

**JONES COUNTY  
BOARD OF ADJUSTMENT**

**AGENDA**

**WEDNESDAY, AUGUST 16, 2023 4:00 p.m.  
COMMUNITY ROOM, JONES COUNTY COURTHOUSE**

**4:00 p.m.** • Call meeting to order, approve agenda, and June 20, 2023 meeting minutes.

- Annual appointment of chairperson and administrative rules.

Public hearing for owners, Nicholas and Joslyn Slater, who have applied for a Special Permitted Use in the A-Agricultural Zoning District for Parcel 2004-164, located in Section 14 of Jackson

- Township, located near 10802 Amber Road, X44, Anamosa, IA 52205. More specifically, the proposal is to build an auxiliary dwelling unit, subject to Article XI of the Jones County Zoning Ordinance.
- Action on the Special Permitted Use application for Nicholas and Joslyn Slater.
- Next meeting, if needed, Tuesday, September 19, 2023 at 4:00 p.m.
- Adjourn

## **Jones County Board of Adjustment**

### **Meeting Minutes**

**June 20, 2023, at 4:00 p.m.**

#### Members present:

Cindy Hall, Chairperson  
Catherine Davies  
John Hinz  
Stan Reiter  
Paul Thomsen

#### Members absent:

None

#### Staff present:

Sheralyn Schultz, Land Use Administrator

#### Visitors present:

Mike and Cheryl Hogan – 21860 Comet Ct, Monticello  
Dan and Nicolette Wennkamp – 21834 Bus Hwy 151, Monticello

Chairperson Cindy Hall called the meeting to order at 4:00 p.m.

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

Motion by Hinz seconded by Thomsen to approve the May 24, 2023 meeting minutes. All aye. Motion carried.

Motion by Thomsen seconded by Davies to open the public hearing at 4:01 p.m. for owners, Daniel and Nicolette Wennkamp, who have applied for a Special Permitted Use in the R-Residential Zoning District for property located in the NW ¼ NW ¼ in Section 23 of Lovell Township generally located at 21834 Business Hwy 151. More specifically, the proposal is to request an auxiliary dwelling unit subject to Article XI of the Jones County Zoning Ordinance.

The Land Use Administrator noted that the Board received copies of the application, aerial map, and written report. The owner also received a copy of the written report. All adjoining landowner letters were sent and received, with the exception of one letter being returned as unable to forward to Leola and Patrick Brady. The red zoning sign was posted and returned as required. No written or verbal comments were received.

The owners were present to discuss the application. This will be a shop/auxiliary dwelling for Nicolette's parents, Mike and Cheryl Hogan. Board member Catherine Davies questioned the Wennkamps on

what would happen to the dwelling in the future if Hogans no longer lived there, since according to the zoning ordinance, only family members are allowed to occupy auxiliary dwellings. Wennekamps stated that they have lots of family members in Monticello that could live there and eventually their young boys could occupy it as well.

The board discussed the E911 Coordinator's comment on the written report and reminded Wennekamps that they would need to communicate with the E911 coordinator so that each property accessed from that driveway complies with the Uniform Rural Addressing Ordinance.

Motion by Thomsen seconded by Reiter to close the public hearing at 4:06 p.m. All aye. Motion carried.

Motion by Thomsen seconded by Hinz to approve the Special Permitted Use application for owners, Daniel and Nicolette Wennekamp, who have applied for a Special Permitted Use for an auxiliary dwelling in the R-Residential Zoning District for property located in the NW ¼ NW ¼ in Section 23 of Lovell Township generally located at 21834 Business Hwy 151.

Roll call vote:

Thomsen – Aye

Hinz – Aye

Davies- Aye

Hall - Aye

All aye. Motion carried.

The application is approved. The Land Use Administrator will issue the approval to the owner.

The next meeting is scheduled for Tuesday, July 18, 2023 at 4:00 p.m.

Motion by Thomson seconded by Davies to adjourn at 4:15 p.m. All aye. Motion carried.

BOARD OF ADJUSTMENT  
ADMINISTRATIVE RULES  
JONES COUNTY  
Adopted August 2023

In compliance with Iowa Code, Section 335.12 and the Jones County Zoning Ordinance, Title VI - Property & Land Use, the following rules and procedures are hereby adopted by the Jones County Board of Adjustment.

MEMBERSHIP

The Board shall consist of five (5) members appointed by the Board of Supervisors. The members shall reside within Jones County and all the members shall reside outside the corporate limits of any city. Each member shall be appointed for a term of five (5) years, except that with the initial board one (1) member shall be appointed for a term of five (5) years, one (1) member for a term of four (4) years, one (1) member for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year. Members shall be removable for cause by the Board of Supervisors upon written charges and following public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

OFFICERS

The Board of Adjustment shall select a chairperson at the first regular meeting in July to serve for a period of one (1) year (July 1-June 30). In his or her absence, an acting chairperson will be designated by the other members.

DUTIES

The chairperson, or in his absence, the acting chairperson, will preside at all meetings, appoint committees, administer oaths, compel the attendance of witnesses and perform such other duties as may be ordered by the Board.

