

Jones County Board of Adjustment

Meeting Minutes

April 20, 2021 at 4:00 p.m.

Members present:

Cindy Hall, Chairperson
Paul Thomsen
Catherine Davies

Member absent:

Nicole Stecklein
John Hinz

Staff present:

Michele Lubben – Land Use Administrator

Visitors present:

Steve Intelkofer – 529 W. 1st St., Monticello
Jake Kelchen – Double J Pumping applicant
Jason Fagan - Double J Pumping applicant
Ashley Faust – 129 W. Grant St., Monticello – via zoom

Introductions of the Board of Adjustment, staff and visitors took place.

A quorum of members of the Jones County Board of Adjustment was achieved at 4:00 p.m. and Chairperson Cindy Hall called the meeting to order.

Motion by Thomsen seconded by Davies to approve the agenda for the meeting. All aye. Motion carried.

Motion by Davies seconded by Thomsen to approve the March 16, 2021 meeting minutes. All aye. Motion carried.

Motion by Thomsen seconded by Davies to open the public hearing at 4:03 p.m. for owner, Jayne Intelkofer and applicant Stephen Intelkofer, who have applied for a variance in the C-2 Hwy Commercial Zoning District for property of 100' wide abandoned railroad right-of-way generally located at 108 W. 11th St., Monticello in Section 16 of Lovell Township (tax parcel 02-16-451-007). More specifically, the variance request is to allow an additional commercial building to be built with a side yard setback of less than the minimum thirty (30) feet. The request is to allow a fifteen (15) foot side yard setback. All aye. Motion carried.

The Land Use Administrator noted that the Board received copies of the application, aerial map, and written report. All adjoining landowner letters were sent and received. No written or verbal comments were received on the application. The red zoning sign was posted as required.

Intlekofer discussed the possibility of a Variance is no longer required. In his haste, he applied for the Variance that is no longer necessary if the new structure can be considered an accessory building which carries a side yard setback of 10 feet or a rear yard of 15 feet. Intlekofer discussed the zoning districts and compared the C-1 and C-2 Districts permitted uses. The new structure is requested to be 24 x 86 which is according to Intlekofer 20% less than the current structure which is 24 x 100. The Board discussed the drainage easement which was re-offered to the City of Monticello. The Land Use Administrator confirmed there was no action taken by the Council on the easement. The Board discussed the lot size and dimensions (100 ft. X 360 ft.) and placement of the structure in accordance with the zoning ordinance.

The Board referred to a recent Supreme Court case No. 19-167 which was an appeal from the Iowa District Court for Cerro Gordo County which overturned a Board of Adjustment approval of a setback variance, in addition, vacated the District Court decision and reversed and remanded with directions and provided a strict interpretation of variances.

Motion by Thomsen seconded by Davies to close the public hearing at 4:45 p.m. All aye. Motion carried.

Discussion by the Board of Adjustment took place. The Board discussed the criteria for granting Variances. Intlekofer discussed withdrawing his application. Chairperson Cindy Hall agreed with the Land Use Administrator that because the application was placed on their agenda and approved and heard by the Board, it is their duty to provide a decision on the application. The Board discussed alternatives such as rezoning to a different zoning district, annexation to the City of Monticello, building a smaller building or change the placement to adhere to the ordinance.

Motion by Thomsen seconded by Davies to deny the variance application for owner, Jayne Intlekofer and applicant Stephen Intlekofer because the structure substantially fails to comply with Article V, Section 6. E. principal building and uses side yard setback requirement of 30 feet and in addition, send a recommendation the Jones County Planning & Zoning Commission for rezoning to a C-1 designation.

Roll call vote:

Thomsen – Aye

Davies – Aye

Hall - Aye

All aye. Motion carried.

The application is denied. The Land Use Administrator will issue the written decision to the owner and applicant by regular mail. The red zoning sign was returned after the public hearing.

Motion by Thomsen seconded by Davies to open the public hearing at 5:03 p.m. for owners John & Annette Rogers, and applicant Double J Investments LLC, who have applied for a Special Use Permit for a direct farm supply business for property located in the NW ¼ SW ¼ Section 5 of Washington Township along Riverview Rd., Cascade (tax parcel 04-05-300-001). More specifically, the request is to split 3 acres to build a maintenance shop/storage building with office space for Double J Custom Pumping which specializes in manure application and trucking for area farmers.

The Land Use Administrator noted that the Board received copies of the application, aerial map, and written report. All adjoining landowner letters were sent and the USPS tracking information show that three were not received. One that shows "in-transit" was for John and Annette Rogers who did get their certified letter. No written or verbal comments were received on the application. The Land Use Administrator did discuss with the City Administrator of Cascade the application and answered all questions she had. The red zoning sign was posted as required and returned.

Jake Kelchen and Jason Fagan were present to discuss their proposal to build a maintenance and storage building in this location to maintain their equipment and house their business. The Board felt it was a good location. The Land Use Administrator discussed the restrictions on the number of splits in the A-Agricultural Zoning District and also discussed options to John and Annette Rogers. There were no other concerns with the proposed split or proposed operation. The Land Use Administrator discussed the Special Use permit and that it is only good for this owner/applicant. Any change in use will need to go back before the Board.

Motion by Thomsen seconded by Davies to close the public hearing at 5:03 p.m. All aye. Motion carried.

Motion by Thomsen seconded by Davies to approve the Special Permitted Use for owners John & Annette Rogers, and applicant Double J Investments LLC, for a direct farm supply business for property located in the NW ¼ SW ¼ Section 5 of Washington Township along Riverview Rd., Cascade (tax parcel 04-05-300-001). More specifically, the request is to split 3 acres to build a maintenance shop/storage building with office space for Double J Custom Pumping which specializes in manure application and trucking for area farmers.

Roll call vote:

Thomsen – Aye

Davies – Aye

Hall - Aye

All aye. Motion carried.

If needed, the Board's next meeting will be Tuesday, May 18, 2021. The deadline for this meeting is Wednesday, April 28th.

Motion by Thomsen seconded by Davies to adjourn at 5:30 p.m. All aye. Motion carried.