



**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> September 18, 2019	Steve McGill	2022
	Matthew Neubauer	2021
	*Karen Youngberg	2019
<b>CALL TO ORDER:</b> 4:00 PM	Randy Brekke	2020
<b>PLACE:</b> Public Meeting Room Administration Building	*Absent	

**PUBLIC PRESENT:** Andrew Friend, Barb Steinback

**STAFF PRESENT:** Jerry Moore, Planning and Development Director; Marcus Amman, Planner; Stephanie Jones, Recording Secretary

**ROLL CALL:** McGill, Brekke, Neubauer

**ABSENT:** Youngberg

**APPROVAL OF AGENDA (MCU)**

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**APPROVAL OF MINUTES Motion by Brekke, Second by Neubauer (MCU)**  
August 2, 2019

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**APPROVAL OF FINDINGS OF FACTS FROM August 2, 2019 MEETING Motion Neubauer by Second by Brekke (MCU)**

Written Findings of Fact CUP07-19 Roland Vet Clinic

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**ELECTION OF VICE CHAIR Motion by Brekke, Second by McGill for Neubauer to serve as Vice Chair. (MCU)**

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**PUBLIC COMMENTS:** None

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**HEARINGS:**

**Wind Energy Conversion Project - CUP05-19**

Jerry Moore stated that the Story County Board of Adjustment approved CUP05-19 for Story County Wind LLC Conversion (vote 3-0) with conditions on June 19, 2019. The Wind Energy Conversion System Conversion project includes converting 100 existing wind energy conversion systems located in northeast Story County, changing out rotors, gears and generators. At the

June 19, 2019 Board of Adjustment meeting, at the request of NextEra Energy, in accordance with condition three, 10 of the 21 property owners impacted by shadow flicker were tabled until shadow flicker agreements could be reached. Agreements have now been reached between NextEra Energy and nine of the ten property owners impacted by shadow flicker.

Staff recommended that the Board of Adjustment approve the WECS conversion projects for the nine property owners that shadow flicker agreements have now been reached. Staff also recommended that the Board approve NextEra Energy's letters acknowledging they will meet the County's shadow flicker requirements on Arden Greiner's and Alan Knaphus' property until such time that agreements are made.

Brekke asked if the regulations changed since original construction. Moore stated that there was an amendment after the original construction in 2008. Brekke asked why the blades are being changed. Jeff Bryce spoke and stated that efficiency has improved over the past 10 years so now is a good time to update the systems, which will result in a measurable amount of improved efficiency.

Neubauer asked for clarification about the use of the systems on the sites that agreements have not been reached. Bryce explained the process for meeting county regulations until agreements are reached.

**MOTION: The Story County Board of Adjustment recommends approval for the WECS conversion projects for the nine property owners where shadow flicker agreements have now been reached with NextEra Energy and the two letters indicating NextEra Energy will meet the County's shadow flicker requirements until agreements are reached with the landowners.**

**Motion: Neubauer**

**Second: Brekke**

**Ayes: Neubauer, Brekke, McGill**

**Nays: None**

**Not Voting: None**

**Absent: Youngberg**

**Vote: (3-0)**

#### **CUP09-19 Story County Animal Control**

Marcus Amman presented the staff report and stated that Story County Animal Control is proposing to erect a 75-foot tall non-commercial communications tower to provide a county network connection to the Animal Control building. Amman stated that the proposed tower will allow Animal Control employees to have access to network drives, and to the County's phone system allowing for 4-digit dialing between their building and all other County buildings, as well as enable Story County Information Technology to better troubleshoot computer issues that they may be experiencing.

Brekke asked what the main reason for the tower is. Amman stated that it is for updating the network connection so that they have access to the same items that the Administration Building has. McGill asked about the fall distance. Moore stated that if it were to fall it would fall on the property. Brekke asked how much higher the tower will be than the current one. Amman stated that it would be approximately double the size of the existing tower.

