

TO: Zoning Board of Adjustment
FROM: Pam Kalstrup
DATE: September 10, 2021

RE: Case #ZV-2021-02

REQUEST: A zoning variance of .32 acres to allow an accessory dwelling unit to be constructed on a 3.68 acre lot in lieu of a 4 acre lot.

LOCATION: 38286 Juniper Rd

James Township

28-76-40 PT S1/2 SW COMM 1029.61'W OF S1/4 COR OF SECT 28 TH W357' N482' E357' S482' TO POB (PARCEL 20140)

The subject property is approximately 3 ½ miles west of city limits of Oakland on Juniper Road.

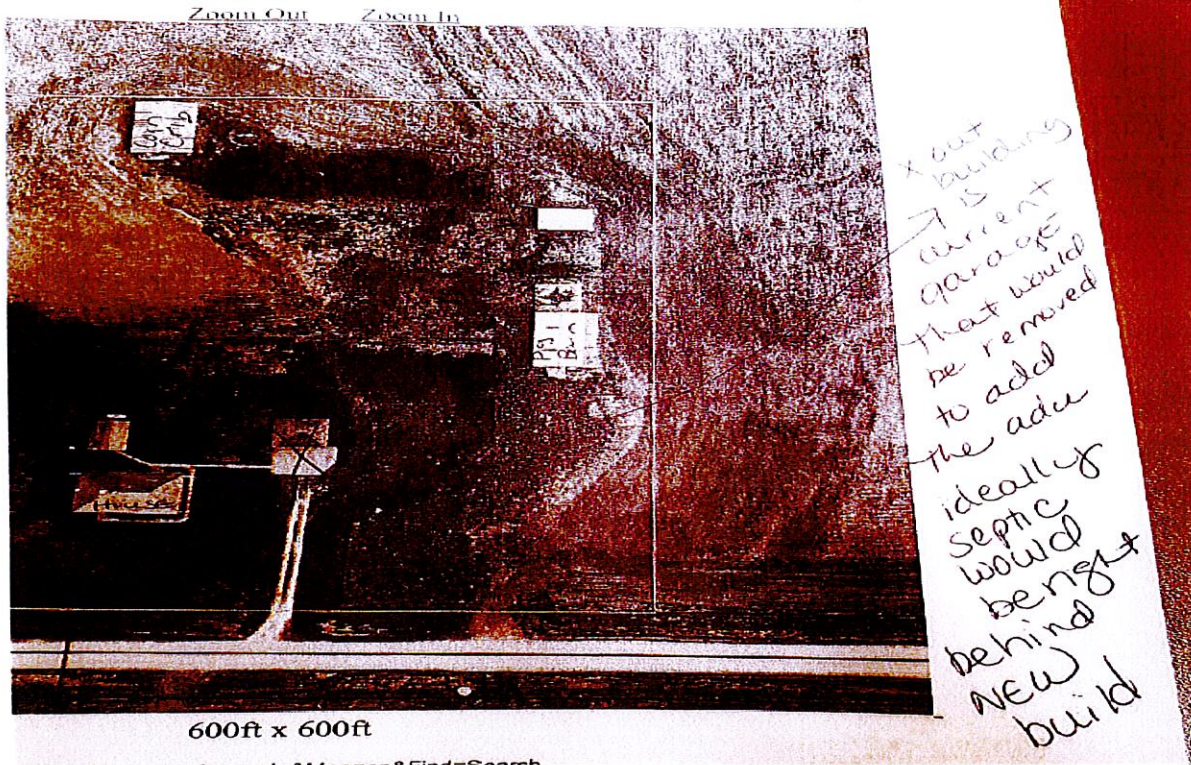


APPLICANT: Kenneth T – Jackie Moore

GENERAL INFORMATION: The applicants have made this request in order to allow an accessory dwelling unit to be constructed on a 3.68 acre lot in lieu of a 4 acre lot. The applicants propose to construct a 30' x 60' Wick Building. Six hundred (600) square feet of the building will be utilized for the ADU for Mrs. Moore's mother to reside in so they may provide assistance to her. The remainder of the structure will be used as garage space. The ADU would have its own septic system with both dwellings sharing an existing well. Accessory dwelling units are allowed as a principle use, however the code stipulates that the size of the parcel shall be two times larger than the minimum size for the zoning district. The minimum lot size for the A-2 zoning district is 2 acres if serviced by septic and well and 1 acre if serviced by septic and rural water. This

parcel is serviced by septic and well, therefore the minimum lot size for an ADU is 4 acres (2 acres minimum times two = 4 acres). All of the other requirements for the ADU will be met (see code section below).

