



BOARD OF ADJUSTMENT TENTATIVE AGENDA

Wednesday, January 15, 2020
4:00 PM

Public Meeting Room - Story County Administration (900 6th Street) – Nevada, Iowa*
THIS MEETING IS OPEN TO THE PUBLIC PURSUANT TO CHAPTER 21 IOWA CODE.

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

Documents:

[MINUTES 121819.PDF](#)

5. APPROVAL OF FINDINGS OF FACT FROM PREVIOUS MEETING

Documents:

[VAR05-19 FINDINGS OF FACT.PDF](#)
[CUP10-19 FINDINGS OF FACT.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 CUP11-19, Story County Animal Control - Marcus Amman

Documents:

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

- 7.II. Discussion And Consideration Of CUP12-19 Ballard Golf And Country Club - Marcus Amman

Documents:

[STAFF REPORT.PDF](#)
[APPLICATION DOCUMENTS AND PHOTOS.PDF](#)
[CONDITIONAL USE PERMIT QUESTIONS.PDF](#)

- 7.III. Discussion And Consideration Of VAR06-19, Ballard Golf And Country Club - Marcus Amman

Documents:

[STAFF REPORT.PDF](#)
[APPLICATION DOCUMENTS AND PHOTOS.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: December 18, 2019	Steve McGill, Chair	2022
	Matthew Neubauer, Vice Chair	2021
	Karen Youngberg	2019
CALL TO ORDER: 4:00 PM	Randy Brekke	2020
PLACE: Public Meeting Room Administration Building	Wendie Schneider	2023

PUBLIC PRESENT: Jerry Sloan, Neil Grant, Scotty Gerber, Barbara Nordyke, Liz Pehl & Andrew Craig

STAFF PRESENT: Jerry Moore, Planning and Development Director; Amelia Schoeneman, Planner; Marcus Amman, Planner; Stephanie Jones, Recording Secretary; Sandra King, Director of External Operations and County Services

ROLL CALL: McGill, Brekke, Neubauer, Youngberg, Schneider

ABSENT: None

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES Motion by Youngberg, Second by Neubauer (MCU)
October 16, 2019

APPROVAL OF FINDINGS OF FACTS FROM October 16, 2019 MEETING Motion by Youngberg, Second by Neubauer (MCU)

Written Findings of Fact CUP03-19.1 Perkins

PUBLIC COMMENTS: None

ADDITIONAL ITEMS:

Election of Officers for 2020 Calendar Year

Motion by Neubauer, Second by Brekke for McGill to continue as Chair.
Motion by Youngberg, Second by Neubauer for Brekke to serve as Vice Chair.

2020 Board of Adjustment Meeting Schedule

Motion by Neubauer, Second by Brekke to accept 2020 Meeting Schedule

Rules of Procedure

Jerry Moore stated that the current rules of procedure do not contain the language required for number of members, where future members are to reside, and the term length for the appointment. This information is, however, addressed in the Story County Land Development Regulations, Chapter 92.01 (1). Moore stated that Planning staff is recommending that the Board of Adjustment support amending the Rules of Procedure to include this information.

Motion: Youngberg

Second: Brekke

Ayes: Youngberg, Schneider, McGill, Brekke, Neubauer

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

HEARINGS:

CUP02-90.6 Martin Marietta

Amelia Schoeneman presented the staff report and stated that this request is for a conditional use permit modification for the off-site storage of rescue equipment/trailer for the mine in an existing 40' x 60' steel utility building located at 3210 N Dayton Avenue, Parcel 06-30-100-300, and the addition of four slurry drops at the Ames Martin Marietta Mine, 831 Riverside Road, on Parcels 05-13-300-415, 05-24-100-210, and 05-24-100-425. An off-site location is preferable for the rescue trailer and equipment to ensure accessibility during an emergency. The slurry is proposed to be pumped through a 16" above-ground black plastic pipe to the drops (drilled holes) into previously mined out areas underground. Currently, the piping occurs underground but the mine has become too full and above-ground piping is needed to complete the backfill of the mine with slurry. After the solids settle from the slurry, the water is reused. Martin Marietta anticipates using the drops one to two years each until the mine under the drops is full. A driveway to the drop locations has already been constructed. When the underground areas are full, the drops will be plugged and drives removed. The proposed uses will not generate traffic above periodic daily checks of the pipe and monthly training and maintenance of the rescue equipment/trailer. The mine processing/surface area is not proposed to change beyond the additional slurry drops and driveway. Planning and Development staff recommend approval of the conditional use permit with conditions.

Neil Grant, Natural Resources Director for Martin Marietta, spoke as the applicant. He stated that work had started, but was stopped once they realized they needed to modify the CUP. The building was also already in use for the rescue equipment/trailer. Grant spoke about potential spill protection measures. He stated berming would be disruptive to the landscaping with the equipment required for berming. He stated that they may add a pressure sensor on the pipe so if a pressure drop is detected that it would be shut off the pump. Grant also stated that silt fence around the drop may be beneficial. Martin Marietta would like to work with County Planning and Development Staff and their environmental engineer to determine what additional spill protection measures would be appropriate. They support additional protection measures.

Grant stated they supported the phased expiration of the conditional use permit for the slurry drops as the drops are taken out of use.

Grant stated that the pipe that currently runs underground will be moved above ground.

Water quality concerns were addressed and discussion took place that slurry is made of rock (limestone fines) and water. The rock is being settled out so that the water can be reused.

Youngberg had concerns about the slurry getting into the river before the rock had settled out. Grant stated that the river is over 300' away and it is very unlikely that the pipe would break open, but rather a pinhole leak. Grant stated that monitoring would take place daily to check for leaks. While this water is not being discharged, they hold a National Pollutant Discharge Elimination System (NPDES) permit for discharges. Youngberg stated that her main concern was if it could hurt the fish if it were to get to the river. Grant stated that in the event of a spill, the DNR would require it to be cleaned up.

Schneider asked if there are any contaminants in the slurry and if there is a monitoring system to make sure the slurry is not contaminated. Grant stated there is nothing to contaminate the slurry because water is the only thing that comes in contact with the rock during processing. Grant also stated that discharge water is tested annually.

Neubauer asked if the piping is secure while not in use. Grant stated the pipe is capped off. McGill stated that with the concerns from the board, that it may be beneficial for the board to see a spill prevention plan. Brekke stated that he agrees seeing the plan from an environmental engineer is a good idea.

Brekke asked what type of emergencies the equipment being stored would be used for. Grant stated that the emergency equipment is in the event of an underground mine emergency.

Brekke asked how often pipe leaks occur under ground, and discussion took place that there has not been failures because of daily monitoring.

McGill opened the public hearing. Jerry Sloan spoke about water quality being affected in the event of a leak, and pump noise. Grant stated that new pumps would not be brought to the drops. There is a current pump on the site at the processing plant, but currently it is not used as gravity works to move the slurry to the drops. Sloan asked if there would be vibration with the slurry moving through the pipes that was not able to be heard when the pipe was below ground. Scotty Gerber with Martin Marietta stated that the pipe is thick and one would need to touch the pipe to know whether something was moving through the pipe. Sloan had concerns about fuel or explosives being used underground that could get in the water and would like to see Martin Marietta test the slurry water to ensure the aquifer is not being affected.

Andy Craig was present for another case, but stated that he is an environmental engineer and suggested testing of the slurry would be beneficial to the board to ensure it is safe.

Liz Pehl stated that her garden is in the area and did not realize that the pipe would be so close to her property line. Pehl stated that she is concerned with the pipe being above ground that a hunter could hit the pipe or it could be hit while driving through the field with a vehicle.

MOTION: The Story County Board of Adjustment remands the Conditional Use Permit for the addition of slurry drops at the mine property and off-site rescue equipment/trailer storage in the event of an emergency at the Martin Marietta Ames Mine as put forth in case CUP02-90.6, back to the applicant for further review and/or modifications to the plan for protective measures and for the slurry to be tested in the event of a leak, and directs staff to place this item on the January 15, 2019, Story County Board of Adjustment Agenda.

Motion: Neubauer

Second: Youngberg

Ayes: Neubauer, Youngberg, McGill, Brekke, Schneider

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

VAR05-19 Craig Variance

Marcus Amman presented the staff report and stated that the request is for a variance to the minimum front setback for a proposed accessory structure located in the R-1 District, which establishes a minimum front set back of 40 feet. The variance request is to permit the construction of a new proposed 24'x36' (864 square feet) accessory structure that will replace the existing 25'x21.6' (537 square feet) accessory structure that is in poor condition and encroaches on the front setback requiring a variance of 31 feet from 40 feet to 9.0 feet, from the closest point of the proposed building to the property line. The existing accessory structure received a variance of 30 feet from the northern property line in 1961.

MOTION: The Story County Board of Adjustment approves the Craig Setback variance request with conditions and as put forth in case VAR05-19, for a variance to allow the proposed accessory structure to have a front setback of 9 feet in the R-1 District with the following conditions:

- 1. The existing significant trees located between the accessory structure and Skycrest Drive must remain intact.**
- 2. The front property line must be identified and marked clearly for preliminary and final inspections.**

Motion: Youngberg

Second: Schneider

Ayes: Youngberg, Schneider, Neubauer, Brekke, McGill

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

CUP10-19 Integrated Roadside Vegetation Management

Marcus Amman presented the staff report and stated that Story County Conservation is requesting a Conditional Use Permit to build an addition, 40'x40'x14', on the south side of the existing Integrated Roadside Vegetation Management (IRVM) shop building. The addition to the shop will primarily be used for year round storage of equipment depending on need and weather. This addition is replacing a 50'X50' pole building that was destroyed in 2017.

Neubauer asked what happened to the previous building that was destroyed. Amman stated that the building was destroyed by a storm.

MOTION: The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Story County Conservation IRVM Building Addition as put forth in case CUP10-19, as submitted.

Motion: Neubauer

Second: Brekke

Ayes: Neubauer, Brekke, Schneider, Youngberg, McGill

Nays: None

Not Voting: None

Absent: None

Vote: (5-0)

BOARD/STAFF COMMENTS:

Staff: Moore introduced Sandra King who is the new Director of External Operations and County Services. Moore provided an update on possible upcoming cases for the January meeting, gave a work program update, and stated that there will be upcoming training in the spring sponsored by the ISU Extension if anyone is interested.

Board: Wendie Schneider was introduced as the new Board of Adjustment member and all members provided an update on their background.

ADJOURNMENT: 5:50 PM

Approval of Minutes

Title and Date

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

**STORY COUNTY, IOWA
CERTIFICATE OF VARIANCE
AND WRITTEN FINDINGS OF FACT**

IN THE MATTER OF THE APPLICATION OF: : **CASE NO. VAR05-19**
Andrew Craig, 5038 Skycrest Dr, Ames, IA :
50014, for the request of a Variance for an :
accessory structure, located on the SE NE of :
Section: 23 Township: 84 Range: 24, Franklin :
Township, (Parcel ID Number 05-23-175-155) :

On December 18, 2019, the Story County Board of Adjustment approved the Variance CASE NO. VAR05-19 for the request of a 31 foot Front Setback Variance from 40 feet to 9 feet for an accessory structure with the following conditions:

- 1. The existing significant trees located between the accessory structure and Skycrest Drive must remain intact.
- 2. The front property line must be identified and marked clearly for preliminary and final inspections.

VOTE: Ayes: Neubauer, Brekke, McGill, Youngberg, Schneider
Nayes:
Absent:
Vote: (5-0)

Written Findings of Fact

Case Summary: The request is for a variance to the minimum front setback for a proposed accessory structure located in the R-1 District, which establishes a minimum front set back of 40 feet. The variance request is to permit the construction of an accessory structure that will encroach on the front setback requiring a variance of 31 feet from 40 feet to 9 feet. The proposed accessory structure will replace the existing accessory structure that was also granted a variance in 1961 and consequently is located 8.1 feet from the front property line. The property is located in Section 23 of Franklin Township parcel number 05-23-175-155. Planning and Development Staff is recommending approval of the variance with conditions. The Story County Board of Adjustment approved the variance with conditions on December 18, 2019.

Marcus Amman, Story county Planning and Development Planner, reviewed the Variance Application, site plans, written narrative and other related submittal materials and responses from the applicant to County staff comments in accordance to Chapter 90 Conditional Uses of the Story County Land Development Regulations. Amman presented the staff report at the December 18, 2019, Story County Board of Adjustment meeting.

Variance Permit Analysis

- 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: *If the variance is not granted, the accessory structure will deteriorate to the point of being useless and will devalue the property due to having no storage space or indoor parking space. In addition to that, it will become a burden and will actually be a financial burden for upkeep or demolition.*

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 existing accessory structure was built after being granted a variance for its current location. The proposed accessory structure will be built within a portion of the same foot print not encroaching any further on the front setback. All the dwellings in the neighborhood have accessory structures and by not granting the variance the value of the Craig's dwelling will likely be negatively affected. As this structure deteriorates it will lessen the value of the Craig's property and likely affect other adjacent properties. Not only would the property likely lose a space for storing personal vehicles but for storage as well.

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: *The accessory structure has been in the same spot since 1963 that I hope to build on and not encroach further towards the north property line or roadway.*

Staff Comment: The existing accessory structure has been in this location since 1963 and was granted a variance in 1961 based on the topographical issues on the parcel. The variance was based on the Zoning Ordinance No 2 Article XVI, Section 4(2-e) which was adopted December 22, 1960. This provision allowed for the granting of the variance for topographical reasons among others. These topographical issues are the same as they were in 1961 and they are not requesting to encroach of the front setback any further. Further the strict application of the front setback requirement for the Craig's prohibits the use of the property in a manner reasonably similar to that of other properties in the area.

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

Applicant Comment: *This is applicable and true – The new building will not alter the character of the locality – it will enhance the character; also, larger shop/accessory structures are quite common in the neighborhood.*

Staff Comment: The property is located at the end of Skycrest Drive on a cul-de-sac. Of the four dwelling on the cul-de-sac the Craig property and two others have all been granted variances to their front setbacks, the neighbors being for their dwellings. Most of the dwellings in the area have at least a two car accessory structure some attached some detached, some have that plus car ports or shop areas. This proposed building size is similar to those in the area. This will continue an existing use in the neighborhood. The mature trees that separate the existing accessory structure and the road way will not be removed. This will assist with not changing the essential character of the locality.

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

Applicant Comment: *True – I am certain the neighbors will not have issues with a new building being constructed mostly the same location. I have spoken with most of*

them already about it and there have been no concerns.

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.

