

**STORY COUNTY  
PLANNING AND ZONING**  
STORY COUNTY ADMINISTRATION  
900 6<sup>TH</sup> STREET  
NEVADA, IOWA 50201-2087

**515-382-7245**

**MINUTES  
STORY COUNTY  
BOARD OF ADJUSTMENT**

<b>DATE:</b> April 2, 2014	David Miller, Chair	2015
	Stephen McGill, Vice Chair	2012
<b>CALL TO ORDER:</b> 6:00 p.m.	*Victoria Feilmeyer (6:03 arrival)	2014
<b>PLACE:</b> Public Meeting Room, 2 <sup>nd</sup> Floor	Lynn Scarlett	2013
Administration Building	Vacant	2016
	(* Absent)	

**ADJOURNMENT:** 8:34 PM

**PUBLIC PRESENT:** Kim Christiansen, Becky Christiansen, Elliot Thompson, Matt Nissen, Mike Brandrup, Rob Musselman, Becky Musselman, Tod Bertram, Orville Berbano, Joe Lynch, Lee Wulfekuhle

**STAFF PRESENT:** Leanne Harter, Planning and Development Director; Ryan Newstrom, Planner; Charlie Dissell, Planner; Kristin Cook, Recording Secretary

---

**APPROVAL OF AGENDA (MCU)**

---

**APPROVAL OF MINUTES (MCU)**

February 5, 2014

---

**PUBLIC COMMENTS:** Opened 6:02 p.m. – Closed 6:02 p.m.

NONE

---

**OLD BUSINESS:**

None

---

**NEW BUSINESS:**

**CUP02-08.2 VINNISS CONDITIONAL USE PERMIT MINOR MODIFICATION**

**Applicant:** Elliot Thompson

**Nature of Request:** Conditional Use Permit for Minor Modification-Brewery

**Staff Member:** Charlie Dissell

**Parcel Number:** 0517400300

---

**STAFF PRESENTATION:**

Mr. Charlie Dissell reviewed the proposed nature of the Conditional Use Permit modification request. Mr. Dissell reviewed the Standards for Approval relative to Conditional Use Permits and the application's adherence to said standards.

Mr. Dissell gave an overview of existing Conditional Use Permits for said property. Mr. Dissell discussed surrounding land uses and future land use designation.

Mr. Dissell cited all submitted Inter-agency comments.

Mr. Dissell reviewed notifications in regards to the Board of Adjustment meeting.

Mr. Dissell presented the Board with four (4) alternatives:

1. The Story County Board of Adjustment approves the Conditional Use Permit Minor Modification as put forth in case CUP02-08.2.
2. The Story County Board of Adjustment approves the Conditional Use Permit Minor Modification as put forth in case CUP02-08.2, with conditions.
3. The Story County Board of Adjustment denies the Conditional Use Permit Minor Modification as put forth in case CUP02-08.2.
4. The Story County Board of Adjustment tables the Conditional Use Permit Minor Modification as put forth in case CUP02-08.2, back to the applicant for further review and/or modifications.

---

**BOARD COMMENTS:**

Mr. Steve McGill asked for clarification regarding the existing accessory building, which was previously deemed agriculturally exempt, now requiring a zoning permit. Mr. Dissell stated that the structure's use had changed as was no longer used for agricultural use thus requiring a Zoning Permit.

**APPLICANT COMMENTS:**

**Mr. Elliot Thompson**

Mr. Thompson addressed the accessory building permitting stating that the structure's use did not change as previously expected. Mr. Thompson gave a short summary of the proposed Modification stating the intention is to be a family friendly atmosphere.

Mr. David Miller asked for clarification regarding expected size of operation. Mr. Thompson stated that expected occupancy is forty-five.

Ms. Vikki Feilmeyer questioned whether or not the wastewater concern had been addressed. Mr. Thompson stated they would work with Fox Engineering to obtain compliance.

**PUBLIC COMMENTS:**

None

---

**FINDINGS OF FACT**

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

**VOTE:** (Feilmeyer/Scarlett) (4-0)

Motion: Feilmeyer

Second: Scarlett

Voting Aye: McGill, Miller, Feilmeyer, Scarlett

Voting Nay: None

Not Voting: None

Absent: None

Ms. Feilmeyer questioned whether the Story County Sheriff's office was involved in Inter-agency discussions. Mr. Dissell stated that Story County Emergency Management is involved and represents an extension of the Sheriff's office.

