



## **BOARD OF ADJUSTMENT MEETING MINUTES**

**OCTOBER 10, 2019**

**5:30 P.M. – BOONE COUNTY COURTHOUSE, 1<sup>ST</sup> FLOOR CONFERENCE ROOM  
201 STATE STREET, BOONE**

**PLEASE ENTER THROUGH THE EAST DOOR**

### **I. OPEN MEETING AND ROLL CALL**

Amy Yoakum  
Dennis Lynch  
Steve Kieffer  
Ruth Berglund  
Sam Fisher

**ATTENDANCE:** Steve Kieffer, Amy Yoakum and Sam Fisher

**ABSENT:** Dennis Lynch and Ruth Berglund

**ALSO IN ATTENDANCE:** Joseph Moore, Darrin Ross, Janis Anderson, Casey Herrick,  
Nancy and Richard Degner

### **II. APPROVAL OF MINUTES:**

September 12, 2019

Steve Kieffer moved to approve the minutes as written

*Seconded by Amy Yoakum*

Steve Kieffer—yes  
Amy Yoakum—yes  
Sam Fisher—yes

*Motion Carried*

### **III. APPROVAL OF AGENDA:**

Amy Yoakum moved to approve the agenda

*Seconded by Steve Kieffer*

Steve Kieffer—yes

Amy Yoakum—yes  
Sam Fisher—yes

***Motion Carried***

**IV. DISCLOSE CONFLICT OF INTEREST AND EX-PARTE COMMUNICATION**

A. None

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

A. None

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

Chairman Sam Fisher stated they would reverse the order of the agenda and hear Janice Andersons Petition for Variance prior to that of Kevin Munson's as Munson was not present and would be available by phone.

- A. Application for Conditional Use Permit # 2019-007 submitted by Verizon Wireless to allow for the construction of a 190' monopole tower with an 8' lighting rod. The proposed communications facility would be located at 754 Nature Rd. and would be capable of hosting multiple carriers.

Public hearing opened by Chairman Sam Fisher at 5:32 p.m.

Discussion was held on the application for Conditional Use Permit.

Steve Kieffer questioned whether the proposed tower would be the same height as the previously approved tower.

It was stated that the tower was indeed to be built to the same specifications.

It was also noted that Verizon had come back to the Board of Adjustment due to the fact that construction had not begun within the 1<sup>st</sup> year after the permit had been issued therefore the Conditional Use Permit had to be renewed.

Chairman Sam Fisher also noted that the access appeared to be the same as the original permit. He also noted that at the prior meeting there had been citizens present whom were not in favor of the tower. He noted that at this time no one had come to speak in opposition of the request.

Director Mike Salati noted that the neighbors to the west (the Johnsons) had attended the Zoning Commission meeting and were satisfied with the application.

It was stated the Johnsons had requested the tower be moved to the north so that it was not obstructing their view, Verizon agreed and the tower was moved to the north.

Chairman Salati also noted the Zoning Commission had recommended approval of the application.

Steve Kieffer moved to close the public hearing.

***Seconded by Amy Yoakum***

Amy Yoakum—yes  
Steve Kieffer—yes  
Sam Fisher—yes

***Motion Carried***

Amy Yoakum moved to approve Conditional Use Permit # 2019-007 submitted by Verizon Wireless to allow for the construction of a 190' monopole tower with an 8' lighting rod. The proposed communications facility would be located at 754 Nature Rd. and would be capable of hosting multiple carriers.

***Seconded by Steve Kieffer***

Steve Kieffer—yes  
Amy Yoakum—yes  
Sam Fisher—yes

***Motion Carried***

Amy Yoakum moved to approve application # 2019-003 submitted by Josh Zimmerman to allow for construction of the accessory structure prior to the construction of the principle structure.

***Seconded by Ruth Berglund***

Ruth Berglund—yes  
Steve Kieffer—yes  
Amy Yoakum—yes  
Dennis Lynch—yes

***Motion Carried***

B. Petition for Variance #2019-004 submitted by Kevin Munson. Mr. Munson is requesting relief from section 4.12 (Bulk Regulations Table) of the Bone County Zoning Ordinance which requires a 50' front yard setback for an accessory structure in the R-1 (Rural Residential) District. Mr. Munson is requesting a 35' variance which would allow him to build a 40' x 20' accessory structure 15' from his front property line.

Kevin Munson was available by phone to discuss the request.

Chairman Sam questioned whether the property had access off of Highway 30.

Mr. Munson stated it did. Munson noted his property line setback was a total of 244 feet. He stated if he were given the 35' variance his structure would sit back a total of 259 feet from highway 30.

