

**DES MOINES COUNTY, IOWA
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 12, 2024**

The Des Moines County Board of Adjustment met in regular session on June 12, 2024, at 5:00 P.M. at the offices of the Southeast Iowa Regional Planning Commission, 211 N. Gear Avenue, West Burlington, Iowa 52655. In addition, an option for attending the meeting remotely was offered through Zoom.

1. Call to Order

Chairman Sam Warner called the meeting to order at approximately 5:05 P.M.

2. Roll Call

Board members present:	Randy Burgus, Mitch Taeger, Sam Warner, John Wiberg, Sherry Zeller
Board members absent:	None
Staff present:	Zach James, Jarred Lassiter
Public present:	Drake Levins, Variance applicant (ZVP-24-10)* Brooklyn Pardall, Variance applicant (ZVP-24-10) Jeffrah Levins, 6102 Brush College Rd, family member of Variance applicant Jeff Fritz, 5956 Hunt Rd, family member of Variance applicant Marian Fritz, 5956 Hunt Rd, family member of Variance applicant Greg Lemke, Des Moines County Environmental Health*

Members attending via Zoom indicated by a (*). All others attended in person.

3. Tentative Agenda Approval / Amendment

Motion #1: To approve the agenda as presented.
Motion by: Zeller
Seconded by: Wiberg
Vote: Unanimous vote. Motion carried.

4. Meeting Minutes

No comments or corrections were provided regarding the minutes prepared for the previous meeting.

Motion #2: To approve the Minutes of September 18, 2023, meeting as presented.
Motion by: Wiberg
Seconded by: Zeller
Vote: Unanimous vote. Motion carried.

5. New Business

A. Request for Variance from Drake Levins for front yard setback at 5937 Hunt Road.

Motion #3: To open the public hearing.
Motion by: Zeller
Seconded by: Taeger
Vote: Unanimous vote. Motion carried.

Chairman Warner opened the public hearing at 5:06 P.M.

Mr. Lassiter asked the public attendees to introduce themselves, and it was confirmed that apart from a representative of the Des Moines County Health Department, all of them were attending on behalf of the landowner, including his fiancé Brooklyn Pardall, his mother Jeffrah Levins, and his grandparents Jeff and Marian Fritz.

Lassiter then read the staff report, noting that the variance request involves a proposed building comprised of a combined residence and shop. He stated that applicant's landlocked parcel was created through the platting of the 1-lot Fritzville Subdivision in 2022, and it is accessed via a 33-foot wide easement through the neighboring property, owned by his great-grandmother Barbara Fritz. He said that the owner plans to eventually build a 4-bedroom single family home on the property (in 5 to 10 years), while the current 1-bedroom building would be used as a temporary residence until then, with most of the building space used for the storage of vehicles and equipment.

He noted that the applicant reached out to submit a County zoning permit application in early May, after already doing a substantial amount of tree clearing and earth moving on the naturally hilly property. Once the application was submitted, staff discovered that the proposed building would be only 10 feet from the front property line, while the County Zoning Ordinance requires a minimum front setback of 40 feet in the "A-1" Agricultural District. He showed a copy of a site plan for the property, which includes the location of the initial proposed building, as well as the approximate location of the eventual 4-story home.

Mr. Wiberg asked how far the future residence would be from the initial house/shop building. Mr. Lassiter noted that the applicant's original hand-drawn site plan included a measurement of 40 feet between the two buildings. Wiberg then asked how far the building would be from the right-of-way for Hunt Road. Mr. Lassiter stated that the driveway easement extends about 250 feet through the Barbara Fritz property, so because Hunt Road is diagonal, the distance from the building itself is probably about 275 feet.

Mr. Lassiter noted that the applicant had already obtained a permit from Des Moines County Secondary Roads to install an entrance from Hunt Road. He also said that while a septic system permit had not yet been obtained from the Health Department, he had already met with the Environmental Health technician, Mr. Lemke, and they had agreed on the general location where it would be installed, once the Variance request had been considered and approved by the Board.

Mr. James displayed a series of photographs that the applicant had submitted, showing the present-day condition of the property. Ms. Pardall noted that the terrain on the property is naturally very steep, and while the slope appears noticeably steep in the photos, these were taken after Mr. Levins had already done a substantial amount of grading work to level it off. Mr. Wiberg said that the terrain did appear to be very steep in one particular photo. Mr. Warner asked if the eventual proposed 4-bedroom home would have a walkout basement, and Ms. Pardall confirmed that it would.

Motion #4: To close the public hearing.
Motion by: Wiberg
Seconded by: Zeller
Vote: Unanimous vote. Motion carried.

Chairman Warner closed the public hearing at 5:30 P.M.

Mr. Taeger said he felt this property represents a very unique circumstance, considering that the property doesn't have frontage on a public street, and it is situated several hundred feet from the nearest road.

Mr. Lassiter suggested that if the Board chooses to approve the variance request, they should attach a condition that from now on, all zoning permits for this property should be made with the setbacks functionally rotated, with the front and rear setbacks measured from the east and west lot lines, and the side setbacks measured from the north and south lot lines. This would effectively reduce the requested variance from 30 feet to 15 feet, since the minimum side setback is 25 feet, while the minimum front setback is 40 feet.

He also acknowledged that staff will be submitting a request to the Zoning Commission and Board of Supervisors, to amend the Zoning Ordinance. This would result in the minimum setbacks for the "A-1" Agricultural District being reduced to mirror those of the "R-1" Single and Two-Family Residential District. He noted that this is the second time within 5 years where someone requested a variance for residential setbacks in the "A-1" District. He said this makes the requirement seem arbitrary, since the "A-1" District already has a higher minimum lot size and lot width than the "R-1" District, in order to discourage higher density residential development.

Motion #5: To approve the request for variance, with the condition that for any building or structure to be developed on Lot 1 of the Fritzville Subdivision, the distance between it and the east lot line shall constitute the front setback, the distance between it and the west lot line shall constitute the rear setback, and the distance between it and the north and south lot lines shall constitute the side setbacks.

Motion By: Taeger

Seconded by: Zeller

Vote: Unanimous vote. Motion carried.

6. Old Business

Mr. Taeger asked about two previous variance requests that had been approved. Mr. James noted that for the first case (from March 2020), for whatever reason, the applicant appears to have abandoned his plans for a home addition with nonconforming setback. For the second one (from April 2023), Mr. Lassiter noted that the applicant had not yet completed his final proposed building addition, since it required that a section of public road right-of-way be vacated first, and the applicant had not yet pursued formal action to accomplish this.

7. Communications

None presented.

8. Future Agenda Items

None presented.

9. Adjournment

Motion #6: To adjourn

Motion by: Wiberg

Seconded by: Zeller

Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 5:35 P.M.

APPROVED:



Sam Warner
Board of Adjustment, Chair

Attest:


Zach James
Land Use Administrator