#### JONES COUNTY BOARD OF ADJUSTMENT

#### AGENDA

#### TUESDAY, JULY 16, 2024 4:00 p.m. COMMUNITY ROOM, JONES COUNTY COURTHOUSE

Call meeting to order, approve agenda, and June 18, 2024 meeting minutes and the minutes for the special meeting held on June 25, 2024

Public hearing for owners Gina Durgin and Charles Durgin who have applied for a Special Permitted Use within
the R-Residential zoning district described as Parcel 97-74 in Sec 8 Far 25.80 Acres, (parcel 09-08-400-013) in Section 8 of Fairview Township generally located at 23124 Fish House Rd., Anamosa. More specifically, the proposal is to request an auxiliary dwelling, for his daughter and grandson to reside in.

Action on Special Permitted Use Applicatoin for owners Gina Durgin and Charles Durgin

4:00 p.m.

• Next meeting, if needed is August 20, 2024. Application deadline is Wednesday July 31, 2024.

#### **Jones County Board of Adjustment**

#### **Meeting Minutes**

#### June 18, at 4:00 p.m.

Members present:

Kathy Mcdonell Paul Thomsen John Hinz Roger Kistler Stan Reiter

Staff present:

Whitney Amos - Land Use Administrator

#### Visitors present:

Tasha Miller Jerrie Osterkamp River Grubb Xene Abraham Robert Kellogg Tim Fay

The meeting was called to order by Thomsen at 4:00 p.m. Introductions of the Board and visitors took place.

Motion by Hinz seconded by Kistler to approve the May 21, 2024, meeting minutes with corrections. All aye. Motion carried.

Motion by Hinz seconded by Reiter to approve the agenda. All Aye. Motion Carried.

Motion by Kistler seconded by Reiter to appoint Thomsen the chairperson for 2024-2025. All Aye. Motion Carried.

Motion by Reiter seconded by Hinz to open the public hearing at 4:03 p.m. for owners Jerrie Osterkamp and Danial Kray who have applied for a special permitted use for an auxiliary dwelling located on their property within the Residential zoning district described as SW ¼ SW ¼ SW ¼ (parcel 09-13-352-004) in Section 13 of Fairview Township generally located at 10022 Shaw Rd., Anamosa. More specifically, the proposal is to request an auxiliary dwelling, manufactured home, to be placed onto the property as a residence for a family member.

Amos noted that the Board received copies of the application, aerial map, and written report. The owner applicant also received a copy of the written report as required. Amos noted that the adjacent

landowners certified letters was received. No written or verbal comments were received prior to the meeting for the application.

Osterkamp advised that this manufactured home would be utilized by an elderly family member to be able to live closer to family. This home would be established on an existing slab of a previous manufactured home was on and that it would not be in the flood plain.

Amos went over the guidelines by Environmental Health regarding the septic and well requirements.

Motion by Hinz seconded by Mcdonell close the public hearing at 4:07 p.m. All aye. Motion carried.

Motion by Reiter seconded by Hinz to approve the Special Permitted Use application for owners Jerrie Osterkamp and Danial Kray who have applied for a special permitted use for an auxiliary dwelling to be located on their property at 10022 Shaw Rd., Anamosa.

Roll call vote: Paul Thomsen- Aye John Hinz- Aye Roger Kistler- Aye Kathy Mcdonell- Aye Stan Reiter- Aye

All aye. Motion carried.

Motion by Kistler seconded by Mcdonell to open the public hearing at 4:10 p.m. for owner Robert Kellogg who has applied for a Special Permitted Use within the R-Residential zoning district described as SW ¼ NE ¼ and government lot 2 (parcel 09-11-251-004) in Section 11 of Fairview Township generally located at 11500 207<sup>th</sup> Ave., Anamosa. More specifically, the proposal is for a recreational campground to be brough into compliance with the Jones County Ordinance.

