

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



"Commitment, Vision, Balance"

515-382-7245

**MINUTES
STORY COUNTY
BOARD OF ADJUSTMENT**

DATE: August 7, 2013	David Miller, Chair	2015
	Stephen McGill, Vice Chair	2012
CALL TO ORDER: 6:00 p.m.	*Victoria Feilmeyer	2014
PLACE: Public Meeting Room, 2 nd Floor Administration Building	Lynn Scarlett	2013
	*Aaron Steele	2016
	(*) Absent	

ADJOURNMENT: 6:44 p.m.

PUBLIC PRESENT: Brent Seegers, Denise Tjarks, Avis Steensland, Joan Dooley, Don Dooley

STAFF PRESENT: Leanne Harter, Planning and Development Director; Ryan Newstrom, Planner; Kristin Cook, Recording Secretary

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)

July 3, 2013

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

NONE

OLD BUSINESS:

NONE

NEW BUSINESS:

7. I BIOFORGE VARIANCE

Applicant: Brent Seegers

Nature of Request: Variance to Section 86.10(5) to allow for a 10' rear setback for a new commercial structure.

Staff Member: Ryan Newstrom

Parcel Number: 1311400114

STAFF PRESENTATION:

Mr. Newstrom gave an overview of the proposed variance, location, current zoning and provided site shots of the property. Mr. Newstrom reviewed the non-conformance of the current structures and the steps to gain conformance.

Mr. Newstrom reviewed the dates of legal notices, mailings, and application reviews.

Mr. Newstrom gave an overview of the history of the property and structures. Mr. Newstrom stated current and past set-back regulations for the proposed variance site.

Mr. Newstrom reviewed the Findings of Fact and applicable standards for approval for the Board to consider in reviewing the proposed variance.

Mr. Newstrom gave an overview of comments submitted by the public as well as County Staff comments.

Mr. Newstrom presented the Board with four (4) alternatives:

1. Approve Variance Case No. VAR03-13 as proposed and with conditions.
2. Approve Variance Case No. VAR03-13 as proposed.
3. Deny Variance Case No. VAR03-13 as proposed.
4. Table Variance Case No. VAR03-13 for further information from staff and/or the applicant.

BOARD COMMENTS:

Mr. David Miller asked for clarification regarding the Findings of Fact, which mentioned previous variance cases. Mr. Newstrom reviewed the previous set-back variance requests for said property to clarify stating the previous variance was approved for a garage.

Ms. Lynn Scarlett asked for clarification regarding the main structure. Mr. Newstrom indicated, via site map, which structure is considered the main structure.

Mr. Miller asked for clarification regarding the current regulations which explain the means in which a structure may be destroyed. Staff stated the regulations state that a structure may be destroyed by “any means”.

APPLICANT COMMENTS:

Ms. Denise Tjarks, Chief Operations Officer; Bioforge Labs

Ms. Tjarks stated the property contains a billboard on the north portion of the property that they'd like to keep. Ms. Tjarks stated said billboard keeps them from building any further to the north than proposed.

Mr. Miller asked for clarification regarding the nature of the Bioforge business. Ms. Tjarks stated that Bioforge creates exotic animal foods.

Mr. Miller asked the reason for wanting to demolish the current structure. Ms. Tjarks stated currently the structure has great structural damage, which was not revealed until the structure had been emptied of its contents.

Mr. Miller questioned the intended future of the current garage structures. Ms. Tjarks stated the plan is to remove the current garage structures in the future. Mr. Miller clarified that the proposed

variance is for any structures placed on the property, not just one. Mr. Newstrom stated Board members could grant/deny a variance for one or multiple structures.

Mr. Miller questioned whether the applicant considered swapping land with an adjacent landowner. Ms. Tjarks stated their realtor contacted adjacent owners and no interested was given.

Mr. Miller questioned the northern railroad track location. Ms. Tjarks indicated on the site plan the location of such track.

PUBLIC COMMENT:

Ms. Joan Dooley asked for more clarification regarding the Bioforge business.

Mr. Brent Seegers stated Bioforge would maintain the factory in Huxley and would utilize the current location as auxiliary lab space and employee office space. Mr. Seegers also stated that Bioforge Labs formulate private label exotic animal foods for universities and zoos. Mr. Seegers stated that there would be no chemical usage on site.

Mr. Jim Dooley asked for clarification regarding possible chemical usage and runoff. Mr. Seegers stated that no chemicals would be used at the proposed variance site. Mr. Dooley also asked for clarification regarding the requested setback distance. Mr. Miller reviewed the request.

Ms. Avis Steensland stated she is the surrounding property owner that is unwilling to sell or trade her land with Bioforge Labs. Mr. Miller clarified his previous inquiry regarding the surrounding property. Ms. Steensland stated she does not have any unused land to sell.

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

VOTE: McGill/Scarlett (3-0)

Motion: McGill

Second: Scarlett

Voting Aye: Miller, Scarlett, McGill

Voting Nay: None

Not Voting: None

Absent: Steele, Feilmeyer

DECISION

MOTION: Move to adopt the Decision as outlined in the Staff Report prepared and presented to the Story County Board of Adjustment, finding the Legal Principles as applicable are met, with the Exception of A.1.

Amended Motion: Move to adopt the Decision as outlined in the Staff Report prepared and presented to the Story County Board of Adjustment, finding the Legal Principles as applicable are met, with the Exception of A.1, which the Board find not applicable.

VOTE: McGill/Scarlett (3-0)

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

ORDER

MOTION: Move to approve the request as proposed by the applicant in Case No. VAR03-13, as discussed by the 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 been satisfied.

VOTE: McGill/Scarlett (3-0)

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

WHEREFORE, it is ordered that the application for a Variance (Case Number VAR03-13) by Bioforge Labs Inc. for property generally located on Section 11 of Palestine Township. (Parcel Identification Number: 13-11-400-114), for a variance to Section 86.07(5) to allow for a 10' rear setback for a new commercial building and single family dwelling is hereby approved as evidenced by the Board's findings that all Legal Principles have been met as required by the *Story County Land Development Regulations*.

OTHER BUSINESS:
NONE

BOARD COMMENTS:
NONE

STAFF COMMENTS:
NONE

ADJOURNMENT: 6:44 p.m.

Approval of Minutes

Title and Date