

**MINUTES OF THE MEETING OF THE
ALLAMAKEE COUNTY BOARD OF ADJUSTMENTS**

February 4, 2010

Board of Supervisors' Room, Courthouse, Waukon, Iowa

Meeting was called to order at 4:30 P. M. by Chairman Dr. Bernard Pratte.

Roll call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2010
	Nancy Walleser	Present	12/31/2010
	Arne Beneke	Present	12/31/2013
	John Goettel	Present	12/31/2013
	Carl Larson	Present	12/31/2014

Planning and Zoning Staff present: Tom Blake, Zoning Administrator and Planning and Zoning Commission Chair John Smola.

All Board members voting "AYE" unless noted. MCU means Motion Carried Unanimously.

Motion by Beneke and second by Larson to approve agenda. Motion carried Unanimously (MCU).

Chairman Pratte advised the Board that it was time to appoint a member as Board Chairman for the year. Beneke made a motion to appoint Bernard Pratte as Chair. Larson seconded. MCU.

Motion by Beneke and second by Larson to approve the minutes of December 3, 2009 as presented. MCU.

Murphy, Shawn and Faith—variance request 001-10

Chairperson Dr. Bernard Pratte opened the Public Hearing on the variance request by Shawn and Faith Murphy.

Zoning Administrator Tom Blake presented the staff report. The Murphy's have requested a variance be granted to allow them to place a 32' x 42' garage within the required front yard (25') and street side yard (30'). The variance requests the required distance from the front yard lot line to the garage be reduced to 17' and the side yard street side be reduced to 3'. Blake's staff report had the following exhibits attached to it:

- Exhibit 001-10A. List of adjoining property owners, notification letter and response letters.

- Exhibit 001-10B. Beacon photo of property depicting proposed garage location, leach field location. Email from County Sanitarian regarding sanitary system and garage location.
- Exhibit 001-10C. Beacon print showing 500' boundary around site.

Blake recommended the approval of the requested variance, stating that Murphy's have demonstrated this is the best location on the site for the garage. Moving the garage to the south or east would create undesirable conditions such as steep slopes and placement of additional fill on the site and possible interference with the sanitary system. The traffic volume on the street side is negligible. The 'street' is more like a private drive for the use of only a couple residences. Blake also advised the garage location will not cause a sight distance hazard for entering onto Old Rossville Road from the street. The variance will not alter the essential character of the neighborhood and it is already used for the parking of vehicles. No one has voiced opposition to the project.

Shawn and Faith Murphy were both sworn in by Chairman Pratte.

Murphy's presented a detailed site plan to the Board showing their house, trees, septic system, and the proposed garage location.

Motion made by Beneke to approve granting a variance from Section 203.4 of the Allamakee County Zoning Ordinance to allow the construction of a 32' x 42' garage to within 3' of the west (street side yard) lot line and within 17' of the north (front yard) lot line on the north end of parcel #1525426001 based upon the finding that the Murphy's have demonstrated that literal enforcement of the ordinance would result in unnecessary hardship per Section 507.1 of the Zoning Ordinance (Variances). Seconded by Larson. Ayes: Goettel, Walleser, Larson, Beneke, Pratte. Nays: 0.

Quandahl variance request 002-10

Chairperson Dr. Bernard Pratte opened the Public Hearing on the variance request by Tom Quandahl.

Zoning Administrator Tom Blake presented the written staff report. Quandahl has requested a variance be granted to allow him to develop a 1.48 acre parcel he purchased in 2002 separate and independent of an adjoining parcel (.86 Acre) he purchased in 2003. Effective June 4, 2008, when the new zoning ordinance was first adopted, the parcels were legally combined into one parcel for the purposes of said ordinance. Blake's staff report had the following exhibits attached to it:

- Exhibit 002-10A. List of adjoining property owners, notification letter sent to said owners, responses to the notification letter and the Beacon print showing the 500' boundary around site.

- Exhibit 002-10B. Beacon photo of property depicting location and details of property.
- Exhibit 002-10C. Email from County Engineer regarding driveway locations and separation distances required on Prairie Avenue due to traffic volumes and highway/street intersection immediately adjacent to the property.

Blake recommending the denial of the requested variance, based upon the situation not being unique to the area or throughout the County and recommended the matter be referred to the Planning and Zoning Commission.

Tom Quandahl was sworn in by Chairman Pratte. Quandahl advised that when he purchased the first parcel from Schulte he did not plan on purchasing the second parcel. He was planning on developing the first parcel as a residential building site. After he purchased the second parcel he was notified by the Assessor that the parcels had been combined for taxation purposes. When he purchased the second parcel it contained a house that had been damaged in a fire. He subsequently removed that structure. It also had a motor home located on it that he later purchased and has now been sold and removed from the site. The second site does include a couple of garages, a well and a septic system.

Discussion was held regarding the necessary driveway separation distances which preclude the location of a second driveway and the possibility of combining the drives to serve both parcels if they would be separated and/or developed.

The Comprehensive Plan and the location of the subject property within a designated Urban Growth Area (within 2 miles of an urban area (Waukon)) was discussed. Zoning alternatives were discussed. Currently the property is zoned A-1 agriculture and a minimum lot area of 3 Acres is required. Rezoning the property to R-2, low density residential, would permit development of 1 Acre lots and could possibly allow Quandahl to develop two sites versus the one site in existence now. Since it is in the Urban Growth Area it could be determined that this would be in compliance with the Comprehensive Plan and future land use of the County. This is an issue that should be reviewed by the Planning and Zoning Commission.

Motion made by Beneke and second by Walleser to refer Tom Quandahl to the Planning and Zoning Commission to pursue re-zoning the parcel based upon the Allamakee County Comprehensive Plan and Urban Growth Area as defined in the Plan. MCU.

Old Business:

None.

New Business

Blake presented a history of appointments to the Board Members. The history showed a succession of appointment term errors that has led to the Board Appointments not being in compliance with the intent of the Zoning Ordinance Section 504.3 that provides that

the appointments be staggered so that no more than one term shall expire in any one calendar year. Blake advised that his research shows that the terms should expire as follows:

Arne Beneke	12/31/2010
Bernard Pratte	12/31/2011
Nancy Walleser	12/31/2012
Carl Larson	12/31/2013
John Goettel	12/31/2014

Each member was asked if the corrections to the terms were acceptable. All indicated that they were acceptable. Motion was made by Larson, seconded by Goettel to accept term corrections as presented and to refer matter to Board of Supervisors. MCU.

Pratte inquired into whether the Members needed to sign or approve a new Conflict of Interest Statement. Blake advised that he did not know the answer. Smola advised that the Planning and Zoning Commission will be considering a new Statement at their next meeting. Pratte directed Blake to place the Conflict of Interest Statement issue on the agenda for the next meeting of the Board.

Motion made by Goettel and second by Beneke to adjourn the meeting. MCU.

Minutes Prepared and submitted by:

Tom Blake, Zoning Administrator