**DECISION**

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

**VOTE:** (McGill/Scarlett) (4-0)

Motion: McGill  
Second: Scarlett  
Voting Aye: Scarlett, Feilmeyer, McGill, Miller  
Voting Nay: None  
Not Voting: None  
Absent: None

**ORDER**

**MOTION:** Move to approve the modification as proposed by the applicant in Case No. CUP02-08.2, 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 standards of approval will continue to be satisfied with the condition that prior to commencement of the Brewery as approved by this CUP modification, applicant shall work with Story County Environmental Health and the Iowa DNR to mitigate concerns expressed by those two departments in regards to the wastewater treatment of the Brewery.

**VOTE:** (Feilmeyer/McGill) (4-0)

Motion: Feilmeyer  
Second: McGill  
Voting Aye: McGill, Scarlett, Miller, Feilmeyer  
Voting Nay: None  
Not Voting: None  
Absent: None

WHEREFORE, it is ordered that the application for a Conditional Use Permit Modification (Case Number CUP02-08.2) by Vinniss LC, 3801 West 190th Street and 3715 West 190<sup>th</sup> Street, Ames, Iowa 50014 for a Conditional Use Permit modification to add a brewery which would be open Thursday-Saturday no later than 10PM and would close at 5PM on Sunday. The brewery would serve the same function as the existing winery, and would serve as an extension to their events, weddings, etc. by allowing visitors to purchase beer. A Brewery would fall under the conditional use of "farms, retail and novelty" in the A-1, Agricultural Zoning District, is hereby approved as evidenced by the Board's findings that all standards of approval will continue to be met with the condition that prior to commencement of the Brewery as approved by this CUP modification, applicant shall work with Story County Environmental Health and the Iowa DNR to mitigate concerns expressed by those two departments in regards to the wastewater treatment of the Brewery.

---

**NEW BUSINESS:****CUP01-14 PRAIRIE RIVERS OF IOWA CONDITIONAL USE PERMIT****Applicant:** Prairie Rivers of Iowa**Nature of Request:** Conditional Use Permit for educational training and demonstration area for the growing and distribution of locally grown fruits and vegetables as well as other Iowa grown products.**Staff Member:** Ryan Newstrom**Parcel Number:** 0926200155, 0926200160

---

**STAFF PRESENTATION:**

Mr. Ryan Newstrom reviewed the proposed nature of the Conditional Use Permit. Mr. Newstrom reviewed the Standards for Approval relative to Conditional Use Permits and the application's adherence to said standards.

Mr. Newstrom cited all submitted Inter-agency comments.

Mr. Newstrom notated recommended conditions of approval.

**Recommended Conditions:**

1. All required accessible spaces shall be marked on site.

Mr. Newstrom reviewed notifications in regards to the Board of Adjustment meeting.

Mr. Newstrom presented the Story County Planning and Zoning Commission recommendation:

MOTION: The Story County Planning and Zoning Commission recommend conditional approval of the Conditional Use Permit, as put forth in case CUP01-14, to the Story County Board of Adjustment, and directs staff to place the case on the April 2, 2014 Board of Adjustment agenda. (MCU)

**CONDITIONS:**

- 1) All required accessible spaces shall be marked on site.

Motion: Struthers

Second: Donaldson

Voting Aye: Struthers, Donaldson, Couser, Steele, Wendt, Smith, Miller

Voting Nay: None

Not Voting: None

Absent: None

Mr. Newstrom presented the Board with four (4) alternatives:

1. The Story County Board of Adjustment approves the Conditional Use Permit as put forth in case CUP01-14.
2. The Story County Board of Adjustment approves the Conditional Use Permit as put forth in case CUP01-14 with conditions.
3. The Story County Board of Adjustment denies the Conditional Use Permit as put forth in case CUP01-14.
4. The Story County Board of Adjustment tables the Conditional Use Permit as put forth in case CUP01-14, back to the applicant for further review and/or modifications.

---

**BOARD COMMENTS:**

Mr. Miller questioned the recommended condition of approval stating that it seems redundant, as the recommended condition is currently a requirement of a Conditional Use Permit. Ms. Harter stated that it might seem redundant going on to state that the property might not have complied

with the previous use.

**APPLICANT COMMENTS:**

**Mr. Mike Brandrup**

Mr. Brandrup stated that he is willing to become compliant with all parking and septic requirements.

Mr. Miller asked for clarification regarding the intent of the facility. Mr. Brandrup gave a more detailed explanation of the proposed use.

