

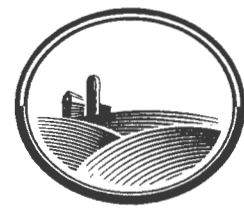
**JONES COUNTY
BOARD OF ADJUSTMENT**

AGENDA

**TUESDAY, AUGUST 20, 2024 4:00 p.m.
COMMUNITY ROOM, JONES COUNTY COURTHOUSE**

- 4:00 p.m.**
- Call meeting to order, approve agenda, and July 16, 2024 meeting minutes.
 - Annual appointment administrative rules.
 - Public hearing for owners Bradley Difiore and Jennifer Hist-Difiore who have applied for a Special Permitted Use within the A-Agricultural zoning district described as Parcel 2015-63 in SE SE, 2.63 acres, (parcel 06-27-400-001) in Section 27 of Wayne Township generally located at 15038 E23 County Home Rd., Anamosa. More specifically, the proposal is to request an auxiliary dwelling for their mother to reside in.
 - Action on Special Permitted Use Application for owners Bradley Difiore & Jennifer Hist-Difiore.
 - Next meeting, if needed is September 17, 2024. Application deadline is Wednesday August 28, 2024.

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:	Owners Bradley Difiore & Jennifer Hist-Difiore
For property located:	15038 E23 County Home Rd., Anamosa
Brief legal description:	Parcel 2015-63 In SE SE Section 27 Wayne Township
Parcel number:	06-27-400-011
Parcel size:	3.13 acres
Proposal:	To request an auxiliary dwelling to be constructed in an established building for the owner's mother to live in.
Current Zoning District:	A- Agricultural
Applicable Ordinance Provisions:	Article V. Zoning Districts <ul style="list-style-type: none"> ▪ Section 1. A-Agricultural ▪ D. Special Permitted Uses ▪ 1. Auxiliary dwelling units subject to Article XI. Article XI Auxiliary and Seasonal Dwelling Units
Date application received:	July 30, 2024
Applicable fee:	\$250 paid on July 30, 2024
Notice published: (Article XXV-Section 5)	Week of August 5 th , 2024 (11-13 days notice provided; 7-20 days required)
Adjacent property owners notified by certified mail: (Article XXV-Section 5)	August 1, 2024
Report mailed to Board of Adjustment: (Article XXV-Section 7)	August 14, 2024
Report mailed to Applicant: (Article XXV-Section 7)	August 14, 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:	<ul style="list-style-type: none"> • 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. • 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. • 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.
	NRCS District Conservationist – Addie Manternach
Comments:	After reviewing this special permitted use application, I do not see any major concerns/impacts of the proposed living facility 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.
	Jones County Environmental Services – Paula Hart
Comments:	1) Must obtain septic permit from this department from a certified septic contractor with Jones County.
	Flood Plain Manager – Brenda Leonard
Comments:	The property located at 15038 E23 County Home Road is not in the floodplain.
	Jones County Conservation Board - Brad Mormann
Comments:	No Comments from this department.
	E911 Coordinator – Gary Schwab
Comments:	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. 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.

Page 3: Owners: Bradley Difiore & Jennifer Hist-Difiore
 Property Location: 15038 E23 County Home Rd., Anamosa
 Board of Adjustment meeting: August 20, 2024, at 4:00 p.m.

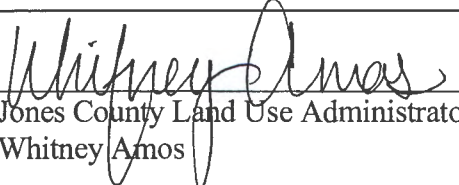
<i>Minimal impact</i>	Impact which the application will have on the overall land use plan in Jones County (Article XXV-Section 7)
Comments: <i>Auxiliary dwelling units are permitted in the Agricultural zoning district. It is limited to one auxiliary dwelling unit per property, for up to two family members.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

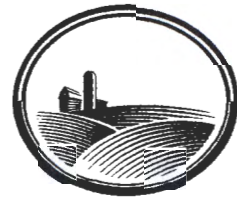
Auxiliary Dwelling Units are permitted in the A and R districts. To qualify, a unit can be a room addition or an attached structure to the existing primary dwelling unit or garage. For the purposes of Auxiliary Dwelling Units, the definition of family is anyone related by blood, marriage, adoption, legal 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 a family member 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 1792 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.


Jones County Land Use Administrator
Whitney Amos

8/14/24
Date

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
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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: 7/30/24 CK# 4682

Owner Information			
Name on property: <u>Bradley DiFiore and Jennifer Hrst-DiFiore</u>			
Address to receive mail:	House Number & Street: <u>15038 E23 County Home Rd.</u>	Apartment/Unit	
	City: <u>Anamosa</u>	State: <u>IA</u>	Zip Code: <u>52205</u>
Phone: <u>904-493-2420</u> <u>904-434-4211</u>	E-mail Address: <u>braddo20@aatt.net</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>Wayne</u>	Section	<u>27</u>	Property Address	<u>15038 E23 County Home Rd. Anamosa IA 52205</u>
Zoning District:	<u>Agricultural</u>			County Parcel ID(s), if known: <u>Dle-27-400-011</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.