OFFICE OF THE BOARD OF ADJUSTMENT

The Jones County Land Use Office is designated as the office of the Board of Adjustment. The Land Use Administrator shall be responsible for the secretary's duties; record and maintain minutes of the meetings, ensure that the minutes are adopted and perform such other duties as the board may determine.

## MEETINGS

The Board shall determine regular meeting dates. The chairperson, secretary or applicant may request special meetings. All meetings of the Board of Adjustment shall be open to the public. The secretary shall keep and file records of the public hearings and other official actions. The secretary will provide the Board notice of the special meeting, purpose and time 48 hours in advance. If the special meeting is at the request of the applicant, costs of the special meeting will be assessed to the applicant.

## QUORUM

A quorum of the board shall consist of 3 members. A quorum may be formed if one member of the three-person quorum is participating by teleconference. Without a quorum, no business will be transacted and no official action on any matter will take place.

## PUBLIC NOTICE

On receipt of the application and filing fee, the Land Use Administrator shall place the application on the next regular Board of Adjustment meeting agenda and publish the public hearing notice including time and place at least five (5) days prior to the hearing, but no longer than twenty (20) days in the officially designated newspapers of the County. In addition, certified mailings shall be sent to all adjoining property owners with the time and place of the hearing.

## ORDER OF BUSINESS

Call to order  
Approval of agenda  
Approval of minutes of previous meeting  
Reports of officers, committees, staff  
Unfinished business  
New Business: Appeals and applications on the agenda  
Time open for citizens wishing to address the Board on matters not on the established agenda  
Any other discussion or announcements  
Notice of next meeting  
Adjourn

## ORDER OF PUBLIC HEARING

Report by the Land Use staff  
Appellants or applicants side of the case  
Observer comments/case  
Comment by Land Use staff  
Appellant's rebuttal  
Action by Board

## CITIZEN PARTICIPATION

Persons other than Board members shall be permitted to address the Board on specific agenda items.

A citizen addressing the Board shall state his name and address.

Citizens shall be limited to three minutes speaking time per item unless additional time is granted by the presiding officer. Total citizen input on any subject under Board consideration shall be limited to a fixed period determined by the presiding officer.

Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the relevance of citizen comments. Citizens making personal, impertinent or slanderous remarks shall be barred by the presiding officer from further comment before the board.

The Board may, in its discretion, allow citizens who wish to raise a matter not on the agenda to address the Board at the end of the regular agenda

## MOTIONS

Motions may be made by anyone on the Board except the presiding officer. The administrator shall restate the motion before a vote is taken.

## DISCUSSION

A board member shall speak only after being recognized by the presiding officer. A member recognized for a specific purpose shall limit remarks to that purpose. A member, after being recognized, shall not be interrupted except by the presiding officer.

The presiding officer may enter into any discussion.

Each board member will limit his or hers remarks to a reasonable length.

The presiding officer has the right to close debate and speak last on any item.

Discussion may be closed on any item at any time by the presiding officer with concurrence of the majority of the Board.

Voting shall be by roll call and shall be recorded by aye or nay. Every member of the Board, including the presiding officer, is required to vote on each motion. A member shall abstain if he believes there is a conflict of interest, particularly if the conflict is of a financial nature.

Roberts Rules of Order, Revised, shall govern all Board meetings in all cases where these rules do not provide the procedures to be followed.

### POWERS OF THE BOARD OF ADJUSTMENT

The Board will hear:

Appeals from any decision involving an alleged error in any order, requirement, decision or determination made by the Land Use Administrator in the enforcement of the Jones County Zoning Ordinance.

Authorize in special use cases and variances from the terms of this Ordinance, as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provision of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed, and substantial justice is done.

### VOTE REQUIRED

The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decisions, or determination of the Land Use Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variance of this Ordinance.

### APPLICATION FEE

The Board of Supervisors will set a filing fee which the Land Use Office will collect when the application is filed. The fees are payable to Jones County, Iowa, and are not refundable. The Land Use Administrator shall not take any action upon the application until the filing fee has been collected in full.

### FEES FOR SPECIAL MEETINGS

The Board of Supervisors will determine the fee to hold any special meetings, when the special meeting was called in order to accommodate the schedule and any deadlines of the applicant.

## ETHICS

Board members are expected to attend all regular and special meetings of the Board. If a member has a valid reason for nonattendance, the member shall notify the Land Use Administrator before the meeting.

Each member of the Board has an affirmative ethical duty to recuse themselves from hearing any matter before the Board in which financial, familial, intimate social interests, or public statements would call into question their ability to be impartial in the minds of a substantial portion of the general public; or in which a vote against the interests of one's family or close associates would likely cause significant tensions in those ongoing relationships.

Each member of the Board has an ethical duty to avoid obtaining, outside of the public hearing, alleged facts about, or opinions about, the merits of an application before the Board. Each case must be decided only on the basis of the evidence placed on the record in a public hearing of a matter before the Board. If a member of the public approaches a Board member, outside of the public hearing process, wanting to talk about a matter scheduled to be heard by the Board, the Board member should politely decline to discuss the matter.

