



BOARD OF ADJUSTMENT MEETING MINUTES

THURSDAY JUNE 11, 2026 5:30 P.M.

5:30 P.M. – BOONE COUNTY COURTHOUSE, 4TH FLOOR CONFERENCE ROOM
201 STATE ST, BOONE, IA 50036

I. OPEN MEETING AND ROLL CALL

Nate Cottington
Steve Kieffer
Ruth Berglund
Sam Fisher
Holly Kilstrom

ATTENDANCE Nate Cottington, Sam Fisher, Ruth Berglund and Steve Kieffer

ABSENT: Holly Kilstrom

ALSO, IN ATTENDANCE: Craig Madden, Rex Schell, Mandy Kelley, Steve Kelley, Greg Flynn, Valerie Evans, Jenn Wood, Barbara Swank, Tim Harmer, Vivian Sieve, Cheryl Robinette, Kevin Anderson, Valerie Parker, Scott Longhorn, and Matt Sieve

II. APPROVAL OF MINUTES:

A. April 16, 2026

Steve Kieffer moved to approve the minutes

Seconded by Ruth Berglund

Voice vote—Unanimous

Motion Carried

III. APPROVAL OF AGENDA

Steve Kieffer moved to approve

Seconded by Nate Cottington

Voice vote—Unanimous

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)

Public Hearing opened at 5:33 p.m. by Chairman Sam Fisher

- A. Petition for a Variance # 2026-VAR-001 submitted by Jennifer Wood of Elite Construction. Ms. Wood is requesting a 2'side yard variance to allow for the construction of a single-family home to be located approximately 10' from the east property line. (site address is 715 W 16th St, Boone, Ia.)

Chairman Sam Fisher opened the public hearing at 5:31 p.m. for public comment.

Steve Kelley was present to speak in regards to the request. Kelley is the son of Cheryl Robinette who own the adjoining property.

Fisher asked if Kelley had any additional comments on the application.

Kelley stated he had a pile of information but did not want to waste the board's time. Kelley stated he had spoken to Mr. Salati and Wanda several times and several other people. He stated he did not know what information the board had been given and had been told he could show up at the meeting and ask questions.

Barbara Swank was first to comment, Swank stated she could not believe a permit had been issued for a home on that lot. Swank believed more care should have been taken when laying out the home.

Swank stated she could see that something did not look right. Swank stated either they didn't know where the lot line was or didn't care. She stated either one of those things was not right.

Steve Kelley questioned what facts the Board of Adjustment had been given or if the information was even facts.

Chairman Sam Fisher noted they had a detailed report and application.

Director Mike Salati noted copies of the application were available by request as stated on the public hearing notice which had been sent out to surrounding property owners.

Scott Kelley noted he had been told he would be given time to discuss the request.

Kelley noted the property had originally belonged to his biological father, and that his father would not sell the land to any of the family members.

Kelley noted the property had been sold a couple of times since. Kelley noted a permit had previously been issued however nothing had been built.

Scott Kelley stated he had located a property pin on the northeast side of his mother's property he noted he had put a fence post in the ground to mark the location. Kelley stated at the front of the property there was a power pole which also marked the lot.

Steve Kelley stated he had been in the Planning & Development office and spoke about possible situations for construction and possible variances. Kelley stated he was told the largest size house which could realistically be built was a single wide trailer.

Kelley stated a previous owner had applied for a permit to build a large building but had been denied by Scott Kruse former county Engineer.

Scott Kelley again stated he had been into Planning & Zoning several times

Kelley stated he knew the person drawing the house and that he had spoken with him. Kelley stated he had been told special variances had been given to allow for the construction of the home. Kelley also spoke about reduced setbacks based on properties within 200'.

Scott Kelley stated they did not purchase the property for the retail price because they really didn't really want to put a house on it. Kelley noted some of the surrounding neighbors thought about purchasing the property but didn't want to pay \$15,000 if it were not feasible to build a house on it.

Kelley stated if they had known it was a possibility to request a variance they may have pooled their money together to buy the property and avoid having a home in this position or location.

Scott Kelley stated he had been told the project manager had gone out and measured the property line off. He stated the marked point given was approximately 3' inside of his mom's property line.

Kelley had further discussion with the contractor on how the home was laid out.

Kelley stated he had contacted the Planning & Zoning Department in regards to the construction and the fact that the home was too close to the east property line. Kelley stated he was told a property line dispute was a civil issue.

Steve Kelley stated he had spoken to the contractor and asked him not to pile the dirt on his mother's property, but stated they continued to do so. Kelley stated he had removed the dirt.

Kelley continued to discuss the lay out of the home and setbacks from the property line. Kelley stated the front of the home was 9' 8" from the property line and that the back corner of the home was 10' from the property line.

Kelley stated the contractor continued to build even though there had been a property line dispute.

Scott Kelley again contacted the planning and development office and office staff came out to the site and stated there were some issues with the layout.

