

**STORY COUNTY  
PLANNING AND DEVELOPMENT  
STORY COUNTY ADMINISTRATION  
900 6<sup>TH</sup> 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](http://WWW.STORYCOUNTYIOWA.GOV)**

<b>DATE:</b> April 21, 2021	Steve McGill, Chair (Zoom)	2022
	Matthew Neubauer, Vice Chair (Zoom)	2021
	Kelli Excell (Zoom)	2023
	Nathan Hovick (Zoom) (Arrived at 4:02)	2024
	Elara Jondle (Zoom)	2024

**CALL TO ORDER:** 4:00 PM \*Absent  
**PLACE:** Zoom Meeting Originating  
From Administration Building

**Special Note:** Due to recommendations to social distance in order to help slow the spread of the COVID-19 virus, the capacity of our meeting room is significantly limited. Therefore, public access to the meeting will be provided via Zoom.

**PUBLIC PRESENT:** Pete Romer, Brian Aukes, Rachel Aukes, Joyce Hornstein, Stephen Jones

**STAFF PRESENT:** Amelia Schoeneman, Planning and Development Director (Zoom); Andrea Wagner, Planner; Stephanie Jones, Recording Secretary (Zoom)

**ROLL CALL:** McGill, Neubauer, Excell, Hovick (Arrived at 4:02), Jondle

**ABSENT:**

**APPROVAL OF AGENDA (MCU)**

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**APPROVAL OF MINUTES**

**Motion by Excell, Second by Neubauer to approve the March 17, 2021 minutes. (MCU)**

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**PUBLIC COMMENTS:**

None

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**HEARINGS:**

**VAR01-21/V21-000001 Aukes Variance Request**

Due to Marcus Amman's absence, Amelia Schoeneman presented the case. Schoeneman summarized the staff report and stated that the request is for a variance to the minimum front setback for a detached garage located in the R-1 Transitional Residential District, which

establishes a minimum front set back of 40 feet. The variance request is to permit the construction of a 24-foot-by-24 foot detached garage that would encroach on the front setback. The proposed setback is 20 feet, requiring a variance of 20 feet from 40 feet. The property is located in Section 13 of Palestine Township, parcel number 13-13-300-110, 30529 Doe Circle, Huxley. As the parcel contains an existing single-family dwelling and attached garage, staff has found that the legal principle of unnecessary hardship is not met with the proposed variance request. Planning and Development Staff is recommending denial of the requested variance. However, staff is able to find all legal principles are met if the garage is attached and/or reduced in size to require an eight-foot or less variance.

Brian Aukes stated that they wanted to establish a 24-foot-by-24 foot garage and chose detached instead of attached because of the trees. Aukes stated that he had previously lost a number of other trees due to the derecho. Aukes stated he had personally contacted neighbors and the Home Owners Association and all were ok with the proposed project, and also that equipment used to assist in maintaining the roads would be stored inside the garage. Rachel Aukes stated curb appeal is important and the proposed detached location is most ideal.

McGill asked if the smaller sized garage was approved if there would be enough room for equipment to be stored. Aukes stated there would be enough room, but also clarified that all of the current garage is not usable due to part of it being partitioned off by a wall from a previous homeowner for a shop area. Aukes feels that the detached option has good curb appeal and that there would be extra cost involved with the attached option due to work on the detached garage already being started.

Stephen Jones stated he is aware of the project and supports the proposed building. Jones appreciates the fact that the applicant does not want to lose additional trees.

Pete Romer stated he is in favor of the proposed project, does not feel it will negatively impact the look of the area, and is pleased that neighbors are wanting to improve the overall look of properties.

Scott Hornstein stated that he had spoken to Mr. Aukes about trimming his trees. He is ok with the proposed project as long as the trees are trimmed so the view from his property is not negatively affected.

Neubauer asked if the challenge to granting the requested variance is due to financial hardship. Schoeneman stated it is not financial, but rather if a variance is needed to use the property. In this case, there is already a single family dwelling with a garage on the property. Schoeneman stated that there is a hardship due to the oversized road right-of-way. Hovick understands that the project has been started and would create some financial challenges to have to re-do the project, but did not feel that could be considered a hardship since it was started before approved.

Hovick asked if the size of the right-of-way could be reduced. Schoeneman stated that would be a vacation process but felt that a variance was the better option.

Stephen Jones stated the plat was completed in 1976 and met standards at that time. There was a condition of the plat that the roads are dedicated to the public and owned and maintained by the homeowners association.

Aukes stated another option considered was to change the properties access location. The reason that option is not being considered that changing addresses is complicated and it could create confusion for emergency personnel.

Jondle stated she sympathizes with the property owner, but does not feel there is a hardship. She believes the root system of the trees could be disrupted if the garage was built in the proposed location, negatively affecting them anyway.

Schoeneman stated that the alternative #5 could be changed and end at eight feet rather than defining further.

**MOTION: The Story County Board of Adjustment approves the Aukes Setback variance request, as modified by Planning and Development Staff and put forth in case VAR01-21/V21-000001, for a variance of eight feet from the required 40 foot front setback to 32 feet for a garage.**

**Motion: Neubauer**

**Second: Excell**

**Voting Aye: Neubauer, Excell, Jondle, Hovick, McGill**

**Voting Nay: None**

**Absent: None**

**Vote: (5-0)**

**BOARD/STAFF COMMENTS:**

**Staff:** Schoeneman introduced the new Planner, Andrea Wagner.

**Board:** None

**ADJOURNMENT:** 4:31 PM



**Approval of Minutes**

*WCC-CHMR 2/24/2021*

**Title and Date**