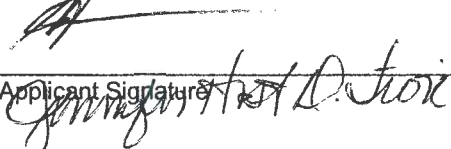
The applicant is responsible for reviewing the provisions of the Jones County Zoning Ordinance prior to submitting this application.

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.


 Applicant Signature _____ Date 7/25/2024
 _____ Date 7/25/24
 Owner Signature (if different than above) _____ Date _____

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

Grant Wood Area Abstract, Inc.
Anamosa Jones County, Iowa

Instrument #: 2016-0603
03/07/2016 03:22:50 PM Total Pages: 1
ZPS SURVEYS/PLATS
Recording Fee: \$7.00 Transfer Tax: \$0
Sheri L. Jones, Recorder, Jones County Iowa



Plat of Survey Retracement Parcel 2015-63



Parcel Description

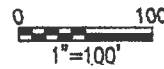
A part of the SE 1/4 SE 1/4 Section 27, Township 85 North, Range 3 West of the 5th P.M. Jones County, Iowa described as follows.
Parcel 2015-63 as recorded in Book V, Page 36 in the Jones County Record Office.

Reference Documents

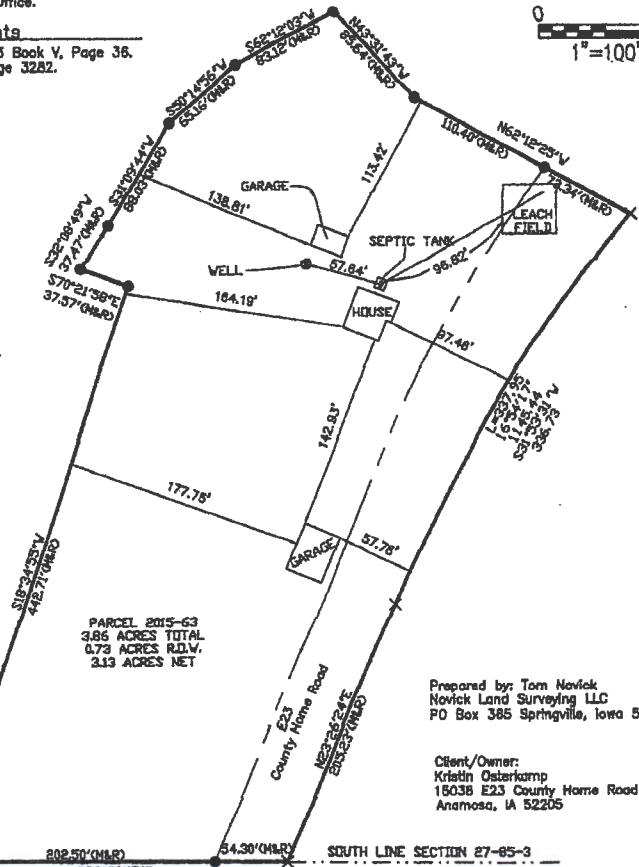
Plat of Survey Parcel 2015-63 Book V, Page 36.
Warranty Deed Book 2015, Page 3282.

Notes:

Septic Tank and Leach Field are approximate locations. Septic Tank and Leach Field were not excavated to determine exact location.

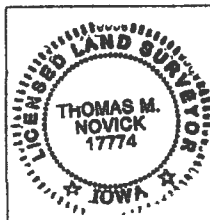


SE 1/4 SE 1/4
27-85-3



Legend

- Parcel Line _____
- Building Line _____
- Right of Way _____
- Section Line _____
- Found Iron Rod •
- Found Cut X



I HEREBY CERTIFY THAT THE LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED MEASUREMENTS WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A duly Licensed Land Surveyor within the State of Iowa.

DATE: 3/7/16
THOMAS M. NOVICK
IOWA LICENSE NO. 17774

MY LICENSE EXPIRES ON 12/31/2017
PAID OR CHECK COVERED BY THIS SURVEY: 1051

Prepared by: Tom Novick
Novick Land Surveying LLC
PO Box 385 Springville, Iowa 52338

Plat of Survey Retracement

Drawn by: Tom Novick
Date: 03/07/16
Scale: 1"=100'
Field Book # & Dr. Outcrops

Client: Kristin Osterkamp
1503B E23 County Home Road
Anamosa, IA 52205

NOVICK LAND SURVEYING
PO Box 385
Springville, Iowa 52338
Phone: (515) 330-0377

Sheet No. 1 of 1

Bradley DiFiore
Jennifer Hist-DiFiore
15038 E23 County Home Road
Anamosa, IA 52205
(904) 993 -2420 – Brad
(904) 434-4211 - Jennifer


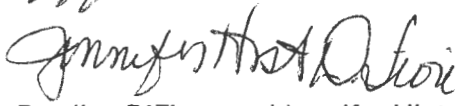
July 18, 2024

To Whom It May Concern,

We, Bradley DiFiore and Jennifer Hist-DiFiore, owners of the property located at 15038 E23 County Home Road, Anamosa, IA, are applying for a special permit to have the existing auxiliary dwelling that resides on our property converted into a one bedroom living facility for our mother, Patricia DiFiore. The current dwelling exists south of our home.