Each member of the Board has an ethical duty to avoid saying anything in public for or against the merits of any matter before the Board, or any party involved in a matter before the Board, prior to the opening of the hearing on the case.

Members of the Board have a duty to scrupulously avoid involvements with parties to applications which might call into question their impartiality. For example, gifts or gratuities from a "grateful" applicant or member of the public after a hearing in which the Board member voted in favor of or against the party should not be accepted.

The Board will not consider a request (informal or not) for advice on theoretical or actual situations which potentially may later come before the Board as an appeal or application.

## REVIEW BY BOARD OF ADJUSTMENT

The Board of Adjustment will review the application and report at the public hearing. If the land use change signs were not visible during site inspection, the request maybe tabled. It is also a recommendation by the Board of Supervisors that members of the Board of Adjustment review the properties on the agenda. At the said public hearing, the Board of Adjustment shall also receive comments from the applicant and the public at large. The Board of Adjustment shall then render its decision to approve the application in full, approve the application subject to modifications, table the application, request a review by the Board of Supervisors, or deny the application.

WRITTEN FINDINGS

The Board of Adjustment shall issue its decision in writing specifying the reasons for its decision. Whenever the Board of Adjustment approves or denies an application in full, or as modified, the decision shall also set out in detail the exact nature of the exception or variance granted or denied including any specific restrictions to be placed on the variance or the reasoning for the denial. The Land Use Administrator shall mail a copy of the decision to the applicant.

PERMIT

The Land Use Administrator shall issue a permit to any applicant who is granted an exception or variance by the Board of Adjustment. The permit shall describe the property subject to the exception or variance and shall also specify the exact nature of the exception or variance granted. No development or construction may be initiated on the property until the variance permit is issued. The permit shall become null and void one (1) year after the date on which it is issued unless the approved use is commenced within that same one (1) year time period.

REVIEW BY BOARD OF SUPERVISORS

The Board of Adjustment may table any variance application in order to request review by the Board of Supervisors. The Board of Supervisors' review shall include a majority vote and shall be sent back to the Board of Adjustment for their consideration in a final decision. The Board of Adjustment will have thirty (30) days from the date of the original public hearing to make a ruling.

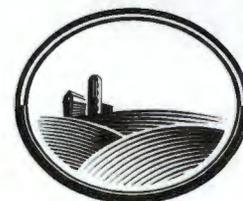
APPEAL TO DISTRICT COURT

Pursuant to 2005 Iowa Code Section 335.18, any landowner, or other person aggrieved by a decision rendered under this Ordinance by the Board of Adjustment may file a petition with the District Court within thirty (30) days after the decision has been issued by the Board of Adjustment.

Adopted by the Jones County Board of Adjustment on \_\_\_\_\_

Chairperson \_\_\_\_\_

Jones County Land Use  
 Rm 113 Courthouse, 500 W Main St.  
 Anamosa, Iowa 52205  
 Phone: 319-462-2282 Fax: 319-462-5815  
 Email: [landuse@jonescountyiowa.gov](mailto:landuse@jonescountyiowa.gov)  
 Website: [www.jonescountyiowa.gov](http://www.jonescountyiowa.gov)



## Jones County Zoning Special Permitted Use Application

<b>For Office Use Only</b>		
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date: _____
Comments: _____		
_____ <b>Signature of Jones County Land Use Administrator</b>		

The Board of Adjustment will review the proposal and deny or approve.

**Fee: \$250.00 (non-refundable) payable to Jones County, with the completed application**

**Date Application Filed:** 7/25/2023

Owner Information			
Name on property: <u>Nicholas &amp; Jaslyn Slater</u>			
Address to receive mail:	House Number & Street: <u>10802 Amber Rd X44</u>		Apartment/Unit
	City: <u>Anamosa</u>	State: <u>IA</u>	Zip Code: <u>52205</u>
Phone: <u>(563) 920-9399</u>	E-mail Address: <u>njng.slater@gmail.com</u>		

Applicant Information			
Name: (If different from above.)			
Address to receive mail:	House Number & Street:		Apartment/Unit
	City:	State:	Zip Code:
Phone: ( )	E-mail Address:		

Parcel Information					
Township	<u>Jackson</u>	Section	<u>14</u>	Property Address	<u>N/A</u>
Zoning District: <u>Ag</u>			County Parcel ID(s), if known: <u>1014100006</u>		

Additional information regarding the parcel(s), if any:

### Proposed Use

Attach a site plan indicating the location of any existing, and proposed, buildings and driveways.

Attach a copy of the entrance access permit from the County Engineer, if any.

Attach a narrative providing the following information:

- Expected traffic volumes, including the impact on local roads and access to hard surface roads.
- Noise impact on surrounding property owners, residents, and livestock.
- Provisions for sanitary services (permanent and/or temporary waste disposal plans).

The narrative shall include any additional information required in the Zoning Ordinance for the specific permitted use requested.

Additional information and regulations may be required of properties located in a Critical Resource Area Overlay (Section 9 of Article V).

