

**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 15, 2015	David Miller, Chair	2015
	*Stephen McGill, Vice Chair	2017
<b>CALL TO ORDER:</b> 4:02 p.m.	Karen Youngberg	2019
<b>PLACE:</b> Public Meeting Room, 2 <sup>nd</sup> Floor Administration Building	Lynn Scarlett	2018
	Joanna Anderson	2016
	(*) Absent	

**ADJOURNMENT:** 4:35 PM

**PUBLIC PRESENT:**

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

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**APPROVAL OF AGENDA (MCU)**

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**APPROVAL OF MINUTES (MCU)**

November 5, 2014

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**PUBLIC COMMENTS: Opened 4:04 p.m. – Closed 4:04 p.m.**

None

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**HEARING ITEMS:**

**VAR01-15 CADEMARTIRI VARIANCE**

**Applicant:** Ludovico and Rebecca Cademartiri

**Nature of Request:** Variance to Section 88.07(1) allowing a fence in the front yard at a height of 8 feet.

**Staff Member:** Ryan Newstrom

**Parcel Number:** 0518300350

**STAFF PRESENTATION:**

Mr. Newstrom gave an overview of the proposed variance, location, current zoning, and provided site shots of the property.

Mr. Newstrom reviewed the dates of legal notices, mailings, and application reviews.

Mr. Newstrom reviewed the Findings of Fact and applicable standards for approval the Board must consider in reviewing the proposed variance.

Mr. Newstrom gave an overview of comments submitted by the public as well as County Staff comments.

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

1. Approve Variance Case No. VAR01-15 as proposed and with conditions.
2. Approve Variance Case No. VAR01-15 as proposed.
3. Deny Variance Case No. VAR01-15 as proposed.
4. Table Variance Case No. VAR01-15 for further information from staff and/or the applicant.

**APPLICANT COMMENTS:**

Mr. Ludovico Cademartiri addressed the Board and explained his reasoning for the Variance request. Mr. Cademartiri also provided a history of deer mitigation processes taken to date, which have been unsuccessful.

**BOARD COMMENTS:**

Mr. David Miller questioned the physical strength of the proposed fence. Mr. Cademartiri stated that the proposed fence is designed to restrain deer. Mr. Miller also asked how the driveway would be fenced. Mr. Cademartiri stated that the driveway gate would be black in nature and be swung open during the day and closed at night.

Ms. Lynn Scarlett asked how long the proposed temporary fence would be in place. Mr. Cademartiri stated that the fence will be needed until the arboretum and foliage growth is mature estimating 20 years for flowering plants.

**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:** (Scarlett/Youngberg) (4-0)

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

**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 noting that item A.1 does not apply.

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

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

**ORDER**

**MOTION:** Move to approve the Conditional Use Permit as proposed by the applicant in Case No. VAR01-15, as discussed by the Board of Adjustment and in the Staff Report prepared for and presented to the Story County Board of Adjustment finding that all applicable Legal Principles have been satisfied.

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

Motion: Scarlett  
Second: Youngberg  
Voting Aye: Youngberg, Anderson, Scarlett, Miller

Voting Nay: None  
Not Voting: None  
Absent: McGill

WHEREFORE, it is ordered that the application for a Variance (Case Number VAR01-15) by Ludovico Cademartiri for property located at 5964 N 500<sup>th</sup> Ave and generally described as Commencing 302 feet North of Southwest Quarter Corner of Section Eighteen (18), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., thence North 280 Feet thence East 444 Feet, thence south 280.18 feet thence west 444.11 feet to the point of beginning, containing 2.640 Acres, more or less, subject to road right-of-way (Parcel ID # 05-18-300-350), for variance to Section 88.7.1 to allow an additional 2 feet of fence height along the front property line is hereby approved as evidenced by the Board's findings that all Legal Principles have been met as required by the *Story County Land Development Regulations*.

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**Motion: Move to direct staff to draft a letter supporting the review of fence regulations. (MCU)**

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**COMMENTS**

**STAFF**

Mr. Charlie Dissell gave an overview of Conditional Use Permit annual reviews and inspections. Mr. Dissell updated Board members of the Hallett Materials Conditional Use Permit and possible needed review and modifications.

Mr. Dissell gave an overview of Board of Adjustment responsibilities and asked whether members would like staff recommendations to be given. Mr. Miller stated he would like to continue without staff recommendations unless asked specifically by the Board.

Mr. Dissell provided an update to the Casey's project.

Ms. Scarlett asked for an update to the proposed Vetter signage. Mr. Dissell updated Board members stating that Vetter's were able to apply for a sign that met current regulations.

**BOARD**

None

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**ADJOURNMENT: 4:35 PM**

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**Approval of Minutes**

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**Title and Date**