**PUBLIC COMMENTS:**

**Mr. Robert Musselman**

Mr. Musselman questioned the agricultural impact of surrounding farming operations. Mr. Newstrom stated that a reverse setback would could not be used.

Mr. Musselman stated as long as no restrictions would be placed on surrounding property owners and operations he supports the proposal.

---

**FINDINGS OF FACT**

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

**VOTE:** (Feilmeyer/McGill) (4-0)

Motion: Feilmeyer

Second: McGill

Voting Aye: McGill, Miller, Feilmeyer, Scarlett

Voting Nay: None

Not Voting: None

Absent: None

**DECISION**

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

**VOTE:** (McGill/Scarlett) (4-0)

Motion: McGill

Second: Scarlett

Voting Aye: Scarlett, Feilmeyer, McGill, Miller

Voting Nay: None

Not Voting: None

Absent: None

**ORDER**

**MOTION:** Move to approve the Conditional Use Permit as proposed by the applicant in Case No. CUP01-14, 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 standards of approval will be

satisfied upon the conditions listed below.

**CONDITIONS:**

1. All required accessible spaces shall be marked on site.
2. Staff to review approved Conditional Use Permit within 24 months to ensure applicant has met requirements of the Story County Environmental Health Department, to ensure that the purpose is being met and all required accessible spaces have been marked.

**VOTE:** (McGill/Scarlett) (4-0)

Motion: McGill

Second: Scarlett

Voting Aye: McGill, Scarlett, Miller, Feilmeyer

Voting Nay: None

Not Voting: None

Absent: None

WHEREFORE, it is ordered that the application for a Conditional Use Permit (Case Number CUP01-14) Cleo's Gardens, LLC, 322 Jones Street, Dubuque, Iowa 52001, for the property located in the Northwest Quarter of the Northeast Quarter of Section 26, T83N, R24W (Washington Township), 4320 S US Highway 69 (Parcel Identification Number 09-26-200-155, 09-26-200-160), for a Conditional Use Permit for a Retail and Novelty Farm, in the A-1, Agricultural Zoning District., is hereby approved as evidenced by the Board's findings that all standards of approval will be met upon the conditions listed below.

1. Staff to review approved Conditional Use Permit within 24 months to ensure applicant has met requirements of the Story County Environmental Health Department, to ensure that the purpose is being met and all required accessible spaces have been marked.

---

**NEW BUSINESS:**

**CUP02-14 WULFEKUHLE CONDITIONAL USE PERMIT**

**Applicant:** Lee Wulfekuhle

**Nature of Request:** Conditional Use Permit for a storage site for drying agricultural lime

**Staff Member:** Leanne Harter

**Parcel Number:** 0619200105; 0619200305

---

**STAFF PRESENTATION:**

Ms. Leanne Harter reviewed the proposed nature of the Conditional Use Permit request. Ms. Harter reviewed the Standards for Approval relative to Conditional Use Permits and the application's adherence to said standards.

Ms. Harter stated the Planning and Zoning Commission recommendation.

MOTION: The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit, as put forth in case CUP02-14, to the Story County Board of Adjustment, and directs staff to place the item on the April 2, 2014, Story County Board of Adjustment agenda. (MCU)

Motion: Miller

Second: Steele

Voting Aye: Miller, Struthers, Donaldson, Couser, Steele, Wendt, Smith

Voting Nay: None

Not Voting: None

Absent: None

Ms. Harter cited all submitted Inter-agency comments.

Ms. Harter reviewed notifications in regards to the Board of Adjustment meeting.

Staff would recommend the Board of Adjustment consider the following conditions of approval:

1. Prior to action on a zoning permit by the Board of Supervisors, if the driveway is proposed to be widened, submit an approved driveway entrance permit (from the Story County Engineer).
2. The entrance/exit to the site for truck traffic be limited to right-in/right-out movements.
3. A plan to address mud from the site tracked onto the County road shall be submitted to and accepted by the County Engineer prior to action on a zoning permit by the Board of Supervisors.