The existing accessory structure has been in its current location since 1963. Granting the variance to reconstruct the accessory structure that is slightly larger but will appear smaller, while not encroaching in to the front setback any further would not be contrary to the public interest. The accessory structure will be separated from the road by an existing tree line that will not be affected by the reconstruction of the accessory structure. There are three variances granted for 4 parcels located on the cul-de-sac, all for front setbacks.

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

Applicant Comment: *Yes/True*

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 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.”

This property is located in the Story County R-1 district as well as Ames Urban Fringe Plan Rural Transitional Residential. The use of the property is consistent with the Rural Transitional Residential designation. The subject property includes a dwelling with no area in agriculture production. The primary land use of the subject parcel is the dwelling which has been on the property since 1961. Due to the location of the property at a cul-de-sac, anticipated lower speeds of vehicles, the mature tree buffer between the existing accessory structure and the road way, the spirit and intent of the ordinance is maintained. It also protects the undisturbed natural areas on the parcel. The Cornerstone to Capstone (C2C) Comprehensive Plan Housing Goal 1 Objective 2 and Housing Goal 3 Objective 1 provide support for the variance. Goal 1 Objective 2 describes keeping structures maintained to levels deemed safe and Goal 3 Objective 1 describes proactively and meaningfully engaging with residents in their planning decisions that impact their housing and the neighborhood. This request addresses both objectives.

Comments from the Interagency Review Team

The complete application was forwarded to the members of the Interagency Review Team on Thursday, October 4th, 2019. The following comments were received:

Story County Environmental Health: No Comments

Story County Engineer: No Comments

Story County Assessor: No Comments

Story County Planning and Development: (Applicant responses are in bold.)

1. Please identify the front property line. **I have located the northern property pins and using a combination of GIS, coordinates produced by CGA, manual measurements, and professional engineering judgement, I have determined that the existing setback of the northeast corner of the accessory structure is 8.1 feet from the property line at its nearest point. I plan to keep this as the north corner guideline. The property line will not be encroached on by the new construction.**
2. Why can this accessory structure not be built elsewhere on the property? **The topography of the lot does not allow many options for relocating or rebuilding the accessory structure and it is easy to see why/how the decision was made to allow the building to be erected in its current location.**
3. Would this encroach on the front property line anymore? **The north building line would not move towards the property line or roadway.**
4. How did you identify the front property line? **I have located the northern property pins and using a combination of GIS, coordinates produced by CGA, manual measurements, and professional engineering judgement, I have determined that the existing setback of the northeast corner of the accessory structure is 8.1 feet from the property line at its nearest point. I plan to keep this as the north corner guideline. The property line will not be encroached on by the new construction.**
5. Will you take out any of the trees between the existing structure and the roadway? **No, significant trees will remain intact.**
6. Why does the accessory structure need to be rebuilt? **The existing accessory structure is in bad shape due to the concrete slab settling and cracking and the walls no longer reach the ground. The accessory structure is nothing more than a shed at this point. I would like to update to protect my equipment enclosed within the accessory structure and also to enhance the property value.**
7. Are there other accessory structures of similar size in the neighborhood? **There are many nice shop type accessory structures around the neighborhood and on my street including my next door neighbor's property.**
8. Please explain how this is a unique circumstance that was created not by you? **The accessory structure has been in the same spot since 1963 that I hope to build on and not encroach further towards the north property line or roadway.**
9. How big is the current accessory structure and what are you proposing to rebuild it with? **The existing footprint is approximately 25.3 feet deep (East/West) by 21.6 feet wide (North/South) according to my manual measurements (Figure 1). There is also a privacy fence extending the apparent north wall of the accessory structure to the east and west to a total length of 40.5 feet. I propose to build a 24 wide by 36 deep accessory structure with 12 feet high ceiling.**
10. Please provide proposed drawings? **Provided**
11. Please provide topographical information? **Provided**
12. Please explain how granting the variance will not be contrary to the public interest? **True – I am certain the neighbors will not have issues with a new building being constructed in mostly the same location. I have spoken with most of them already about it and there have been no concerns.**
13. Please explain how the land in question cannot yield a reasonable return if used only for

a purpose allowed in that zone? **If the variance is not granted, the accessory structure will deteriorate to the point of being useless and will devalue the property due to having no storage space or indoor parking space. In addition to that, it will become a burden and will actually be a financial burden for upkeep or demolition.**

14. Please explain how this will not alter the essential character of the locality? **This is applicable and true – The new building will not alter the character of the locality – it will enhance the character; also, larger shop/accessory structures are quite common in the neighborhood.**

Comments from Cities within Two Miles

Notification was provided to the City of Ames and the City of Gilbert on December 10th, 2019. No comments were received from the City of Ames or the City of Gilbert 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 December 10th, 2019. Seven property owners that received notices voiced their approval through petition signatures or emails, one person voiced their support at the Board of Adjustment December 18th meeting for the variance.

Public Hearing comments from the Board of Adjustment Meeting – December 18, 2019

Amman presented the staff report and stated that this request is for a variance of 31 feet from the R-1 District front setback requirement of 40 feet. Amman stated that the previous property owners applied for a variance for an accessory structure that was granted a variance in 1961 for 10 feet. During the course of applying for this permit CGA, Engineers and Land Surveyors, were hired to locate the property pins. The property pins were located and it was noted that the current structure is 8.1 feet from the front property line. The proposed accessory structure will encroach less than the existing accessory structure by one foot and will be rotated counterclockwise away from the property lines.

McGill asked if it was being twisted (rotated) southerly away from where the existing structure is. Amman explained that through discussion with Craig it was decided to shift it some. Craig stated that by doing this he will be able to enlarge the accessory structure while not encroaching any further into the setback. This rotation area is also on flat ground.

Craig was in attendance and provided more contextual information to the board.

There was one neighbor present in support of the variance, a letter with signatures from 6 other neighbors, and one email in support as well.

Points to Consider for the Variance Request

1. The project is necessary to replace an accessory structure that is in poor condition.
2. The proposed accessory structure will appear smaller than the existing accessory structure.
3. The existing accessory structure along with two of the other three dwellings that share the cul-de-sac have variances for front setbacks.
4. The accessory structure will continue to be separated from the road by trees. No significant trees will be removed with this project.
5. The traffic is highly limited on Skycrest Dr at the subject property due to the cul-de-sac, (IDOT does not have traffic counts for the road specifically).
6. The proposed accessory structure will not exceed the existing variance setback distance.
7. The cost of building the accessory structure would be substantially greater on any other location on the property and would require disturbing undisturbed natural areas

and require fill dirt.

8. The neighbors have provided letters of support for the variance.
9. The existing character of the area will not be negatively impacted by granting the variance to construct a smaller footprint accessory structure no closer to the property line.

The Board of Adjustment approved (vote 5-0) the Variance with the conditions as identified below, as recommended by the Planning and Development Staff based on the information provided in the staff report, site review, material provided by the applicant in the submittal, responses to questions/comments, and meeting discussion as put forth in case VAR05-19:

1. The existing significant trees located between the accessory structure and Skycrest Drive must remain intact.
2. The front property line must be identified and marked clearly for preliminary and final inspections.

Board of Adjustment Action on Written Findings of Fact

Date: January 15, 2020

VOTE: Ayes Nays

McGill

Brekke

Neubauer

Schneider

Winfrey

Vote:

Chair: _____

Prepared by Marcus Amman, 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. CUP10-19**
Story County Conservation, 56461 180th St, :
Ames IA 50010, for the request of a Conditional :
Use Permit for a 40'X40' addition to the :
Integrated Roadside Vegetation Management :
Building, located at 60550 210th St. Nevada, IA :
50201, in the NW NE of Section: 35 Township: :
84 Range: 23, Milford Township, (Parcel ID :
Number 06-35-200-130) :

On December 18, 2019, the Story County Board of Adjustment approved the Conditional Use Permit CASE NO. CUP10-19 for the request of a Conditional Use Permit for a 40'X40' addition to the Integrated Roadside Vegetation Management Building, located at 60550 210th St. Nevada, IA 50201 as Proposed.

VOTE: Ayes: Neubauer, Brekke, McGill, Youngberg, Schneider
Nayes:
Absent:
Vote: (5-0)

Written Findings of Fact

Case Summary: The request is for a conditional use permit for construction of an addition, 40'x40'x14', on the south side of the existing Integrated Roadside Vegetation Management (IRVM) shop building. The addition to the shop will primarily be used for year-round storage of equipment depending on need and weather as well as granular and liquid herbicides. This addition is replacing a 50'X50' pole building that was destroyed in 2017. The Story County IVRM program budgeted money in FY 2020 to construct this addition. The proposed addition will meet all required setbacks. The proposed addition meets all standards of approval and supplemental standards required for the conditional use permit. The Story County Planning and Zoning Commission recommended approval of the conditional use permit on December 4, 2019. The Story County Board of Adjustment approved the conditional use permit on December 18, 2019.

Marcus Amman, Story county Planning and Development Planner, reviewed the Conditional Use Permit Application, site plans, written narrative and other related submittal materials and responses from the applicant to County staff comments in accordance to Chapter 90 Conditional Uses of the Story County Land Development Regulations. Amman presented the staff report at the December 18, 2019, Story County Board of Adjustment meeting.

Conditional Use Permit Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval

The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated 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.

Applicant Comment: *The proposed addition will match the current shops dimensions, materials, colors and roof pitch. This construction will not interfere with the development of any adjacent property. The shop design is not unsightly or obnoxious to nearby properties.*

Staff Comment: The proposed building addition will match the existing building in size, color, shape, and height. It will not interfere with any development in the area. This addition is not proposed to effect any nearby properties.

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

Applicant Comment: *This addition is intended to transition equipment storage from the multiple facilities currently in use by IRVM to a central location. The proposed building will not interfere with any activities by other county departments, and neighboring landowners. A grass buffer will still be in place between building and Sherriff's office gun range fence.*

Staff Comment: The proposed building addition meets all setbacks and separation distance requirements. The setback for the A-1 District is 50' in all directions. The location of the addition will be directly south of the

existing building. The addition will be approximately 41 feet north of the Sheriffs gun range with a grass area between the addition and the range. The north side of the existing building is approximately 612 feet south of the road right of way to the north off of 210th Street. The existing building is approximately 337 feet from the west property line and 631 feet from the east property line. The southern parcel line would be approximately 582 feet from the southern property line.

3. **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.

Applicant Comment: *The current gravel roadway in use by Story County entities and neighboring farm property provides suitable and safe travel for multiple types of road vehicles. The two-lane road from 210th Street provides ample traffic flow and control. No additional traffic will be created with the addition of this building.*

Staff Comment: The proposed building addition has adequate access to parking and two way traffic flow from 210th Street to the existing building location and the Sheriffs gun range. The proposed addition should not impact or increase general traffic flow on the parcel as it is mainly for cold storage of equipment that IRVM already owns.

4. **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.

Applicant Comment: *The 4 parking spaces mentioned above will provide all off-street parking required by IRVM staff. There currently is no glare, traffic safety, noise, fumes or other issues on this complex. The addition to the IRVM shop will not create any new issues.*

Staff Comment: During the construction of the proposed building addition the existing parking at the site will be used. There will be no on street parking as a result of this construction. An ADA parking stall by sign will be provided with the addition of an additional slab of concrete at the existing building. These parking stalls are adjacent to the west of the existing building. No detrimental impacts are expected from the proposed addition.

5. **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.

Applicant Comment: *All current building signage is in accordance to NFPA and OSHA regulations. The building addition will not add any new hazards not currently covered by displayed signage. Exterior lighting is located near overhead door pointing to the west. Lights are pointed down to avoid glare to traffic in complex. The addition will include a second light over additions overhead door. It too will be pointed down to avoid glare into traffic.*

Staff Comment: There is no new proposed signage for the addition. The lighting for the addition will consist of an exterior light for the additions overhead door and will conform to the lighting standards in 88.09 and 90.04.

6. **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.

Applicant Comment: *The proposed building site is located on a gravel lot originally planned for expansion in 2008. No environmental impacts are expected to neighboring vegetation, water sources, or other natural resources. The development will not generate excessive noise, vibration, dust, smoke, fumes, odor, and glare or groundwater pollution to the area. There will be no hazards or nuisance conditions including weed infestations with the building of this addition. Two LP tanks are located on the building site, the LP tank north of IRVM shop will be protected by concrete barriers. The LP tank currently serving the Sheriff's Office will be relocated within the gun range fencing and barricaded as described.*

Staff Comment: No excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated. The proposed addition will not be located within the floodplain. All chemicals will be stored inside the building addition in a protected environment.

- B. **If the Commission 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 building proposed addition will be built in compliance with the required setbacks from the adjacent property lines. The proposed addition will be slightly visible from 210th Street. The proposed addition does not pose risks to the health, safety or general welfare of persons using the facility or around it. The adjacent land to around the parcel is in private ownership.

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

Staff Comment: The proposed building addition will be approximately 14 feet tall and is located roughly near the middle of the parcel. Impact of light or air supply or quality to the adjacent parcels or properties will likely be minimal if at all.

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

Staff Comment: Following the construction of the proposed building addition, there is no projected increase in traffic to the area. The addition is replacing a 50'X50' pole building that was destroyed in 2017. This will not generate any new trips. The existing and proposed addition to the IRVM building is elevated above the flood zone. The proposed addition will not be located within 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 this item from the review of the requested Conditional Use Permit application. No negative 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 proposed building addition is to be placed at an existing site. This building addition assists IRVM with storing their equipment and resources for their duties related to restoring native prairie areas in Story County where possible. The proposed building addition is also consistent with Goal 3 of the Natural Resource and Recreational chapter of the C2C plan, to restore the natural diversity, dynamics, distribution, habitats, and behaviors of Story County's native plant and animal populations.

Conceptual Review

A Conceptual Review meeting for the proposed Conditional Use Permit request was held on Thursday, October 7, 2019. After conceptual review, the complete application was submitted November 20, 2019 and routed to the members of the Interagency Review Team. Comments were included in the staff report.

