting: None

Absent: Feilmeyer, Miller

MOTION: Move to approve the request as proposed by the applicant in Case No. VAR03-12, as discussed by the Zoning Board of Adjustment and in the Staff Report prepared for and presented to the Story County Zoning Board of Adjustment finding that all applicable Legal Principles have been satisfied.

VOTE: *Scarlett/Steele (2-1) (Feilmeyer, Miller Absent)*

Motion: Scarlett

Second: Steele

Voting Aye: McGill, Scarlett

Voting Nay: Steele

Not Voting: None

Absent: Feilmeyer, Miller

MOTION: Move to deny the request as proposed by the applicant in Case No. VAR03-12, as discussed by the Zoning Board of Adjustment and in the Staff Report prepared for and presented to the Story County Zoning Board of Adjustment finding that all applicable Legal Principles have not been met.

VOTE: *Steele/*
Motion: Steele
Second: None

Motion dies.

MOTION: Move to table request to December 2012 meeting.

VOTE: *Scarlett/Steele (2-1) (Feilmeyer, Miller Absent)*
Motion: Scarlett
Second: Steele
Voting Aye: Steele, Scarlett, McGill
Voting Nay: None
Not Voting: None
Absent: Feilmeyer, Miller

NEW BUSINESS:

7.II Adopt 2013 Calendar

Board members discussed the proposed calendar.

MOTION: Move to adopt the 2013 Calendar presented to the Story County Zoning Board of Adjustment.

VOTE: *Scarlett/Steele (3-0) (Feilmeyer, Miller Absent)*
Motion: Scarlett
Second: Steele
Voting Aye: Scarlett, McGill, Steele
Voting Nay: None
Not Voting: None
Absent: Feilmeyer, Miller

OTHER BUSINESS:

None

BOARD COMMENTS:

None

STAFF COMMENTS:

None

ADJOURNMENT: 7:07 p.m.

Approval of Minutes

Title and Date