Ms. Harter presented the Board with four (4) alternatives:

1. The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit, as put forth in case CUP02-14, to the Story County Board of Adjustment, and directs staff to place the item on the April 2, 2014, Story County Board of Adjustment agenda.
2. The Story County Planning and Zoning Commission recommends conditional approval of the Conditional Use Permit, as put forth in case CUP02-14, to the Story County Board of Adjustment, and directs staff to place the item on the April 2, 2014, Story County Board of Adjustment agenda.
3. The Story County Planning and Zoning Commission recommends denial of the Conditional Use Permit, as put forth in case CUP02-14, to the Story County Board of Adjustment, and directs staff to place the item on the April 2, 2014, Story County Board of Adjustment agenda.
4. The Story County Planning and Zoning Commission tables the Conditional Use Permit request, as put forth in case CUP02-14, back to the applicant and/or staff for further review and/or modifications, and directs staff to place this item on the April 7, 2014, Planning and Zoning Commission Agenda under Old Business.

---

**BOARD COMMENTS:**

Mr. Miller asked for clarification regarding the traffic reports. Ms. Harter clarified yearly traffic counts.

Mr. McGill questioned the amount of runoff. Ms. Harter stated that the Emergency Management office has no concern at this time.

**APPLICANT COMMENTS:**

**Mr. Lee Wulfekule**

Mr. Wulfekuhle stated that mud on the roadways is minimal as the equipment is not accessing muddy fields also stating that if this does become an issue, a ¼ mile would be rocked. Mr. Wulfekule also stated that the staff currently cleans-up mud immediately.

Mr. Wulfekuhle gave an overview of the proposed entrance and exit stating that the entrance will most likely be widened and proper permitting will be obtained through the County Engineer's office.

Mr. Miller asked if 6,000 trucks per day on the roadways is a concern. Mr. Wulfekuhle gave an overview of the company's process.

Mr. Wulfekule stated he works closely with the Iowa DNR to continue compliance. Mr. Wulfekule also stated that he plans to bring water to the site for truck washing, but does not anticipate any type of wastewater as staff uses local facilities if needed.

**PUBLIC COMMENTS:**

None

---

**FINDINGS OF FACT**

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

**VOTE:** (McGill/Scarlett) (4-0)

Motion: McGill  
Second: Scarlett  
Voting Aye: McGill, Miller, Scarlett, Feilmeyer  
Voting Nay: None  
Not Voting: None  
Absent: None

**DECISION**

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

**VOTE:** (Scarlett/McGill) (4-0)

Motion: Scarlett  
Second: McGill  
Voting Aye: Feilmeyer, McGill, Miller, Scarlett  
Voting Nay: None  
Not Voting: None  
Absent: None

**ORDER**

**MOTION:** Move to *approve* the conditional use permit as proposed by the applicant in Case No. CUP02-14, 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 standards of approval will be satisfied with the following conditions of approval:

1. *Prior to action on a zoning permit by the Board of Supervisors, if the driveway is proposed to be widened, submit an approved driveway entrance permit (from the Story County Engineer).*
2. *The entrance/exit to the site for truck traffic be limited to right-in/right-out movements.*
3. *A plan to address mud from the site tracked onto the County road shall be submitted to and accepted by the County Engineer prior to action on a zoning permit by the Board of Supervisors.*

**VOTE:** (McGill/Scarlett) (4-0)

Motion: McGill  
Second: Scarlett  
Voting Aye: Scarlett, McGill, Miller, Feilmeyer

Voting Nay: None  
Not Voting: None  
Absent: None

WHEREFORE, it is ordered that the application submitted by Lee and Jodi Wulfekuhle for a Conditional Use Permit an “Agricultural lime storage site (fill and draw) operation for purposes of reducing the moisture content of lime slurry” in the A-1, Agricultural District, located in Section 19, Milford Township (Township 84 N Range 23 West, described as the West 10 acres of the Northwest of the Northeast, excluding the Highway and West 10 acres of the Southwest of the Northeast, Story County, Iowa (PARCEL IDENTIFICATION NUMBERS 06-19-200-105 and 06-19-200-305), is hereby approved with conditions as outlined below as evidenced by the Board's findings that all standards of approval will be met.

1. Prior to action on a zoning permit by the Board of Supervisors, if the driveway is proposed to be widened, submit an approved driveway entrance permit (from the Story County Engineer).
2. The entrance/exit to the site for truck traffic be limited to right-in/right-out movements.
3. A plan to address mud from the site tracked onto the County road shall be submitted to and accepted by the County Engineer prior to action on a zoning permit by the Board of Supervisors.