Amos noted that the Board received copies of the application, aerial map, and written report. The owner applicant also received a copy of the written report as required. Amos noted that the adjacent landowners certified letters was received, on certified letter had not been received. No written or verbal comments were received prior to the meeting for the application.

Kellogg and Abraham advised that there are no generators, no RV's, and no Kids allowed. They really try to maintain the sense of peace to all who visit. Abraham also advised that not just anyone is allowed to come that a person would have to contact them prior to approval. Occasionally they do have music but not often.

The consensus by the Board was this is an asset to the community and should continue, as long as they keep their strict policies, and keep the peaceful environment to all including neighbors. Kellogg was advised of the requirements regarding the septic and well by Environmental Health.

Motion by Hinz seconded by Mcdonell close the public hearing at 4:19 p.m. All aye. Motion carried.

Motion by Hinz seconded by Kistler to approve/deny the Special Permitted Use application for owner Robert Kellogg who have applied for a special permitted use for a recreational campground to come into compliance with the Jones County ordinance located on at 11500 207<sup>th</sup> Ave., Anamosa.

Roll call vote: Paul Thomsen- Aye John Hinz- Aye Roger Kistler- Aye Kathy Mcdonell-Aye Stan Reiter- Aye

All aye. Motion carried.

A special meeting is scheduled for Tuesday, June 25, 2024, at 4:00 p.m.

The next regular scheduled meeting is July 16, 2024 with the application deadline being Wednesday Just 26, 2024

Motion by Hinz seconded by Reiter to adjourn at 4:25 p.m. All aye. Motion carried.

#### Jones County Board of Adjustment

#### **Meeting Minutes**

June 25, at 4:00 p.m.

Members present: Kathy Mcdonell John Hinz Roger Kistler Stan Reiter Members Absent: Paul Thomsen Staff present: Whitney Amos – Land Use Administrator

Visitors present: Michael & Shelley Horn Ned Rohwedder

Hinz called to order at 4:00 p.m. Introductions of the Board and visitors took place.

Motion by Kistler seconded by Reiter to approve the agenda. All Aye. Motion Carried.

Motion by Mcdonell seconded by Reiter to open the public hearing at 4:01 p.m. for owners Michael and Shelley Horn who have applied for a Special Permitted Use within the A-Agricultural zoning district described as Parcel 2022-67 in NW 1/4 SE 1/4, (parcel 14-25-400-009) in Section 25 of Rome Township generally located at 2318 Hwy 38, Olin. More specifically, the proposal is to request an auxiliary dwelling, manufactured home, to be placed onto the property as a residence for a family member.

Amos noted that the Board received copies of the application, aerial map, and written report. The owner applicant also received a copy of the written report as required. Amos noted that the adjacent landowners certified letters were received. No written or verbal comments were received prior to the meeting for the application.

Motion by Reiter seconded by Kistler close the public hearing at 4:04 p.m. All aye. Motion carried.

Motion by Kistler seconded by Reiter to approve the Special Permitted Use application for owners Michael and Shelley Horn who have applied for a special permitted use for an auxiliary dwelling to be located on their property at 2318 Hwy 38, Olin.

Roll call vote: John Hinz- Aye Roger Kistler- Aye Kathy Mcdonell- Aye Stan Reiter- Aye

All aye. Motion carried.

The next regular scheduled meeting is July 16, 2024, with the application deadline being Wednesday Just 26, 2024

Motion by Reiter seconded by Mcdonell to adjourn at 4:06 p.m. All aye. Motion carried.