Chairman Sam Fisher questioned whether they knew where the access would be.

It was stated the access was there and that the building was already up.

Munson stated the reason he had begun construction prior to the granting of the variance was because he had \$50,000 in materials sitting on the house site. He stated that in another week to ten days there would be another \$100,000 in materials coming.

He stated he needed to have somewhere to store the materials. Munson also stated if he were required to meet the 50 foot setback the entire lot would be useless.

Darrin Ross the closest neighbor was present to speak in regards to the request. Ross noted the driveway was blind and that he had almost rear-ended the construction trucks twice. Anderson also noted they were going to give him a cross over.

Kevin Munson noted the prior owner was supposed to have done this.

Ross stated he believed this was dangerous.

Further discussion was held on the request and why the applicant had started construction prior to obtaining the needed permits.

Steve Kieffer moved to close the public hearing

***Seconded by Amy Yoakum***

Sam Fisher—yes

Steve Kieffer—yes

Amy Yoakum—yes

***Motion Carried***

The Board members discussed the fact that they were not against the actual variance but were not in favor of the fact that he had not followed proper procedure.

Munson apologized.

Amy Yoakum moved to approve Petition for Variance #2019-004 submitted by Kevin Munson. Mr. Munson is requesting relief from section 4.12 (Bulk Regulations Table) of the Bone County Zoning Ordinance which requires a 50' front yard setback for an

accessory structure in the R-1 (Rural Residential) District. Mr. Munson is requesting a 35' variance which would allow him to build a 40' x 20' accessory structure 15' from his front property line.

***Seconded by Sam Fisher***

Sam Fisher —yes  
Amy Yoakum—yes  
Steve Kieffer—yes

***Motion Carried***

- C. Petition for Variance #2019-005 submitted by Casey Herrick. Mr. Herrick is requesting relief from section 4.07.06 #5 (R-1 Rural Residential District) of the Boone County Zoning Ordinance which requires all private stables be located at least 200' from all boundary lines of the property.

Casey Herrick was present to speak in regards to his request. He stated he had spoken to all of the surrounding property owners in regards to the application, he stated there had been no objections to the request.

Chairman Sam Fisher also noted that the building (home) had been converted from a horse stable.

Casey Herrick stated the stable had met the required setbacks at the time it was built, he noted when the stable was converted and sold as a home he divided the property and part of the farm ground was sold to the adjoining farmer.

Steve Kieffer moved to close the public hearing

***Sam Fisher seconded***

Amy Yoakum—yes  
Steve Kieffer—yes  
Sam Fisher—yes

***Motion Carried***

Steve Kieffer moved to approve Petition for Variance #2019-005 submitted by Casey Herrick. Mr. Herrick is requesting relief from section 4.07.06 #5 (R-1 Rural Residential District) of the Boone County Zoning Ordinance which requires all private stables be located at least 200' from all boundary lines of the property.

***Seconded by Amy Yoakum***

Amy Yoakum—yes  
Steve Kieffer—yes

Sam Fisher—yes

***Motion Carried***

**VII. UNFINISHED BUSINESS**

Consideration of Petition for Variance #2019-001 submitted by Janis Anderson to allow for a tiny home of 252 sq ft or larger to be located adjacent to her existing home located at 1603 331<sup>st</sup> Dr, Madrid, Ia 50156

Discussion was held by the Board of Adjustment on the fact that the Board of Supervisors had been consulted in regards to their thoughts on how to handle the permitting of tiny homes.

Discussion was also held on the required easement utilities and water. Janis Anderson also noted that she may do a property line adjustment to enlarge the rear parcel. She also noted she would look into the costs of bringing water, electric and a private sewage system to determine whether the project would be feasible.

Amy Yoakum moved to close the public hearing.

***Seconded by Sam Fisher***

Amy Yoakum—yes  
Steve Kieffer—yes  
Sam Fisher—yes

***Motion Carried***

Steve Kieffer next moved to approve Petition for Variance #2019-001 submitted by Janis Anderson to allow for a tiny home of 252 sq ft or larger to be located adjacent to her existing home located at 1603 331<sup>st</sup> Dr, Madrid, Ia 50156 subject to obtaining a Zoning Permit from the Boone County Planning & Development office.