Kelley stated his mother hired a surveyor to locate the property lines.

Kelley again stated the home had not been built in the correct place. He stated the builder had not completed a survey.

Cheryl Robinette stated they had asked the contractor many times to get a survey. She stated she had no choice but to get and hire a surveyor.

Chairman Sam Fisher questioned whether that was the survey done by Dave Anthony.

Ms. Robinette stated it was.

Steve Kelley stated he had spoken to Joey Germain on March 30, 2026 in regards to respecting the property line. Germain stated he would have a survey done on the following Wednesday and everything would be solved.

Steve Kelley stated his mother's survey was done on April 21, 2026 two weeks after Elite Construction was to have their survey done. He stated nothing had been done at this point.

Chairman Sam Fisher next asked for any further comments.

Craig Madden had questions in regards to the septic system. Madden was worried about the water coming onto his property. Madden questioned what type of system would be installed.

Steve Kelley noted their sump pump had always drained onto the adjacent property. Kelley stated there was a large pond between the two properties as the water from his moms is no longer able to shed into the county ditch as it has in the past.

Kevin Anderson questioned whether there was a map showing an overlay of the house on the property so people could see what was there now.

Director Mike Salati noted there was a site plan submitted with the application.

Cheryl Robinette stated the site plan was wrong.

Salati noted the site plan is what had been submitted with the application.

Cheryl Robinette noted the home had not been built squarely.

Steve Kelley stated a couple of things could have been done to avoid the situation. He stated had they been given all the information from planning & zoning in regards to guidance and setbacks. Kelley also noted someone should have looked into the property line dispute. Kelley lastly stated if a survey had been done the house could have been built according to the permit.

Scott Longhorn, Boone County Supervisor had a few comments. Longhorn noted section 3.27 of the Zoning Ordinance allowed the Planning & Development office to administratively grant a variance for non-conforming structures. Longhorn stated the director could administratively reduce the setback 10% off the required setback or an average setback of properties within 200' could be used to give reduction to the required setback.

Longhorn noted setbacks had been reduced on the "front" property lines but that no variance had been given for the east side yard setback. Longhorn noted the variance request was for a 2' reduction to the side yard setback but that a 2' 6" variance would actually be required to be in conformance with setback regulations.

Scott Kelley stated he respected the rules 100% he stated the house was permitted and had it been built where it was supposed to have been built there wouldn't have been any questions.

Steve Kieffer moved to close the public hearing at 5:52 p.m.

Seconded by Ruth Berglund

Roll call—unanimous

Motion carried

Chairman Sam Fisher next opened up discussion for the board members. Chairman Fisher noted with his background and construction background these kinds of situations were called economic malfeasance to not grant a variance.

He stated the state and county had been very rigid in the 5 findings of fact that which must be adhered to when granting a variance. Chairman Sam Fisher noted the request for a variance was due to was clearly brought on by the applicant. Fisher stated he did not believe the board could possibly grant a variance because the applicant had self-imposed the situation.

Chairman Sam Fisher noted they had been given a very good report from Planning Director Mike Salati. He also noted the applicant had submitted a solid report. Fisher again stated as a board he did not feel the board could approve the variance.

Nathan Cottingham was concerned with exposing the county.

Sam Fisher stated the county could be exposed if someone were to sue based upon the Board of Adjustments' decision.

Steve Kieffer stated he agreed with Chairman Sam Fisher.

Chairman Sam Fisher stated property generally was not purchased with out having it surveyed. He stated with tight lot lines you would want to go off the property pins.

Fisher noted it was a bad situation but that the board did not have a choice.

Nathan Cottingham requested clarification for future determinations. Cottingham questioned whether a variance could have been given had the applicant applied prior to construction.

Discussion was held on prior variances which had been granted.

Planning Director Mike Salati addressed the situation. Salati noted there were two issues. He stated a formal variance had not been given by his office. Salati noted a reduction to the required front yard setbacks had been given based upon properties within 200' of the proposed building site.

Salati noted the reduction was not optional and if the applicant asked for the reduction they were entitled to it.

Salati noted a variance would be granted by the Board of Adjustment and required an application.

Chairman Sam Fisher asked for any further comments or questions.

Ruth Berglund stated it was too bad a survey had not been done.

Steve Kieffer noted the permit was clear.

Nathan Cottingham moved to deny Petition for a Variance # 2026-VAR-001 submitted by Jennifer Wood of Elite Construction which would allow a 2' side yard variance to allow for a single-family home to be located approximately 10' from the east property line. (site address is 715 W 16th St, Boone, Ia.) Based upon the findings of fact.

Seconded by Steve Kieffer

Voice vote—unanimous

Motion carried.

VII. UNFINISHED BUSINESS

A. None

VIII. NEW BUSINESS

A. None

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

A. None

X. ADJOURNMENT

Steve Kieffer moved to adjourn

Seconded by Ruth Berglund

Voice vote—Unanimous

Motion Carried

Respectfully submitted

Wanda Cox