

**Board of Adjustment
MINUTES
April 18th, 2019**

PRESENT: Bruce Bonebright, Mitch Czech, Matt Marx, Mark Kaschmitter

Staff: Roxanne Achman, Karen E Loehrer

1. Mitch called the meeting to order followed by the Pledge of Allegiance.
2. The agenda was approved as written.
3. Bruce moved to approve the minutes from the February 21st, 2019 meeting. Matt seconded and the motion carried.
4. File #19-058, Gary and Justine Latterell requesting a variance from the lot depth requirement of 300 ft. in the Agricultural District. Pursuant to Sections 7.1.30(c) and 11.5.1. The affected property is described as follows: SW1/4 SE1/4, Section 3, St. George Township.

The site visit was done by Mitch and Matt with Roxanne today at 1:05 p.m. Mark visited the site on his own. Bruce visited the last for a previous variance.

Roxanne stated that this property did receive a variance for the location of the house within 660ft from the feedlot. The applicants are proposing to split the lot off for a house and the ordinance requires any non-feedlot residence to be 660ft from any feedlot. At that time the proposed property lines weren't exact. When the application was submitted for the subdivision it was discovered that the west property line of the proposed lot is 171ft which doesn't meet the lot depth requirement of 300ft. This property line does allow the feedlot to meet the 80ft setback requirement and maintain the buildings on that lot. Mark asked why the proposed lot was 5 acres. Roxanne stated that a lot has to have 2 acres dry buildable area and a lot under 5 acres would need to be platted which is a longer more expensive process.

Gary Latterell, 11702 55th St, stated that he, his brother and nephew bought the farm. They want to bring the farm back into operation. They will live in the new house and oversee the property.

No one spoke in favor, opposition or with general comments. Bruce moved to close the public hearing. Mark seconded and the motion carried.

In reviewing Section 11.5.1 the vote was as follows:

- 1) Bruce stated that houses are permitted in the agricultural district. The vote was unanimous that the proposed use is not prohibited in the zoning district in which the subject property is located.
- 2) Mark cited Section 2.1.9. Mitch added Sections 2.1.1, 2.1.3 and 2.1.12. Matt cited Section 2.1.3. The vote was unanimous that the variance is in harmony with the general purposes and intent of the official controls.
- 3) Mitch cited Land Use Goal #1: Rural Land Use. **1. Rural Land Use:** Plan land use and provide roads and other public services so as to sustain most of the County as a low-density, rural and generally agricultural environment. **4. Rural Non-Farm Housing:** Allow additional rural non-farm housing so owners can extract some equity from their property while sustaining agricultural operations on their land and their neighbors'. Seek creative solutions to the tension between preservation and development by using techniques such as clustering and transfer or sale of development rights. Matt stated that the request meets the Comprehensive Plan by replacing existing housing without disturbing agricultural land. The vote was unanimous that the variance is consistent with the Comprehensive Plan.
- 4) a. Matt felt that this is the most reasonable location for a house. Bruce stated that this will rejuvenate the farm. Mitch stated that the split will allow them to keep all the agriculture buildings. The vote was unanimous that the Property Owner proposes to use the property in a reasonable manner not permitted by an official control.
b. Bruce stated that the applicants are attempting to keep the farm within the family and maintain oversight of their investment. Creating a lot that would meet the required 300ft lot depth would require the removal of farm buildings or consumption of productive farm land. The vote was unanimous that the plight of the landowner is due to circumstances unique to the property not created by the landowner.
c. Mark stated that the house will improve the site. Mitch stated that this will be a new home and the applicants will be working on the farm. The vote was unanimous that the variance will not alter the essential character of the locality.
d. Mitch said that there will be a new home built. The tenants will live there and own the house. There will be oversight of the property. The vote was unanimous that the need for the variance involves more than economic considerations.

The development conditions were added to File #19-058.

Roxanne read the findings and conditions.

Findings

1. The proposed use is not prohibited in the zoning district in which the subject property is located.

Houses are permitted in the agricultural district.

2. The variance must be in harmony with the general purposes and intent of the official controls. In accordance with:

The Board of Adjustment shall determine which Sections apply to the variance request.

Section 2.1.1 To promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

Section 2.1.3 To promote the orderly development of residential, business, industrial, recreational and public areas.

Section 2.1.9 To preserve a maximum amount of the prime agricultural land for the assurance of adequate, healthful and nutritious food for future residents of the state and nation.

Section 2.1.12 To further the appropriate use of land, and conserve and protect the natural resources of the county for present and future generations.

- 3) The variance must be consistent with the comprehensive plan.

Land Use Goal #1: Rural Land Use

1. Rural Land Use: Plan land use and provide roads and other public services so as to sustain most of the County as a low-density, rural and generally agricultural environment.

4. Rural Non-Farm Housing: Allow additional rural non-farm housing so owners can extract some equity from their property while sustaining agricultural operations on their land and their neighbors'. Seek creative solutions to the tension between preservation and development by using techniques such as clustering and transfer or sale of development rights.

They will be replacing the existing housing without disturbing ag land.

- 4) The variance may be granted if there are Practical difficulties in complying with the official control:

- a. Property Owner proposes to use the property in a reasonable manner not

permitted by an official control.

This is the most reasonable location for a house. It will rejuvenate the farm. The split will allow them to keep all of the ag buildings.

- b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The applicants are attempting to keep the farm within the family and maintain oversight of their investment. Creating a lot that would meet the required 300ft lot depth would require the removal of farm buildings or consumption of productive farm land.

- c. The variance, if granted, will not alter the essential character of the locality.

The house will improve the site.

- d. The need for the variance involves more than economic considerations.

This will be a new home. There will be oversight of the property by the tenants.

The development conditions for File No. 19-058 are adopted.

Conditions:

1. This variance is approved for the location shown on the plans submitted with this application and is not transferable to other land.
2. The applicant will need approval of an administrative subdivision prior to submittal of a Land Use Permit and Building Permit.
3. A Land Use and Building Permit (if required) shall be obtained prior to any construction and shall be consistent with the plans and specifications submitted with the variance application.
4. Pursuant to Section 11.5.2 of the Development Code, this variance shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work. To proceed substantially means to make visible improvements to the property and to have had applied to the property at least 40% of the people hours which it is reasonably estimated will be necessary for completion of the project. The Board of Adjustment may grant an extension of six months to complete the project if a written request for additional time is filed with the Board of Adjustment prior to the date of expiration of the variance. The request must

specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

5. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to insure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.

Bruce moved to accept the findings and conditions and grant File #19-058. Mark seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

5. Bruce moved to adjourn at 7:25 p.m. Matt seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Secretary