Additional information may be requested by the County to assist the Board of Adjustment in considering the application.

**A and A2 - Agricultural District Special Permitted Uses Article V – Section 1. and 2. D.**

- Auxiliary dwelling units subject to Article XI.
- Bed and breakfast inns subject to Article VIII.
- Churches or other places of worship, including parish houses and Sunday school facilities.
- Commercial recreation uses subject to Article IX.
- Communication towers subject to Article XIV.
- Home-based Industries subject to Article VII.
- Kennels and Animal Shelter Requirements subject to Article XXI.
- Public and private stables.
- Quarry and Extraction Uses subject to Article X.
- Seasonal dwelling units subject to Article XI.
- Seed, feed, biofuel plants, (biodiesel, ethanol) and other direct farm supply businesses.
- Wind Energy Conversion Systems (WECS) under 100 Kilowatts subject to Article XV.
- Wineries and other Value Added Agricultural Products.
- Quarry and Extraction Uses subject to Article X.

**R - Residential District Special Permitted Uses Article V – Section 3. D.**

- Animal shelters subject to Article XXI.
- Auxiliary dwelling units subject to Article XI.
- Bed and breakfast inns subject to Article VIII.
- Churches or other places of worship, including parish houses and Sunday school facilities.
- Home-based industries subject to Article VII.
- Parks, playgrounds, golf courses (public and private), service organizations, and recreational uses.
- Schools (public and private), educational institutions, preschools, and day care facilities.
- Wind Energy Conversion System (WECS) – Small subject to Article XV.

**RMH - Residential Manufactured Housing District Special Permitted Uses Article V – Section 4. E.**

- Home-based industries subject to Article VII.

**C1 - Commercial District Special Permitted Uses Article V – Section 5. D.**

- Bed and breakfast inns subject to Article VIII.
- Communication towers subject to Article XIV.
- Wind Energy Conversion Systems (WECS) – Small subject to Article XV.
- Wineries and other Value Added Agricultural Products.

**C2 - Highway Commercial District Special Permitted Uses Article V – Section 6. D.**

- Bed and breakfast inns subject to Article VIII.
- Communication towers subject to Article XIV.
- Wind Energy Conversion Systems (WECS) – Small subject to Article XV.
- Wineries and other Value Added Agricultural Products.
- Adult entertainment uses subject to Article XII.

**I1 - Industry District Special Permitted Uses Article V – Section 7. D.**

- Adult entertainment uses subject to Article XII.
- Communication towers subject to Article XIV.
- Quarry and Extraction Uses subject to Article X.
- Wind Energy Conversion Systems (WECS) – Small subject to Article XV.

The land parcel(s) must comply with the minimum lot area, front, rear, and side yard setbacks, and maximum height restrictions in the applicable district, as described in the Jones County Zoning Ordinance. The Jones County Zoning Ordinance is available in the office of the Jones County Auditor, or on-line at [www.jonescountyiowa.gov](http://www.jonescountyiowa.gov).

The applicant is responsible for reviewing the provisions of the Jones County Zoning Ordinance prior to submitting this application.

DNR Storm Water Permits are required when development disturbs one acre or more of land. For more information, contact the Department of Natural Resources at (515) 725-8417 or contact Clark Ott at (563) 927-2640 and ask for storm water permit assistance.

Special Permitted Use applications are submitted to the Jones County Board of Adjustment for consideration and approval or denial. The Board of Adjustment may apply additional conditions for approval, as may be warranted to mitigate any deleterious effects of the proposed use. The decision of the Board of Adjustment may be appealed by filing a petition with the District Court within thirty (30) days after the decision has been issued by the Board of Adjustment.

This development is subject to, and shall be required, as a condition of final development approval, to comply with the Code of Iowa and all Jones County ordinances, requirements, and standards that are in effect at the time of final development approval.

The undersigned applicant certifies under oath and under the penalties of perjury that the foregoing information is true and correct.

7-25-2023  
Date

Applicant Signature

Owner Signature (if different than above)

Date

**QUESTIONS**

**WHO TO CONTACT**

Flood Plain Determination	<b>Flood Plain Coordinator 319-462-4386 – Brenda Leonard</b>
Access Permit for Drive	<b>County Engineer 319-462-3785 – Derek Snead</b>
911 Address	<b>911 Coordinator 319-462-2735 – Gary Schwab 9-1 Mon - Wed</b>
Well and Septic	<b>Environmental Services 319-462-4715 – Paula Hart</b>
Electrical Permits/Inspections	<b><a href="https://iowaelectrical.gov/">https://iowaelectrical.gov/</a> – <a href="mailto:ggrant@dps.state.ia.us">ggrant@dps.state.ia.us</a> Greg Grant 319-350-2404</b>

10-10-400-005  
37.88 acres

10-10-400-005

Deed - Book: 2007 Page: 3258  
Contract - Book: Page:

10-15-200-002  
38.18 acres  
ZIBILICH, NATHAN ET AL

ZIBILICH, NATHAN ET AL  
10-15-200-004  
10-15-200-004  
38.15 acres

Deed - Book: 2020 Page: 0531  
Contract - Book: Page:

11174 AMBER RD  
SHADA, RONALD V LIFEST & SHADA, TYLER K & KAMRYN Q  
36.84 acres  
10-11-300-003  
10-11-300-003

10-11-300-004  
39 acres  
10-11-300-004

Deed - Book: 2022 Page: 0172  
Contract - Book: Page:

10-14-100-007  
28.02 acres  
HOSCH, GREGORY J REV TR  
10-14-100-007

10-14-100-003  
38.16 acres  
HOSCH, GREGORY J REV TR  
10-14-100-003

Deed - Book: 271 Page: 214  
Contract - Book: Page:

10-14-100-004  
38.88 acres  
MAIS, ROWLAND E III & SUSAN  
10-14-100-004

MAIS, ROWLAND E III & SUSAN  
10-14-100-005  
10-14-100-005  
40 acres

110th ST

CH X44 AMBER RD.



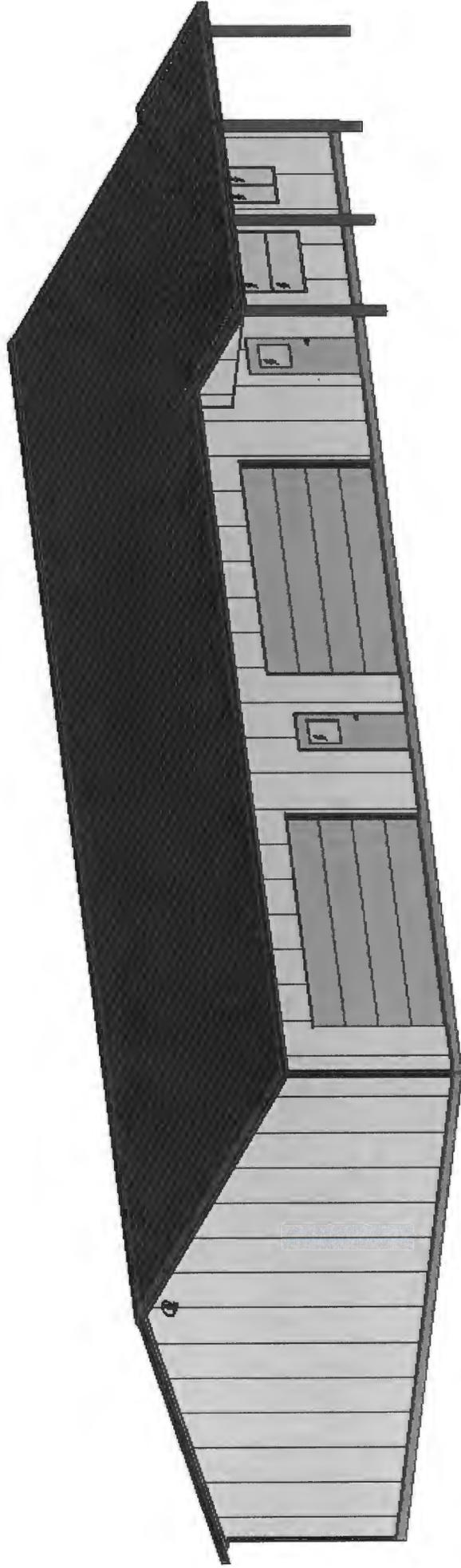
2.88 acres  
10802 AMBER ROAD X44

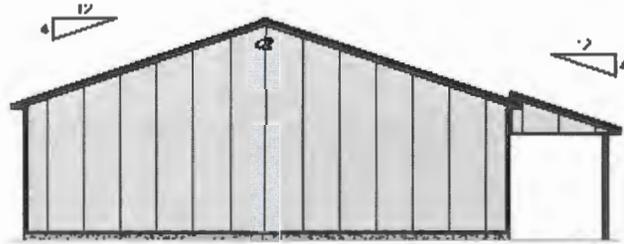
10-14-100-006

SLATER, NICHOLAS S & JOSLYN A

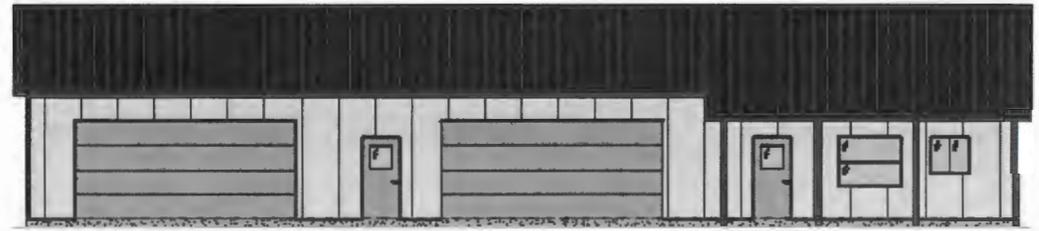
10-14-100-006

We are planning to build a 40x80 shop/house with a 25x40 living quarters for my elderly parents to move into. It will be designed to ADA standards. 36in wide doors with zero entry.