---

**NEW BUSINESS:**

**VAR01-14 BERBANO VARIANCE**

**Applicant:** Orville Berbano

**Nature of Request:** Variance to Section 86.04.5.B to the front setback requirement of 50'.

**Staff Member:** Charlie Dissell

**Parcel Number:** 0520200395

---

**STAFF PRESENTATION:**

Mr. Charlie Dissell reviewed the proposed nature of the Variance request. Mr. Dissell reviewed the Legal Principle's applicable to Conditional Use Permits and the application's adherence to said requirements. Mr. Dissell discussed surrounding land uses and future land use designation.

Mr. Dissell cited all submitted Inter-agency comments.

Mr. Dissell reviewed notifications in regards to the Board of Adjustment meeting.

Mr. Dissell presented the Board with four (4) alternatives:

1. Approve Variance Case No. VAR01-14 as proposed and with conditions.
2. Approve Variance Case No. VAR01-14 as proposed.
3. Deny Variance Case No. VAR01-14 as proposed.
4. Table Variance Case No. VAR01-14 for further information from staff and/or the applicant.

---

**BOARD COMMENTS:**

Mr. Miller asked for clarification regarding lot size. Mr. Dissell clarified by reviewing the history of the property.

The property's right-of-way was discussed.

**APPLICANT COMMENTS:**

**Mr. Orville Berbano**

Mr. Berbano gave an overview of the property and structure location.

Mr. Miller suggested that an official survey be completed.

Ms. Feilmeyer questioned the nature of the single family dwelling addition. Mr. Berbano stated the addition would be used for as an extra bedroom or multi-purpose room. Ms. Feilmeyer questioned the applicants reasoning for not seeking a rezoning. Mr. Berbano stated cost and timing were the main reasons.

**PUBLIC COMMENTS:**

None

---

**FINDINGS OF FACT**

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

***VOTE:*** (McGill/Scarlett) (4-0)

Motion: McGill

Second: Scarlett

Voting Aye: McGill, Miller, Scarlett, Feilmeyer

Voting Nay: None

Not Voting: None

Absent: None

**DECISION**

***MOTION:*** Move to deny the Decision regarding the Legal Principles in the Staff Report, prepared for and presented to the Story County Zoning Board of Adjustment.

***VOTE:*** (Feilmeyer/McGill) (4-0)

Motion: Feilmeyer

Second: McGill

Voting Aye: Scarlett, Feilmeyer, McGill, Miller

Voting Nay: None

Not Voting: None

Absent: None

**ORDER**

***MOTION:*** Move to deny the request as proposed by the applicant in Case No. VAR01-14, as discussed by the 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 satisfied.

***VOTE:*** (McGill/Feilmeyer) (4-0)

Motion: McGill

Second: Feilmeyer

Voting Aye: McGill, Miller, Feilmeyer, Scarlett

Voting Nay: None

Not Voting: None

Absent: None

WHEREFORE, it is ordered that the application for a Variance (Case Number VAR01-14) by Orville N. Berbano for property located at 3403 Cameron School Road and generally described as A One (1) Acre tract in the Southeast Corner of the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of Section Twenty (20), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, described as follows: Commencing at the East Quarter Corner of Section Twenty (20), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., thence West 1,312.55 Feet along the South line of said Northeast Quarter (NE ¼) of said Section Twenty (20), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M. to the Southeast Corner of the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of said Section Twenty (20) to the point of beginning, thence West 220 Feet, thence North 0° 24" West, 198 Feet, thence East 220 Feet to the East line of said Southwest Quarter Northeast Quarter (SW ¼ NE ¼), thence South 0° 24" East, 198 Feet to the point of beginning, containing One (1) Acre, more or less, subject to road right-of-way (Parcel ID # 05-20-200-395), for a variance to Section 86.04(5)(B) to allow an addition to a single family dwelling with a front setback of 39' is hereby denied as evidenced by the Board's findings that all Legal Principles have not been met as required by the *Story County Land Development Regulations*.

Any person desiring to appeal this decision to a court of record may do so within thirty (30) days after the filing of this decision.

---

**NEW BUSINESS:**

**VAR02-14 CHRISTIANSEN VARIANCE**

**Applicant:** Kim Christiansen

**Nature of Request:** Variance to Section 88.04.2.A(1) to allow access by a 43' easement to more than one single family dwelling

**Staff Member:** Charlie Dissell

**Parcel Number:** 0529400405

---

**STAFF PRESENTATION:**

Mr. Charlie Dissell reviewed the proposed nature of the Variance request. Mr. Dissell reviewed the Legal Principles relative to Variances and the application's adherence to said requirements. Mr. Dissell discussed surrounding land uses and future land use designation.