Thank you for your consideration in this matter.

Sincerely,


 7/25/2024
7/25/24

Bradley DiFiore and Jennifer Hist-DiFiore

Jones County Board of Adjustment

Meeting Minutes

July 16, at 4:00 p.m.

Members present:

Paul Thomsen
Kathy McDonell
John Hinz
Roger Kistler

Members Absent:

Stan Reiter

Staff present:

Whitney Amos – Land Use Administrator
Michelle Lubben-Deputy Auditor

Visitors present:

Melissa Riedesel-23256 Fish House Rd., Anamosa
Grant Humston- 23256 Fish House Rd., Anamosa
Theresa Mahoney- 23525 Fish House Rd., Anamosa
Tom Durgin- 23035 Fish House Rd., Anamosa
Cori Mahoney- 23525 Fish House Rd., Anamosa
Gina Durgin-23124 Fish House Rd., Anamosa
Charles Durgin-23124 Fish House Rd., Anamosa
Ned Rohwedder-13204 County Rd. E23, Olin
Harper Houston-2079 130th Ave., Olin
Shannon Gutierrez-23025 Fish House Rd., Anamosa
Matt Fischer- 302 E 5th St., Anamosa

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

Motion by Hinz seconded by McDonell to approve the agenda. All Aye. Motion Carried.

Motion by Kistler seconded by Hinz to approve the meeting minutes for both the June 18th and the June 25th meeting minutes with corrections.

Motion by Hinz seconded by McDonell to open the public hearing at 4:02 p.m. for owner Gina Durgin and applicant Charles Durgin who have applied for a Special Permitted Use within the R-Residential zoning district described as Parcel 97-74 in Sec 8 Far 25.80 Acres, (parcel 09-08-400-013) in Section 8 of Fairview Township generally located at 23124 Fish House Rd., Anamosa. More specifically, the proposal is to request an auxiliary dwelling for his daughter and grandson to reside in.

Amos noted that the Board received copies of the application, aerial map, and written report. The owner & applicant also received a copy of the written report as required. Amos noted that the adjacent landowners certified letters were received. No written or verbal comments were received prior to the meeting for the application.

Thomsen asked why the red sign had not been posted. Durgin advised that the wind had blown it down and that he found it in the ditch multiple times.

Charles Durgin advised that after he looked closer to where they were wanting to build, that they decided that they would like to build on the 25-acre parcel described as 08 84 04 N 25A Lot 1 FRA 22.51 Acres. This would be the only residential dwelling on this parcel. Gina also stated that the reason for not living in any of the current dwellings is because they are too close to the road. They would like privacy due to ongoing neighbor disputes. The Durgin's advised that they are currently farming approximately 17 goats at this time. It was also mentioned that neither Gina nor Charles are currently living on the main parcel. They advised that the barn apartments are vacant and no one is living in them.

Riedesel spoke about concerns about access to the property. She is concerned that the Durgin's will use an easement to access the dwelling they are requesting. Riedesel advised that the easement only allows the Durgin's to access a different parcel that they own, not the parcel in question. Riedesel also had concerns about the Durgin's not getting a certified well and septic company and that Charles would do it himself, as well as the electrical. Riedesel also advised that she had not seen any goats on the property.

There were multiple neighbors concerned about the construction and location of the proposed dwelling. Along with the incomplete application that was submitted for the auxiliary dwelling, and questions as to why they could not reside in an already established dwelling.

The discussion was much heated between parties.

It was also stated that in order to build on the parcel they are requesting, the Durgin's will need to fill out a permitted use application. With this there would be no farm exemptions going forward.

Motion by McDonell seconded by Hinz to close the public hearing at 4:35 p.m. All aye. Motion carried.

Motion by Kistler seconded by Hinz to deny the Special Permitted Use application for owner Gina Durgin and applicant Charles Durgin who have applied for a special permitted use for an auxiliary dwelling to be located on the property at 23124 Fish House Rd., Anamosa.

Roll call vote:

Paul Thomsen-Aye

John Hinz- Aye

Roger Kistler- Aye

Kathy McDonell- Aye

All aye. Motion carried.

The next regular scheduled meeting is August 20, 2024, with the application deadline being Wednesday July 31, 2024

Motion by Hinz seconded by Kistler to adjourn at 4:37 p.m. All aye. Motion carried.