Jones County Land Use Rm 113 Courthouse, 500 W Main St. Anamosa, Iowa 52205 Phone: 319-462-2282 Fax: 319-462-5815 Email: <u>landuse@jonescountyjowa.gov</u> Website: <u>www.jonescountyjowa.gov</u>



## Written Report of the Jones County Land Use Administrator Request for a Special Permitted Use

Application from:	Owners Gina Durgin; Applicant Charles Durgin		
For property located:	North of 23124 Fish House Rd., Anamosa- See Map		
Brief legal description:	Parcel 94-74 in Sec 8 Fra 25.80 Acres Section 8 Fairview Township		
Parcel number:	09-08-400-013		
Parcel size:	76.55 acres		
Proposal:	To request an auxiliary dwelling to be constructed on the property for the applicant's daughter to reside in.		
Current Zoning District:	A- Agricultural		
Applicable Ordinance Provisions:	<ul> <li>Article V. Zoning Districts</li> <li>Section 3. R-Residential</li> <li>D. Special Permitted Uses</li> <li>1. Auxiliary dwelling units subject to Article XI.</li> <li>Article XI Auxiliary and Seasonal Dwelling Units</li> </ul>		
Date application received:	June 26, 2024		
Applicable fee:	\$250 paid on June 26, 2024		
Notice published: (Article XXV-Section 5)	Week of July 1st, 2024 (11-13 days notice provided; 7-20 days required)		
Adjacent property owners notified by certified mail: (Anticle XXV-Section 5)	June 27, 2024		
Report mailed to Board of Adjustment: (Article XXV-Section 7)	July 10, 2024		
Report mailed to Applicant: (Article XXV-Section 7)	July 10, 2024		

Application packet attached.

See page 2,3 and 4 for report.

## Page 2: Owner: Gina Durgin; Applicant Charles Durgin Property Location: 23124 Fish House Rd., Anamosa Board of Adjustment meeting: July16, 2024, at 4:00 p.m.

## Report of the Jones County Land Use Administrator (Article XXV-Section 7)

	Jones County Engineer – Derek Snead
Comments:	<ul> <li>Jones County has established rules for control of access to secondary roads. This policy was developed to formalize Jones County's requirements for the location and establishment of driveways, field accesses and farm entrances requested by county property owners. If a new access will be constructed or if there are any proposed changes to an existing property access, the property owner must file an 'Application for Access' with the Jones County Secondary Road Department prior to commencing any access construction.</li> <li>Jones County has established an ordinance to ensure uniform building and structural alterations along County public secondary road rights-of-way that will protect and preserve the highway corridor. If a property owner desires to build a structure or alter an existing structure that is within thirty feet of the secondary road right-of-way, then a variance request must be filed with the County Engineer's Office before any construction may commence.</li> <li>Any work that may necessitate work (ditching, driveway resurfacing, etc.) within the County road right-of-way before commencing with construction.</li> <li>If the applicant has any questions on any of the above conditions, please contact myself for more information and guidance</li> </ul>
	NRCS District Conservationist – Addie Manternach
Comments:	After reviewing this special permitted use application, I do not see any major concerns/impacts of the proposed auxiliary dwelling on this site. From the point of view of the Jones Soil & Water Conservation District, approval of this proposal should have no negative effect on the soil and water resources of this area. If any additional construction is planned, the Jones Soil & Water Conservation District advises the landowner to seek assistance in developing an erosion control plan – prior to construction – to prevent soil erosion on site during construction and to keep sediment from leaving the property.
	Jones County Environmental Services – Paula Hart
Comments:	<ol> <li>Must obtain septic permit from this department from a certified septic contractor with Jones County.</li> <li>If hooking up to existing well on property, recommend water testing. Please reach out to this department for more information</li> </ol>



Minimal impact	Impact which the application will have on the overall land use plan in Jones County (Article XXV-Section 7)
Comments: Auxiliary dwelli auxiliary dwelling unit per property,	ing units are permitted in the Residential zoning district. It is limited to one for up to two family members.
Minimal impact	Impact which the application would have on surrounding property: (Article XXV-Section 7)
Comments: Surrounding pro property would be minimal.	operty is in the Residential zoning district. The impact on the surrounding

Potential outcomes of Special Permitted Use	
Approve the application in full	
Approve the application with modifications	
Deny the application	
Table the application to a later date	