The following were relevant comments documented by the Interagency Review Team:

Comments from County Departments at Conceptual Review Meeting:

Environmental Health:

1. Do not drive on laterals.

Assessor's Office:

1. The Assessor's Office will review the improvements after the new addition is complete.

Planning and Development Department Comments and applicant responses after CUP Submittal:

1. What is the shed on the south side of the existing building used for? Will it be relocated or taken down when the addition is constructed? **The small shed is currently used for used oil storage, it will be no longer needed with this addition and will be taken down.**
2. The garbage container is currently located where the addition would be placed. Where will that be relocated to? There are requirements for screening refuse collection areas. 88.10 states that a 75 percent opaque fence or hedge must screen refuse containers. **The garbage container will be relocated next to IRVM chemical storage building and fenced in accordance to 88.10.**
3. Please identify new refuse location on site plan. **See Shop Addition Site Plan map**
4. How often is garbage collected at the site? **Garbage is collected as needed, approximately 8 times annually.**
5. Please identify new ADA compliant parking spot on site plan. **See Shop Addition Site Plan map**
6. With the ADA parking spot what is the total number of parking spots on site? **4 total sites will be available for parking**
7. Are there any future building plans for the parcel? **No**

8. A zoning application will be required, no fee will be charged.
9. Please identify the greenspace to the east of the proposed and existing building on the site plan. If identified it may be credited towards the 20% greenspace required for impervious surfaces. **See Shop Addition Site Plan map**
10. In our discussion the small building to the west of the existing building holds different chemicals that IRVM uses. Will all of these chemicals be placed in the new addition in the herbicide storage cage? And if so will that building be demolished or will it be used for another purpose? **The herbicides will be stored in the new addition inside herbicide cage. The small building will be converted to excess parts storage only.**
11. What are the general hours of operation for the proposed building addition, existing building, and the gun range? **The general hours of operation for all Story County facilities located at 60550 210th St. are 7:30 a.m. to 4 p.m. Monday-Friday.**
12. How many trips are expected to be added to the site after completion of the addition? **The building addition will be utilized to perform duties and store equipment that are currently being done or are located at 60550 210th St. No additional traffic is anticipated.**
13. Erosion control measures will be required during construction. **Erosion control measures will be instituted throughout construction and after to control sediment runoff on building site. Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on November 21, 2019.**

Other Communication from County Staff

Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on November 21, 2019 regarding the Conditional Use Permit application.

Comments from the General Public

Planning and Development Department did not receive any comments from the general public.

Public Hearing Comments at the Planning and Zoning Commission Meeting – December 4, 2019

There were no comments from the General Public. Amman presented the staff report addressing the request for the CUP to construct the proposed 40'x40' addition to the existing IRVM building.

Joe Kooiker was present and gave a brief background about the property and proposed use of building addition. There was no one from the general public in attendance.

Planning and Zoning Commission Comments and staff response

There was no comments from the Planning and Zoning Commission.

Public Hearing comments from the Board of Adjustment Meeting – December 18, 2019

In summary, Amman presented the staff report and stated that this request is for a 40'X40' addition to the Integrated Roadside Vegetation Management Building. Amman stated that the

building will be replacing a 50'x50' building that was destroyed in 2017. This will allow for IRVM to store all of their equipment inside, as well as a more secure location for their liquid and granular herbicides. Amman stated that on December 4, 2019 the Story County Planning and Zoning Commission recommended approval of the Conditional Use Permit.

Brekke asked what happened to the other building that was on the site. Amman, explained that there was a straight wind storm in 2017 that tore the building down. This has led to IRVM having to store some equipment outside in the elements.

There were no comments from the general public.

Points to Consider for the Conditional Use Permit Request

1. Applicant addressed the need for the addition.
2. Addition is not expected to affect any properties.
3. Addition will match the current existing building and is replacing a larger building that was destroyed.

The Board of Adjustment approved (vote 5-0) the Conditional Use permit CUP10-19 as put forth, as recommended by the Planning and Zoning Commission (vote 4-0) for a 40'X40' addition to the Integrated Roadside Vegetation Management Building based on the information provided in the staff report, site review, material provided by the applicant in the submittal, responses to questions/comments, and meeting discussion, as put forth in case CUP10-19

Board of Adjustment Action on Written Findings of Fact

Date: January 15, 2020

VOTE: Ayes Nays

McGill

Brekke

Neubauer

Winfrey

Schneider

Vote:

Chair: _____

Staff Report

Story County Board of Adjustment

Date of Meeting:
January 15, 2020

Case Number CUP11-19

Story County Animal Control Short Term Livestock Control Building

APPLICANT: Joby Brogden
900 6th St
Nevada, IA 50201

STAFF PROJECT MANAGER: Marcus Amman, Planner

SUMMARY: Story County Animal Control Department is proposing to erect a 25'x30' 750 square foot short term livestock control building to provide a replacement for the current structure that is in disrepair and cannot contain livestock effectively. This will allow Animal Control employees to be certain in their ability to contain livestock that are either strays or owner released.



On January 8th, 2020 the Story County Planning and Zoning Commission Recommended approval of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19.



Property Information

PROPERTY OWNERS

Story County, Iowa
900 6th St
Nevada, IA 50201

GENERAL PROPERTY LOCATION

Section: 01 Township: 83 Range: 23 SW SE

SITE ADDRESS

975 W Lincoln Highway

PARCEL IDENTIFICATION NUMBER(S)

10-01-400-340

CURRENT ZONING

C-LI, Commercial/Light Industrial

CURRENT LAND USE

The current land use at the proposed site of the short term livestock control is the Story County Animal Control. The property is mainly surrounded by residential use to the south and north east. Directly east, Adams Cycle, is a commercial property. To the west and northwest of the property is a residence and large pond.

FUTURE LAND USE MAP DESIGNATION

Commercial/Light Industrial

CITIES WITHIN TWO MILES

Nevada

Floodplain

A portion of the north and east areas of the parcel contain floodplain.

The following items were submitted by the applicant: CUP Application, Site Plan, narrative describing need of the short term livestock control structure, pricing quote, proposed structure specifications, and responses to County Staff review comments.

Background

This proposed short term livestock control structure will be used to provide a secure place for Story County Animal Control to accommodate stray or owner released livestock. This will allow Animal Control employees to have a more secure location for livestock control. The current structure is in disrepair and cannot contain livestock effectively. The proposed building can on average accommodate a single livestock animal at a time.



The property is located on the western side of the City of Nevada, while being in the county. The property on which the proposed structure is to be constructed is 2.32 net acres and currently in use by the Story County Animal Control Department. The existing Animal Control Building is approximately 76 feet north of the road right of way. It is an approximately 10,000 square foot building that Animal Control has been using since 2016. This building is used to house Animal Control offices as well as domesticated animals, not limited to dogs and cats. There is seven customer parking spaces on the eastside of the building including one ADA accessible space. The employee parking is located at on the west side of the parcel near the existing livestock enclosure. This existing structure is located approximately 58 feet to the west of the Animal Control building and the majority of it appears to be in the floodplain.

There is a 4.9 acre pond 226 feet to the northwest of the proposed site. There is a tree line along the east edge of the parcel in addition to the tree line located along the south edge of the road right of way. Access to the property is obtained from W Lincoln Highway approximately equidistance from the eastern (311 feet) and western (319 feet) boundaries of the parcel. The septic system is east of the property access. The parcel is generally lower than all of the adjacent parcels. The parcel also has 60% of its area located in the FEMA floodplain. The floodplain is generally north of the north half of the existing Animal Control building on the parcel. The floodplain encompasses to the south of the parcel on the 73.97 feet east of the access. The proposed short term livestock control structure will not be located in the floodplain. There are overhead power lines 177 feet away on the south side of W Lincoln Highway which are between 15-20 feet higher in elevation than the site.

The nearest dwelling to the proposed building is approximately 186 feet to the west. There is a commercial parcel to the east of Animal Controls parcel. The rest of the surrounding uses are residential. The parcels adjacent to the south are zoned residential. The parcels to the west are in the county and are zoned A-1. The traffic on Lincoln Highway is between 1,560 and 2,240 vehicles a day.

Accessory structures are permitted within the C-LI, Commercial/Light Industrial District. The proposed structure is in compatibility with the existing use of the parcel. The proposed short term livestock control structure will be built in compliance with the required setbacks from the right-of-way and adjacent property lines. The proposed structure will be of the post type construction or "pole building". The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 14 feet. The proposed structure will be 92 feet from the north property line, 61 feet from the south property line, 15 feet from the west property line, and over 500 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed structure will be buffered by the existing building. Trees to east and south may also assist with buffering a portion of the proposed structure. They are also proposing to build a new garbage storage area. This will be 8'x8' and will be located outside of the floodplain and near the existing access to the parcel. It will meet the requirements of *Screening of Mechanical Equipment and Refuse Collection Areas* per 88.10 as well as *Fences* 88.07.

The existing livestock control structure located at the site will be removed within 60 days of completion of the proposed building. The current structure is a total of approximately 383 square feet with approximately 156 square feet being enclosed. Of the existing structure 75% of it appears to be located in the floodplain on the parcel. The proposed structure is 750 square feet, all of which is enclosed. There will also be a 175 square foot green space installed to the south of the proposed building meeting the 20% landscaping requirement. There will be perennial ornamental grasses planted in this proposed landscaping space.



The structure will have a floating concrete slab floor. The structure will also have two access doors. One being a service door on the north side of the structure and an overhead door on the south side of the structure, both of which being on the east side of the proposed structure. Between the two doors there is a planned safety light that will meet 88.09 standards. There will also be a sign on the building identifying its purpose meeting the standards of 89.02. If there is an animal in the structure a staff member will visit the structure daily. If there is not an animal in the structure, it will be visited twice a week for routine care and maintenance. In there is an animal at the structure, the animal is generally there less than 2 weeks. Over the last three years the structure would have been used 16 times.

The traffic impact of the proposed structure is expected to be minimal. All traffic during construction will be parked outside of the right of way and once construction of the proposed structure is completed, the only traffic that will visit the site for this structure will be when an animal is brought to the structure or is moved from it. There is no environmental impacts expected during or after construction is completed and no fill dirt is planned. Other visits would be pedestrian by the Animal Control Staff from the main building on the parcel to the livestock control building.

Story County Animal Control Department received a quote for the structure at a cost of between \$42,000 and \$45,000. Story County Board of Supervisors approved the project on 9/24/2019 at a regular Tuesday board meeting.

Story County Animal Control Department is submitting this Conditional Use Permit under the provision of Chapter 90 Table 90-1 of the Story County Code of Ordinances. Under Chapter 90 any structure erected or used by township, County, or city government requires submittal of a CUP application.

Analysis

A. **Applicable Regulations:** Chapter 90.04: Standards for Approval

The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:

1. **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.

Applicant Comment: The existing building has been used as the animal shelter for the last ten years with no complaints or issues regarding our animals being housed here. This building will be used for a livestock building to accommodate stray or owner release animals. The building will be a structure that compliments the area and it kept clean and organized.



Staff Comment: Accessory structures are permitted within the C-LI, Commercial/Light Industrial District. The requirement for a conditional use permit is based on the provision of Chapter 90 Table 90-1 of the Story County Code of Ordinances. Under Chapter 90 any structure erected or used by township, County, or city government requires submittal of a CUP application. The property on which the proposed structure is to be constructed is 2.32 net acres and currently in use by the Story County Animal Control Department. The proposed structure is in compatibility with the existing use of the parcel. The proposed building will replace an existing structure that is in disrepair and will better secure the livestock. A majority of the surrounding land is residential lots due to proximity to the city limits of the City of Nevada. The *Story County Cornerstone to Capstone (C2C) Plan* designates these adjacent parcels as Urban Expansion areas. The property is located in the County outside of Nevada's corporate limits.

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

Applicant Comment: This building will be used primarily use for livestock which will only be housed here. Main building will be used to be for non-livestock animals. New livestock building will only be used as a housing facility for non-livestock animals only if an emergency arises.

Staff Comment: The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 14 feet. The proposed structure will be 92 feet from the north property line, 61 feet from the south property line, 15 feet from the west property line, and over 500 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed short term livestock control building will be buffered by the existing main building. Trees to east and south may also assist with buffering a portion of the proposed short term livestock control building.

3. **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.

Applicant Comment: Livestock building will occupy an area which is only normally accessed by shelter or county employees. Parking lot for the entire facility is located at the east end of the main building which is the opposite end of where the livestock building will be located. There is access to livestock building for emergency vehicles by way of south side of building.

Staff Comment: The traffic impact of the proposed structure is expected to be minimal. Once construction of the proposed structure is completed, the only traffic that will visit the site for this structure will be when an animal is brought to the structure or is moved from it. Other visits would be pedestrian by Animal Control Staff from the main building on the parcel to the livestock control building. Considering the past average use, the proposed building will add 5 to 6 trips a year to drop off or move an animal from the building.



- 4. 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.

Applicant Comment: The building is located in an area away from main road and is in a lower setting area which will not impact traffic in any way. Area of the building is not near the public parking area but is accessible if needed by area south of the main shelter building. The Animal Control livestock trailer will be parked where the existing livestock enclosure is when it is removed.

Staff Comment: During the construction of the proposed livestock control structure, parking will take place on the subject property using existing access points to the property. No parking or equipment storage will take place in the right of way. There is no proposed new parking for this building. Parking use for this will consist of unload and loading livestock, no ongoing parking will take place. Current parking for the main animal control building customers, consists of 7 parking spaces on the east side of the animal control building. Employees park on the west side of the building.

- 5. 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.

Applicant Comment: There will be adequate lighting on the exterior of the building to help with safety concerns however it will not impact the traffic on the road south of property. Sign will be posted on building to identify what it is located on the eastern side of the building.

Staff Comment: There is one proposed light on the proposed structure. This will be a single light with full cutoff not to impede on Lincoln Highway or any other adjacent properties. All lighting will meet 88.09 standards. There will be a sign on the building identifying its use and will meet requirements of 89.02. There is a posted ADA sign for the customer parking on the property.

- 6. 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.

Applicant Comment: There is no concern for any environmental issues. The building's purpose is to house livestock animals that have strayed or owner's releases and will be kept clean and organized. We will properly dispose of any animal matter that is left in the building. The manure would be cleaned out at least once per day, and disposed of. If needed, it will be however many times per day it needs to keep the structure odor and fly free. There will be adequate ventilation however odor and noise will not be compromised.

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



anticipated. They will dispose of any animal matter as is needed. There will be adequate ventilation however odor and noise will not be compromised. They propose to install the 175 square foot green space to address the 20% landscape area to assist with soil erosion.

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 proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 14 feet. The proposed structure will be 92 feet from the north property line, 61 feet from the south property line, 15 feet from the west property line, and over 500 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed structure will be buffered by the existing main building. Trees to east and south may also assist with buffering a portion of the proposed structure.

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

Staff Comment:

The proposed structure will be 25'x30'x14' 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 structure, there will be very little traffic to and from the structure. Traffic will be for moving a livestock animal to or from the structure. The proposed structure will not be located within 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 this item from the review of the requested Conditional Use Permit application. 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, protecting environmentally-sensitive areas, and identifying areas for future growth and development. The proposed short term livestock control building will be located on Commercial/Light Industrial land and will occupy a relatively small area of the parcel. The remainder of the parcel will continue to be used for other Animal Control purposes.

