

**STORY COUNTY
PLANNING AND DEVELOPMENT
STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201-2087**



"Commitment, Vision, Balance"

**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: July 17 th , 2024	*Matthew Neubauer, Chair	2026
	Andrew Friend	2027
CALL TO ORDER: 4:00 pm	Kelli Excell	2028
	Nathan Hovick	2024
PLACE: Public Meeting Room	Elara Jondle	2024
In the Administration Building	*Absent	

Special Note: Members of the public could also participate via Zoom.

STAFF PRESENT: Leanne Harter, Director; Marcus Amman, Senior Planner; Andrea Wagner, Senior Planner; Leslie Day, Recording Secretary.

PUBLIC PRESENT: In Person: Jason Baker, Mike Cox. Via Zoom: Scott Arnold, Chad Levi.

APPROVAL OF AGENDA:

MOTION: Jondle moved to approve the agenda as is.

Motion: Jondle

Second: Excell

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: Neubauer

Motion passed. MCU.

APPROVAL OF MINUTES:

MOTION: Excell moved to approve the June 26th minutes.

Motion: Excell

Second: Jondle

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: Neubauer

Motion passed. MCU.

PUBLIC COMMENTS: None

NEW BUSINESS: None

OTHER BUSINESS: None

PUBLIC HEARINGS:

Discussion and Consideration of V24-000001, Baker Variance - Marcus Amman

Amman presented Baker Front and Side Setback Variance Request V24-000001.

Jason Baker, 31862 Champion Blvd., Slater, Iowa, the applicant, stated Amman called the East side the back, with forty feet setback, and called the West side the front. He stated that the County does not maintain Champion Boulevard which is for residential use only and not a thru street that others use. Baker asked staff if the East side was the back or the front.

Jondle requested staff to answer the question the applicant had.

Amman explained this property is a double frontage lot, but for easier understanding the "front" is where the access is. He added the Story County code identifies double frontage and the setbacks for it.

Hovick asked if even with the double frontage the setbacks would work if the garage is placed on the "back yard".

Amman confirmed saying there is space behind the house to have the new building meet setbacks.

Baker stated the "back" (East side) also has forty feet setback, and added that if the setbacks are forty feet off both sides, that slims down the property a lot. Baker explained the septic and all the laterals run on the North-West side of the house. He added that it does not make sense to him to reroute a drive way or put a driveway off of R38 (510th Ave) which is one of the busiest roads in the county. Baker told the Board members that even a 20 feet setback would help, because starting at the 40 feet setback mark puts the end of the garage right next to the house, there is a big tree in that location, and also the elevation changes.

Friend asked staff what was the distance between the house and the East property line.

Amman responded he could not tell exactly because of the house overhang, but roughly 83.3.

Jondle asked the Board members if they had questions for the applicant.

Excell asked what was hampering the applicant to comply with setbacks, requesting they explain the current situation with a shed located on the southwest of the property and current parking arrangements.

Baker explained the shed would be removed, and the gravel area next to it is where applicant parks his trailer.

Excell asked staff how far the shed was from the west property line.

Amman responded fifty feet.

Friend asked to see the Findings of Fact and explained, looking at the Unnecessary Hardship finding, that he did not think there was a way to meet that principle.

Hovick asked if applicant would still need a side variance if he moved the garage to the front setback.

Amman stated that based on the Iowa Supreme Court ruling, once a reasonable return is established for the property, staff cannot recommend any form of a variance.

Hovick asked to clarify if the applicant has enough space in the front yard that he could go back 40 feet and then put a garage, but the issue was the side setback.

Friend stated that to meet the front setback the applicant would have a tree as an obstacle.

Hovick asked clarification on the size.

Friend stated he thought it was 50 x 25 feet.

Amman confirmed it was roughly that size.

Friend stated that going back to the reasonable return finding, a property with a dwelling already has a reasonable return so there is nothing that can be done about that finding not being met.

Friend asked the applicant if there were no plans of a business going in that shop (garage).

Baker stated the garage would just be for storage.

Baker asked if the East side is being considered as the back.

Jondle explained that since this property has streets on both sides, they both count as a frontage.

Hovick added it is the same as a corner lot, where both sides count as a front.

Baker asked if there was a reason then, why Story County does not maintain Champion Boulevard.

Amman responded that Champion Boulevard is a road that is publicly dedicated, privately maintained, just like all subdivisions in Story County and mentioned a few examples.

Baker stated there is a road in Shipley Iowa that is maintained by the County.

Excell stated that she did not disagree with the things the applicant was saying, but she did not see that the law provides the Board a way to work around it.

Friend added he also wanted to do something but could not because of that first findings of fact, saying that there is a reasonable return with the dwelling on the property.

Excell questioned reasonable return asking what would be reasonable.

Amman explained that according to the Iowa Supreme Court decision, wanting to increase the property value is not part of the reasonable return established.

Excell asked what if it changes the functionality.

Baker added that it is doable to put the garage on the East side but asked if it would be reasonable or made sense.

