

Minutes - Woodbury County Board of Adjustment – February 3, 2025

The Board of Adjustment meeting convened on the 3rd day of February, 2025 at 6:00 PM in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse. The meeting was also made available for public access via teleconference.

Meeting Audio:

For specific content of this meeting, refer to the recorded video on the Woodbury County Board of Adjustment "Committee Page" on the Woodbury County website:

- County Website Link:
 - o https://www.woodburycountyiowa.gov/committees/board_of_adjustment/
- YouTube Direct Link:
 - o <https://www.youtube.com/watch?v=pHNIZISO1tl>

BA Members Present:	Daniel Hair, Doyle Turner, Pam Clark, Tom Thiesen, Larry Fillipi
County Staff Present:	Dan Priestley
Public Present:	David Peterson

CALL TO ORDER

Chair Daniel Hair formally called the meeting to order at 6:00 PM and welcomed new board member, Larry Fillipi to the Board of Adjustment who was recently appointed to the Board of Adjustment by the Board of Supervisors for a five-year term.

ELECTION OF CHAIR FOR 2025

Motion by Clark to nominate Daniel Hair. Second by Turner. Motion carried 5-0.

ELECTION OF VICE CHAIR FOR 2025

Motion by Turner to nominate Pamela Clark. Second by Thiesen. Motion carried 5-0.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

None

APPROVAL OF MINUTES

The minutes of the November 4, 2024, meeting were approved. Motion by Clark, second by Thiesen. Motion carried unanimously (5-0).

PUBLIC HEARING: VARIANCE REQUEST FOR ACCESSORY BUILDING CONSTRUCTION WITHOUT PRINCIPAL STRUCTURE AND REDUCED REAR YARD SETBACK ON PARCEL #894631300010; 5602 STONE AVENUE, SIOUX CITY, IA (AGRICULTURAL ESTATES ZONING DISTRICT). (ACTION ITEM).

Chair Hair opened the public hearing. The hearing concerned the variance application submitted by David W. Peterson and Patricia J. Peterson. The applicants seek approval to construct an accessory building on a 0.72-acre lot that currently lacks a principal structure or single-family dwelling, as required under Section 4.12.2 of the Woodbury County Zoning Ordinance. Additionally, they request a reduction of the required 10-foot rear yard setback for accessory structures in the Agricultural Estates (AE) Zoning District, per Section 3.04, from 10 feet to 3 feet or less. The proposed accessory structure is planned, while subject to changes, to be approximately 18 feet by 52.5 feet with a height of around 10 feet. The property is located at 5602 Stone Avenue, Sioux City, IA 51106, on Parcel #894631300010 in T89N R46W (Concord Township), Section 31, Auditor's Subdivision of the W ½ of SW Fractional ¼ of Section 31. The parcel, situated in the AE Zoning District and outside the floodplain, directly abuts Sioux City's jurisdiction. Owner/Applicants: David W. Peterson and Patricia J. Peterson, Trustees of the Joint Revocable Trust of David W. Peterson and Patricia J. Peterson, dated November 15, 2023, 5600 Stone Avenue, Sioux City, IA 51106. Parcel Address: 5602 Stone Avenue, Sioux City, IA 51106.

Priestley read the staff report into the record. He outlined the criteria for granting a variance, focusing on practical difficulty and economic hardship. He highlighted that the hardship must be directly related to the property's use and not merely a preference. He noted that Sioux City's zoning could potentially allow the construction without a variance due to more lenient setback requirements, presenting this as an alternative route for Peterson, which complicates the county's decision-making process. Priestley referenced the evolution of variance standards since

1998, discussing how court interpretations have become stricter, emphasizing the need for clear demonstrations of hardship. He described the property's unique situation, abutting Sioux City, with two lots already within city limits, suggesting that annexation could be a simpler solution but acknowledging Peterson's reluctance. Priestley advised the board to invite Peterson to elaborate on the practical difficulties and economic implications if the variance were not granted, while also suggesting that the city's route should be considered.