B. Burden of Persuasion.

- 1. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.**
- 2. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.**

Commentary

The following comments are part of the official record of the proposed **Story County Animal Control short term livestock control building CUP11-19**. If necessary, conditions of approval may be formulated based off these comments.

Conceptual Review – November 14, 2019

Comments from the Environmental Health

No comment

Comments from the Auditors Office

No comment

Comments from the Interagency Review Team

1. This Conditional Use Permit is required due to table 90-1 that states “Any public building or structure or facility erected and used by any department of the township, County, or city government, including (but not limited to) public aircraft landing fields and facilities, and sanitary landfills.” **C.U.P. has been submitted**
2. Meet Standards for Approval identified in Chapter 90.04 (1. A-F and 2. A-E) Conditional Uses. Also, provide written narrative about the purpose of the project. **See attachment “Livestock Bldg paperwork”**
3. Meeting table 86-7 bulk requirements identified in Chapter 86.10
 - Show the proposed building meets the 20 feet from the rear setback.
 - If there is any planned lighting of the structure, the lighting must meet the requirements of 88.09.
 - From review of concept drawings the structure appears to meet setback requirements.



See submitted sight plan, all setbacks should be met. Lighting will be minimal and would consist of one light placed above the overhead door. Light will be of L.E.D. in type with specific cut off to not impede the adjacent Lincoln Highway or any adjacent property.

4. Removal of existing shed and fencing should be completed within 60 days of the structure being completed. This will be a condition applied to the zoning permit. **Existing shed and fencing will be removed within 60 days of completion of new structure**
5. What is the size of the existing shed that will remain on the property at the southwest corner of the animal control building? What is this shed used for? **Existing shed is an 8' X 8' movable shed and is used to store additional over stock items. It currently is used to store pet carriers and a small walk behind snow blower.**
6. The new trash enclosure appears to meet 88.07 *Fences and Walls* and 88.10 *Screening of Mechanical Equipment and Refuse Collection Areas*. **Yes new trash enclosure will meet 88.07 and 88.10**
7. The drawing identifies the proposed structure as 600 square feet. The dimensions identify it as 750 square feet. What will the size of the building be? **Structure is 750 square feet 15' X 30', site plan has been updated to reflect the correct size.**
8. What is the proposed height of the structure? **Proposed overall height of structure will be 14'**
9. Will the structure be constructed on footings or slab? **The proposed building will be of the post type construction (commonly referred to as "pole Building") the posts will be the footings. The building will have a floating concrete slab floor.**
10. There is an existing drainage pipe on the property please identify on the site plan. Also will this pipe be affected if the proposed building is built? **Storm Drainage intake will not be impacted by new proposed structure. Intake is now shown on site plan (roughly located 50' from south property line and 34' from west property line).**
11. Is there any fill dirt proposed? If so how much and where? **Project will require no additional fill dirt.**
12. What vegetation will be planted in the greenspace? **Perennial ornamental grass is planned for the designated green space replacement.**
13. Please identify employee parking areas. **Employee parking is shown on the site plan it is generally the west gravel lot.**
14. How many trips are expected to the new building daily/weekly/monthly? **If building is housing large animals it will be visited by staff daily. If no animals are present it will be twice weekly. On average large animals are at the shelter less than 2-weeks.**
15. Over the last 3 years how many times have you had to retrieve an animal that would use this structure? **There has been 16 times over the last three years the proposed building would have been used.**
16. If the conditional use permit is approved a zoning permit is needed for structure and the trash collection site fence. This can be included on one permit application. **We will plan to have the building and trash collection site fence on the same zoning permit.**
17. When was the project authorized by BOS? **Story County Board of Supervisors approved the project on 9/24/19 at a regular Tuesday board meeting.**

Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on December 27, 2019.

Comments from the General Public:

No comments were received as of the date of this staff report.

Sue McCaskey Animal Control Director and Joby Brogden Facilities Management Director were both in attendance for the Planning and Zoning Commission meeting to answer questions.



Comments from the Planning and Zoning Commission at their January 8th, 2020 meeting:

McBride commented that it was interesting that there was a need for Animal Control to be able to contain livestock. She stated that she thinks the project will meet that need well.

McCaskey stated they have had everything from alligators to very large horses.

Moss asked how many animals the building can contain. McCaskey stated that it could hold up to 3 animals. If more animals have to be housed then Animal Control Department would have to look for another solution.

Smith asked if the old short term livestock control building will be removed. McCaskey stated yes.

Moss asked if the proposed structure will be able to contain the animals that were discussed. McCaskey stated yes, this is primarily for livestock as they can contain diseases and must be separated from the other animals that Animal Control Department may have.

Points to Consider for the Conditional Use Permit Request

1. Applicant addressed the need for the short term livestock control building.
2. The existing building is in disrepair and cannot contain livestock effectively.
3. The short term livestock control building should not be out of character based on use and zoning of the property.
4. Traffic to the property to drop off animals temporarily may be 5 to 6 times a year.
5. Additional landscaped area will be added meeting the County’s requirement to address erosion control.

Conditions of Approval

Chapter 90.05: Recommendations on Applications

Staff Recommendation:

Based on review of the site, application materials, responses to County Staff comments, and the information and analysis in this staff report, Planning and Development staff recommend approval of the Conditional Use Permit application as put forth in case CUP11-19.

Recommendation by Planning and Zoning Commission

At the January 8th, 2020 meeting, the Planning and Zoning Commission recommended approval of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19 with a 6-0 vote.

Alternatives

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

- 1) **The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19, as submitted.**



- 2) The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19, with conditions.
- 3) The Story County Board of Adjustment recommends denial of the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19.
- 4) The Story County Board of Adjustment remands the Conditional Use Permit for the Story County Animal Control Short Term Livestock Control Building as put forth in case CUP11-19, back to the applicant for further review and/or modifications, and directs staff to place this item on a future Story County Board of Adjustment agenda.

Cup11-19

CONDITIONAL USE PERMITS



1. Property Owner*

(Last Name) Story County Board of Supervisors
 (First Name) _____
 (Address) 900 6th Street
 (City) Nevada (State) IA (Zip) 50201
 (Phone) 515-382-7200 (Email) _____

2. Applicant (if different than owner)

(Last Name) Brogden
 (First Name) Joby
 (Address) 900 6th Street
 (City) Nevada (State) IA (Zip) 50201
 (Phone) 515-382-7400 (Email) jbrogden@storycountyiowa.gov

3. Property Address 975 W. Lincoln Highway, Nevada IA, 50201

Parcel ID Number(s) 10-01-400-340

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 [Signature] Date 11/25/19 Applicant Signature [Signature] Date 11/21/2019

There are 3 types of CUP Modifications: insignificant, minor, and major. The Director of Planning and Development makes the determination of the type. Insignificant modifications are reviewed by the director. Minor modifications are reviewed by the Board of Adjustment. Major modifications are considered new conditional use applications and follow the same review process as a new conditional use permit application.

New Conditional Use Permit

Proposed Conditional Use: Short term live stock control.

Submittal Requirements:

- Attend conceptual review meeting (prior to submittal of CUP application, see conceptual review application and deadline on Planning and Development website)
- Filing Fee (required prior to processing): \$275
- Site development plan
- Written narrative explaining justification for proposed conditional use permit and conformance to the standards for approval in Section 90.04 of the Story County Code of Ordinances.

Conditional Use Permit Modification

Previous CUP and Number: _____

Submittal Requirements:

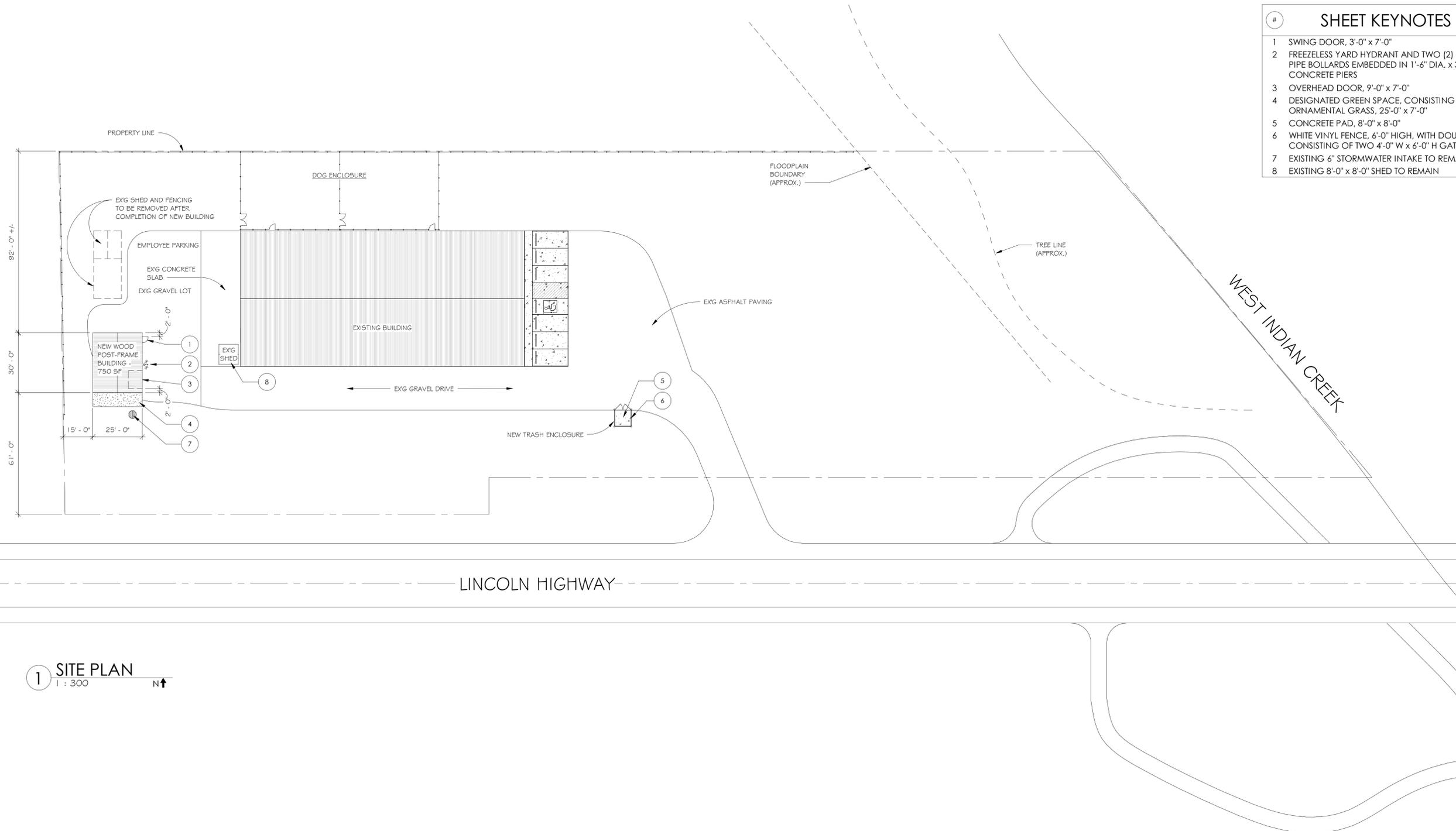
- Filing Fee (required prior to processing) : \$50 (If determined to be a minor modification by the Planning and Development Director, the fee amount is \$175.)
- Site development plan
- Written narrative explaining modification of approved conditional use permit and response to the standards for approval in Section 90.04 of the Story County Code of Ordinances.

RECEIVED

DEC 11 2019

Receipt No. NC
 Receipt Amount _____

#	SHEET KEYNOTES
1	SWING DOOR, 3'-0" x 7'-0"
2	FREEZELESS YARD HYDRANT AND TWO (2) 6" DIA STEEL PIPE BOLLARDS EMBEDDED IN 1'-6" DIA. x 3'-6" DEEP CONCRETE PIERS
3	OVERHEAD DOOR, 9'-0" x 7'-0"
4	DESIGNATED GREEN SPACE, CONSISTING OF ORNAMENTAL GRASS, 25'-0" x 7'-0"
5	CONCRETE PAD, 8'-0" x 8'-0"
6	WHITE VINYL FENCE, 6'-0" HIGH, WITH DOUBLE GATE CONSISTING OF TWO 4'-0" W x 6'-0" H GATES
7	EXISTING 6" STORMWATER INTAKE TO REMAIN
8	EXISTING 8'-0" x 8'-0" SHED TO REMAIN



1 SITE PLAN
 1 : 300 N↑



Story County Planning and Development
CONCEPTUAL REVIEW
Comment Sheet

Date of Meeting: November 14th, 2019
Department: Planning and Development
Project Name: Story County Animal Control Large Animal Building
Project Address: 975 W Lincoln Highway, Nevada, IA 50201
Applicant: Sue McCaskey, and Joby Brogden

COMMENTS:

1. This Conditional Use Permit is required due to table 90-1 that states “Any public building or structure or facility erected and used by any department of the township, County, or city government, including (but not limited to) public aircraft landing fields and facilities, and sanitary landfills.”
2. Meet Standards for Approval identified in Chapter 90.04 (1. A-F and 2. A-E) Conditional Uses. Also, provide written narrative about the purpose of the project.
3. Meeting table 86-7 bulk requirements identified in Chapter 86.10
 - Show the proposed building meets the 20 feet from the rear setback.
 - If there is any planned lighting of the structure, the lighting must meet the requirements of 88.09.
 - From review of concept drawings the structure appears to meet setback requirements.
4. Removal of existing shed and fencing should be completed within 60 days of the structure being completed. This will be a condition applied to the zoning permit.
5. What is the size of the existing shed that will remain on the property at the southwest corner of the animal control building? What is this shed used for?
6. The new trash enclosure appears to meet 88.07 *Fences and Walls* and 88.10 *Screening of Mechanical Equipment and Refuse Collection Areas*.
7. The drawing identifies the proposed structure as 600 square feet. The dimensions identify it as 750 square feet. What will the size of the building be?
8. What is the proposed height of the structure?
9. Will the structure be constructed on footings or slab?
10. There is an existing drainage pipe on the property please identify on the site plan. Also will this pipe be affected if the proposed building is built?
11. Is there any fill dirt proposed? If so how much and where?
12. What vegetation will be planted in the greenspace?
13. Please identify employee parking areas.
14. How many trips are expected to the new building daily/weekly/monthly?
15. Over the last 3 years how many times have you had to retrieve an animal that would use this structure?
16. If the conditional use permit is approved a zoning permit is needed for structure and the trash collection site fence. This can be included on one permit application.
17. When was the project authorized by BOS?
18. Conditional Use Permit application submittal schedule.
 - November 18th Submittal Deadline
 - December 4th Planning and Zoning Commission meeting
 - December 18th Board of Adjustment meeting

Signed: _____

Dated: _____

Marcus T. Amman

From: Joby J. Brogden
Sent: Wednesday, December 11, 2019 2:16 PM
To: Marcus T. Amman; Sue R. McCaskey
Cc: Alissa D. Wignall; Sandra K. King; Debbie R. Koepp; Facilities Management - Work Orders
Subject: Animal Control conceptual review
Attachments: Livestock Bldg paperwork.docx; Conceptual Review Comment Sheet_Animal Control Large Animal Building.pdf; Story County Animal Shelter - A1 - Site Plan - 20191205.pdf

Marcus,

See below, answers for conceptual review comments in reference to the proposed large animals building for the Story County Animal Shelter and Control facility.