Excell stated she thought the term “reasonable” when it comes to laws is an oxymoron.

Baker added he agreed, and said adding a shed increase the value of a property that you pay more taxes on, noting that is what he struggles to understand. He also said that having a double frontage shrinks his property when forty feet are taken from each side.

MOTION: Friend moved to approve the Findings of Fact as presented.

Motion: Friend

Second: Excell

Voting Aye: Friend, Excell, Hovick, Jondle.

Voting Nay: None

Not Voting: None

Absent: Neubauer

Motion passed. MCU.

MOTION: Hovick moved to approve alternative 3 as presented:

The Story County Board of Adjustment denies the Baker Setback variance request, as requested by the applicant and put forth in case V24-000001, for a variance of 25 feet from the required front setback of 40 feet and a variance of 5 feet from the required 10-foot side setback

to allow the proposed detached garage to have a setback of 15 feet from the front and 5 feet from the side in the R-1 District.

Motion: Hovick

Second: Friend

Voting Aye: Hovick, Friend, Excell, Jondle.

Voting Nay: None

Not Voting: None

Absent: Neubauer

Motion passed. MCU.

Discussion and Consideration of CUP24-000015, McFarland Park - Marcus Amman

Amman presented the McFarland Park Conditional Use Permit CUP24-000015.

Board members did not have questions for staff.

Mike Cox, Conservation Director stated he was available for questions.

No public comments.

MOTION: Hovick moved to approve the Findings of Fact as presented.

Motion: Hovick

Second: Friend

Voting Aye: Hovick, Friend, Excell, Jondle.

Voting Nay: None

Not Voting: None

Absent: Neubauer

Motion passed. MCU.

MOTION: Excell moved to approve alternative 1 as presented:

The Story County Board of Adjustment approves the Conditional Use Permit for McFarland Park as put forth in case CUP24-000015 as submitted.

Motion: Excell

Second: Hovick

Voting Aye: Excell, Hovick, Friend, Jondle.

Voting Nay: None

Not Voting: None

Absent: Neubauer

Motion passed. MCU.

Discussion and Consideration of CUP24-000017, ITC Midwest Ames Substation Expansion--Andrea Wagner

Wagner presented ITC Midwest Ames Substation Expansion Conditional Use Permit CUP24-000017.

Friend asked staff to clarify if the applicant is discharging into existing wetlands, from the runoff basin and asked if those wetlands were on the property or wetlands adjacent to the property.

Wagner responded that the class 3 wetland, is fully on the ITC Midwest property. She explained they had a delineation done by a consulting firm and the approach is that the detention basin is going north of the existing wetland, and then it does have a spillover outlet that goes into that wetland area. Wagner added this information was based on what she saw on the site plan.

Scott Arnold, ITC Midwest, Community Relations Group, introduced himself and stated Chad Levi and himself were present.

Board members did not have questions.

No public comments.

MOTION: Excell moved to approve the Findings of Fact as presented.

Motion: Excell

Second: Hovick

Voting Aye: Excell, Hovick, Friend, Jondle.

Voting Nay: None

Not Voting: None

Absent: Neubauer

Motion passed. MCU.

MOTION: Friend moved to approve alternative 2 as presented: The Story County Board of Adjustment approves the Conditional Use Permit for the ITC Midwest Ames Substation Expansion as put forth in case CUP24-000017, with the following conditions:

1. A copy of the Iowa Department of Natural Resources National Pollutant Discharge Elimination System (NPDES) permit and a Stormwater Pollution and Prevention Plan (SWPPP) be provided to Planning and Development when they are available.
2. If the substation becomes fully de-energized, ITC Midwest shall remove all gravel from the site and restore the site to native grasses and/or to agricultural uses.

Motion: Friend

Second: Excell

Voting Aye: Friend, Excell, Hovick, Jondle.

Voting Nay: None

Not Voting: None

Absent: Neubauer

Motion passed. MCU.

ADDITIONAL ITEM(S)

None

BOARD COMMENTS

None

STAFF COMMENTS

Harter stated she had shared a document from the Iowa Public Information Board (IPIB) with the Board of Adjustment members that day. Harter explained that was an advisory opinion from IPIB about some revisions to open meetings law that went into effect July first; allowing Board members to participate and establish a quorum, using zoom or electronic meeting. The

Planning and Development Department staff asks that if members of the Board need to use that in order to attend the meeting, to let staff know in advance.

Hovick asked if any of the Board members needed to attend in person or if they could all attend via Zoom.

Harter responded Board members could all join via Zoom but it would be preferred that they attend in person.

ADJOURNMENT

MOTION: Excell moved to adjourn the meeting.

Motion: Excell

Second: Hovick

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: Neubauer

Motion passed. MCU.

ADJOURNMENT: 4:44 PM

A handwritten signature in black ink, appearing to be 'Mark A.', written over a horizontal line.

Approval of Minutes

8/21/2024 4:20 PM

Title and Date