

**DES MOINES COUNTY, IOWA
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
WEDNESDAY, JULY 27, 2022**

The Des Moines County Board of Adjustment met in regular session on July 27, 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: Robert Siegle, Variance applicant (ZVP-22-29)

All attendees were present in person at the meeting.

3. Tentative Agenda Approval / Amendment

Mr. James indicated that the applicant for the second Variance request included on the tentative agenda had not yet formally submitted an application with setback measurements and was not present at the meeting. Mr. Lassiter noted that this item had been a late addition to the agenda after the meeting had already been scheduled, and the applicant appeared to be in a comparatively early stage in planning the building project.

Motion #1: To approve the agenda with agenda item 5(B): Request for Variance from John and Kay McClure for side yard setback at 5839 Lynmar Drive tabled

Motion by: Wiberg

Seconded by: Zeller

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 May 16, 2022 meeting as presented.

Motion by: Zeller

Seconded by: Taeger

Vote: Unanimous vote. Motion carried.

5. New Business

A. Request for Variance from Robert and Leann Siegle for side yard setback at 11260 Valhalla Lane

Motion #3: To open the public hearing.

Motion by: Zeller

Seconded by: Wiberg

Vote: Unanimous vote. Motion carried.

Chairman Warner opened the public hearing at 5:04 P.M.

Mr. Lassiter read the staff report, providing background information on the variance request from the Siegles. He indicated that the request involves a legal nonconforming lot, platted prior to the establishment of a Zoning Ordinance for Des Moines County, and falling well below the minimum lot size required by the Ordinance. He indicated that two issues were initially apparent when the applicant first presented his application for a Zoning Permit. The first of these was a legal non-conforming side yard setback the residence – specially for the side containing an attached 2-car garage which faces Cliff Road. He noted, however, that a passage in the Zoning Ordinance allows buildings with legally non-conforming setbacks to be expanded, so long as the non-conforming setback is not decreased any further. This proposed development would comply with this requirement, as the garage addition would have the same side setback as the existing garage.

The second issue he noted was the fact that the front setback of the home would be reduced by 7 feet as a result of the proposed addition, with the side wall of the garage extending closer to Valhalla Lane than the rest of the house. He stated that on the site plan submitted by Mr. Siegle, the applicant had indicated a distance of 30 feet between the wall of the proposed addition and the edge of the pavement for Valhalla Lane. Then, after a visit to the site that involved personal measurements of the setback, it was determined that the distance from the pavement would actually be 29.5 feet, and the placement of the lot line on the County GIS website suggested that the line was actually several feet closer to the house than the edge of pavement itself.

Mr. Lassiter then stated that the applicant could not confirm the exact location of the lot line in the absence of hiring a surveyor. Accordingly, he submitted a variance request, indicating that the building would not come any closer than 25 feet from the lot line, with the most likely figure being 27-28 feet.

Finally, he noted that there were multiple other examples of (legal) non-conformance for the homes in this same subdivision (Valhalla Estates), including two homes with front setbacks shorter than 30 feet, one with a rear setback shorter than 30 feet, and one home with a side setback below 15 feet. He stated that all such buildings were constructed well before the County's Zoning Ordinance was adopted.

Mr. Warner asked if the addition would solely be used for garage space. Mr. Siegle confirmed that this was the case, and the intention was to provide space for storing a lawn mower and snowblower.

Mr. Burgus noted that he personally drove by the site, and this experience indicated to him that there were no obvious safety issues apparent at the intersection of Cliff Road and Valhalla Lane, with plenty of visibility at this corner. Mr. James indicated that this was the principal reason why corner lots are required to have a side setback of 30 feet, the same as the minimum front setback for all lots.

Mr. Warner asked if the City of Burlington would have issues with the existing 16-foot wide surface of Valhalla Lane (a private road), if it were to be annexed in the future. Mr. James stated that the City likely had no interest of doing so due to the cost of utility extensions, but regardless, it would reflect a development that occurred over 3 decades prior and would therefore become a legal non-conforming use. Mr. Siegle noted that the likely reason for the unique configuration of this road (which shifts from one side of the 50-foot right-of-way to the other midway along the block) is that the rear portion leads directly into the driveway of the home at the end, and the County must have required that the entrance from Cliff Road be slightly further north from that point. Mr. Lassiter said that the County Assessor record confirmed that the home in question was the first of the 4 homes served by Valhalla Lane to be constructed.

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

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

Motion #5: To grant a Variance for front yard setback, to allow for minimum setback of no less than 25 feet.
Motion by: Taeger
Seconded by: Wiberg
Vote: Unanimous vote. Motion carried.

6. **Old Business**

None presented.

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 5:25 P.M.

APPROVED:



Sam Warner
Board of Adjustment, Chair

Attest:



Zach James
Land Use Administrator