

**JONES COUNTY
BOARD OF ADJUSTMENT**

AGENDA

**TUESDAY, MAY 21, 2024 4:00 p.m.
BOARD ROOM, JONES COUNTY COURTHOUSE**

- 4:00 p.m.**
- Call meeting to order, approve agenda, and April 16, 2024 meeting minutes.

- Public hearing for owners Terry and Janice Hartwig along with applicant Chad Hartwig have applied for a Special Permitted Use for an Auxiliary Dwelling located on their property within the A-Agricultural zoning district described as SW ¼ NW ¼ SW 1/4,(parcel 05-32-300-004) in Section 32 of Cass Township generally located at 13458 239th Ave., Anamosa. More specifically, the proposal is to request an auxiliary dwelling, manufactured home, to be placed onto the property as a residence for the applicant.
- Action on Special Permitted Use Application for owners Terry and Janice Hartwig and applicant Chad Hartwig.
- Next meeting, if needed is June 11, 2024. Application deadline is Wednesday May 22, 2024.

Jones County Board of Adjustment

Meeting Minutes

April 16, 2024, at 4:00 p.m.

Members present:

Cindy Hall, Chairperson
Paul Thomsen
John Hinz
Roger Kistler

Members Absent:

Stan Reiter

Staff present:

Whitney Amos – Land Use Administrator

Visitors present:

Nancy Atwater

Chairperson Cindy Hall called the meeting to order at 4:00p.m. Introductions of the Board and visitors took place.

Motion by Thomsen seconded by Hinz to approve the March 19, 2024, meeting minutes with corrections. All aye. Motion carried.

Motion by Hinz seconded by Thomsen to open the meeting at 4:02 p.m. for owner Nancy M.H. Atwater Trust along with applicant Kirk Atwater, Katwater Transport, who have applied for a Special Permitted Use for constructing a building located within the A-Agricultural zoning district described as parcel 2022-71 in NE 1/4 SW 1/4 (parcel 06-12-300-008) in Section 12 of Wayne Township generally located at 13534 170th Street, Monticello. More specifically, the proposal is to request the construction of a 50x90 farm and truck shop to be used for a local agriculturally based trucking company.

Amos stated that she consulted with the County Attorney about this building being constructed prior to approval. The County Attorney advised that if the building will meet the ordinance and be approved, a judge would dismiss the citation since the building complies with the ordinance.

Kistler did ask Atwater if she and the applicant were aware of needing a permit prior to starting construction. She did advise that they were aware, however with the weather being unseasonably warm the contractor decided to start construction. Atwater nor the applicant did not realize how fast the building would be constructed. Atwater also advised that it is a trucking company however the applicant is the only employee, and they only have one truck.

Hall asked about the septic and permitting for that. Atwater did advise that they have contacted Ted Kraus to put in the septic for the building. She believes the applicant has received a permit from Environmental Health for the septic system.

Motion by Thomsen seconded by Hinz close the discussion at 4:05 p.m. All aye. Motion carried.

Motion by Kistler seconded by Thomsen to approve the Special Permitted Use application for owners, Nancy M.H. Atwater Trust & Kirk Atwater, Katwater Transport, for a truck shop located at 13534 170th Street, Monticello.

Roll call vote:

Cindy Hall- Aye

Paul Thomsen-Aye

John Hinz- Aye

Roger Kistler- Aye

All aye. Motion carried.

The next meeting is scheduled for Tuesday, May 21, 2024, at 4:00 p.m. Application deadline is Wednesday, May 1st, 2024.

Motion by Hinz seconded by Kistler to adjourn at 4:08 p.m. All aye. Motion carried.

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
 Website: www.jonescountyiowa.gov



JONES COUNTY LAND USE

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

Application from:	Owner Terry & Janice Hartwig; Applicant Chad Hartwig
For property located:	13458 239 th Ave, Anamosa
Brief legal description:	SW ¼ NW ¼ SW ¼ Section 32 Cass Township
Parcel number:	05-32-300-004
Parcel size:	10 acres
Proposal:	To request an auxiliary dwelling to be placed on the property for applicant to reside in.
Current Zoning District:	A- Agricultural
Applicable Ordinance Provisions:	<p>Article V. Zoning Districts</p> <ul style="list-style-type: none"> ▪ Section 1. A- Agricultural ▪ D. Special Permitted Uses ▪ 1. Auxiliary dwelling units subject to Article XI. <p>Article XI Auxiliary and Seasonal Dwelling Units</p>
Date application received:	April 30, 2024
Applicable fee:	\$250 paid on April 30, 2024
Notice published: (Article XXV-Section 5)	Week of May 6, 2024 (11-13 days notice provided; 7-20 days required)
Adjacent property owners notified by certified mail: (Article XXV-Section 5)	May 2, 2024
Report mailed to Board of Adjustment: (Article XXV-Section 7)	May 15, 2024
Report mailed to Applicant: (Article XXV-Section 7)	May 15, 2024

Application packet attached.

See page 2,3 and 4 for report.

