



**STORY COUNTY
PLANNING AND DEVELOPMENT
STORY COUNTY ADMINISTRATION
900 6TH 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

DATE: May 15, 2019	Steve McGill	2022
	*Lynn Scarlett	2023
CALL TO ORDER: 4:00 PM	*Karen Youngberg	2019
PLACE: Public Meeting Room	Randy Brekke	2019
Administration Building	Matthew Neubauer	2021
*Absent		

PUBLIC PRESENT: Jane Weingart, Sierra Scarnati, Brad Perkins, Doug McCay, Christine Hausner, Gina Perkins, Kim Christiansen, John Moore, Greg Ervanian

STAFF PRESENT: Jerry Moore, Planning and Development Director; Stephanie Jones, Recording Secretary

ROLL CALL: McGill, Scarlett, Youngberg, Brekke, Neubauer

ABSENT: Scarlett, Youngberg

APPROVAL OF AGENDA (MCU)

APPROVAL OF MINUTES (MCU)
April 17, 2019

APPROVAL OF FINDINGS OF FACTS FROM APRIL 17, 2019 MEETING Motion by Neubauer, Second by Brekke (MCU)

Written Findings of Fact CUP02-19

PUBLIC COMMENTS: None

HEARINGS:

Before providing the staff presentation, Jerry Moore stated that there is a court reporter present who has been requested by the opposing attorney to take minutes of the meeting.

CUP03-19 PERKINS RASPBERRY HILL BED AND BREAKFAST

Jerry Moore summarized the documents that were posted on the agenda center. Moore summarized a letter received from the opposing Attorney, Greg Ervanian, raising concerns about allowing a re-submittal for the bed and breakfast. Moore stated that staff's position about this letter is that there is legal authority because the submittal is substantially different from the first submittal and that Mr. Ervanian needs to provide legal evidence of why the CUP application can not be submitted and acted on by the Board of Adjustment.

Moore presented the staff report and stated that this request is for a four-guestroom Bed and Breakfast to accommodate approximately eight (8) guests available for nightly, weekly, and monthly rental throughout the year that includes a proposed new 600 square foot addition to the existing dwelling for one ADA accessible guestroom. Moore stated that on April 25, 2019, the applicant requested to eliminate the proposed 4,400 square foot event venue for approximately 300 guests for recreational and event uses (e.g. weddings, receptions, corporate retreats, and parties) from the request after the Conditional Use Permit application was submitted. Moore stated that on May 1, 2019 the Story County Planning and Zoning Commission recommended approval of the Conditional Use Permit with conditions.

McGill asked the applicant for clarification about the pending lawsuits and asked if this proposed CUP were approved, what would happen while the court makes decision. Bradley Perkins stated that the intent is to allow the courts to run the course and that he would like to be able to operate and continue to do what he is currently doing during the court process since it could be tied up in court for several years. Perkins stated that he does not intent to give up on the previous CUP's and this only helps ensure that he can continue to stay in business while waiting for the court's decision. Brekke asked if there are concerns about the road flooding. Perkins stated that flooding is a legitimate concern, but it is consistent with other roads around the area and the water recedes quickly. Brekke asked how many people could currently stay in the Bed & Breakfast. Perkins stated there are currently three showers, so three bedrooms are allowed to be booked and his plans are to be able to allow four bedrooms to be booked.

Bradley Perkins presented photos of the house. Perkins restated that there are three bedrooms for rent with one additional ADA compliant bedroom proposed. Perkins stated that the current bedrooms and hallways are not ADA compliant and that it is easier to add a compliant bedroom on than to restructure the current bedrooms for accessibility. Perkins provided information about the dry hydrant and stated that he has been working closely with the Kelley Fire Chief. Perkins stated that he had some information that he was not aware of during the last CUP about the Palensky's currently renting out their house for similar uses to what he is requesting.

Christine Hausner stated that she is very involved in the community and is in support of the Bed & Breakfast.

Kim Christiansen, a neighbor stated that he agrees the Bed & Breakfast is excellent addition to the area and is pleased with what the Perkins' are doing.

John Moore, a neighbor stated that he is in support of the Bed & Breakfast and there has been no impact by events that have been held so far.

McGill stated that he has concerns with the lawsuits still pending, but that he does understand Perkins' position.

Neubauer stated that he feels any concerns were covered and does not feel there is anything requiring denial.

MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the Raspberry Hill Bed and Breakfast with events by appointment with the following conditions:

- 1. All parking stall areas shall be clearly marked in order to meet the Story County Land Development Regulations Section 88.08 that all parking spaces and circulation routes are well-defined and clearly marked.**
- 2. The applicant shall provide dust control on 240th Street adjacent to existing and future dwellings if daily traffic counts to and from the subject property exceed 150 vehicles per day. At any time, the Planning and Development Department may request the applicant to hire an engineer to study the traffic counts on 240th Street to and from the subject property.**
- 3. A site plan meeting all requirements of the Story County Land Development Regulations shall be submitted for action by the Story County Board of Supervisors prior to the issuance of any Zoning Permits.**
- 4. The applicant shall install a dry hydrant and pipe extending to the pond to draw water in the event of a fire.**

Motion: Neubauer

Second: Brekke

Ayes: Neubauer, Brekke, McGill

Nays: None

Not Voting: None

Absent: Scarlett, Youngberg

Vote: (3-0)

BOARD/STAFF COMMENTS:

Staff: Moore stated that a new planning intern will be starting next week and interviews have been completed, and the new planner has been hired and will be starting soon. Moore stated that cases coming before the Board of Adjustment in June will be a meteorological tower, which is used to capture wind speeds, which would be done at the same time as a request for changing out equipment on existing wind energy conversion systems. Neubauer asked about the installation of the towers and Moore stated they are existing and the project would involve replacing blades and equipment on 100 wind energy conversion systems located in northeast Story County.

Board: None

ADJOURNMENT: 4:56 PM



Approval of Minutes

Co-Chair, 6-19-19

Title and Date