

Minutes of the Marion County Board of Adjustments via Virtual Meeting on Microsoft Teams
April 7, 2020

The Marion County Board of Adjustments met via Teams virtual meeting in accordance with Marion County's Disaster Declaration and pursuant to Iowa Code 21.8, This meeting will be held electronically as valid concerns exist that an in-person meeting would be impossible or impractical in seeking to adhere to Governor Reynolds State of Public Health Disaster Emergency Proclamation related to COVID-19 Community Spread Mitigation on April 7, 2020 at 4p.m.

Attendees of the virtual meeting were Loren Van Wyk, Jan Szlachetka, Danielle Huffine, Linda Hicks, John Franey, Cody Kirby, John Morrison, Devin Niday, Andrew De Haan, Craig De Ronde and Jack Wilson. Phone calls prior to the meeting were received from Neal Van Veen.

Chairperson Linda Hicks called the meeting to order. Members present were Chairperson Linda Hicks, John Franey, Danielle Huffine, Jan Szlachetka and Loren Van Wyk were all present either through computer or phone access.

Chairperson Hicks called for a motion to approve the minutes from the February 18, 2020. Huffine made a motion to approve the February minutes and Franey seconded the motion.

Szlachetka yes

Franey yes

Hicks yes

Van Wyk yes

Huffine yes

Petition 54932 – This is a continuation of the request from February 18, 2020 presented by Cody Kirby on behalf of Monte and Gail Kirby for a Special Use Permit to allow for a motor cross track to hold up to two events a year at the property listed as: 476 240th Pl., Pella, IA. (Legal: The South 800 feet of the North 1475 feet of the West 550 feet of the E1/2 of the SE1/4 of Section 23, Township 77 North, Range 18 West of the 5th P.M.)

Poffenbarger did explain since the last meeting correspondence from Pella Coop Electric via email and there is no conflict with the proposed event and the proposed substation going in on the Van Wyk property just south at 480 240th Pl.

A letter of agreement between Kirby's' and Dave Bower was received by Marion County Zoning and many of the concerns of Mr. Bower have been resolved in this agreement.

This agreement and the enforcement would not be the responsibility of Marion County however if the agreement is not complied with and complaints are received by Marion County Zoning the SUP can be revoked.

Poffenbarger explained the scope of the project with the additions added since the February meeting and defined in the resolution of action that will be recorded.

1. The landowner of where the motor cross vehicle riding, and activity area will be located may be to apply dust control. There will be water trucks/tanks for dust control. The track will be watered the evening before the event to saturate the ground. The track shall be tilled and watered again the morning off the event. During the event the track will be monitored and worked and watered as needed.
2. Use of the motor cross vehicle riding events shall be limited to two public events a year. All other use of the track shall be private small-scale for family use. The events will host approximately 120 to 150 racers/spectators. The projected hours of operations for the special events would be approximately 8am to 6pm.
3. This is an AMA sanctioned event; riders will be required to comply with the following:
 - Mufflers are required for noise control

- Responsible riding through the pit/parking area is a privilege and can be revoked at any time during the event.
 - A full set of gear is requested to be used. Helmets and approved boots only meet the minimum requirement to ride.
 - Only Flying Dutch Mx and medical personnel are allowed on the track at any given time, except for fifty parents who can stand on the edge of the track but cannot roam freely.
 - No alcohol permitted during racing hours per AMA 1.1 section 9
 - Children must always be supervised.
 - Dogs/ pets must always remain on leashes, no excuses or exceptions and be picked up after the event.
 - No cycle riding/racing on the county hard surface road, county road right of way or county ditches at any time period.
 - Rider meetings are required by all racers and mechanics.
 - Please be respect our property and the neighboring properties and we will respect your rights and privileges.
 - You must abide by the rules set forth by the AMA or you will be asked to leave.
 - Riders and/or family and pit crew who direct foul and abusive language to an official of the sponsoring club, organization, AMA official or district official are subject to disqualification for the entire meet.
 - Each rider is responsible for the actions of their family and pit crew and any detrimental action caused by these individuals puts that rider at risk for disqualification.
4. The applicant is responsible to supply off street parking in accordance to Marion County 55.22. No on street parking is allowed. The property owner shall post signs prohibiting parking on the roadway.
 5. During the events open to the public 10 porta potties shall be supplied by Priority Sanitation. The porta potties shall be removed immediately following the event.
 6. Dumpsters will be onsite for garbage.
 7. The event will be AMA (American Motorcycle Association) sanctioned and must comply with the safety regulations set forth by AMA including safety including EMTs onsite with an ambulance and one ambulance on call.
 8. No trail shall be closer than 5 feet to a property line. The track will be fenced for safety purposes with fencing 4 to 5 feet in height.
 9. The track should not be any closer than 300' to the inhabited residence to the north.
 10. No permanent structures will be added to the property as a result of the special use permit.