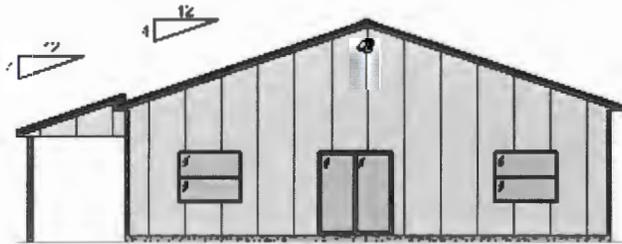




**A2** ENDWALL 1 ELEVATION



**B2** SIDEWALL 1 ELEVATION



**C2** ENDWALL 2 ELEVATION



**D2** SIDEWALL 2 ELEVATION



**DEALER INFO.**  
 Eastern Iowa Building Inc.  
 104 Williams Blvd.  
 Fairfax, IA 52228

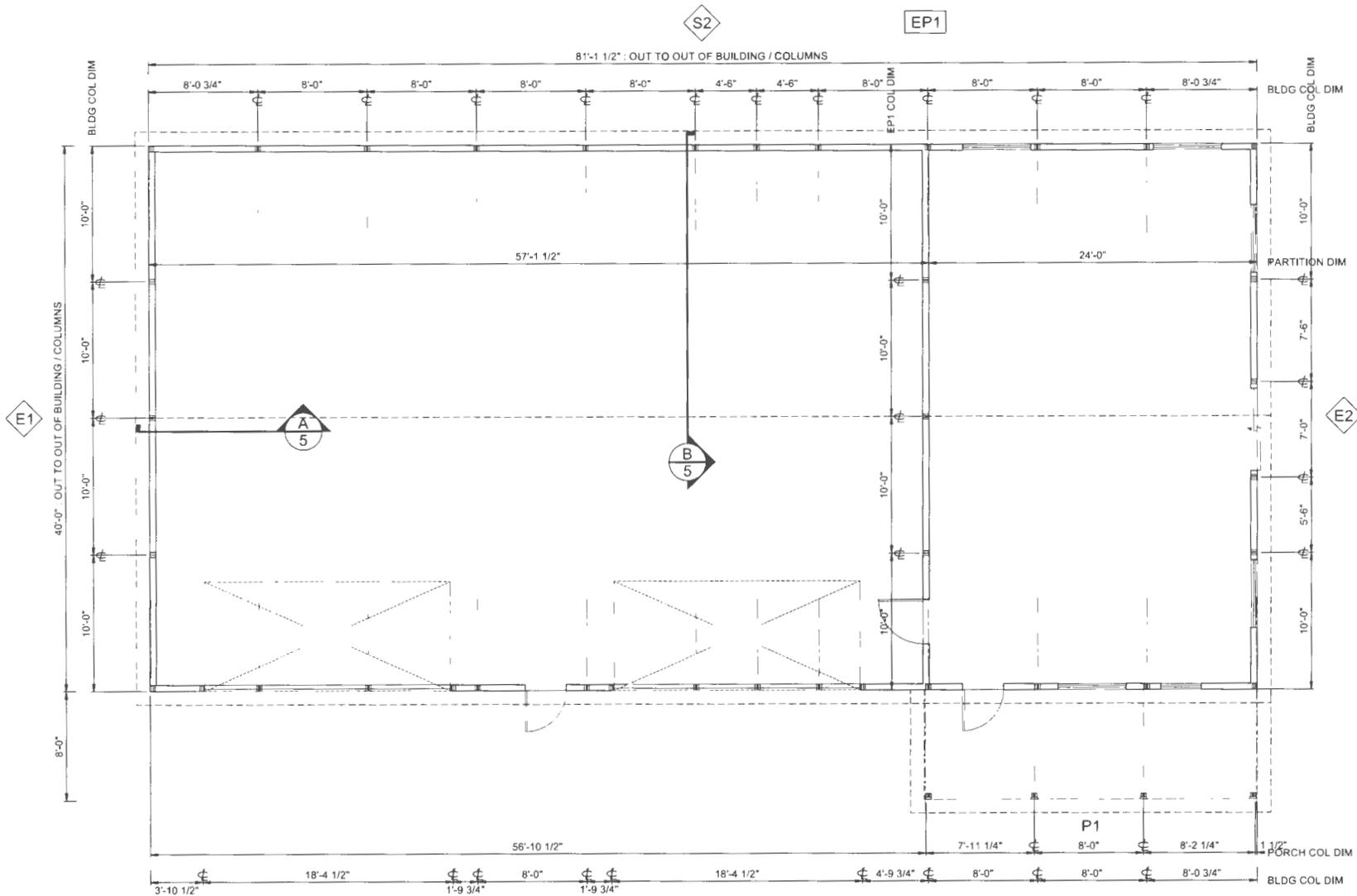
**CUSTOMER INFO.**  
 Nick Slater  
 Anamosa, IA 52205

**BUILDING DESCRIPTION**  
 40'-0" x 81'-1" x 10'-0"  
 Uni-Frame Not Embedded  
 QP062223

**Customer Approval**  
 \_\_\_\_\_  
 Project: \_\_\_\_\_  
 DATE

**Bldg Direction**  
  
 (North)

Proj. P21J-16227-00-00  
**PROPOSAL DRAWINGS ONLY**  
 Not valid for Construction Permits  
 The information contained in this drawing is based on  
 information furnished by the client and is not to be  
 used for any other purpose without the written  
 consent of the architect.