David Peterson explained that he wanted to construct a three-sided storage shed to clean up his property, particularly to remove an unsightly semi-trailer and to store contractor attachments and other items currently lying around. He clarified that the proposed structure would be placed at the furthest east border of his property, directly behind an existing machine shed. He emphasized the need for the structure to be close to the south lot line due to the narrow space available when maneuvering with trucks and trailers, caused by a significant change in grade behind the existing slab. Peterson expressed a strong personal and familial opposition to annexing his property into Sioux City. He mentioned that his wife was against the idea, to the extent that she would cry over the thought of annexation, stating it would complicate selling the property in the future. Peterson firmly stated he would not pursue this route. He argued that not having the shed would not allow him to maintain his property effectively, suggesting that the structure would improve the aesthetics and functionality of his land without adversely affecting neighbors or traffic. When questioned about exploring city annexation, he reiterated his and his wife's stance against it, emphasizing that it was not just about economics but also about personal choice and quality of life.

Clark stated that she understands Peterson's desire to build a shed to enhance his property's aesthetics and functionality. She acknowledged that the structure would likely improve the neighborhood's appearance and wouldn't adversely affect surrounding properties, and most criteria could be met. Clark questioned the definition of the hardship. Priestley referenced the court's interpretation of economic hardship concerning yielding reasonable returns.

Turner indicated that variances should be granted only when there's no other feasible option. He felt that Peterson hadn't fully explored all avenues, particularly the annexation to Sioux City, which could potentially allow the construction without needing a variance. Turner discussed the necessity of demonstrating economic hardship or practical difficulty to justify a variance, suggesting that without this demonstration, the variance could not be granted.

Fillipi stated his appreciate for the practical reasons for wanting to build the shed, recognizing the property's unique situation and the applicant's desire to clean up and utilize the land effectively. He highlighted the constraints imposed by zoning laws and judicial interpretations on variance applications. He noted that the guidance they follow prevents them from granting variances based solely on practical benefits unless there's clear economic hardship.

Hair noted that while the application presented practical difficulties, it didn't align well with the legal definition of hardship, particularly due to the unexhausted annexation option.

Motion to close the public hearing by Turner. Second by Clark. Carried 5-0.

The board weighed the criteria for granting a variance, focusing on economic hardship and practical difficulty, thus citing insufficient demonstration of economic hardship and practical difficulty. Concerns were raised about the availability of alternative zoning options through annexation, which could negate the need for a variance.

Motion by Turner to deny the variance request due to insufficient economic hardship and practical difficulty, with the option to revisit if annexation with Sioux City fails. Second by Fillipi. Carried 4-1 (Clark voted "No").

Priestley suggested that Mr. Peterson visit with the city to receive assurances on his building permit plans prior to pursuing annexation.

REVIEW OF THE BOARD OF ADJUSTMENT RULES OF PROCEDURES FOR ANY POTENTIAL CHANGES NOT LIMITED TO MEETING LOCATION AND MEETING TIME (ACTION ITEM).

Priestley read the staff report into the record. A discuss was conducted on changing the meeting time from 6:00 p.m. to 5:00 p.m. and permanently moving the meeting location to the basement Board of Supervisors meeting room for better capacity and audio recording.

Clark motioned to amend the rules to reflect these changes including amending the Board of Adjustment's Rules of Procedure, Section 2. Regular Meetings to read "The Board of Adjustment is on-call for its regular meeting scheduled on the first Monday of every month beginning at 5 PM in the Board of Supervisors' meeting room in the basement at the Woodbury County Courthouse, subject to formal business to be considered..." Second by Mr. Turner. Carried 5-0.

UPDATE ON NUCLEAR ENERGY FACILITIES PROPOSALS TO AMEND THE WOODBURY COUNTY ZONING ORDINANCE. (INFORMATION ITEM).

An update was given by Priestley on potential amendments to the zoning ordinance to allow nuclear energy facilities as a conditional use. No specific projects were discussed, but the board was informed of ongoing considerations and public hearings.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA.

None.

STAFF UPDATE

Priestley briefed the Board of Adjustment on recent actions of the Zoning Commission including a public hearing concerning a proposal to possibly remove or reduce the minimum dimension of 23 FT for single family dwellings.

BOARD MEMBER COMMENT OR INQUIRY

None.

MOTION TO ADJOURN

Clark motioned. Second by Tuner. Carried 5-0. Meeting adjourned at 8:05 PM