Page 4: <u>Owner: Gina Durgin; Applicant Charles Durgin</u> Property Location: <u>23124 Fish House Rd., Anamosa</u> Board of Adjustment meeting: <u>July16, 2024, at 4:00 p.m.</u>

### SECTION 1. AUXILIARY DWELLING UNITS

Auxiliary Dwelling Units are permitted in the A and R districts. To qualify, a unit can be a room addition or a detached structure to the existing primary dwelling unit or garage. For the purposes of Auxiliary Dwelling Units, the definition of family is anyone related by blood, marriage, adoption, legal guardianship, foster parent-children or a domestic partner of said family member. Auxiliary dwelling units shall be approved by the Board of Adjustment and are subject to the following supplemental conditions and any other conditions as may be warranted by the Board of Adjustment to mitigate any deleterious effects of the proposed use and to promote the public health, safety and general welfare.

- A. One auxiliary dwelling unit per property. According to Beacon there are three other dwellings located on the parcel. The primary dwelling, a barn with two apartments that was approved in 2005, and a mobile home.
- B. The number of occupants is limited to two (2) and one shall be a family member of the primary residential unit as defined in auxiliary dwelling units. There shall be an annual verification that the persons living in the auxiliary dwelling unit are family members as defined herein. According to the application, there will only be the applicant's daughter and grandson living in the dwelling.
- C. The primary dwelling unit on the property shall be occupied by the legal owner of the property. The auxiliary dwelling unit is established in such a way as to minimize its visibility from adjacent streets and properties. According to the application the auxiliary dwelling is being placed at the boundary line of parcel#09-08-400-013. This parcel is owned by Gina Durgin. However, according to the application Gina will be living in the auxiliary dwelling along with her son. Parcel#09-08-200-006 abuts to the property line and is owned by Charles & Gina Durgin. If they decide to build on Parcel#09-08-200-006 this would no longer be considered an auxiliary dwelling. A portion of this parcel is in the flood plain and the owners will have to follow the flood plain ordinance prior to construction. It would also be considered in the CRAO (Critical Resource Area Overlay) district, owners would have to follow the Jones County Ordinance for these regulations.
- D. The gross square footage of the auxiliary dwelling unit, excluding attached covered parking and unenclosed patio covers, shall not exceed one-half the gross square footage of the primary dwelling unit or one thousand (1,000) square feet, whichever number is less. Unknown how large the auxiliary dwelling would be. However, the primary unit has a total gross living area of 1500 square feet.
- E. The auxiliary dwelling unit shall be provided with an off-street parking space in addition to any parking requirement for the primary dwelling unit. Any parking provided for the auxiliary dwelling unit shall be served from the same driveway system that serves the parking for the primary dwelling unit. According to the application, sufficient parking should be available.
- F. The auxiliary dwelling unit shall meet the setback requirements of the primary dwelling unit. According to the application, it does not state the proposed setback from the property line. However, it must comply with the Jones County Zoning Ordinance with a minimum of 30 ft. from the front yard, 30 ft. from the rear, and 10 ft from the side yard set back.
- G. The auxiliary dwelling unit permanently built on a property shall be architecturally compatible with and complimentary to the primary dwelling unit. All related aesthetic matters including architecture and landscaping shall be subject to review and approval by the Board of Adjustment.

Property History Timeline

- 2003- Farm Exemption to have a farm manager live in the primary residence and the property owner live in the barn.
- 2005- Board of Adjustment approved variance for the primary dwelling to become a rental unit and the construction of two apartments in an established barn
- 2013-Permitted Use Application for division of property. This was approved however it never came fruition.
- 2013-Nuisance Complaint and abatement.
- 2020 Acquired 23234 Fish House Rd & 23298 Fish House Rd as part of a farm exemption of the parent farm.
- 2023- Primary Farm (parcel #09-08-400-013) was quit claim deeded to Gina Durgin.