1. C.U.P. has been submitted
2. See attachment "Livestock Bldg paperwork"
3. See submitted sight plan, all setbacks should be met. Lighting will be minimal and would consist of one light placed above the overhead door. Light will be of L.E.D. in type with specific cut off to not impede the adjacent Lincoln Highway or any adjacent property.
4. Existing shed and fencing will be removed within 60 days of completion of new structure
5. Existing shed is an 8' X 8' movable shed and is used to store additional over stock items. It currently is used to store pet carriers and a small walk behind snow blower.
6. Yes new trash enclosure will meet 88.07 and 88.10
7. Structure is 750 square feet 15' X 30', site plan has been updated to reflect the correct size.
8. Proposed overall height of structure will be 14'
9. The proposed building will be of the post type construction (commonly referred to as "pole Building") the posts will be the footings. The building will have a floating concrete slab floor.
10. Storm Drainage intake will not be impacted by new proposed structure. Intake is now shown on site plan (roughly located 50' from south property line and 34' from west property line).
11. Project will require no additional fill dirt.
12. Perennial ornamental grass is planned for the designated green space replacement.
13. Employee parking is shown on the site plan it is generally the west gravel lot.
14. If building is housing large animals it will be visited by staff daily. If no animals are present it will be twice weekly. On average large animals are at the shelter less than 2-weeks.
15. There has been 16 times over the last three years the proposed building would have been used.
16. We will plan to have the building and trash collection site fence on the same zoning permit.
17. Story County Board of Supervisors approved the project on 9/24/19 at a regular Tuesday board meeting.

Let me know if you need any additional information.

Thank You,

Joby J. Brogden

Director of Facilities Management
Story County

900 6th St.
Nevada, IA 50201

(515)382-7400
jbrogden@storycountyiowa.gov

A. Compatibility

The existing building has been used as the animal shelter for the last ten years with no complaints or issues regarding our animals being housed here. This building will be used for a livestock building to accommodate stray or owner release animals. The building will be a structure that compliments the area and it kept clean and organized.

B. Transition

This building will be used primarily use for livestock which will only be housed here. Main building will be used to be for non-livestock animals. New livestock building will only be used as a housing facility for non-livestock animals only if an emergency arises.

C. Traffic

Livestock building will occupy an area which is only normally accessed by shelter or county employees. Parking lot for the entire facility is located at the east end of the main building which is the opposite end of where the livestock building will be located. There is access to livestock building for emergency vehicles by way of south side of building.

D. Parking and Loading

The building is located in an area away for main road and is in a lower setting area which will not impact traffic in any way. Area of the building is not near the public parking area but is accessible if needed by area south of the main shelter building.

E. Signs and Lighting

There will be adequate lighting on the exterior of the building to help with safety concerns however it will not impact the traffic on the road south of property. Sign will be posted on building to identify what it is.

F. Environmental Protection

There is no concern for any environmental issues. The building's purpose to the house livestock animals that have strayed or owner's releases and will be kept clean and organized. We will properly dispose of any animal matter that is left in the building. There will be adequate ventilation however odor and noise will not be compromised.











Kiefer Built

ALTIMA

GKY 588

Staff Report

Story County Board of Adjustment

Date of Meeting:
January 15, 2020

Case Number CUP12-19

Ballard Golf and Country Club and Proposed Maintenance Shop

APPLICANT: Kory Brown
2710 Robert Dr. #106
Ames, IA 50014

STAFF PROJECT MANAGER: Marcus Amman, Planner

SUMMARY: Ballard Golf and Country Club is applying for a Conditional Use Permit to bring the existing use and related associated structures into conformance with the existing ordinance and to expand their existing use. Ballard Golf and Country Club is proposing to erect a 40'x40' maintenance shop for the golf course and country club. The proposed 40'x40' accessory structure would serve as the new heated shop, a 12'x12' office area to house the irrigation computer, potentially a bathroom, and equipment storage.



On January 8th, 2020 the Story County Planning and Zoning Commission Recommended approval of the Conditional Use Permit for the Ballard Golf and Country Club and associated structures and proposed Maintenance Shop CUP12-19 with conditions:

- 1. The applicant shall obtain zoning permits for all existing structures, excluding the clubhouse, within 30 days of Board of Adjustment action.**
- 2. Support of the Conditional Use Permit includes the Board of Adjustment taking action on the submitted variance 06-19 for the existing structures located in the southwest area of the property.**
- 3. Direct illumination of the business sign must be discontinued.**



Property Information

PROPERTY OWNERS

Ballard Golf and Country Club
30608 US Highway 69
Huxley, IA 50124

GENERAL PROPERTY LOCATION

Section: 14 Township: 82 Range: 24 Lots 1 2 3 4 5 NE SE & NW SE

SITE ADDRESS

30608 US Highway 69

PARCEL IDENTIFICATION NUMBER(S)

13-14-400-105

CURRENT ZONING

A-1 Agricultural District

CURRENT LAND USE

The current land use at the proposed site of the 40'x40' maintenance shop for the Ballard Golf and Country Club is the golf course and country club. The property is mainly surrounded by residential uses. To the northwest of the parcel is a 20 acre parcel with approximately half in row crop production. The parcel to the southwest of the parcel is a 40 acre parcel in row crop production.

FUTURE LAND USE MAP DESIGNATION

Natural Areas

CITIES WITHIN TWO MILES

Huxley

The following items were submitted by the applicant: CUP Application, Site Plan, narrative, and responses to County Staff review comments.

Background

The applicant with the Ballard Golf and Country Club is submitting this Conditional Use Permit as they proposing to expand the use of the golf and country club by constructing the proposed 40'x40' accessory structure. In order to permit the construction of a new accessory structure they were informed by Planning and Development Staff that they needed to apply and obtain a Conditional Use Permit.

This conditional use permit application is for the existing golf course country club and associated structures that was developed in 1974 as a permitted use and for a new accessory structure to serve as a new maintenance shop. The golf course in 1974 was a permitted use in the A-1 Agricultural District. In June of 1977 golf courses were removed from the permitted uses list in A-1



districts and placed under the conditional use permits in the Story County Code of Ordinances. When golf courses were removed from the permitted uses in the A-1 district the status of the Ballard Golf and Country Club became a legal non-conforming use due to the changes the County made to its ordinances. Under the current Story County Land Development Regulations, legal non-conforming uses cannot be enlarged upon, expanded or extended. However, a Conditional Use Permit granted by the Board of Adjustment will allow for the golf course to expand its use.

The golf course and country club was built in 1975 as well as all other buildings without permits. The Deer Creek Subdivision to the east of the subject property was platted in 1977. The Country Club View Subdivision was platted in 1999 and is located directly south of the southwestern area of the subject property. Ballard Golf and Country Club owns a 0.44 acre parcel between the Country Club View Subdivision and the subject property. Northview Heights was platted in 2004 and is southeast of the subject property.

The golf course and country club averages 50-120 people a day during peak golf season and 0-50 a day in the off season. The property is located on the northern side and touching the boundary of the City of Huxley, while being in the county. The property is 75.32 net acres and is generally surrounded by subdivisions. Of the parcels contiguous or within 40 feet of the subject parcel, 24 are less than 2 acres in size and 10 are greater than 2 acres. Access to the property by the public is obtained from US Highway 69 and is located approximately 125 feet north of the parcel line. From this access patrons going to the clubhouse can access the upper asphalt parking lot with 58 parking spaces, 2 of which being ADA accessible, or the lower gravel lot with 26 parking spaces.

There is an employee access on the parcel line leading to the southern accessory structures (maintenance buildings). The parcel generally slopes to the north and east away from U.S. Highway 69. The parcel also has a small portion of the northwestern area in the floodplain. The golf course and country club is located on the northwestern portion of the parcel and is buffered by mature trees along the northern and eastern parcel lines. The maintenance shops at the southwestern corner of the parcel is buffered on the south by mature trees from the subdivision to the south. The southeastern portion of the parcel is not buffered from the subdivision contiguous with the subject parcel.

There are a total of 6 structures, the 9-hole golf course, a dam, a sign and a pond on the parcel currently. From review of county records there are zoning permits for the clubhouse, the golf course and dam, and the sign. The structures on the property include the clubhouse, two golf cart sheds, two existing maintenance structures, and an approximately 205 square foot gazebo structure at the pond. In 2006 the northeastern accessory building (golf cart shed) had an addition of 50'x50' constructed through a zoning permit, though the golf cart shed itself did not have a zoning permit issued for its initial construction.

There are also a total of 12 lights currently on the parcel. There are two lights on the sign, one light at the entrance of the access to the golf course and country club, four lights at parking areas, and six lights on structures at their entrances. All permitted lighting shines down and there is no concern with county's existing lighting requirements. Regarding the sign lighting, the applicant requested a variance in 2006 to illuminate the existing free standing sign that was denied by the Board of Adjustment. Planning and Development Staff communicated this information to the applicant and is dealing with this administratively.



The existing structures on the parcel have the following approximately setbacks based on aerial imagery:

Building	West (Front)	East (Rear)	North (Side)	South (Side)
Clubhouse	258'	2,200'	425'	841'
Northwestern Accessory Structure	386'	2,071'	136'	1,117'
Northeastern Accessory Structure	494'	1,915'	100'	1,196'
Southwestern Accessory Structure	110'	2,419'	1,277'	24'
Southeastern Accessory Structure	143'	2,375'	1,285'	24'
Pond Structure	1,521'	1,008'	742'	577'
Proposed Accessory Structure	112'	2,403'	1,229'	83'

If the CUP is approved by the Board of Adjustment, the Ballard Golf and Country Club will be considered an Other Permitted Use in the A-1 District Bulk Requirements which requires a 50 foot setback from property lines. The two southwest accessory structures do not meet this requirement and the applicant has requested a variance to the setback to the south property line. Had golf course obtain permits when the building were constructed they would have met the setbacks in 1975.

Regarding the need for the proposed new 40'x40' accessory structure. The two accessory structures near the southwest corner of the parcel are used by the maintenance department. The closest dwelling is approximately 415 feet to the southeast. One accessory structure is 35'2"x24'2" and the other is 36'3"x24'3". Both of these structures are used to store golf course equipment including various mowers, irrigation supplies, equipment parts, hand tools, and various other golf course maintenance tools. The larger of the two structures is currently used as the heated shop of the golf course which also houses the irrigation computer.

The proposed 40'x40' accessory structure would serve as the new heated shop, as well as creating a 12'x12' office area to house the irrigation computer and potentially a bathroom. The structure would also have equipment stored in it, meaning all equipment would be able to be stored inside. This will allow the equipment and materials that are stored outside to be moved into one of the three buildings.

The proposed structure will meet the setbacks from all property lines. The proposed structure will not likely be seen by immediately adjacent property owners as it will be buffered by two existing buildings to the south. Part of the proposed structure may be visible from the road but there is some vegetation to buffer the structure from the road to the west. This new structure is not proposed to generate any additional traffic to the site. The maintenance structures are where the 1-4 seasonal staff park and report to. New parking for these staff will be identified just west of the existing maintenance structures. Ballard Country and Golf is proposing a 1,300 square foot landscaped area just west of the proposed building and north of the maintenance employee parking area. This will meet the county's 20 percent landscaped area requirement.

Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval

The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:



1. **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.

Applicant Comment: The new shop will meet all setback requirements and will be used in conjunction with the other two buildings in the southwest corner of the property in order to store golf course equipment and run a golf course grounds department.

Staff Comment: The golf course and country club was a permitted use in the A-1 District and compatible with the character of the area when it was created in 1974. The golf course and country club continues to be compatible with the surrounding uses in the area. The golf course was constructed prior to adjacent subdivisions and many of the dwellings. The Deer Creek Subdivision to the east of the subject property was platted in 1977. The Country Club View Subdivision was platted in 1999 and is located directly south of the southwestern area of the subject property. Northview Heights was platted in 2004 and is southeast of the subject property.

The accessory structures are a part of the golf course operation. The proposed structure (maintenance shop) is compatible with the southwestern corner of the parcel where the existing maintenance buildings are located. The proposed structure is in compatibility with the existing use of the parcel. A majority of the surrounding land is residential lots due to proximity to the city limits of the City of Huxley. The *Story County Cornerstone to Capstone (C2C) Plan* designates this parcel as natural areas to include parks. From an efficiency perspective it is beneficial to locate the proposed accessory structure near the access drives, employee parking, and the existing maintenance structures.

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

Applicant Comment: The old buildings will have new steel put on them to match the proposed new building. We will seed a native grass buffer strip to the west of the proposed new building which will buffer the buildings from the highway.

Staff Comment: The golf course and country club is buffered on the north and eastern property lines by mature trees. The existing maintenance shops are buffered to the south by mature trees. The southeastern portion of the golf course is not buffered from the parcels to the south.

The proposed structure will meet the setbacks from all property lines. The closest dwelling is approximately 415 feet to the southeast. The overall proposed structure height will be 14 feet. The proposed structure will be 112 feet from the west (front) property line, 83 feet from the south property line, 1,229 feet from the north property line, and over 2,000 feet from the east property line. The proposed structure will not likely be seen by immediately adjacent property owners as it will be buffered by two existing buildings to the south. Part of the proposed structure may be visible from the road but there is some vegetation to buffer the structure from the road. The applicant is also placing the green space to meet the



20 percent landscape requirement to the west of the proposed structure.

- 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.

Applicant Comment: The traffic patterns of the property will not change, this new building will not add any new members or employees to the property therefore the traffic patterns of the property will remain the same. Winter (off-season) 0-50 people visit per day, during peak golf season 50-120 a day varying by day of the week, tournaments, leagues, outings etc.

Staff Comment: The golf course and country club has an average of 0-50 people a day visiting the site in the off season and 50-120 during peak golf season.

