

**DES MOINES COUNTY, IOWA  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
WEDNESDAY, SEPTEMBER 18, 2024**

The Des Moines County Board of Adjustment met in regular session on September 18, 2024, 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 5:01 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:	Geoff Wellman, Variance applicant (ZVP-24-20)

All attendees were present in person.

**3. Tentative Agenda Approval / Amendment**

**Motion #1:** To approve the 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 the June 12, 2024 meeting as presented.  
**Motion by:** Wiberg  
**Seconded by:** Taeger  
**Vote:** Unanimous vote. Motion carried.

**5. New Business**

**A. Request for Variance from Geoffrey and Kristin Wellman for front yard setback at 11228 Memorial Park Road.**

**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 5:03 P.M.

Mr. Lassiter read from a staff report concerning the requested variance, and the context in which it was requested. He stated that the applicants are requesting a variance for the front yard setback for the construction of a new detached garage, which would complement their existing residence that dates to 1976. The garage would be built on the site of an existing concrete pad at the front of the property, which is currently used for the

outdoor parking of several family vehicles. The Zoning Ordinance requires a minimum front setback of 30 feet for an accessory building, but the proposed building would be only 15-20 feet from the front lot line.

Lassiter provided a detailed overview of the property's unique history, which initially stems from the rerouting of US Highway 61 in the mid-1970s. When the highway was shifted 1/5 mile to the east, the Iowa Department of Transportation (DOT) acquired a large area of land at the site of the planned intersection between the new 4-lane highway and Memorial Park Road (the old highway). The current house at 11228 Memorial Park Road was built on a 1-acre parcel that bordered the DOT right-of-way on the south side, with a long driveway built with an easement that connected it to Memorial Park Road. Over a decade later, the DOT deeded this adjoining land to the property's owners at the time, James and Wanda Helling. But then in the mid-2000s, this land was sold separately from the house, which allowed another home to be built on that property (11226 Memorial Park Rd) in 2010. That home now shares the same driveway with the Wellmans, and resulted in their property becoming landlocked, without any direct frontage on along a roadway.

Lassiter noted that this case was similar to the previous variance request discussed at the June 12 meeting, as both of them involved lots that did not have frontage along a roadway. He reiterated what had been said at the previous meeting, about how the larger front setback requirement is meant to ensure an adequate buffer between buildings and the roadway, with plenty of space for utilities, landscaping, and minimizing traffic noise impacts. In this case, such things would not be relevant since the north lot line bordered a separate privately owned parcel, rather than a public roadway. He also noted how the property has substantial topographical limitations, which would make it impractical to relocate the site of the proposed garage. There is a very steep drop-off behind the house, which renders the rear 3/5 of the property effectively undevelopable.

Mr. Wiberg asked the applicant if he had discussed their plans for this project with Jeff and Kathleen Darnell, the owners of the adjoining property to the north. Mr. Wellman said that they are well aware of those plans and entirely supportive of the project. Lassiter noted that the closest building on that property (a detached storage building) would be separated from the proposed garage by at least 90 feet.

Wiberg asked if the same was true for Jim and Lisa Jennison, on the property to the east. Wellman said he had not directly spoken with them about it, but he noted that there is an existing hedge row between the location of the proposed garage and the Jennison residence. Lassiter stated that the east side setback would be well in compliance with the minimum setback requirement anyway, and he noted that the Jennisons would have received the same public hearing notice as all other property owners within 500 feet of the proposed development.

Mr. Taeger asked if the garage would come any closer to the north lot line than the existing concrete surface of the outdoor parking pad. Wellman said that it would not, and the garage wall would be built along the current north edge of the driveway. He noted that the existing pavement isn't very old, but it will still need to be removed and replaced, since it was built on a slight slant. The surface will need to be leveled in order for the garage to be placed at this location.

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

Chairman Warner closed the public hearing at 5:15 P.M.

**Motion #5:** To approve the request for variance as submitted.  
**Motion By:** Wiberg  
**Seconded by:** Burgus  
**Vote:** Unanimous vote. Motion carried.

Mr. James left the meeting at this point due to a prior personal commitment. Mr. Wellman also left at this time since his agenda item had concluded.

**6. Old Business**

**A. Status Update on Projects from 2022**

Mr. Lassiter gave a Powerpoint presentation providing the Board members with an update on 3 items of business from 2022, all of which had been approved by the Board that year. This included two variances for residential front yard setback, and a Special Use Permit for an addition to a legal non-conforming commercial use in a Residential district. He included photographs showing the buildings following completion, as well as a comparison between the aerial photographs on the County GIS website from 2021 and 2024 (before and after the construction projects occurred). He noted that all of these developments were determined to be in compliance with the Zoning Ordinance, as well as the conditions of their approval by the Board.

The Special Use Permit concerned the expansion of the Summer Street Animal Clinic, and in addition to showing some interior photos of the building addition (with kennels and lab/exam rooms), Lassiter acknowledged the 2023 passing of Dr. Merlin Van Zee, who was a driving force behind the project, and who attended the public hearing for this permit in 2022, along with his colleague Dr. Heath Hillyard. Ms. Zeller noted that the clinic seems to be doing very good business, as the parking lot seems to be almost full every time she has driven by.

**7. Communications**

None presented.

**8. Future Agenda Items**

None presented.

**9. Adjournment**

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

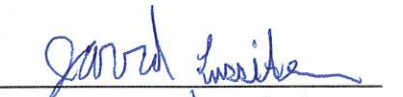
The meeting adjourned at approximately 5:27 P.M.

APPROVED:



Sam Warner  
Board of Adjustment, Chair

Attest:



Zach James  
Land Use Administrator

Assistant