

**MINUTES OF THE BLACK HAWK COUNTY BOARD OF ADJUSTMENT MEETING HELD
ON MAY 30, 2019 HAROLD E. GETTY COUNCIL CHAMBERS –
WATERLOO CITY HALL.**

Steven Rosauer called the regular monthly meeting of the Black Hawk County Board of Adjustment to order at 7:05 pm, Thursday, May 30, 2019, in the Harold E. Getty Council Chambers - Waterloo City Hall.

I. Call to order and roll call

Members present: Larry Oltrogge, Steven Rosauer, Lucas Jenson, and Diane Depken

Members absent: Dr. Laval Peloquin

Also present: Black Hawk County Planning Staff - John Dornoff, and Aric Schroeder, and 10 members of the public

II. Approval of the Agenda

It was moved by Oltrogge and seconded by Rosauer to approve the agenda. Motion carried unanimously.

III. Approval of Minutes of the March 26, 2019 meeting.

Approval of the minutes from the March 26, 2019 meeting will be done at the June, 25th or subsequent meeting.

IV. New Business

1. 6543 Waverly Road – Delagardelle request for a new accessory structure without principle permitted use.

Arnold Delagardelle requested the Board of Adjustment to consider a variance request to allow existing accessory structures at the site without a principal permitted use to remain and to allow a new 30' X 64' 1920 Square Foot accessory structure without a principal permitted use to be constructed.

Dornoff gave the staff report and handed out pictures and drawings from the applicant.

Arnold Delagardelle explained his request by including the fact that the house on the site burned down in the 1980's. The site was then used as an automobile repair shop before Mr. Delagardelle bought the property. They have maintained the property and want it to look nice.

Oltrogge asked if the applicants had considered building a residence at the site to which Delagardelle responded that they are considering building a house in the future when the younger generation wants to move in, but it is not something they are considering presently and are trying to do the right thing.

Jenson noted that the board reviewed a similar request in September of 2018, as stated in the staff report the Board of Adjustment approved a variance for the existing accessory buildings, but denied the variance for a new accessory structure.

Schroeder stated that the length of time that there has been no primary structure there is longer than in the last request and if the house burned and was torn down before the adoption of the zoning ordinance in 1982, then the property would be grandfathered in. It was noted the Planning and Zoning Commission could make it a condition of approval to the variance that a principle permitted structure or home is built on the lot within the next 5 years.

Depken asked if the applicant had gotten estimates for the building and where the house originally sat to which the applicant responded that they have talked to contractors but the contractors would not give a firm estimate until the request came to the Board of Adjustment and the applicant said the house was closer to Waverly Road. Rosauer stated he has problems with the request as it would set a precedent for future requests.

Depken asked if the applicants had thought about portable storage to which the applicant said that it would not look nice.

Schroeder stated that portable storage would be allowed.

It was moved by Oltrogge and seconded by Rosauer, to approve a request for a variance to allow the existing accessory structures without a principal permitted use to remain at 6543 Waverly Road. Motion carried unanimously.

It was moved by Oltrogge and seconded by Rosauer, to deny the request to build an additional 30' X 64' 1920 square foot accessory structure without a principal permitted use at 6543 Waverly Road. Motion carried unanimously.

2. 10615 Mark Road – Rahune request for a Variance to allow for a home built on 35 acres to request to be subdivided before 15 years.

Rabune request that the Board of Adjustment allows for a home built on 35 acres to be subdivided before the 15 year waiting period has passed.

Dornoff gave the staff report.

Steve Troskey, CGA Engineers, explained the reason for the variance request and indicated that the applicants are looking to create a wetland and grassland preserve on 200 acres and need the variance to create the trust.

Rosauer asked what would stop them from subdividing the property in the future to which Troskey responded that the board could put conditions on there that the land could not be subdivided.

Jenson asked if all 4 landowners are part of the same family trust which the applicant responded in the affirmative.

Depken asked what would prevent the applicants from turning the land into some other use such as a water park to which the applicant noted that another use would be against the zoning ordinance.

Troskey and the applicants also stated that the goal is to return the land to its natural state. That the land was used for cattle farming for some time, but now all the cattle have been sold, and the land would become a grassland and wetland preserve.

Oltrogge asked about two parcels that are both 19.5 acres but not 35 acres to which Schroeder responded that they do have different parcel numbers but they are combined to create a lot of over 35 acres.

Oltrogge handed out a farmland value survey and noted that the CSR rating for the land is only 26.72, and that land below a CSR of 55 is considered low quality. So, this land is very low quality and the best use of the land is residential. Depken disagreed with Oltrogge by stating that she felt that the applicant's proposal to preserve the land would be a benefit to the entire area.

Troskey asked that if the request was approved, will the applicants still need to go before the Planning and Zoning Commission and Board of Supervisors for both the rezone and the minor plat.

Schroeder said that the board could pass the variance with conditions such as no additional dwellings. Schroeder also explained that the 15 year wait period was instituted due to a large number of people building houses and then asking for splits. Agricultural use was defined as 35 acres since it was felt that people with that many acres would be looking primarily to farm it and to control the amount of residential development in the county. Schroeder stated that he was also concerned about setting a precedent with the action.

Depken asked if it was fair to put a 15 year restriction on the trust.

The applicant answered that the goal of the trust is to make this a permanent protected area. It was also noted that land to the west has also been put into a trust overseen by the Black Hawk County Conservatory.

Jim Bosier, 6410 North Butler Road has land across the Mark Road from the applicants. Understands the 15 year rule, had concerns about the possibility of the trust being changed, and would like to see restrictions put on the trust. Rosauer once again stated he has concerns about the land being subdivided.

It was moved by Depken, seconded by Oltrogge to approve the request by Rahune for a variance to allow for a home built on 35 acres to be subdivided before 15 years with the condition that trust property not be subdivided for 15 years because 1) it would not have a negative impact, 2) the request would follow the intention of the Zoning Ordinance, and 3) that the 200 acres will be put into a trust that would preserve the land. Motion carried 3-0 with Jenson abstaining.

3. 10211 Mark Road – Martinson request for a Variance to allow for a home built on 35 acres to request it to be subdivided before 15 years.

Martinson request that the Board of Adjustment allows for a home built on 35 acres to be subdivided before the 15 year waiting period has passed.

Item was read under number 2.

It was moved by Depken, seconded by Oltrogge to approve the request by Martinson for a variance to allow for a home built on 35 acres to be subdivided before 15 years with the condition that trust property not be subdivided for 15 years because 1) it would not have a negative impact, 2) the request would follow the intention of the Zoning Ordinance, and 3) that the 200 acres will be put into a trust that would preserve the land. Motion carried unanimously 3-0 with Jenson Abstaining.

V. Discussion Items

No discussion items.

VI. Adjournment

It was moved by Oltrogge seconded by Depken to adjourn at 7:15 P.M. Motion carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "John Dornoff".

John Dornoff,
Black Hawk County Zoning Staff