The traffic impact of the proposed structure is expected to be minimal. Once construction of the proposed structure is completed, the only traffic that will visit the structure will be employees. There are 1-4 seasonal staff reporting to the proposed structure depending on the time of year.

- 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: The golf course and country club have a total of 74 parking spaces. 58 in the upper parking lot that is asphalt and 26 in the lower gravel lot. Two are ADA accessible parking spaces in the upper asphalt lot.

The parking impact of the proposed structure is expected to be minimal as it will be used by the golf course maintenance staff. Once construction of the proposed structure is completed, the only parking will be for 4 employees. The parking will be located directly west of the maintenance sheds. There are 1-4 seasonal staff reporting to the proposed structure depending on the time of year.

- 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.

Applicant Comment: there will be no new signs being added to the property and any exterior lighting will be on the east side of the new building facing inward to the golf course.

Staff Comment: The golf course and country club has 12 external lights. There is one sign that was granted a permit that has lighting. The lighting for the external business sign was denied in 2006 after a variance was denied by the Board of Adjustment. They are not proposing adding any other signage. All other lighting appears to meets the County's requirements in 88.09.



There is one proposed light on the proposed structure on the east side of the structure. All lighting will meet 88.09 standards. There will be no signs placed on the proposed structure.

- 6. 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.

Applicant Comment: the new building is not going to change any of the current use of the maintenance facility as well as not cause any environmental harm.

Staff Comment: No excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated. Ballard Country and Golf is proposing a 1,300 square foot landscaped area just west of the proposed building and north of the maintenance employee parking area. This landscaped area will address the County's 20 percent landscaped area requirement of the proposed impervious surface.

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 golf course, country club and associated structures are an established use and has operated in the area for 46 years. The proposed maintenance structure will be built in compliance with the required setbacks from the right-of-way and adjacent property lines. While the existing maintenance buildings near the southwest corner of the parcel will need to obtain variances, trees to the south provide some buffering, to the vacant parcel to the south. Any future improvements will require that the applicant apply for the necessary zoning permits.

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

Staff Comment:

The golf course, country club, and proposed maintenance structure 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:



The golf course, country club, and proposed maintenance structure will not likely increase congestion on the roads. No improvements are planned within the FEMA designated floodplain on the subject property.

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

Staff Comment:

The Story County Assessor’s Office raised no concerns with this item from the review of the requested Conditional Use Permit application. The golf course use and associated structures are established in the area and 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, protecting environmentally-sensitive areas, and identifying areas for future growth and development. The continued use of this area as its existing use is in keeping with the C2C plan as this area is identified as Natural Resource Areas to include parks.

B. Burden of Persuasion.

- 1. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.**
- 2. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.**

Commentary

The following comments are part of the official record of the proposed **Ballard Golf and Country Club and the proposed Maintenance Shop CUP12-19**. If necessary, conditions of approval may be formulated based off these comments.

Conceptual Review – December 3rd, 2019

Comments from the Environmental Health

The proposed building will not impact the existing septic system, currently serving the clubhouse. If there will be wastewater generation in the new building, the applicant shall submit an application for a septic permit to the Environmental Health Department. The existing system was installed in 1974. Recommended pumping frequency is a minimum of five years. The applicant can contact Environmental Health for the system diagram or general information.



Comments from the Auditors Office

No comment

Comments from the Engineers Office

No comment

Story County Planning and Development Comments for Applicant

- 1. Please provide a site plan sketch for the entire Golf and Country Club. The proposed new development areas (structure, 20% landscaped area, employee parking) can be included in this overall site plan sketch. However, if information on the drawing is determined to be lacking, a professionally drawn site development plan to be acted on by the Board of Supervisors may be required.**
 - a. Included is a site plan made using Google Earth, all lines on the map are to scale per the measurements required. The Landscaped area to the West of the proposed new building and North of the parking, will be roughly 1300 sq. ft. In the site plan you can see that there are four parking spots approximately 20' x 10' for employee parking.
- 2. Please identify the uses of all buildings on site plan.**
 - a. The farthest west (Maintenance building #2) building is used for equipment, outdoor tool storage, irrigation fittings, and seed. The building directly to the east of that (Maintenance building #1) is used for equipment storage as well as housing our tools, irrigation computer, Air compressor, power tools and workbenches. The proposed 40' x 40' new building would still have equipment stored in it, we would move our mechanics tools to the proposed new building, but also would like to have a 12' x 10' area framed in for an office to house our expensive irrigation computer and its components.
- 3. Please identify ADA parking on the site plan.**
 - a. There are currently 2 ADA parking spots in the clubhouse parking lot. Parking for all grounds crew employees will be on the west side of the west pole building. The four parking spots will accommodate our seasonal staff.
- 4. Please provide estimated values of all accessory building excluding the Clubhouse at the time they were built and estimated dates.**

(Buildings labeled using names from assessor page)

 - a. Building 3 (West Maintenance Shed): \$3600
 - b. Building 4 (Lower Cart Shed) : \$9000
 - c. Building 5 (Upper Cart Shed) : \$9000
 - d. Yard Extras #3 (Brown Shop) :\$5000
 - e. Pumphouse (building by pond): \$1,000
- 5. Please identify the typical days and hours of operation for the golf course and country club.**
 - a. Hours of operation of the country club varies by the season. During golf season the hours are sunup to sundown. During the off season the restaurant is open 4 days a week from 11:00AM-2:00PM, 5:00PM-9:00PM. The golf course maintenance staff made up of 1-4 crew members depending on time of year/season but hours generally range from 6:00AM-3:00PM
- 6. Please briefly explain the uses of the clubhouse.**
 - a. The clubhouse is used for treating our guests (members or the public) to a great experience. There is a restaurant here which is one of only two sit down restaurants in town. The restaurant also has take-out available which many members of the community frequent. The clubhouse is also used to allow for gatherings for club functions, business meetings in the private meeting room, business Christmas



parties, and weekly Kiwanis meetings. On top of that, it is a golf course clubhouse, we serve candy bars, chips, and refreshments to golfers.

7. **If the CUP is approved, any buildings that do not have zoning permits will need to have zoning permits applied for. A zoning permit application for the new building will also need to be submitted.**
8. **Please provide setbacks for all accessory buildings excluding the Clubhouse.**
(Buildings labeled using names from assessor page)
 - a. Building 3: South: 39' West: 112' (To R.O.W.)
 - b. Building 4: North: 100' West: 494' (To R.O.W.)
 - c. Building 5: North: 135' West: 380' (To R.O.W.)
 - d. Yard Extras #3: South 39' West: 140' (To R.O.W.)
 - e. Pumphouse (not listed) South 580' East 1,110'
9. **Please confirm the building near the pond is to be demolished and the date it is to be demolished by.**
 - a. The open side picnic shelter will be demolished by March 1st 2020
10. **Please provide additional dates of construction of all accessory buildings.**
 - a. All accessory structures were constructed in 1975 besides the pump house by the pond and the addition to the lower cart shed. The addition to the lower cart shed was completed in 2006.
11. **Please identify any planned future improvements to the property.**
 - a. As of today there are no planned future improvements.
12. **Please identify employee parking at the southern accessory buildings on site plan. Parking spaces are 9'x17.5' under County regulations, table 88-4.**
 - a. Included is an overhead google earth picture showing employee parking at the maintenance facility. We will have 4 parking spots roughly 20' x 10'. Depending on the time of year we have 1-4 employees that report to the maintenance facility, these parking spots will accommodate them.
13. **A Site visit will be required for pictures of the property.**
14. **Please provide any zoning permits that you have records for.**
 - a. We have no zoning permits in our files
15. **Please submit a variance application and fee (1 fee for both buildings included). Variance requests are acted on by the Board of Adjustment. The next Board of Adjustment meeting is January 15th, 2020. The application due date is December 30th, 2019. The two accessory buildings near the southwest corner of the parcel do not appear to meet setbacks. For these buildings to be in compliance with the zoning ordinance a variance request for these two accessory buildings will need to be applied for and subsequently granted. Please provide answers to the following variance request items:**
 - a. Finding of unnecessary hardship
 - i. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
 - ii. 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
 - iii. 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 Cornerstone to Capstone (C2C) Comprehensive Plan and Story County Land Development Regulations are protected.
 - 1. Both of the accessory buildings in the southwest corner of the property were constructed in 1975 and have been used as the golf course maintenance buildings since that time. These buildings have never changed in use and have been in the same location since constructed. Both buildings will continue to be used in the same way they have been for the last 45 years, and have caused no harm to the community or neighbors where they are located.

Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on December 27, 2019.

Comments from the General Public:

No comments were received as of the date of this staff report.

Ballard Golf and Country Club representatives were present.

Comments from the Planning and Zoning Commission at their January 8th, 2020 meeting:

Ballard Golf and Country Club representatives were present.

Smith asked what the significance of discontinuing the direct lighting of the business sign. Amman explained that the sign lighting is not permitted in the A-1 district and that the applicant had requested a variance in 2006 that was denied by the Board of Adjustment. Applicant stated that the light had already been disconnected for the business sign. Applicant stated that the lighting does meet Iowa DOT requirements.

McBride asked the reason for the regulation and if it was a light pollution problem. Amman stated that it is a glare concern for the county.

Points to Consider for the Conditional Use Permit Request

1. The golf course, clubhouse and associated structures are established in the area and have served customers for 46 years.
2. This conditional use permit is to bring the existing non-conforming use into conformity with the County Land Development Regulations.
3. The CUP will provide a route to address future improvements if they are deemed necessary.
4. The applicant shall apply for Zoning Permits for all structures that did not receive zoning permits prior to their construction.
5. The applicant has submitted a variance application for the 2 accessory structures located in the southwest area of the parcel to be acted on by the Story County Board of Adjustment at the January 15th, 2020 meeting.

Conditions of Approval

Chapter 90.05: Recommendations on Applications

Staff Recommendation:

Planning and Development Staff, based on review of the site, application materials, responses to County Staff comments, and the information and analysis in this staff report,



recommend approval of the Conditional Use Permit application as put forth in case CUP12-19 with the following conditions:

- 1. The applicant shall obtain zoning permits for all existing structures, excluding the clubhouse, within 30 days of Board of Adjustment action.**
- 2. Support of the Conditional Use Permit includes the Board of Adjustment taking action on the submitted variance 06-19 for the existing structures located in the southwest area of the property.**
- 3. Direct illumination of the business sign must be discontinued.**

Recommendation by Planning and Zoning Commission

At the January 8th, 2020 meeting, the Planning and Zoning Commission recommended approval of the Conditional Use Permit for the Ballard Golf and Country Club and associated structures and Proposed Maintenance Shop as put forth in case CUP12-19, with conditions with a 6-0 vote.

Alternatives

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

- 1) The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Ballard Golf and Country Club and associated structures and proposed maintenance shop as put forth in case CUP12-19, as submitted.
- 2) The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Ballard Golf and Country Club associated structures and proposed maintenance shop as put forth in case CUP12-19, with conditions.**
- 3) The Story County Board of Adjustment recommends denial of the Conditional Use Permit for the Ballard Golf and Country Club associated structures and proposed maintenance shop as put forth in case CUP12-19.
- 4) The Story County Board of Adjustment remands the Conditional Use Permit for the Ballard Golf and Country Club associated structures and proposed maintenance shop as put forth in case CUP12-19, back to the applicant for further review and/or modifications, and directs staff to place this item on a future Story County Board of Adjustment agenda.



1. Property Owner*

(Last Name) Ballard Golf and Country Club
(First Name) _____
(Address) 30608 US-69
(City) Huxley (State) IA (Zip) 50124
(Phone) 515-597-2266 (Email) kery@ballardgolf.com

2. Applicant (if different than owner)

(Last Name) Brown
(First Name) Kery
(Address) 2710 Robert Pr. #106
(City) Ames (State) IA (Zip) 50014
(Phone) 515-298-0312 (Email) kery@ballardgolf.com

3. Property Address 30608 US-69 Huxley, IA, 50124 **Parcel ID Number(s)** _____

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 Kery Brown Date 12/10/19

There are 3 types of CUP Modifications: insignificant, minor, and major. The Director of Planning and Development makes the determination of the type. Insignificant modifications are reviewed by the director. Minor modifications are reviewed by the Board of Adjustment. Major modifications are considered new conditional use applications and follow the same review process as a new conditional use permit application.

New Conditional Use Permit

Proposed Conditional Use: Golf Course

Submittal Requirements:

- Attend conceptual review meeting (prior to submittal of CUP application, see conceptual review application and deadline on Planning and Development website)
- Filing Fee (required prior to processing): \$275
- Site development plan
- Written narrative explaining justification for proposed conditional use permit and conformance to the standards for approval in Section 90.04 of the Story County Code of Ordinances.

Conditional Use Permit Modification

Previous CUP and Number: _____

Submittal Requirements:

- Filing Fee (required prior to processing) : \$50 (If determined to be a minor modification by the Planning and Development Director, the fee amount is \$175.)
- Site development plan
- Written narrative explaining modification of approved conditional use permit and response to the standards for approval in Section 90.04 of the Story County Code of Ordinances.

RECEIVED

DEC 10 2019

STORY CO. PLANNING & DEVELOPMENT

Receipt No. 570198
Receipt Amount 275-

Building Use Description

At Ballard Golf and Country Club there are currently two buildings for the maintenance department. The taller building (building #3 on assessor page) measures 35'2" X 24' 2" and the shorter building (Yard extras #3 Garage, High pricing) measures 36'3" X 24'3". Both buildings are used to store golf course equipment including various mowers, irrigation supplies, equipment parts, hand tools, and various other golf course maintenance tools. The garage is currently used as the heated shop for the golf course which also houses the irrigation computer. We would like to build a 40' X 40' pole building which would serve as the new heated shop, which we would like to frame out a 12' x 12' area for an office to house our irrigation computer, and potential add a bathroom onto it. This building would also have equipment stored in it, that way we can have all of our equipment parked inside.

Standard for Approval

The new shop will meet all setback requirements and will be used in conjunction with the other two buildings in the Southwest corner of the property in order to store golf course equipment and run a golf course grounds department. The old buildings will have new steel put on them to match the proposed new building. We will seed a native grass buffer strip to the west of the proposed new building which will buffer the buildings from the highway. The traffic patterns of the property will not change, this new building will not add any new members or employees to the property therefore the traffic patterns of the property will remain the same. There will be no new signs being added to the property and any exterior lighting will be on the East side of the new building facing inward to the golf course. The new building is not going to change any of the current use of the maintenance facility as well as not cause any environmental harm.

Landscape Requirement

To meet the 20% landscape requirement we will be adding new native grasses just to the West of the proposed new building. This will help add aesthetics to the surrounding of the new building as well as use water that runs off of the new building and the gravel road.



