

**DES MOINES COUNTY, IOWA  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
MONDAY, MAY 16, 2022**

The Des Moines County Board of Adjustment met in regular session on May 16, 2022 at 5:00 P.M. at the offices of the Southeast Iowa Regional Planning Commission, 211 N. Gear Avenue, West Burlington, Iowa 52655. In addition, an option for attending the meeting remotely was offered through Zoom.

**1. Call to Order**

Chairman Sam Warner called the meeting to order at approximately 5:00 P.M.

**2. Roll Call**

Board members present: Randy Burgus, Mitch Taeger, Sam Warner, John Wiberg, Sherry Zeller

Board members absent: None

Staff Present: Zach James, Jarred Lassiter

Public Present: Dr. Merlin Van Zee, Special Use Permit applicant (SUP-22-02)  
Dr. Heath Hillyard, Special Use Permit applicant (SUP-22-02)  
Bryan Spears, contractor for Special Use Permit applicant (SUP-22-02)

All attendees were present in person at the meeting.

**3. Tentative Agenda Approval / Amendment**

**Motion #1:** To approve the Tentative Agenda as presented.

**Motion by:** Zeller

**Seconded by:** Wiberg

**Vote:** Unanimous vote. Motion carried.

**4. Meeting Minutes**

No comments or corrections were provided regarding the minutes prepared for the previous meeting.

**Motion #2:** To approve the Minutes of January 26, 2022 meeting as presented.

**Motion by:** Taeger

**Seconded by:** Zeller

**Vote:** Unanimous vote. Motion carried.

**5. New Business**

**A. Request for Special Use Permit from Southeast Iowa Properties LC, for addition to Summer Street Animal Clinic at 6457 Summer Street**

**Motion #3:** To open the public hearing.

**Motion by:** Wiberg

**Seconded by:** Taeger

**Vote:** Unanimous vote. Motion carried.

Chairman Warner opened the public hearing at 5:02 P.M.

Mr. James read the staff report, providing some background information on the veterinary clinic, its history, and the land use pattern in the surrounding area. He also noted that the proposed addition to the clinic requires a Special Use Permit, as the clinic is a legal non-conforming use operating in the "R-1" Single and Two-Family Residential District, which began operations prior to the establishment of the County Zoning Ordinance in 1998.

Dr. Van Zee provided some additional context on the proposal, noting that it was intended to allow for a more efficient use of space for their existing operations, as the business has grown significantly over the years. He noted that the clinic started out with one veterinarian, but has since expanded to four, and they are currently preparing to hire a 5th.

Mr. Taeger asked if the large rear addition would have a basement. Dr. Hillyard stated that the 54' by 65' section to be built immediately behind the existing building will have a basement, but the 36' by 65' section behind that one (meant for dog kennels and laundry facilities) will not. He indicated that there is a 4-foot drop off in elevation at that part of the property. Mr. Taeger asked if this tends to be where the surface water runoff on the property goes to. Dr. Hillyard said that this is correct, and that runoff from throughout the property runs toward a low spot in the undeveloped area near the southwest corner.

Mr. Lassiter returned to an item in the staff report, explaining that there is currently a paved parking area for customers near the front entrance to the clinic, along with two large gravel areas primarily for staff parking – one to the south of the customer parking, and the other to the rear of the clinic building. He noted that the applicant's initial proposal was to expand the rear parking area to the west, to make up for the impact of the building expansion.

However, he stated that the applicant's contractor, Mr. Spears, had contacted him earlier that day to indicate that the clinic's owners had changed their preferences, and now desire to expand the front gravel parking area to the south, and also add a second driveway entrance for employees. Lassiter then said that he subsequently contacted County Engineer Brian Carter to ask if the Secondary Roads Department would allow another entrance at that location. He stated that following a cursory assessment of the location, Mr. Carter had said that an entrance may or may not be feasible, and Secondary Roads would need more information prior to making a determination. Lassiter cautioned the applicants that they would need to provide a specific location for the proposed entrance to Secondary Roads, which could then be assessed through an on-site survey of the area (primarily concerning sight distances for motorists on Summer Street). He noted that regardless of whether the Board of Adjustment approves the Special Use Permit, a second entrance would still be entirely dependent on approval from the Secondary Roads Department. Dr. Hillyard stated that while they'd prefer to have a second entrance, they could make things work in the absence of one, if necessary.

Mr. James noted that two members of the public had contacted him by phone after public hearing notices had been mailed out a week prior to the meeting. He said that Elaine Fuller, 3115 Summer Street, had called requesting further details on about the proposed addition, which were then provided. He then said that David Aldershof, 1811 Koestner Street, had offered a similar question, but also indicated that the cremation of animals on the property produces smoke that aggravates his wife's asthma. Mr. James noted that such a concern is likely not relevant to the present proposal, as it involves an activity that is limited to the existing part of the building. Dr. Hillyard noted that the clinic is always receptive to the concerns of neighboring property owners, and can work to address any issues to the extent reasonably possible.

Mr. Taeger said that the proposed building expansion seemed like it would make a positive addition to the property, and since it would be entirely located at the rear of an existing building, it would not change the curb appeal or aesthetics at the front of the property, which is directly visible from several neighboring homes.

**Motion #4:** To close the public hearing.  
**Motion by:** Zeller  
**Seconded by:** Wiberg  
**Vote:** Unanimous vote. Motion carried.

Chairman Warner closed the public hearing at 5:19 P.M.

**Motion #5:** To approve the Special Use Permit as presented, for the expansion of a legal non-conforming use (a veterinary clinic), with two additions totaling 6,634 square feet, at 90' by 65' and 28' by 28'.  
**Motion by:** Taeger  
**Seconded by:** Zeller  
**Vote:** Unanimous vote. Motion carried.

6. **Old Business**

Mr. Lassiter noted that after several years of review and preparation by Land Use staff and the Zoning Commission, the revised Des Moines County Zoning and Subdivision Ordinances were approved and adopted by the Board of Supervisors in February.

7. **Communications**

None presented.

8. **Future Agenda Items**

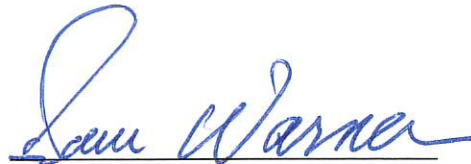
None presented.

9. **Adjournment**

**Motion #6:** To adjourn  
**Motion by:** Wiberg  
**Seconded by:** Zeller  
**Vote:** Unanimous vote. Motion carried.

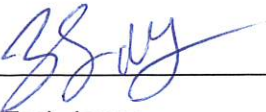
The meeting adjourned at approximately 5:24 P.M.

APPROVED:



Sam Warner  
Board of Adjustment, Chair

Attest:



Zach James  
Land Use Administrator