

**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: March 19, 2025.	Matthew Neubauer, Chair	2026
	Andrew Friend	2027
CALL TO ORDER: 4:00 pm	Kelli Excell	2028
	Nathan Hovick	2029
PLACE: Public Meeting Room	Elara Jondle	2025
In the Administration Building and Zoom	*Absent	

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

STAFF PRESENT: Leanne Harter, Director; Leslie Day, Recording Secretary.

PUBLIC PRESENT: Kenneth Frame, Darrell Hocking, Chris Pose.

APPROVAL OF AGENDA:

MOTION: Hovick moved to approve the agenda as is.

Motion: Hovick

Second: Friend

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: None

Motion passed. MCU.

APPROVAL OF MINUTES:

MOTION: Jondle moved to approve the September 18, 2024, and February 19, 2025, minutes.

Motion: Jondle

Second: Hovick

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: None

Motion passed. MCU.

PUBLIC COMMENTS:

Christopher Pose, an attorney with Hasting & Gartin, located at 627 Main Street in Ames, spoke on behalf of Darrell Hocking and Kenneth Frame regarding the variance request they presented at the February Board of Adjustment meeting.

Mr. Pose explained that under the Board of Adjustment's rules of procedure, a rehearing may be granted if new evidence is presented, and the Board agrees to reconsider the case. He stated that he had submitted a letter outlining the new evidence and briefly summarized it during the meeting.

The request for a rehearing is based on a claim of *unnecessary hardship*. Mr. Pose noted that the building in question cost approximately \$40,000 and only encroaches six feet into the setback area. He also indicated that Mr. Hocking is willing to pay the appropriate building permit fee and any applicable penalty fees, since the original contractor failed to obtain the proper permits.

Additionally, Mr. Pose pointed out that the west side of the property is heavily landscaped, which makes the encroachment difficult to see.

He concluded by formally requesting the Board to consider granting a rehearing.

Harter clarified procedures to the Board members.

Pose requested to also defer the Findings of Fact, that were on the agenda to be adopted.

Neubauer proposed having a rehearing at the Board of Adjustment April Meeting.

Friend thanked Mr. Pose for his presentation and stated that, should the Board approve a rehearing, he would like Mr. Pose to specifically address the two previously unmet criteria during any future meeting:

- (a.1) the ability to achieve a *reasonable return* on the property, and
- (a.2) the presence of *unique circumstances* justifying the variance.

Neubauer requested that staff add the rehearing request for Variance V25-000001 to the April Board of Adjustment agenda.

Harter clarified that the next agenda would include two items: (1) Discussion and Consideration of Requests for Rehearing under New Business, and (2) the V25-000001 Hocking Variance request under the Public Hearing section. The first to approve or deny the rehearing and the second would be the rehearing itself.

Hovick asked if someone from the Story County Attorney's Office needed to be present.

Harter said she would look into that.

APPROVAL OF FINDINGS OF FACT:

MOTION: Freind proposed to defer the Hockings Variance request Findings of Fact to a future date to be determined by staff.

Motion: Friend

Second: Jondle

Voting Aye: Friend, Jondle, Hovick, Neubauer, Excell

Voting Nay: None

Not Voting: None

Absent: None

Motion passed. MCU

NEW BUSINESS:

2025 Revised Meeting Schedule

MOTION: Jondle moved to approve Revised 2025 Meeting Schedule.

Motion: Jondle

Second: Excell

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: None

Motion passed. MCU.

OTHER BUSINESS:

None.

ADDITIONAL ITEM(S)

None

BOARD COMMENTS

None.

STAFF COMMENTS

None.

ADJOURNMENT

MOTION: Friend moved to adjourn the meeting.

Motion: Friend

Second: Jondle

Voting Aye: All

Voting Nay: None

Not Voting: None

Absent: None

Motion passed. MCU.

ADJOURNMENT: 4:12 PM

Approval of Minutes

Title and Date