



BOARD OF ADJUSTMENT MEETING MINUTES

THURSDAY JUNE 11, 2020

5:30 P.M. – BOONE COUNTY COURTHOUSE, 1ST FLOOR CONFERENCE ROOM
5:30 P.M. –VIA ELECTRONIC TELEPHONE CONFERENCE

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I. OPEN MEETING AND ROLL CALL

Dennis Lynch
Steve Kieffer
Ruth Berglund
Sam Fisher

ATTENDANCE: Dennis Lynch, Ruth Berglund, Sam Fisher and Steve Kieffer

ABSENT:

ALSO IN ATTENDANCE:

II. APPROVAL OF MINUTES:

May 14, 2020

Steve Kieffer moved to approve the minuets as written

Seconded by Ruth Berglund

Ruth Berglund—yes
Sam Fisher—yes
Steve Kieffer—yes
Dennis Lynch—yes

Motion Carried

III. APPROVAL OF AGENDA

IV. DISCLOSE CONFLICT OF INTEREST AND EX-PARTE COMMUNICATION

- A. Steve Kieffer abstained from voting on the Petition for Variance #2020-004 submitted by Fareway Stores and Petition for Variance #2020-006 submitted by Steve Long.

V. CITIZENS COMMENTS ON ITEMS NOT ON THE AGENDA (ADDITIONS TO AGENDA)

- A. None

VI. OPEN PUBLIC HEARING(S) AND CONSIDERATION OF APPLICATION(S)

- A. Petition for Variance # 2020-004 submitted by Jason Nystrom on behalf of Fareway Stores Inc. Fareway stores Inc is requesting relief from section 7.03.03 (Wall Signs) of the Boone County Zoning Ordinance which allows a wall sign to be a maximum of 400 sq. ft. Fareway Stores Inc is wanting to place a wall sign of 2,833.05 sq. ft on its distribution center located at 2300 Industrial Park Rd, Boone, Ia 50036.

Chairman Sam Fisher first asked for any comments from the applicant, Jason Nystrom.

Nystrom stated he had no further comments at this time.

Fisher next asked for any public comment of which there was none.

Public hearing closed by Chairman Sam Fisher at 5:39 p.m.

Chairman Sam Fisher first asked for comments from Director Mike Salati.

Director Mike Salati noted Fareway had previously requested and been granted a similar variance for their distribution center.

Chairman Fisher next asked for any discussion from the board members of which there was none.

Ruth Berglund moved to approve application for Variance # 2020-004 submitted Jason Nystrom on behalf of Fareway Stores Inc. allowing for the construction of a 2,833.05 sq. ft wall sign to be located at the distribution center located at 2300 Industrial Park Rd, Boone, Ia 50036.

Seconded by Dennis Lynch

Dennis Lynch—yes

Sam Fisher—yes

Ruth Berglund—yes

Motion Carried

- B. Application for Conditional Use Permit #2020-006 submitted by Steven Long. Mr. Long is requesting relief from Section 4.15 Bulk Regulations table which requires All accessory buildings to setback a minimum of 50' from the front property line. Mr. Long is asking for a 27'6" variance which will allow him to build a 24' x 24' Garage 22'7" from his front property line.

Chairman Sam Fisher first asked for comments from Director Mike Salati.

Greg Long was first to speak in regards to his request. Long noted he was requesting the variance due to the unique shape of his lot. Long stated the subdivision was created Approximately 50 years ago prior to zoning.

Long also noted the tree line bordered the east side of his property and was unbuildable. Long noted the proposed site was the only logical area for the garage.

Chairman Sam Fisher questioned how for Mr. Long's home was from the right of way.

Mr. Long stated he believed the home was 44 feet from the front property line. Long also believed the garage would improve the area and add value to the area.

Long also noted that the planned to remove the existing garage which was on the property at the time they had purchased it.

Chairman Sam Fisher next asked for comments from Director Mike Salati.

Director Salati noted in the R-1 (Rural Residential) District an accessory structure was required to set back 50' from the road while the home or principle structure was only required to setback 35'.

Chairman Sam Fisher next asked for any public comment.

Ted Garwood was first to speak. Garwood was opposed to the request noting he was asking for a variance which was greater than 50% stating he did not think anyone would complain if the variance were for 5-feet. Garwood noted the front of garage would be 22 ½ ft from the road.

Garwood stated a variance was against the covenants.

Chairman Sam Fisher asked for any further comments.

Steve Long noted there had been a letter of objection submitted by Ron Holte, Long stated some of the comments in the letter were not factual and Long noted he believed that for some people change was difficult.

Dennis Lynch questioned how the setbacks were measured he questioned whether that was from the center of the road or from the property line starts.

Chairman Salati noted the setback was measured from the outside of the ditch he stated it wasn't necessarily the edge of the ditch but the edge of the road right of way. Salati stated he believed there was a 40' right of way so they would start in the center of the road and measure 20' at which point you would start to measure the setback.

Chairman Sam Fisher next asked for further comments of which there were none.

Chairman Sam Fisher closed the public hearing at 5:52 p.m.

Ruth Berglund moved to approve application # #2020-006 submitted by Steven Long. Petition for variance to allow for the construction of a 24' x 24' garage to be located 22' 7" from his front property line.

Seconded by Dennis Lynch

Dennis Lynch questioned whether this variance was similar to previously granted variances.

Director Salati noted each variance was granted on its own merit.

Lynch questioned whether a variance could be granted if it were in conflict with covenants.

Director Salati noted covenants were a separate issue and were enforceable through a civil action only.

Sam Fisher noted the immediate neighbor had submitted a letter of support and Chairman Fisher also noted the Board of Adjustment had previously approved a variance to allow construction within 5-feet of the right of way.

Dennis Lynch also questioned whether the county engineer had approved the location.

Director Mike Salati noted Scott Kruse had voiced no objection.

Steve Long stated he had received approval from the subdivision architectural committee. Long noted they were direct neighbors and would be most impacted by the variance.

Dennis Lynch—yes

Sam Fisher—yes

Ruth Berglund—yes

Motion Carried

VII. UNFINISHED BUSINESS

- A.** Application for Conditional Use Permit #2020-008 submitted by Great Pathfinder Wind, LLC c/o Apex Clean Energy / Great Pathfinder Wind, LLC is requesting a Conditional Use Permit to allow for the construction of a Commercial / Utility Wind Energy System with 37 wind turbines and one substation and a permanent meteorological tower to be located in Northern Boone County, Boone, Ia.

Steve Kieffer noted the county engineer had submitted a letter in regards to the road use agreement stating everything had been approved.

Dennis Lynch questioned if the resolution included drainage and road use agreements.

Chairman Salati noted that was a condition on the permit.

Dennis Lynch wanted the condition to state “prior to any construction of said facilities”.

Steve Kieffer moved to approve Conditional Use Permit # 2020-008 submitted by Great Pathfinder wind LLC to allow for the construction of a commercial / utility wind energy system with 37 wind turbines and one substation and one permanent meteorological tower to be located in northern Boone County.

VIII. NEW BUSINESS

- a. None

IX. DIRECTOR’S REPORT (PLANNING AND DEVELOPMENT DEPARTMENT)

X. ADJOURNMENT

Respectfully submitted

Wanda Cox