

STORY COUNTY PLANNING AND ZONING

STORY COUNTY ADMINISTRATION
900 6TH STREET
NEVADA, IOWA 50201-2087

515-382-7245



"Commitment, Vision, Balance"

MINUTES STORY COUNTY BOARD OF ADJUSTMENT

DATE: December 5, 2012

David Miller, Chair	2015
Stephen McGill, Vice Chair	2012
*Victoria Feilmeyer	2014
Lynn Scarlett	2013
Aaron Steele	2016
(*) Absent	

CALL TO ORDER: 6:00 p.m.

PLACE: Public Meeting Room, 2nd Floor
Administration Building

ADJOURNMENT: 7:02 p.m.

PUBLIC PRESENT:

Steven Soupir, Michelle Soupir, Judy Parks, Charlie Kuester, Jerry Wiebel

STAFF PRESENT:

Charlie Dissell, Planner; Kristin Cook, Recording Secretary; Leanne Harter, Planning and Development Director

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES

August 9, 2012 - Tabled

November 7, 2012

PUBLIC COMMENTS: Opened 6:04 p.m. - Closed 6:04 p.m.

None

OLD BUSINESS:

NONE

TABLED ITEMS:

MOTION: Move to remove tabled item 8.I APPEAL01-12: Wunder Appeal Request.

VOTE: *Scarlett/McGill (4-0) (Feilmeyer Absent)*

Motion: Scarlett

Second: McGill

Voting Aye: McGill, Steele, Scarlett, Miller

Voting Nay: None

Not Voting: None

Absent: Feilmeyer

MOTION: Move to accept withdrawal of application from applicant.

VOTE: McGill/Steele (4-0) (Feilmeyer Absent)

Motion: McGill
Second: Steele
Voting Aye: McGill, Steele, Scarlett, Miller
Voting Nay: None
Not Voting: None
Absent: Feilmeyer

TABLED ITEMS:

MOTION: Move to remove tabled item 8.II VAR03-12 Soupir Variance Request.

VOTE: Scarlett/Steele (4-0) (Feilmeyer)

Motion: Scarlett
Second: Steele
Voting Aye: McGill, Miller, Steele, Scarlett
Voting Nay: None
Not Voting: None
Absent: Feilmeyer

STAFF PRESENTATION:

Mr. Charlie Dissell presented the current land use, parcel size, zoning, and vicinity map of the proposed Variance as submitted.

Mr. Dissell reviewed the zoning history and regulation history of said parcel. Mr. Dissell gave an overview of a Property Research Report that was conducted on August 30, 2012 stating that none of the exceptions to the minimum lot size requirements of the A-1, Agricultural Zoning District applied and as such, a zoning permit for a single family dwelling could not be issued.

Mr. Dissell reviewed the legal principles regarding the proposed variance, history of ownership, topography, soils, and erosion conditions. Mr. Dissell went on to state the use of adjacent parcels as being residential and agricultural in nature.

Mr. Dissell gave an overview of the Story County Development Plan and Ames Urban Fringe Plan.

Mr. Dissell reviewed other avenues the appellant could use to create a buildable lot on the subject parcel.

Mr. Dissell also reviewed the dates of legal notification and publication requirements.

Mr. Dissell outlined the Conceptual and Interagency Reviews completed by the Interagency Review Team.

Mr. Dissell provided the Board with four alternatives:

- 1) Approve Variance Case No. VAR03-12 as proposed and with conditions.
 - 2) Approve Variance Case No. VAR03-12 as proposed.
 - 3) Deny Variance Case No. VAR03-12 as proposed.
 - 4) Table Variance Case No. VAR03-12 for further information from staff and/or the applicant.
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BOARD COMMENTS:

Mr. David Miller asked staff to clarify the LESA exception and rating scale. Mr. Dissell clarified.

APPLICANT COMMENTS:

Mr. Steven Soupir

Mr. Soupir gave an overview of their goals for the property in question. Mr. Soupir reviewed the legal principles involved and explained how he feels there is not a reasonable return to the land.

Mr. Dissell shared submitted public comments.

PUBLIC COMMENTS:

Jerry Wiebel

Mr. Wiebel asked for clarification regarding the number of proposed houses on the subject property. Mr. Soupir stated that only one house is proposed to be built. Mr. Wiebel stated he supports the variance.

Judy Parks, City of Ames Legal Counsel

Ms. Parks stated she encourages the Board to be sure the applicant meets all legal principles. Ms. Parks reviewed the legal principles as well and stated the reasons she feels the property does not meet these principles. Ms. Parks stated she feels the variance should be denied.

Mr. McGill asked for clarification of the zoning regulations regarding single and multiple residences within one parcel. Ms. Parks stated she needed to research the County regulations further to answer such an inquiry.

Charlie Kuester

Mr. Kuester reviewed the purpose of the Ames Urban Fringe Plan. Mr. Kuester gave an overview of other parcels which have been affected by the plan, 28E agreement, and why this variance should not be approved. Mr. Kuester stated the proposed area is reserved for future development at which time full infrastructure would be put in place.

BOARD COMMENTS:

Mr. Miller asked for clarification regarding property ownership. Mr. Soupir stated that a purchase agreement has been made with the current property owner.

APPLICANT CLOSING STATEMENTS:

Mr. Soupir questioned staff whether decisions are based on a parcel by parcel basis rather than by full acre. Mr. Soupir also questioned whether the use was the main focus of a variance. Mr. Dissell stated most variances are submitted as a single parcel. Mr. Soupir reiterated he feels they have met all legal principles. Mr. Soupir stated the City of Ames conditions are usually applied to subdivision and developers, which is not their intent.

Board discussed the proposed Variance.

MOTION: **Move to adopt the Findings of Fact as amended in the Staff Report prepared for and presented to the Story County Board of Adjustment.**

VOTE: **Steele/McGill (4-0) (Feilmeyer Absent)**

Motion: Steele

Second: McGill

Voting Aye: Miller, McGill, Steele, Scarlett

Voting Nay: None

Not Voting: None

Absent: Feilmeyer

MOTION: **Move to adopt the Decision as put forth in the Staff Report, prepared for and presented to the Story County Zoning Board of Adjustment.**

VOTE: **McGill/Steele (4-0) (Feilmeyer Absent)**

Motion: McGill

Second: Steele

Voting Aye: Steele, Scarlett, McGill, Miller
Voting Nay: None
Not Voting: None
Absent: Feilmeyer

MOTION: Move to deny the request as proposed by the applicant in Case No. VAR03-12, as discussed by the Zoning Board of Adjustment and in the Staff Report prepared for and presented to the Story County Zoning Board of Adjustment finding that all applicable Legal Principles have not been met.

VOTE: *McGill/Steele (4-0) (Feilmeyer Absent)*
Motion: McGill
Second: Steele
Voting Aye: Scarlett, McGill, Miller
Voting Nay: None
Not Voting: None
Absent: Feilmeyer

NEW BUSINESS:
None

OTHER BUSINESS:
None

BOARD COMMENTS:
None

STAFF COMMENTS:
Ms. Leanne Harter asked Board members to consider conducting a special meeting at the end of January for a time sensitive application. Board members discussed. Board members stated they would be willing to reschedule the February 2013 meeting to the end of January if Board members' calendars allow.

ADJOURNMENT: 7:02 p.m.

Approval of Minutes

Title and Date