Jones County Land Use Administrator Whitney Amos

Date

**Jones County Land Use** Rm 113 Courthouse, 500 W Main St. Anamosa, Iowa 52205 Phone: 319-462-2282 Fax: 319-462-5815 Email: landuse@jonescountyiowa.gov Website: www.jonescountyiowa.gov



**Jones County Zoning** 

**Special Permitted Use Application** 

Approved	Denied	Date:	
Comments:			
Signature of Jon	es County Land Use	Administrator	

Fee: \$250.00 (non-refundable) payable to Jones County, with the completed application # 250 cash

Date Application Filed:	10/210/	24
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han a	No. Contraction	and the second	Owner Informatio	on	
Name or	n property:	Charles D	lurgin and	Gina Durgin	1
		House Number & Street: 23124	Fish House	Road	Apartment/Unit
Address	to receive mail:	city: Anano		State: Iowa	Zip Code: 52205
Phone:	(319) 521-8	621	E-mail Address:		

	Applicant Informa	tion	
Name: (If different from above.	)		
	House Number & Street:		Apartment/Unit
Address to receive mai	City:	State:	Zip Code:
Phone: ( )	E-mail Address:		

Parcel Information				
Township	Fairview	Section	8	Property Address 23124 Fish House Rd. Ananosa, IA
Zoning Dist	rict: · Idential			County Parcel ID(s), if known: <u>0908200000</u>
231	24 Fish a	House	20	09-08-400-013

Additional information regarding the parcel(s), if any:
Proposed Use
Attach a site plan indicating the location of any existing, and proposed, buildings and driveways.
Attach a copy of the entrance access permit from the County Engineer, if any.
<ul> <li>Attach a narrative providing the following information:</li> <li>Expected traffic volumes, including the impact on local roads and access to hard surface roads.</li> </ul>
<ul> <li>Noise impact on surrounding property owners, residents, and livestock.</li> </ul>
<ul> <li>Provisions for sanitary services (permanent and/or temporary waste disposal plans).</li> </ul>
The narrative shall include any additional information required in the Zoning Ordinance for the specific permitted use
requested. Additional information and regulations may be required of properties located in a Critical Resource Area Overlay (Section 9
of Article V).
Additional information may be requested by the County to assist the Board of Adjustment in considering the application.
A and A2 - Agricultural District Special Permitted Uses Article V – Section 1. and 2. D.
🔀 Auxiliary dwelling units subject to Article XI.
Bed and breakfast inns subject to Article VIII. Churches or other places of worship, including parish houses and Sunday school facilities.
Commercial recreation uses subject to Article IX.
Communication towers subject to Article XIV.
Home-based Industries subject to Article VII.
Kennels and Animal Shelter Requirements subject to Article XXI. Public and private stables.
Quarry and Extraction Uses subject to Article X.
Seasonal dwelling units subject to Article XI.
Seed, feed, biofuel plants, (biodiesel, ethanol) and other direct farm supply businesses.
Wind Energy Conversion Systems (WECS) under 100 Kilowatts subject to Article XV.
/ Quarry and Extraction Uses subject to Article X.
R - Residential District Special Permitted Uses Article V – Section 3. D.
Animal shelters subject to Article XXI.
Auxiliary dwelling units subject to Article XI.
Bed and breakfast inns subject to Article VIII. Churches or other places of worship, including parish houses and Sunday school facilities.
Home-based industries subject to Article VII.
Parks, playgrounds, golf courses (public and private), service organizations, and recreational uses.
Schools (public and private), educational institutions, preschools, and day care facilities. Wind Energy Conversion System (WECS) – Small subject to Article XV.
RMH - Residential Manufactured Housing District Special Permitted Uses Article V – Section 4. E.     Home-based industries subject to Article VII.
C1 - Commercial District Special Permitted Uses Article V – Section 5. D. Bed and breakfast inns subject to Article VIII.
Communication towers subject to Article XIV.
Wind Energy Conversion Systems (WECS) – Small subject to Article XV.
Wineries and other Value Added Agricultural Products.
C2 - Highway Commercial District Special Permitted Uses Article V – Section 6. D.
Bed and breakfast inns subject to Article VIII. Communication towers subject to Article XIV.
☐ Wind Energy Conversion Systems (WECS) – Small subject to Article XV.
Wineries and other Value Added Agricultural Products.
Adult entertainment uses subject to Article XII.
□ I1 - Industry District Special Permitted Uses Article V – Section 7. D.
Adult entertainment uses subject to Article XII.
<ul> <li>Communication towers subject to Article XIV.</li> <li>Quarry and Extraction Uses subject to Article X.</li> </ul>
Wind Energy Conversion Systems (WECS) – Small subject to Article XV.