0.011 acres

40.66

40.11

40.1

125.5

39.64

40.12

11.98

11.99

10.95

40.62

153.6

81.27

124.5

36.46

36.46

316.54'

15'

15.01'

316.46'

12



Ballard Golf & Country Club Conditional Use Permit Questions

1) **Site Plan:**

Included is a site plan made using Google Earth, all lines on the map are to scale per the measurements required. The Landscaped area to the West of the proposed new building and North of the parking, will be roughly 1300 sq. ft. In the site plan you can see that there are four parking spots approximately 20' x 10' for employee parking.

2) **Building Use:**

The farthest west (Maintenance building #2) building is used for equipment, outdoor tool storage, irrigation fittings, and seed. The building directly to the east of that (Maintenance building #1) is used for equipment storage as well as housing our tools, irrigation computer, Air compressor, power tools and workbenches. The proposed 40' x 40' new building would still have equipment stored in it, we would move our mechanics tools to the proposed new building, but also would like to have a 12' x 10' area framed in for an office to house our expensive irrigation computer and its components.

3) **Parking:**

There are currently 2 ADA parking spots in the clubhouse parking lot. Parking for all grounds crew employees will be on the west side of the west pole building. The four parking spots will accommodate our seasonal staff.

4) **Estimated Values of buildings when Constructed Excluding Clubhouse:**

(Buildings labeled usings names from assessor page)

Building 3 (West Maintenance Shed): \$3600

Building 4 (Lower Cart Shed) : \$9000

Building 5 (Upper Cart Shed) : \$9000

Yard Extras #3 (Brown Shop) :\$5000

Pumphouse (building by pond): \$1,000

5) **Hours of Operation:**

Hours of operation of the country club varies by the season. During golf season the hours are sunup to sundown. During the off season the restaurant is open 4 days a week from 11:00AM-2:00PM, 5:00PM-9:00PM. The golf course maintenance staff made up of 1-4 crew members depending on time of year/season but hours generally range from 6:00AM-3:00PM

6) Use of Clubhouse:

The clubhouse is used for treating our guests (members or the public) to a great experience. There is a restaurant here which is one of only two sit down restaurants in town. The restaurant also has take-out available which many members of the community frequent. The clubhouse is also used to allow for gatherings for club functions, business meetings in the private meeting room, business christmas parties, and weekly Kiwanis meetings. On top of that, it is a golf course clubhouse, we serve candy bars, chips, and refreshments to golfers.

7) Zoning Permits:

8) Setbacks:(Buildings labeled usings names from assessor page)

Building 3: South: 39' West: 112' (To R.O.W.)

Building 4: North: 100' West: 494' (To R.O.W.)

Building 5: North: 135' West: 380' (To R.O.W.)

Yard Extras #3: South 39' West: 140' (To R.O.W.)

Pumphouse (not listed) South 580' East 1,110'

9) Open Side Picnic Shelter Demolition:

The open side picnic shelter will be demolished by March 1st 2020

10) Dates of Construction of all accessory buildings:

All accessory structures were constructed in 1975 besides the pump house by the pond and the addition to the lower cart shed. The addition to the lower cart shed was completed in 2006.

11) Planned future improvements:

As of today there are no planned future improvements.

12) Employee parking at maintenance facility:

Included is an overhead google earth picture showing employee parking at the maintenance facility. We will have 4 parking spots roughly 20' x 10'. Depending on the time of year we have 1-4 employees that report to the maintenance facility, these parking spots will accommodate them.

13) Site Visit

14) Zoning Permits we have records for:

We have no zoning permits in our files

15) Variance Application:

Ballard Golf & Country Club

Legend

- ADA Parking
- Cart Sheds
- Clubhouse
- Maint. Building #1
- Maint. Building #2
- Maint. Employee Parking
- New Landscape Area
- New Shop
- Pumphouse
- Setbacks
- US-69 R.O.W.



Pumphouse Setbacks

Legend

- Property Lines
- Pumphouse
- Pumphouse



1,010'

580'



Maintenance Building Setbacks

Legend

- Maint. Building #1
- Maint. Building #2
- New Shop
- Setback
- US-69 R.O.W.



Maintenance Area

Legend

- Maint. Building #1
- Maint. Building #2
- Maint. Employee Parking
- New Landscaped Area
- New Shop

New Landscape Area

New Shop

Employee Parking

Maint. Building #2

Maint. Building #1



Clubhouse ADA Parking

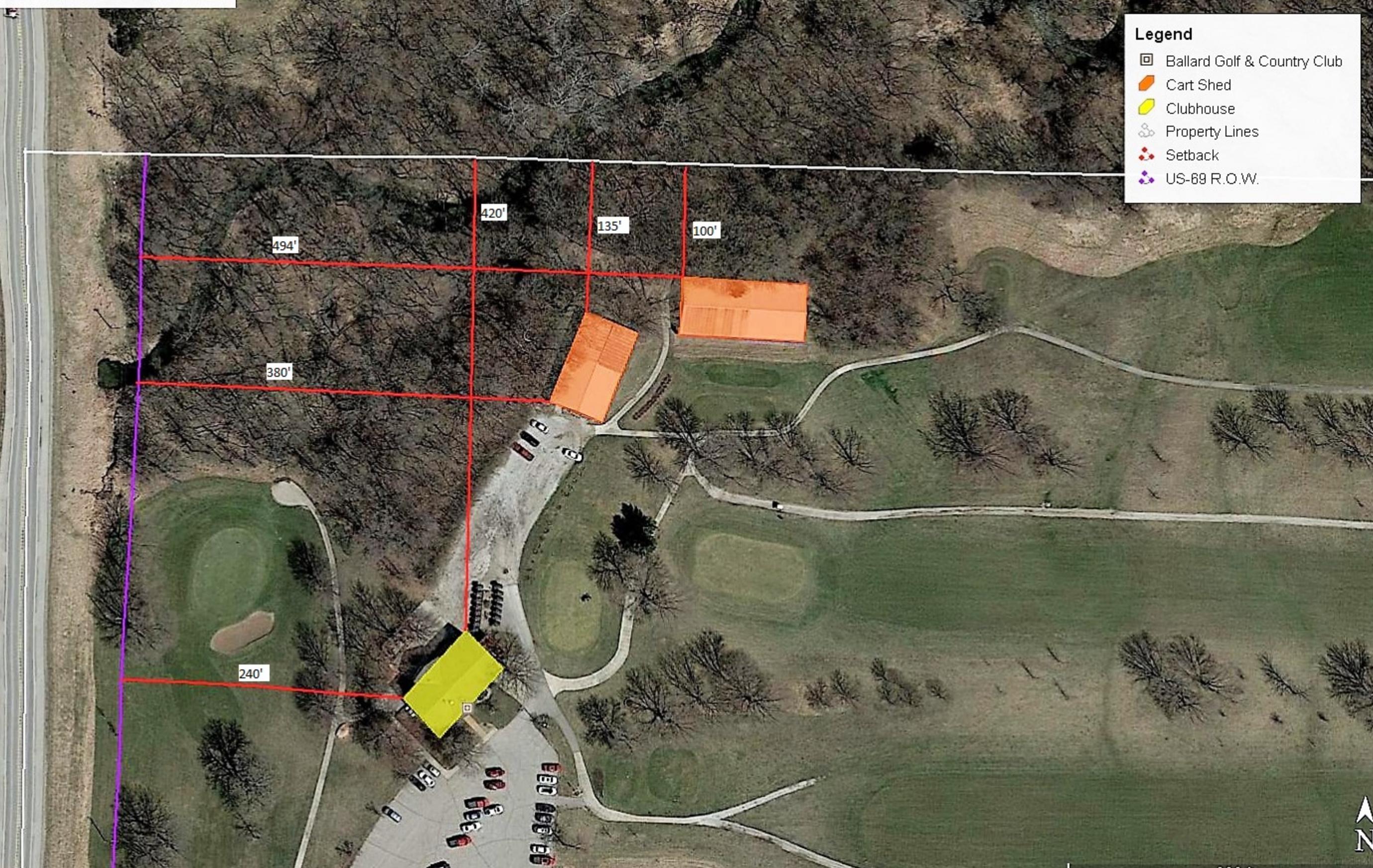
Legend
[Icon] Ballard Golf & Country Club



Clubhouse/Cartshed Setbacks

Legend

- Ballard Golf & Country Club
- Cart Shed
- Clubhouse
- Property Lines
- Setback
- US-69 R.O.W.



BGCC Buildings

Legend

- Cart Sheds
- Clubhouse
- Maint. Building #1
- Maint. Building #2
- New Shop
- Pumphouse



Lower Cart Shed

Upper Cart Shed

Clubhouse

Pumphouse

New Shop

Maint. #2

Maint. #1



Staff Report

Board of Adjustment

Date of Meeting:
January 15, 2020

Case Number: VAR06-19—Ballard Golf and Country Club Side Setback Variance Request for a 35' x 24' and a 23' x 33' accessory structures

APPLICANT: Kory Brown
30608 U.S. Highway 69
Huxley, Iowa 50124

STAFF PROJECT MANAGER: Marcus Amman, Planner

SUMMARY:

The request is for a variance to the minimum side setback for an existing accessory structure located in the A-1 District for other permitted uses, which establishes a minimum side setback of 50 feet. The variance request is to permit the existing 24'x35' (840 square feet) and 23'x33' (783 square feet) accessory structures that encroach on the side setback requiring a variance of 26 feet from 50 feet to 24 feet, from the closest point of the proposed building to the south property line. The existing accessory structures were built as part of the Ballard Golf and Country Club in 1975 but were never issued zoning permits. The property is located in Section 14 of Palestine Township parcel number 13-14-400-105.



Planning and Development Staff is recommending approval of the variance with conditions:

- Permits for the two accessory structures must be obtained within 30 days of the Board of Adjustment action.
- Business sign lighting must be discontinued



Property Information

PROPERTY OWNER

Ballard Golf and Country Club

PROPERTY ADDRESS

30608 U.S. Highway 69, Huxley, Iowa 50124
NW SE and NE SE of Section 14, Township 82, Range 24

LEGAL DESCRIPTION

LOTS 1 2 3 4 5 NE SE & NW SE

PARCEL IDENTIFICATION NUMBER

13-14-400-105, 13-14-400-001

SIZE OF PARCEL

75.32 Net-Acres, 0.44 Net-Acres

CURRENT ZONING

A-1 Transitional Residential

CURRENT LAND USE

Commercial

LAND USE FRAMEWORK MAP DESIGNATION

Natural Areas

CITIES WITHIN TWO MILES

Huxley

REQUESTED ACTION

The variance request is to permit the existing 24'x35' (840 square feet) and 23'x33' (783 square feet) accessory structures that encroach on the side setback requiring a variance of 26 feet from 50 feet to 24 feet, from the closest point of the proposed building to the south property line. The existing accessory structures were built as part of the Ballard Golf and Country Club in 1975 but were never issued zoning permits.

Background

Applicable Story County Land Development Regulations Sections

All Other Permitted Uses in the A-1 district of the Story County Land Development Regulation require a 50 foot setback from the side property line.

Subject Property

This variance application is for the existing golf course and country club's maintenance buildings located at the southwestern portion of the property according to the Assessor's records. These structures were constructed in 1975 to serve as the maintenance shops for the golf course that was built in 1974 and is



the principal use of the property. These structures did not have permits issued for them when they were constructed. The golf course obtained zoning permits in 1974 for the golf course, clubhouse, and the dam and was a permitted use in the A-1 Agricultural District. In June of 1977 golf courses were removed from the permitted uses list in A-1 districts and placed under the conditional use permits in the Story County Code of Ordinances. When golf courses were removed from the permitted uses in the A-1 district the status of the Ballard Golf and Country Club became a legal non-conforming use due to the changes the County made to its ordinances. Under the ordinance that the golf course was constructed under the setback for structures from the side property lines was 10 feet. Under the current Story County Land Development Regulations, the setback requirements for the Other Permitted Uses is 50 feet in the A-1 District.

The property is located on the northern side and contiguous to the boundary of the City of Huxley, while being in the county. The property is 75.32 net acres and is generally surrounded by residential subdivisions. Of the parcels contiguous or within 40 feet of the subject parcel, 24 are less than 2 acres in size and 10 are greater than 2 acres.

The existing structures on the parcel have the following approximately setbacks based on aerial imagery:

Building	West (Front)	East (Rear)	North (Side)	South (Side)
Clubhouse	258'	2,200'	425'	841'
Northwestern Accessory Structure	386'	2,071'	136'	1,117'
Northeastern Accessory Structure	494'	1,915'	100'	1,196'
Southwestern Accessory Structure	110'	2,419'	1,277'	24'
Southeastern Accessory Structure	143'	2,375'	1,285'	24'
Pond Structure	1,521'	1,008'	742'	577'
Proposed Accessory Structure	112'	2,403'	1,229'	83'

The golf course and country club was built in 1974. The Deer Creek Subdivision to the east of the subject property was platted in 1977. The Country Club View Subdivision was platted in 1999 and is located directly south of the southwestern area of the subject property. Northview Heights was platted in 2004 and is southeast of the subject property.

Upon visiting the parcel it is evident that the existing structures are significantly buffered from the parcel to the south by mature evergreen trees. The applicant proposes to also be rewrap the existing structures in new metal siding to match the proposed new maintenance shop.

There is an employee access and driveway on the parcel line leading to the southern accessory structures (maintenance buildings). The parcel generally slopes to the north and east away from U.S. Highway 69. The parcel also has a small portion of the northwestern area in the floodplain. The golf course and country club is located on the northwestern portion of the parcel and is buffered by mature trees along the northern and eastern parcel lines. The maintenance shops at the southwestern corner of the parcel is buffered on the south by mature trees from the subdivision to the south. The southeastern portion of the parcel is not buffered from the subdivision contiguous with the subject parcel.

The applicant was able to locate two property pins on the parcel. Planning Staff met the applicant on the property and were able to see the property pins and the measurements for the existing conditions. This allowed for an accurate measurement of the existing accessory structures setback to be identified as 24



feet. Using this as the closet point the setback variance request was determined to be 26 feet. The applicant also owns the adjacent parcel to the south that is 15 feet wide along the south portion of the subject property. Accounting for this the nearest property line not owned by the applicant is then 39 feet from the existing structures. The applicant is considering adjoining the two parcels into one tax parcel. If they were to be adjoined the variance would be for 11 feet.

The golf course and maintenance buildings have been at this location for 45 years and are a significant part of the essential character of the area. The structures in question are also located 112 feet to the east or further from the road right-of-way and are not contrary to the public interest.