(A4) FLOOR PLAN

	DEALER INFO.	CUSTOMER INFO.	BUILDING DESCRIPTION	Customer Approval	Bldg Direction	PROJ: P21J-16227-00-00 <b>PROPOSAL DRAWINGS ONLY</b> <small>Not Intended for Construction Purposes</small> The information presented in this drawing is based on a preliminary design using the input provided. The final design is subject to Lester Engineering review. * NOT TO SCALE *
	Eastern Iowa Building Inc. 104 Williams Blvd. Fairfax, IA 52228	Nick Slater Anamosa, IA 52205	40'-0" x 81'-1" x 10'-0" Uni-Frame Not Embedded QP062223	_____ <small>(Initials)</small> DATE: _____	 <small>(Mark North)</small>	

Jones County Land Use  
 Rm 113 Courthouse, 500 W Main St.  
 Anamosa, Iowa 52205  
 Phone: 319-462-2282 Fax: 319-462-5815  
 Email: [landuse@jonescountyiowa.gov](mailto:landuse@jonescountyiowa.gov)  
 Website: [www.jonescountyiowa.gov](http://www.jonescountyiowa.gov)



**JONES COUNTY LAND USE**

**Written Report of the Jones County Land Use Administrator  
 Request for a Special Permitted Use**

<b>Application from:</b>	<b>Nicholas and Joslyn Slater</b>
<b>For property located:</b>	<b>Near 10802 Amber Rd X44</b>
Brief legal description:	Parcel 2004-164 in NW NW
Parcel number:	10-14-100-006
Parcel size:	6.27 acres
<b>Proposal:</b>	<b>To add an auxiliary dwelling unit/shop to allow for the homeowner's elderly parents to live there.</b>
Current Zoning District:	A-Agricultural
Applicable Ordinance Provisions:	<b>Article V. Zoning Districts</b> <ul style="list-style-type: none"> <li>▪ Section 1. A- Agricultural</li> <li>▪ D. Special Permitted Uses</li> <li>▪ 1. Auxiliary dwelling units subject to Article XI.</li> </ul> <b>Article XI Auxiliary and Seasonal Dwelling Units</b>
Date application received:	July 25, 2023
Applicable fee:	\$250 paid on July 25, 2023
Notice published: (Article XXI-Section 5)	Week of July 31, 2023 (11-13 days notice provided; 7-20 days required)
Adjacent property owners notified by certified mail: (Article XXI-Section 5)	July 27, 2023
Report mailed to Board of Adjustment: (Article XXI-Section 7)	August 9, 2023
Report mailed to Applicant: (Article XXI-Section 7)	August 9, 2023

*Application packet attached.*

*See page 2-4 for report.*

**Report of the Jones County Land Use Administrator**  
(Article XXI-Section 7)

	<b>Jones County Engineer – Derek Snead</b>
<b>Comments:</b>	<i>I have reviewed the Special Permitted Use Application submitted by Mr. and Mrs. Slater along County Road X44 and do not believe it will cause any negative impact to the Roads Department. Please remind the applicant that the existing road right-of-way (ROW) along this parcel is seventy (70) feet from the centerline of the roadway and that no construction is permitted within thirty (30) feet of the ROW. Also, if a new access is desired, no construction (or alteration to an existing access) may commence without prior approval from our office.</i>
	<b>NRCS District Conservationist – Addie Manternach</b>
<b>Comments:</b>	<i>After reviewing this special permitted use application, I do not see any major concerns/impacts of the proposed auxiliary dwelling unit on this site. From the point of view of the Jones Soil &amp; Water Conservation District, approval of this proposal should have no negative effect on the soil and water resources of this area. If any additional construction is planned for the future, the Jones Soil &amp; Water Conservation District advises the landowner to seek assistance in developing an erosion control plan – prior to construction – to prevent soil erosion on site during construction and to keep sediment from leaving the property.</i>
	<b>Jones County Environmental Services – Paula Hart</b>
<b>Comments:</b>	<ul style="list-style-type: none"> <li>• <i>Must obtain a septic permit from this department prior to construction of new dwelling. Minimum required separation distances must be met.</i></li> <li>• <i>If an existing well is to be shared, it is recommended to have it tested for coliform bacteria and nitrates to verify potable water. A shared well agreement is recommended and recorded with the County Records office.</i></li> <li>• <i>If a new well is planned, a permit from this department is required prior to construction.</i></li> </ul>
	<b>Flood Plain Manager – Brenda Leonard</b>
<b>Comments:</b>	<i>That parcel (2004-164) is not in a floodplain.</i>
	<b>Jones County Conservation Board - Brad Mormann</b>
<b>Comments:</b>	<i>No comments received.</i>
	<b>E911 Coordinator – Gary Schwab</b>
<b>Comments:</b>	<i>In review of the above stated application, the Jones County 911 office finds that there are no conflicts with Chapter 3, Uniform Rural Address System to Title IV Streets, Roads Public Ways and Transportation, Section 9.D, as part of the Jones County Code of Ordinances. As this is a separate residential building a 911 address and signage will be required.</i>