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

	Jones County Engineer – Derek Snead
Comments:	<p>1) Jones County has established rules for control of access to secondary roads. This policy was developed to formalize Jones County's requirements for the location and establishment of driveways, field accesses and farm entrances requested by county property owners. If a new access will be constructed or if there are any proposed changes to an existing property access, the property owner must file an 'Application for Access' with the Jones County Secondary Road Department prior to commencing any access construction.</p> <p>2) Jones County has established an ordinance to ensure uniform building and structural alterations along County public secondary road rights-of-way that will protect and preserve the highway corridor. If a property owner desires to build a structure or alter an existing structure that is within thirty feet of the secondary road right-of-way, then a variance request must be filed with the County Engineer's Office before any construction may commence.</p> <p>3) Any work that may necessitate work (ditching, driveway resurfacing, etc.) within the County Road right-of-way must first obtain an Application for Alteration of Public Right-of-Way before commencing with construction.</p>
	NRCS District Conservationist – Addie Manternach
Comments:	<p>After reviewing this special permitted use application, I do not see any major concerns/impacts of the proposed trailer on this site. From the point of view of the Jones Soil & 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, the Jones Soil & 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.</p>
	Jones County Environmental Services – Paula Hart
Comments:	<p>1) Must obtain a septic permit from this department from a certified septic contractor with Jones County.</p> <p>2) If hooking up to existing well on property, recommend water testing. Please reach out to this department for more information</p>
	Flood Plain Manager – Brenda Leonard
Comments:	<i>This parcel is not in a flood plain.</i>
	Jones County Conservation Board - Brad Mormann
Comments:	<i>No Comments from this department.</i>
	E911 Coordinator – Gary Schwab
Comments:	<p>In review of the above stated application the Jones County 911 office finds that there is a concern, pursuant to Chapter 3, Uniform Rural Address System to Title IV Streets, Roads Public Ways and Transportation, as part of the Jones County Code of Ordinances.</p> <p>With a separate dwelling this office advises that a separate 911 address be procured. This address is not only important for expedient delivery of emergency services but for US Postal and package delivery.</p>

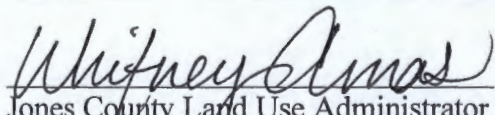
<i>Minimal impact</i>	Impact which the application will have on the overall land use plan in Jones County (Article XXV-Section 7)
Comments: <i>Auxiliary dwelling units are permitted in the Agricultural zoning district. It is limited to one auxiliary dwelling unit per property, for up to two family members.</i>	
<i>Minimal impact</i>	Impact which the application would have on surrounding property: (Article XXV-Section 7)
Comments: <i>Surrounding property is in the Agricultural and Residential zoning district. The impact on the surrounding property would be minimal.</i>	

Potential outcomes of Special Permitted Use
<i>Approve the application in full</i>
<i>Approve the application with modifications</i>
<i>Deny the application</i>
<i>Table the application to a later date</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. **According to the application, this will be the only auxiliary dwelling unit.**
- 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. **According to the application, there will be the applicants living in the unit.**
- 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 will be occupied by the legal owner of the property.**
- 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. **Unknown how large the auxiliary dwelling would be however the primary unit is 920 square feet.**
- 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 should be available.**
- F. The auxiliary dwelling unit shall meet the setback requirements of the primary dwelling unit. **According to the application, it appears to meet the setback requirements.**
- 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. **According to the application the primary residence has**


Jones County Land Use Administrator
Whitney Amos

5/14/24
Date

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Jones County Zoning

Special Permitted Use Application

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

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: 4/30/24 \$250 CASH

Owner Information

Name on property: <u>Terry and Jan Hartwig</u>			
Address to receive mail:		House Number & Street: <u>13458 239th Ave.</u>	Apartment/Unit
		City: <u>Anamosa</u>	State: <u>Iowa</u>
		Zip Code: <u>52205</u>	
Phone:	<u>(319) 480-2814</u>	E-mail Address:	<u>Thartwig125@gmail.com</u>

Applicant Information

Name: (If different from above.) <u>Chad Hartwig</u>			
Address to receive mail:		House Number & Street: <u>609 Resident st P.O. Box 123</u>	Apartment/Unit
		City: <u>Olin</u>	State: <u>Iowa</u>
		Zip Code: <u>52320</u>	
Phone:	<u>(563) 929-3270</u>	E-mail Address:	<u>hartwigchad30@gmail.com</u>

Parcel Information

Township	<u>Cass</u>	Section	<u>32</u>	Property Address	<u>13458 239th Ave.</u>
Zoning District: <u>Ag.</u>				County Parcel ID(s), if known: <u>05-32-300-004</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.

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.

Chad Hortwig
Applicant Signature

4/29/2024
Date

Ken Hanks
Owner Signature (if different than above)

4/29/2024
Date

Janie Hortwig

QUESTIONS

WHO TO CONTACT

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

I want to put a double wide trailer on my Mom and Dads property. I would use the driveway that is already there.

As this would be my residence traffic volumes would not increase much. It would just be me driving to and from work.

There would be normal house hold noise. I plan on putting in a septic system in. I called Brenda Leonard the Flood Plain Coordinator and she said it is not in a flood plain. County Engineer Derek Snead said there was no problem with him since I would be using the pre-existing driveway.