The applicant is also currently requesting a Conditional Use Permit to bring the use, associated structures, and proposed structure into conformance with the county zoning standards with CUP12-19.

Future Land Use

This property is located in the Story County A-1 district. The C2C plan is oriented toward preserving the county's rural character and high value agricultural land, protecting environmentally-sensitive areas, and identifying areas for future growth and development. The continued use of this area as its existing use is in keeping with the C2C plan as this area is identified as Natural Resource Areas to include parks.

Surrounding Land Use

The property is 75.32 net acres and is generally surrounded by subdivisions. The Deer Creek Subdivision to the east of the subject property was platted in 1977. The Country Club View Subdivision was platted in 1999 and is located directly south of the southwestern area of the subject property. Northview Heights was platted in 2004 and is southeast of the subject property. Of the parcels contiguous or within 40 feet of the subject parcel, 24 are less than 2 acres in size and 10 are greater than 2 acres.

There is a small portion of floodplain on the subject parcel in the northwestern area where there are no site improvements.

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: Both of the accessory buildings in the southwest corner of the property were constructed in 1975 and have been used as the golf course maintenance buildings since that time.

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 golf course is an established use that has operated on the property for 45 years. The golf course has operated as a permitted use, legal non-conforming use, and the applicant is currently requesting a CUP to bring the use into conformance with the county's regulations. The existing accessory structures were built as the maintenance shops for the golf course and country club. Without these structures the golf course would not function as it currently does. These buildings are associated with the primary use.

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: Both of the accessory buildings in the southwest corner of the property were constructed in 1975 and have been used as the golf course maintenance buildings since that time.

Staff Comment: The existing accessory structured have been in this location since 1975. Had the golf course applied for zoning permits for these buildings when they applied for the zoning permits for the golf course, country club, and the dam, the structures would have met the required side setbacks at the time of 10 feet. Story County in June of 1977 removed golf courses from the list of permitted uses in the A-1 District. Golf courses then became a conditional use and now falls under the other permitted uses category in the A-1 District setback requirements. This requirement is 50 feet in the A-1 District.

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

Applicant Comment: These buildings have never changed in use and have been in the same location since constructed.

Staff Comment: The golf course and country club has been at this location since 1975. The maintenance sheds have been there since 1975 as well. Granting the variance for the associated structures to the primary use that have both been in there existing locations for 45 years will not change the essential character of the locality. The existing landscaping to the south is providing some buffering to the structures.

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



Applicant Comment: Both buildings will continue to be used in the same way they have been for the last 45 years, and have caused no harm to the community or neighbors where they are located.

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.

The golf course and country club has been at this location since 1975. The maintenance sheds have been there since 1975 as well. Granting the variance for the associated structures to the primary use that have both been in there existing locations for 45 years will not be contrary to the public interest. The structures are located near the access and driveway and the applicants adjacent parcel to the south also assists in increasing the distance to the adjacent outlot to the south that is not owned by the applicant. The accessory structures will be separated from the road by an existing setback of 112 feet or more from the right-of-way.

C. The spirit and intent of the Story County Cornerstone to Capstone (C2C) Comprehensive Plan and Story County Land Development Regulations are protected.

Applicant Comment: Yes/True

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.”

This property is located in the Story County A-1 district. The property is designated Natural Area to include parks. The primary land use of the subject parcel is the golf course and country club which has been on the property since 1974. The subject property includes the golf course, club house, and 5 other accessory structures with no area in agriculture production.

Commentary

Comments from the Interagency Review Team



The complete application was forwarded to the members of the Interagency Review Team on Thursday, January 2nd, 2020. The following comments were received:

Story County Environmental Health: No Comments

Story County Engineer: No Comments

Story County Assessor: No Comments

Story County Planning and Development:

1. Please identify the Side property line. **Side Property pins were identified. A stringer was placed between them to obtain the current side setback of 24 feet.**
2. How did you identify the side property line? **Side property pins were identified using Beacon as a starting point and metal detecting for the pins.**
3. Please explain how this is a unique circumstance that was created not by you? **The building were included on when the initial golf course was approved. The ordinance was changed to remove this use.**
4. Please provide proposed drawings? **Provided**

Comments from Cities within Two Miles

Notification was provided to the City of Huxley on December 7th, 2020. No comments were received from the City of Huxley 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 December 27th, 2019. No comments were received at the time of the writing of this report.

Points to Consider

1. The accessory structures have been at their current location since 1975.
2. Having equipment to maintain the golf course is essential to their operation.
3. Had zoning permits been applied for at the time of the construction of the accessory structures they would have met setback requirements.
4. The granting of the variance is not contrary to the public interest.
5. The golf course is an established use and is essential to the character of the locality.
6. The property owner also owns a 15 foot wide adjacent parcel to the south of the subject property making the distance from the building to a parcel not owned by the Ballard Golf and Country Club 39 feet.



Staff Recommendation and Alternatives for VAR06-19

Based on consideration of variance application submittal, location of property, review of existing use, review of responses to County Staff comments or questions, and site review, it can be concluded that the request to allow the side set back variance of 26 feet, does meet all legal principles. Therefore, Staff recommends approval of the request with the following condition/s:

- Permits for the two accessory structures must be obtained within 30 days of the Board of Adjustment action.
- Business sign lighting must be discontinued

The Story County Board of Adjustment may consider the following alternatives on the Ballard Golf and Country Club Side Setback variance request, VAR06-19:

1. The Story County Board of Adjustment approves the Ballard Golf and Country Club Side Setback variance request, as requested by the applicant and as put forth in case VAR06-19, for a variance to allow the proposed accessory structure to have a side setback of 24 feet in the A-1 District.
2. **The Story County Board of Adjustment approves the Ballard Golf and Country Club Side Setback variance request with conditions and as put forth in case VAR06-19, for a variance to allow the proposed accessory structure to have a side setback of 24 feet in the A-1 District.**
3. The Story County Board of Adjustment denies the Ballard Golf and Country Club Side Setback variance request, as requested by the applicant and put forth in case VAR06-19, for a variance to allow the proposed accessory structure to have a side setback of 24 feet in the A-1 District.
4. The Story County Board of Adjustment remands the Ballard Golf and Country Club Side Setback variance request as put forth in case VAR06-19, for a variance to allow the proposed accessory structure to have a side setback of 24 feet in the A-1 District back to the applicant for further review and/or modifications, and directs staff to place this item on a future Board of Adjustment agenda.

VARIANCES, WAIVERS, APPEALS



1. Property Owner*
 (Last Name) Ballard Golf and Country Club
 (First Name) _____
 (Address) 30608 US-69
 (City) Huxley (State) IA (Zip) 50124
 (Phone) 515-597-2266 (Email) _____

2. Applicant (if different than owner)
 (Last Name) Brown
 (First Name) Kory
 (Address) 2710 Bobcat Dr. #106
 (City) Ames (State) IA (Zip) 50014
 (Phone) 515-298-0312 (Email) Kory@Ballardgolf.com

3. Property Address 30608 US-69, Huxley, IA, 50124 **Parcel ID Number(s)** _____

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 Kory Brown Date 12/27/14

Variations 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: _____
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. 106893354
 Receipt Amount \$175

Maintenance Building Setbacks

Legend

- Maint. Building #1
- Maint. Building #2
- New Shop
- Setback
- US-69 R.O.W.



Marcus T. Amman

From: Kory Brown <kory@ballardgolf.com>
Sent: Monday, January 6, 2020 9:11 AM
To: Marcus T. Amman
Cc: Jerry L. Moore
Subject: Re: Conditional Use Permit and Variance

[External Sender - Please Use Caution]

Jerry, and Marcus, I apologize for that, I have spoken with my board of directors and they didn't know that this was the case. We have contacted an electrician and he is going to come out to the country club and disconnect the two lights for the sign.

Thank you
Kory

On Fri, Jan 3, 2020 at 10:57 AM Marcus T. Amman <MAmman@storycountyiowa.gov> wrote:

Kory,

During our review of the property it was noticed that the lighting of the sign is not permitted. In 2006 the golf course applied for a variance for that sign to have it lit however that variance was denied by the Board of Adjustment. Attached is the case file for the sign at the golf course stating that the sign cannot be lit including the written findings of fact. In order for our department to support both the Conditional Use Permit and the Variance the lighting of the sign must be discontinued. The Board of Adjustment will likely also take a stance against the Conditional Use Permit and the Variance while the sign remains in noncompliance.

We need a statement identifying that the lighting of the sign will be discontinued until we can resolve this issue.

If you have any questions please let me know.



Marcus Amman

Planner

Planning and Development

Story County

900 6th Street | Nevada, Iowa 50201-2087

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

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Kory Brown

Superintendent

30608 US HWY 69

Huxley, IA 50124

Tel: 515.597.2266

[Visit our Website!](#)

Marcus T. Amman

From: Kory Brown <kory@ballardgolf.com>
Sent: Friday, December 27, 2019 11:59 AM
To: Marcus T. Amman
Subject: Re: Questions Regarding Ballard Golf and Country Club Conditional Use Application.

[External Sender - Please Use Caution]

Sounds good, thank you for your help and work on this.

On Fri, Dec 27, 2019 at 11:37 AM Marcus T. Amman <MAmman@storycountyowa.gov> wrote:

We have to run the variance from the closest parcel line. So the Variance request will be for 26 feet unless you request to adjoin the two parcels together. I will get the notice out today though and if that changes we will address it through our staff report.

Marcus

From: Kory Brown <kory@ballardgolf.com>
Sent: Friday, December 27, 2019 11:13 AM
To: Marcus T. Amman <MAmman@storycountyowa.gov>
Subject: Re: Questions Regarding Ballard Golf and Country Club Conditional Use Application.

[External Sender - Please Use Caution]

Correct. Yes we are.

Thank you Marcus

On Fri, Dec 27, 2019 at 11:08 AM Marcus T. Amman <MAmman@storycountyowa.gov> wrote:

Kory

So you are requesting a variance of 11 feet for the two maintenance buildings on the south portion of the property, correct?

Marcus

From: Kory Brown <kory@ballardgolf.com>
Sent: Friday, December 27, 2019 10:59 AM
To: Marcus T. Amman <MAmman@storycountyiowa.gov>
Subject: Re: Questions Regarding Ballard Golf and Country Club Conditional Use Application.

[External Sender - Please Use Caution]

15) Both of the accessory buildings in the southwest corner of the property were constructed in 1975 and have been used as the golf course maintenance buildings since that time. These buildings have never changed in use and have been in the same location since constructed. Both buildings will continue to be used in the same way they have been for the last 45 years, and have caused no harm to the community or neighbors where they are located.

We would like to request a variance that the buildings located 39' from the southern border not meeting county setbacks of 50'.

On Fri, Dec 27, 2019 at 10:32 AM Marcus T. Amman <MAmman@storycountyiowa.gov> wrote:

That is only the application. There are no responses to the questions or the number of feet you are requesting for the variance. Please provide that information.

Marcus

From: Kory Brown <kory@ballardgolf.com>
Sent: Friday, December 27, 2019 9:20 AM
To: Marcus T. Amman <MAmman@storycountyiowa.gov>
Subject: Re: Questions Regarding Ballard Golf and Country Club Conditional Use Application.

[External Sender - Please Use Caution]

 [IMG-1057.jpg](#)

On Fri, Dec 27, 2019 at 8:54 AM Marcus T. Amman <MAmman@storycountyiowa.gov> wrote:

Yes take a picture and send it to me. Make sure its clear.

From: Kory Brown <kory@ballardgolf.com>

Sent: Friday, December 27, 2019 8:48 AM

To: Marcus T. Amman <MAmman@storycountyiowa.gov>

Subject: Re: Questions Regarding Ballard Golf and Country Club Conditional Use Application.

[External Sender - Please Use Caution]

Is there a way I can email the form?

On Fri, Dec 27, 2019 at 8:24 AM Marcus T. Amman <MAmman@storycountyiowa.gov> wrote:

Kory, thank you for the clarification as to the discrepancy there with the two measurements. Can you provide me with the variance request in feet based on what you provided? Yes the variance fee can be paid by card however it would need to be done on Monday and there is a processing fee for using a card. If you wait until Monday to pay maybe you can get a check and not have to pay the processing fee. I can however take the application so I can get notice letters out.

Marcus

From: Kory Brown <kory@ballardgolf.com>

Sent: Friday, December 27, 2019 8:12 AM

To: Marcus T. Amman <MAmman@storycountyiowa.gov>

Subject: Re: Questions Regarding Ballard Golf and Country Club Conditional Use Application.

[External Sender - Please Use Caution]

Marcus, Sorry about the confusion, the reason the earlier drawings said 36' is due to the fact that was a gps (Beacon) measurement and I have recently found the lot pins, tied a string to them and pulled it tight. The Maintenance buildings are Both right about 24' to the string, and according to beacon there is 15' width on the little sliver of land that we own between us and our southern neighbors. making for a 39' setback. I cannot find the other pins that are to the south of the ones I found, but I would assume that the assessor page is correct when they list a 15' wide parcel.

Also, Can I Pay the variance form fee with a credit card? I don't think my manager will be in today to get me a check?

Let me know.

On Thu, Dec 26, 2019 at 12:47 PM Marcus T. Amman <MAmman@storycountyowa.gov> wrote:

Kory,

One of your drawings shows the setbacks for the maintenance buildings as being 36' and the one you just sent today shows 39'. Please clarify which one is correct. Also the setback requirement is 50' for this use. What is the number of feet you are requesting the variance for from the southern property line to the existing maintenance buildings? Also I did not receive the variance application.

Thank you,

Marcus

From: Kory Brown <kory@ballardgolf.com>

Sent: Thursday, December 26, 2019 12:12 PM

To: Marcus T. Amman <MAmman@storycountyowa.gov>

Subject: Re: Questions Regarding Ballard Golf and Country Club Conditional Use Application.

[External Sender - Please Use Caution]

Marcus, here is the questions answered and google earth pictures with information on them. Let me know if there is anything else you need.



Ballard Golf & Country Club Conditional...



BGCC.jpg



BuildingsLabeled.jpg



CHCartshed.jpg



Clubhouse ADA.jpg



maintArea.jpg



maintsetbacks.jpg



PumphouseSetbacks.jpg

On Wed, Dec 18, 2019 at 2:42 PM Marcus T. Amman <MAmman@storycountyowa.gov> wrote:

Kory,

Attached are our questions regarding the Conditional Use Application submittal. Please let me know if you have any questions.

Best,



Marcus Amman

Planner

Planning and Development

Story County

900 6th Street | Nevada, Iowa 50201-2087

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

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Legend

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BALLARD GOLF
— & COUNTRY CLUB —