**MOTION: The Story County Board of Adjustment recommends approval of the Conditional Use Permit for the Story County Animal Control Communications Tower as put forth in case CUP09-19, as submitted.**

**Motion: Brekke**  
**Second: Neubauer**  
**Ayes: Brekke, Neubauer, McGill**  
**Nays: None**  
**Not Voting: None**  
**Absent: Youngberg**  
**Vote: (3-0)**

#### **VAR04-19 Friend Variance Request**

Amman presented the staff report and stated that the request is for a variance to the minimum front set back at a nonconforming dwelling located in the A-1 District, which establishes a minimum front set back of 50 feet. The variance request is to permit the construction of a single-family dwelling addition that will encroach on the front setback requiring a variance of 33 feet from 50 feet to 17 feet. Amman stated that the existing dwelling was built in 1930 and was the location of the original farmstead. The original barn is still on the property and located near the right of way. There is also a detached garage to the northwest of the dwelling. The Friend family recently updated the second story of the dwelling, which included the bathroom. The bathroom is located in the south facing dormer and due to these updates, the possibility of extending the home to the south would require removing the renovations that were completed previously. There is a deck attached to the dwelling on the east that was added prior to the Friend's purchase of the property. There is a well 140 feet to the south of the dwelling, which would make adding on to the dwelling to the south more difficult.

Amman stated that the location of the septic system and laterals on three sides of the dwelling create unique circumstances that make the situation more difficult as moving the septic system would be cost prohibitive to the entire project. This combined with the recent renovations to the second story, especially the bathroom, prevents adding on to the dwelling to the south.

McGill asked for clarification as to where the addition is proposed. Brekke asked about the current laterals. Amman stated that once the addition is approved discussion would take place with Environmental Health to meet the current septic requirements.

Andrew Friend spoke and stated that the condition for the septic system is in the event an additional bedroom is added. Friend clarified the proposed additions of bedrooms and living room.

McGill asked about a variance for the deck. Amman stated the variance would be for the front line set back, which would include the deck. McGill asked how old the current septic system is. Amman stated it was put in in 2013.

#### **MOTION:**

**The Story County Board of Adjustment approves the Friend Setback variance request with a condition and as put forth in case VAR04-19, for a variance to allow the proposed dwelling addition to have a front setback of 17 feet in the A-1 District.**

**Condition: The septic system will be upsized and laterals extended as needed per Environmental Health's standards.**

**Motion: Neubauer**  
**Second: Brekke**  
**Ayes: Neubauer, Brekke, McGill**

**Nays: None**  
**Not Voting: None**  
**Absent: Youngberg**  
**Vote: (3-0)**

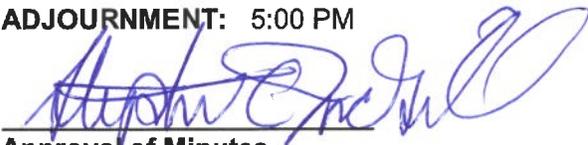
**BOARD/STAFF COMMENTS:**

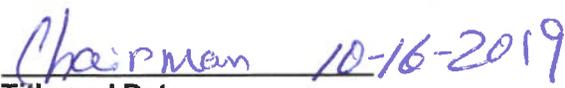
**Staff:** Moore stated that the Board of Adjustment opening has been posted and that there should be a recommendation for appointment in December. McGill asked if a court decision has been made regarding the McCay property request on the third CUP request. Moore stated that it was found that since the Board of Adjustment did not have written findings of fact, that the decision was nullified. The County is appealing the first two decisions. Moore stated there has not been a decision on the third case. McGill asked what would happen if the appeal were lost. Moore stated that all previous decisions would be null. Neubauer asked if the applicant could reapply now that findings of fact are being prepared. Moore stated that would be an option. McGill asked why the findings of fact are not seen at the same time of the meeting. Amman stated that the findings of fact captures what is discussed during the meeting and the decision so they are prepared after the meeting.

Moore stated that the Board of Supervisors approved the process to obtain new permitting software. The summer internship program has been extended and Gabriel Nelson will be starting back tomorrow. Brekke stated that he likes the idea of everything being digital and asked if less paper will be used. Moore stated that less paper should be used with the new system. Neubauer asked for an update on Hickory Grove. Moore stated that the applicant lost the court case so a Compliance Schedule will be prepared allowing no more than 34 mobile homes.

**Board: None**

**ADJOURNMENT: 5:00 PM**

  
Approval of Minutes

  
Title and Date