***Seconded by Amy Yoakum***

Steve Kieffer—yes  
Sam Fisher—yes  
Amy Yoakum—yes

***Motion Carried***

**VIII. NEW BUSINESS**

A. None

**IX. REPORT OF ZONING ADMINISTRATOR AND DIRECTOR OF PLANNING**

Director's Report (Planning and Development Department) - None

**X. ADJOURNMENT**

Respectfully submitted,

Wanda Cox  
Secretary



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### I. OPEN MEETING AND ROLL CALL

Amy Yoakum  
Dennis Lynch  
Steve Kieffer  
Ruth Berglund  
Sam Fisher

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

**ABSENT:**

**ALSO IN ATTENDANCE:** Janis Anderson and Josh Zimmerman

### II. APPROVAL OF MINUTES:

September 12, 2019

Steve Kieffer moved to approve the minutes as written

*Seconded by Ruth Berglund*

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

*Motion Carried*

### III. APPROVAL OF AGENDA:

Amy Yoakum moved to approve the agenda

*Seconded by Steve Kieffer*

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

*Motion Carried*



**IV. DISCLOSE CONFLICT OF INTEREST AND EX-PARTE COMMUNICATION**

- A. Sam Fisher stated he was the current property owner therefore had a conflict of interest. Sam turned the meeting over to Vice Chairman Steve Kieffer and dismissed himself.

**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 # 2019-003 submitted by Josh Zimmerman to allow for an accessory structure prior to the construction of a primary structure on less than four (4) acres as required by the Boone County Zoning Ordinance Section 4.15.01 #6. Mr. Zimmerman is wishing to build a 36' x 60' pole building to allow for the storage of materials for his future home.

Chairman Steve Kieffer first asked for comments from staff.

Director Mike Salati stated Zimmerman was wishing to build an accessory structure to be built prior to the home on a lot of less than four acres as required by the Boone County Zoning Ordinance. Salati stated Zimmerman was planning to build a home on the property therefore this would bring the property into compliance. Salati noted Zimmerman was wishing to use the building for storage of materials used in the construction of the home.

Vice Chairman Kieffer next asked for any comments from the applicant.

Josh Zimmerman noted he currently lived one half of a block away and stated he was wishing to build the building to store tools and equipment used in the construction of the home.

Vice Chairman Steve Kieffer next asked for any public comment of which there was none.

Kieffer next asked for any comments from the commission of which there was none.

Public hearing closed at 5:37 p.m. by Vice Chairman Steve Kieffer

Amy Yoakum moved to approve application # 2019-003 submitted by Josh Zimmerman to allow for construction of the accessory structure prior to the construction of the principle structure.

***Seconded by Ruth Berglund***

Ruth Berglund—yes

Steve Kieffer—yes

Amy Yoakum—yes

Dennis Lynch—yes

***Motion Carried***

- B. Petition for Variance # 2019-001 submitted by Janis Anderson to allow for a tiny home to be located adjacent to her existing home at 1603 331<sup>st</sup> St, Madrid, Ia. Ms. Anderson is wishing to place a tiny home of 252 sq ft or larger on wheels on her property. The Boone County Zoning Ordinance Section 2.02.129 Definitions requires dwellings to be a minimum of 700 square ft and that they be placed upon a permanent foundation.

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

Fisher first asked for any comments from staff.

Director Mike Salati discussed the request. Salati noted Janis Anderson was actually requesting two variances. The first variance was requested to allow a home of 252 sq which does not meet the required 700 sq ft requirement to the Boone County Zoning Ordinance; the second variance was requested because her tiny home will not be placed on a permanent foundation also required by code. Salati noted the intended location was directly behind her existing home in the Reddish Addition.

Dennis Lynch questioned why a variance was required as the tiny home would be portable.

Salati noted it would not be considered a dwelling without the proposed variance he noted an RV was not an allowable dwelling and would not be allowed.

Chairman Sam Fisher questioned what type of septic tank would be allowable.

Director Salati noted due to the soil type an alternative system would be required.

Chairman Fisher also questioned how access would be gained to the property.

Salati noted either an easement or some type of access would need to be created.

Vice Chairman Steve Kieffer questioned whether this issue should be discussed first with the Board of Supervisors.

Salati noted the supervisors may wish to create a new district for tiny homes or may require conditional use permits for this type of use.

After further discussion the Board of Adjustment concluded the issue be tabled until which time the Board of Supervisors could be consulted.

Steve Kieffer moved to table the variance petition 2019-001 request until which time the Board of Supervisors could be consulted.

***Seconded by Ruth Berglund***

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

***Motion Carried***

**VII. UNFINISHED BUSINESS**

A. None

**VIII. NEW BUSINESS**

A. None

**IX. REPORT OF ZONING ADMINISTRATOR AND DIRECTOR OF PLANNING**

Director's Report (Planning and Development Department) - None

**X. ADJOURNMENT**

Respectfully submitted,

Wanda Cox  
Secretary