The Land Use Plan shows the subject area to be low density residential and the zoning to be A-1.

Hicks asked if there were any further questions on Petition 54932. With all questions satisfied Hicks called for a motion, Huffine made a motion and Szlachetka seconded the motion. A roll call vote was taken.

Szlachetka yes
 Franey yes
 Hicks yes
 Van Wyk yes
 Huffine yes

Petition 56745 – Devin and Megan Niday are requesting a variance to Marion County Zoning 55.24 (3) D. Kennels all buildings including exercise runways must be at least 200' from all property lines in an A-1; Agricultural zone. The subject property is described as: 901 75th Ave. Pleasantville (legal: Parcel A of the NE1/4 of the NW1/4 of Sec. 18-76-20). The proposed kennel will be 121' from the County road 75th Ave.

Poffenbarger explained the Niday's own 5 acres on which they built a house in 2019. Given the lay of the property and a ditch that goes through the middle of the property making a natural barrier between their home and the kennel meeting the 200' from yard setback is not possible.

When applying the 66' road ROW and the 120' to the property to the east is approximately 186'. The property to the east is currently a large dairy barn.

The County Engineer has given his approval of the request for the variance. Even with the variance this is substantially great setback than average. The large setback is in place for Zoning purposes; allowing the variance would have no impact on the road in his opinion.

Poffenbarger explained the large setbacks for kennels is important if areas are heavily populated with rural residential. Currently 75th Ave is not.

John Franey explained he was familiar with the property and had no concerns.

There was no correspondence received from neighboring property owners.

Niday explained all but the home to the north which is over 700' from the proposed kennel is owned by family.

Hicks asked if there were any further questions on Petition 56745. With all questions satisfied Hicks called for a motion, Franey made a motion and Huffine seconded the motion. A roll call vote was taken.

Szlachetka yes

Franey yes

Hicks yes

Van Wyk yes

Huffine yes

Petition 57369 – A request has been made by John and Katie Morrison, 136 Terrace Dr., Otley (Lot 57 Park Hills 28-77-19-Parcel 2317200000) for a variance to 55.25 (6) Bulk Regulations of the required side yard setback of 8 feet by 2 feet to allow the rebuild of a home with a 6 foot side yard setback.

Poffenbarger explained their home burned down and the existing foundation is closer than the 8' required in R-2 with common water and sewer. They are hoping to rebuild on the current foundation.

Poffenbarger explained a letter was received from the owners of 135 Terrace Drive; the home in which reducing the setback would be encroaching on Jack and Pat Wilson. The letter states the Wilsons' will agree to the variance so long as Morrisons' will agree to install tile in the landscaping to mitigate potential water runoff.

Mr. Wilson was in attendance of the virtual meeting and stated there had been water runoff issues in the past that were resolved. He wants to make sure that no future water runoff issues effect his property.

Mr. Morrison assured Mr. Wilson proper tiling would be installed to handle water runoff.

Hicks asked if there were any further questions on Petition 57369. With all questions satisfied Hicks called for a motion, Huffine made a motion and Van Wyk seconded the motion. A roll call vote was taken.

Szlachetka yes

Franey yes

Hicks yes

Van Wyk yes

Huffine yes

Hicks called for a motion to adjourn the meeting. Huffine made the motion and Franey seconded the motion. All in favor; meeting adjourned.

Minutes by Melissa Poffenbarger

Correction noted made before final draft 5/21/2020