F:\Auditor Docs\Auditor6\Land Use\Forms\Word Forms\Special Permitted Use App 6.1.21.doc

The land parcel(s) must comply with the minimum lot area, front, rear, and side yard setbacks, and maximum height restrictions in the applicable district, as described in the Jones County Zoning Ordinance. The Jones County Zoning Ordinance is available in the office of the Jones County Auditor, or on-line at www.jonescountyjowa.gov.

The applicant is responsible for reviewing the provisions of the Jones County Zoning Ordinance prior to submitting this application.

DNR Storm Water Permits are required when development disturbs one acre or more of land. For more information, contact the Department of Natural Resources at (515) 725-8417 or contact Clark Ott at (563) 927-2640 and ask for storm water permit assistance.

Special Permitted Use applications are submitted to the Jones County Board of Adjustment for consideration and approval or denial. The Board of Adjustment may apply additional conditions for approval, as may be warranted to mitigate any deleterious effects of the proposed use. The decision of the Board of Adjustment may be appealed by filing a petition with the District Court within thirty (30) days after the decision has been issued by the Board of Adjustment.

This development is subject to, and shall be required, as a condition of final development approval, to comply with the Code of lowa and all Jones County ordinances, requirements, and standards that are in effect at the time of final development approval.

The undersigned applicant certifies under oath and under the penalties of perjury that the foregoing information is true and correct.

 $\frac{2^{-}24 - 24}{Date}$ Applicant Signature (-L-

Owner Signature (if different than above)

QUESTIONS	WHO TO CONTACT
Flood Plain Determination	Flood Plain Coordinator 319-462-4386 – Brenda Leonard
Access Permit for Drive	County Engineer 319-462-3785 – Derek Snead
911 Address	911 Coordinator 319-462-2735 – Gary Schwab 9-1 Mon - Wed
Well and Septic	Environmental Services 319-462-4715 – Paula Hart
Electrical Permits/Inspections	https://iowaelectrical.gov/ – ggrant@dps.state.ia.us Greg Grant 319-350-2404

The proposed location for this auxiliary dwelling is attached on the following page.

There is no expected increase to traffic volumes or impact on local roads.

There is no expected impact on surrounding property owners, residents, or livestock.

Water and sewer disposal systems will be installed as required by code.

There are no current zoning ordinances applicable or required that would deter or impact this application.

Intention of the applicant is to build a small dwelling for his daughter to live in as she works the farm and helps maintain the livestock.

# Beacon<sup>™</sup> Jones County, IA



District Brief Tax Description FAVAN 08 84 04 N 25A LOT 1 FRA 22.51 ACRES (Note: Not to be used on legal documents)

THIS MAP DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREIN, EITHER EXPRESSED OR IMPLIED BY JONES COUNTY OR ITS EMPLOYEES. THIS MAP IS COMPILED FROM OFFICIAL RECORDS, INCLUDING PLATS, SURVEYS, RECORDED DEEDS, AND CONTRACTS, AND ONLY CONTAINS INFORMATION REQUIRED FOR LOCAL GOVERNMENT PURPOSES. SEE THE RECORDED DOCUMENTS FOR MORE DETAILED LEGAL INFORMATION.

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