Mr. Dissell provided site history.

Mr. Dissell cited all submitted Inter-agency comments.

Mr. Dissell reviewed notifications in regards to the Board of Adjustment meeting.

Mr. Dissell presented the Board with four (4) alternatives:

1. Approve Variance Case No. VAR02-14 as proposed and with conditions.
2. Approve Variance Case No. VAR02-14 as proposed.
3. Deny Variance Case No. VAR02-14 as proposed.
4. Table Variance Case No. VAR02-14 for further information from staff and/or the applicant.

---

**BOARD COMMENTS:**

Mr. Miller questioned the nature of the existing non-conforming uses present. Staff outlined the applicable regulations.

Mr. McGill asked for clarification in regards to the number of proposed and allowed single-family dwellings. Mr. Dissell stated that the proposal is for one single-family dwelling also stating that any additional single-family dwelling would require an additional variance or split of land.

**APPLICANT COMMENTS:**

**Mr. Kim Christiansen**

Mr. Christiansen gave a review of the history of the property.

**PUBLIC COMMENTS:**

**Mr. Todd Bertram**

Mr. Bertram stated concerns regarding the lane width. Mr. Bertram also stated one variance has already been approved for the property and stated he thinks another variance has been denied for the property in the past ten years. Mr. Bertram questioned the number variances allowed for a single property.

Mr. Bertram stated he has only seen one surrounding property sell over the past forty years.

Mr. McGill questioned whether widening the lane had been discussed. Mr. Bertram stated that it had been discussed, but does not seem cost effective due to the slope and elevation of such.

Mr. Bertram provided Board members with photos of the lane.

**Mr. Joe Lynch**

Mr. Lynch asked Board members to consider putting a decision off due to the fact he was not notified more than a week before the meeting. Mr. Lynch also stated concerns regarding lane capacity and the cost of upkeep regarding said lane. Mr. Lynch also stated he agrees with all of Mr. Bertram’s concerns as well.

Ms. Feilmeyer questioned when the property was listed for sale. Mr. Lynch stated he believes it has been for sale since the summer of 2013.

Mr. Christiansen stated they have owned the property for 30 years. Mr. Christiansen gave an overview of the property history.

---

**FINDINGS OF FACT**

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

**VOTE:** (Feilmeyer/McGill) (4-0)

Motion: Feilmeyer  
Second: McGill  
Voting Aye: McGill, Scarlett, Miller, Feilmeyer  
Voting Nay: None  
Not Voting: None  
Absent: None

**DECISION**

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

**VOTE: (McGill/Scarlett) (4-0)**

Motion: McGill  
Second: Scarlett  
Voting Aye: Feilmeyer, McGill, Scarlett, Miller  
Voting Nay: None  
Not Voting: None  
Absent: None

**ORDER**

**MOTION:** Recognizing that the existing 43' easement is a legally existing nonconforming land use move to approve the request as proposed by the applicant in Case No. VAR02-14, as discussed by the 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: (Feilmeyer/McGill) (4-0)**

Motion: Feilmeyer  
Second: McGill  
Voting Aye: McGill, Miller, Feilmeyer, Scarlett  
Voting Nay: None  
Not Voting: None  
Absent: None

WHEREFORE, it is ordered that the application for a Variance (Case Number VAR02-14) by Kim F. Christiansen, registered agent for Mid Iowa Construction Inc., for property generally described as Lot 4 in the Southeast Quarter of the Southeast Quarter of Section 29, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, containing 17.23 acres and that part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, described as follows: Beginning at the Southwest Corner of said Northeast Quarter of the Southeast Quarter; thence East 70 feet along the South line thereof; thence Northwesterly to the Northwest Corner thereof; thence South along the West line thereof to the point of beginning, containing 1.05 acres. (Parcel ID # 05-29-400-405), for a variance to Section 88.04(2)(A)(1) to allow two or more single-family dwellings to take access off a common easement defining access of 43' is hereby approved as evidenced by the Board's findings that all Legal Principles have been met as required by the *Code of Ordinances of Story County, Iowa*.

Any person desiring to appeal this decision to a court of record may do so within thirty (30) days after the filing of this decision.

---

**OTHER BUSINESS:**

None

---

**STAFF COMMENTS:**

Ms. Harter stated that shadow flicker discussions will begin in May 2014.

---

**BOARD COMMENTS:**

None

---

**ADJOURNMENT: 8:34 PM**

---

**Approval of Minutes**

---

**Title and Date**