

Members present:

Cindy Hall, Chairperson  
John Hinz  
Paul Thomsen  
Catherine Davies (via zoom)

Members absent:

Nicole Stecklein

Staff present:

Michele Lubben – Land Use Administrator

Visitors present:

Ronald Dean Wood – 9941 Forest Chapel Rd., Anamosa  
Don Zimmerman – 21596 County Rd E-34, Anamosa  
Paul and Hannah Byrne – 21619 County Rd E-34, Anamosa

Introductions of the Board of Adjustment, staff and visitors took place.

A quorum of members of the Jones County Board of Adjustment was achieved at 4:00 p.m. and Chairperson Cindy Hall called the meeting to order.

Motion by Davies seconded by Hinz to approve the March 17, 2020 meeting minutes. All aye. Motion carried.

Motion by Davies seconded by Hinz to approve the agenda for the meeting. All aye. Motion carried.

Motion by Thomsen seconded by Davies to open the public hearing at 4:02 p.m. for Ronald D. Wood, who has applied for a variance in the C-1 Commercial Zoning District for property legally described as Lot 5 Chipman's Addition in Section 10 of Fairview Township, generally located at 21597 County Road E-34, Anamosa IA. More specifically, the variance request is to allow an additional commercial building to be built with a side yard setback of less than the minimum ten (10) feet. The request is to allow an eight (8) foot side yard setback. All aye. Motion carried.

The Land Use Administrator noted that the Board received copies of the application, aerial map, and written report. All adjoining landowner letters were sent and received. No verbal or written comments were received on the application. The Land Use Administrator handed out copies of the conditional zoning agreement, confirmation letter, and meeting minutes from 2017 when the property was rezoned from R-Residential to C-1 Commercial.

Dean discussed wanting to put the building up for storage units. He discussed it with the neighbor Paul Byrne. Dean didn't realize he needed a permit to build. He built a cement foundation 8 feet from Byrne's property line and is infringing upon the county right-of-way. Wood claims there are vendors and staff of at least 25-30 people at that location. Parking was discussed, retail versus storage. Building this structure would eliminate 7-8 parking spaces. Based on square footage, approximately 60 spaces would be required for the commercial buildings. Board members agreed Wood proceeded with construction without a permit and didn't go to Planning & Zoning as required by the conditional zoning agreement.

Motion by Thomsen seconded by Davies to close the public hearing at 4:23 p.m. All aye. Motion carried.

The Board reviewed the Qualification Factors, Variance Checklist and Other Considerations.

Motion by Davies to send the request for a site plan review to the Planning & Zoning Commission. Motion died for a lack of a second.

Motion by Davies seconded by Thomsen to deny the variance application for owner Ronald Dean Wood to allow a commercial storage building with a side yard setback of less than 10 feet due to the following reasons:

- The structure substantially fails to comply with Article V, Section 4. E. building and uses side yard setback requirement of 10 feet. The proposed storage building is requested to be 8 feet from the property line which is contrary to county regulations.
- The owner still has reasonable use of the property and denial of the variance will not deprive the owner of all beneficial use of the land.
- The situation is self-created and the hardship results from actions of the property owner.
- The conditions are not widespread or unique to the applicant's property.
- The variance will alter the essential character of the area.
- The owner had prior knowledge of the county requirements and failed to comply. Owner did not have a site plan review completed by the Planning & Zoning Commission as required by the Conditional Rezoning Agreement dated May 9, 2017.
- The parking may be insufficient for such use and may cause dangerous and unhealthy conditions.

Roll call vote:

Davies – Aye

Thomsen – Aye

Hinz – Aye

Hall - Aye

All aye. Motion carried. The application is denied. The Land Use Administrator will issue the written decision to the owner and applicant by regular mail. The red zoning sign was returned.

Next meeting, if needed, will be May 19, 2020 at 4:00 p.m. The Land Use Administrator will see if any applications are submitted before the April 29<sup>th</sup> deadline. If an application does need to be heard, an electronic meeting could be held.

Motion by Thomsen seconded by Davies to adjourn at 4:35 p.m. All aye. Motion carried.