

Board of Adjustment  
Meeting Minutes  
October 14, 2014

**1.) Call the meeting to Order**

Chairperson Jim Corbett called the meeting of the Board of Adjustment to order at 6:00 p.m.

**2.) Roll Call.**

Members Present: Jim Corbett, Larry Lautenbach, Vince Nossaman, Merlan Rolffs, John Van Den Berg, Byron Vander Molen, Glenn Van Wyk.

Members Absent: Lyle Vander Meiden, Mike Vander Wert

Others Present: Jerry Byers – Board Secretary, George Wesselhoft – Director of Planning and Zoning, Willea Van Essen, Robert Van Essen, Dean Rennich.

**3.) Approval of Agenda**

Merlan Rolffs made a motion to approve the Agenda as submitted. John Van Den Berg seconded the motion. The agenda was approved.

**4.) Approval of Minutes**

John Van Den Berg made a motion to approve the Minutes of the September 16, 2014 meeting as submitted. Vince Nossaman seconded the motion. The minutes were approved.

**5.) Variance Application – Public Hearing at 2099 Iron Eagle Landing**

Public Hearing on Variance Applications by Dean Rennich concerning a proposed 30' X 48' Accessory Structure to be located in the front yard, 10 feet from the road at 2099 Iron Eagle Landing.

Mr. Rennich was asking for three separate variances which include:

1. Zoning Ordinance, 165.30 (3)(B) prohibits front yard placement for accessory buildings.
2. Zoning Ordinance, 165.30 (3)(D) which requires a minimum 20 foot setback from street right of way.
3. Zoning Ordinance, 165.30 (3)(I) which requires rear placement relative to adjacent developed lots.

Chairperson Corbett asked if there were any written comments.

Jerry Byers, Secretary to the Board, stated there were no written comments.

Mr. Rennich spoke to the Board about the property topography and how it drops off to the rear of the property. He continued by saying that Rural Water also ran across the property causing a placement issue with the building. He described that the building would set approximately 43 feet from the edge of the gravel road in front of the house.

Larry Lautenbach asked what the width of the Right of Way was.

George Wesselhoft said that Marion County right-of-way is usually 66 feet total (33 feet from center of the road) assuming that the road is in the middle of the right-of-way.

There was discussion about how far the building would set from the edge of the road.

Mr. Rennich continued by saying that Rural Water has been to the property and indicated where the line is located and that there should be enough room from the building for them to maintain the water line.

Discussion continued about the water line and if it was a private or public water line and if it would be an issue with the building location.

Merlan Rolffs asked Mr. Rennich to expand on why the building could not be placed in the rear yard.

Mr. Rennich told the Board that the rear yard dropped off in elevation pretty aggressively and would make it difficult for a building site.

Mr. Lautenbach asked Mr. Rennich if he had considered turning the building 90 degrees so that it would not extend towards the rear yard as far. He continued by stating that this would save an additional 18 feet.

More discussion ensued about the building site.

Vince Nossaman asked when zoning had been established in this neighborhood.

Mr. Wesselhoft indicated that the City extraterritorial zoning was established in 2003, two years after Mr. Rennich moved into the residence.

Mr. Rolffs asked what the zoning restriction would have been at the time Mr. Rennich moved in.

Mr. Wesselhoft indicated that the zoning would have been the rural zoning for Marion County at the time.

The question was asked about if there were development covenants in place.

Mr. Rennich indicated that there were no building covenants, just ones that referred to livestock or agriculture.

Discussion ensued about the water line and site placement.

The public hearing was closed.

## **6.) Variance Application – 2099 Iron Eagle Landing**

Variance Applications by Dean Rennich concerning a proposed 30' X 48' Accessory Structure to located in the front yard, 10 feet from the road at 2099 Iron Eagle Landing.

Mr. Rennich was asking for three separate variances which include:

- Zoning Ordinance, 165.30 (3)(B) prohibits front yard placement for accessory buildings.
- Zoning Ordinance, 165.30 (3)(D) which requires a minimum 20 foot setback from street right of way.
- Zoning Ordinance, 165.30 (3)(I) which requires rear placement relative to adjacent developed lots.

Vince Nossaman made a motion to deny the variance from Ordinance 165.30 (3)(B) which prohibits front yard placement stating that the zoning regulations do not allow for it. And also, due to concerns by Marion County to recommend no less than 20 feet of setback from the front.

Larry Lautenbach seconded the motion.

Upon vote, motion passed to deny 7 to 0.

Byron Vander Molen made a motion to deny the variance from Ordinance 165.30 (3)(D) based on the project being too close to the road which requires a minimum 20 foot distance from any street right-of-way.

Vince Nossaman seconded the motion.

Upon vote, motion passed to deny 7 to 0.

John Van Den Berg made a motion to approve the variance from Ordinance 165.30 (3) (I) based on the topography of the rear yard.

Larry Lautenbach seconded the motion.

Upon vote, motion passed to approve 7 to 0.

**7.) Variance Application – Public Hearing at 511 Broadway Street**

Public Hearing on a Variance Application by Robert and Willeda Van Essen concerning a proposed accessory building at 511 Broadway Street. Variance from 165.30 (3)(F) height limit for accessory building of 15 feet. The proposal is for accessory building with an 18 foot mean height or a three foot variance.

Chairperson Corbett asked if there were any written comments.

Mr. Byers stated there were no written comments.

Mr. Van Essen stated they are looking at replacing their existing garage with a new structure. They want to mirror the theme of the existing house and make it look like a carriage house. He continued by stating that the house is in the Historic District and would like to have the height to look correct for the period of the house.

There was discussion about the size and location of the proposed garage.

Ms. Van Essen showed drawings to the Board of what the garage would look like.

Mr. Nossaman spoke about previous Board decisions concerning approving height variance to make accessory buildings look period to the neighborhood.

The public hearing was closed.

**8.) Variance Application – 511 Broadway Street**

Variance Application by Robert and Willeda Van Essen concerning a proposed Accessory Building at 511 Broadway Street. Variance from 165.30 (3)(F) height limit for accessory building of 15 feet. The proposal is for accessory building with an 18 foot mean height or a three foot variance.

Mr. Nossaman made a motion to approve the Variance Application as submitted stating that it will match the period look of the house.

Mr. Van Den Berg seconded the motion.

Upon vote, motion passed 7 to 0.

**9.) Adjournment**

The meeting adjourned at 6:50 p.m.

Respectfully submitted,  
Jerry Byers  
Building Official