<b>Minimal impact</b>	<b>Impact which the application will have on the overall land use plan in Jones County</b> (Article XXI-Section 7)
<i>Comments: Auxiliary dwelling units are permitted in the Agricultural Zoning District after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use. It is limited to one auxiliary dwelling unit per property, for up to two family members.</i>	
<b>Minimal impact</b>	<b>Impact which the application would have on surrounding property:</b> (Article XXI-Section 7)
<i>Comments: The surrounding property is also in the Agricultural Zoning District. The impact on the surrounding property would be minimal, as it's all Ag land. The only difference would be the additional traffic of the elderly couple arriving and departing the property.</i>	

**SECTION 1. AUXILIARY DWELLING UNITS**

Auxiliary Dwelling Units are permitted in the A and R districts. To qualify, a unit can be a room addition or an attached structure to the existing primary dwelling unit or garage. For the purposes of Auxiliary Dwelling Units, the definition of family is anyone related by blood, marriage, adoption, legal guardianship, foster parent-children or a domestic partner of said family member. Auxiliary dwelling units shall be approved by the Board of Adjustment and are subject to the following supplemental conditions and any other conditions as may be warranted by the Board of Adjustment to mitigate any deleterious effects of the proposed use and to promote the public health, safety and general welfare.

A. One auxiliary dwelling unit per property. **There will be only one auxiliary dwelling unit on the property.**

B. The number of occupants is limited to two (2) and one shall be a family member of the primary residential unit as defined in auxiliary dwelling units. There shall be an annual verification that the persons living in the auxiliary dwelling unit are family members as defined herein. **The primary dwelling unit owners are Nicholas and Joslyn Slater. The occupants of the proposed auxiliary dwelling will be Nicholas's elderly parents.**

C. The primary dwelling unit on the property shall be occupied by the legal owner of the property. The auxiliary dwelling unit is established in such a way as to minimize its visibility from adjacent streets and properties. **The primary dwelling unit owners and legal property owners are Nicholas and Joslyn Slater.**

D. The gross square footage of the auxiliary dwelling unit, excluding attached covered parking and unenclosed patio covers, shall not exceed one-half the gross square footage of the primary dwelling unit or one thousand (1,000) square feet, whichever number is less. **According to the application, the total size of the shop/house is 40x80 (3200 sq. ft) with the living quarters measuring 25x40 (1,000 sq. ft).**

E. The auxiliary dwelling unit shall be provided with an off-street parking space in addition to any parking requirement for the primary dwelling unit. Any parking provided for the auxiliary dwelling unit shall be served from the same driveway system that serves the parking for the primary dwelling unit. **According to the application, sufficient parking is available.**

F. The auxiliary dwelling unit shall meet the setback requirements of the primary dwelling unit. **The application doesn't show exact set-back measurements, but the owners are aware of the set-back requirements and according to the arial map, there is adequate room to accommodate this unit.**

G. The auxiliary dwelling unit permanently built on a property shall be architecturally compatible with and complimentary to the primary dwelling unit. All related aesthetic matters including architecture and landscaping shall be subject to review and approval by the Board of Adjustment.

**Page 4: Applicant: Nicholas and Joslyn Slater**  
Property Location: Near 10802 Amber Rd X44  
Board of Adjustment meeting: August 16, 2023 at 4:00 p.m.

**Comments from the Land Use Administrator:** Nicholas and Joslyn Slater are proposing building a shop/house on a parcel they own, adjacent to the parcel their primary dwelling is located on. Because these parcels are located in the Agricultural Zoning District, if the application is approved, the owners will need to consult with an attorney and file a Deed Restriction with the Recorder’s Office. A deed restriction would require the two parcels to always be kept together, and would not allow them to be split, during any future property sales. The shop/house would also always be considered an auxiliary dwelling unit to the primary dwelling and only family members of the primary dwelling owners would be able to occupy the shop/house. The proposed auxiliary dwelling is designed by ADA standards with 36-inch wide doors with zero entry.

A septic permit must be obtained from Paula Hart (Environmental Health) prior to construction of the new dwelling. If an existing well is to be shared, it is recommended to have it tested for coliform bacteria and nitrates to verify potable water. A shared well agreement is recommended and would need to be recorded with the Recorder’s Office. If a new well is planned, a permit must be obtained prior to construction.

A 911 address and signage will be required from the Jones County 911 office.

<b>Potential outcomes of Special Permitted Use</b>
<input type="checkbox"/> Approve the application in full
<input type="checkbox"/> Approve the application with modifications
<input type="checkbox"/> Deny the application
<input type="checkbox"/> Table the application to a later date

\_\_\_\_\_  
*Jones County Land Use Administrator*

\_\_\_\_\_  
*Date*