The following is the applicants' site plan and structural plans:

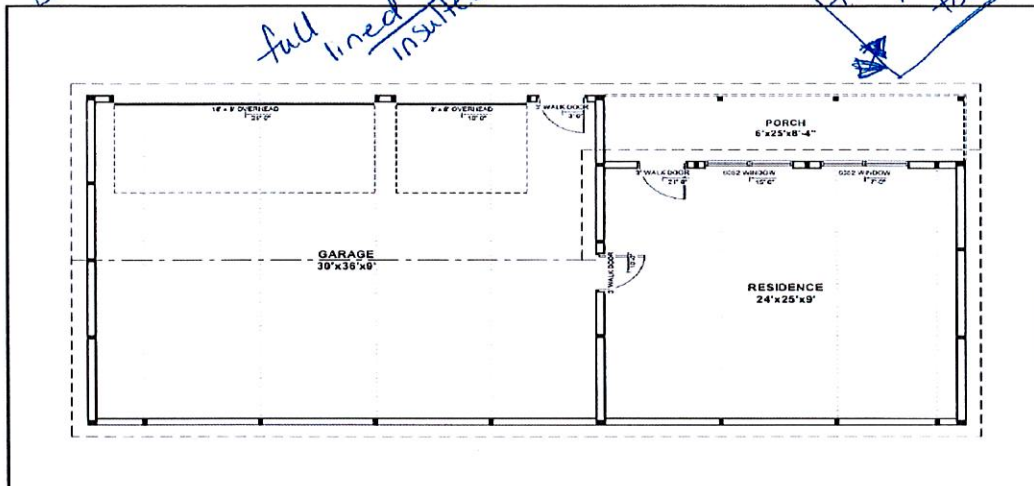


<p>Right Elevation</p>	<p>16ft</p> <p>Top Elevation</p>			
<p>Left Elevation</p>	<p>Bottom Elevation</p>			
<p>Customer Signature</p>				
	<p>Treynor Ag Supply Inc. Roger Webster P.O. Box 58 Treynor, IA 51675</p>	<p>WickBuildings.com 926: 8-3-2021 766: 8:32 AM DO NOT SCALE</p>	<p>Moore 600 Revised 24'-0" x 25'-0" x 19'-1" ICH</p>	<p>Jackie Moore Underwood, IA 51576</p>

NO
concrete
NO insides on
house

full lined
insulated

frost free
footing



SITE REVIEW:

A single family dwelling, several outbuildings (one of which will demolished and replaced with the proposed structure), well and septic system are on the 3.68 acre lot.



AREA REVIEW:

The use of properties in the area are a combination of primarily residential and agricultural.



ZONING:

The subject property is located in a Class A-2 (Agricultural Production) District which allows for Accessory Dwelling Units.

8.004.085 The following accessory uses shall be permitted in the Class "A" and "R-1, R-2 and R-3" Districts, unless otherwise denoted: (Ordinance #2015-05/12-18-2015)

.01 Accessory dwelling unit (ADU). (Ordinance #2015-05/12-18-2015)

The definition of an Accessory Dwelling Unit is as follows:

.020 ACCESSORY DWELLING UNIT (ADU): A secondary living unit, on a single-family lot. An ADU contains its own kitchen, sleeping area, and bathroom facilities. ADUs shall be detached from the primary residential unit. ADUs are subordinate in size, location, and appearance to the primary dwelling unit. ADUs are commonly referred to as mother-in-law apartments, Elder Cottage Housing Opportunities (ECHO homes), guest cottages, caretaker cottages or carriage houses. (Ordinance #2015-05/12-18-2015)

The following is the code section on Accessory Dwelling Units:

8.004.095 ACCESSORY DWELLING UNITS (ADU): Accessory dwelling units (ADUs), as defined in Section 8.002.020.020, shall be subject to the following conditions: (Ordinance #2015-05/12-18-2015) 8.32

.01 The size of the parcel or lot upon which an ADU will be situated shall be two times larger than the minimum lot size for the zoning district in which the parcel or lot is located. (Ordinance #2015-05/12-18-2015)

.02 The ADU must meet all requirements of the Pottawattamie County, Iowa, Onsite Wastewater Treatment and Disposal Code and the Private Water Well Code with respect to the provisions of individual potable water and sewage disposal system or shall be authorized to connect to a municipal or public water and sewer system. (Ordinance #2015-05/12-18-2015) The issuance of a permit for the ADU shall not adversely impact adjoining properties from obtaining a permit septic, sewer or well if the adjoining parcel has not constructed their first residence on their adjoining lot. (Ordinance #2015-05/12-18-2015)

.03 The total maximum square footage of the ADU shall not exceed the lesser of six hundred (600) square feet or fifty (50) percent of the square footage of the primary structure, excluding garage and carports. The minimum total square footage of the ADU shall be not less than two hundred sixty (260) square feet. (Ordinance #2015-05/12-18-2015)

.04 Location of entrances. Only one main entrance may be located on the street-facing facade of the house, unless the house contained additional entrances before the ADU was created. An exception to this regulation is an entrance that does not have access from the ground, such as an entrance from a balcony or deck. (Ordinance #2015-05/12-18-2015)

.05 All ADUs shall comply with the limitations of Section 8.004.040, Lot Frontage Requirement. (Ordinance #2015-05/12-18-2015)

.06 Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the house. (Ordinance #2015-05/12-18-2015)

.07 The ADU must be provided with at least one (1) off-street parking space, which shall be in addition to those required for any other structure(s) on the property. (Ordinance #2015-05/12-18-2015)

.08 The ingress/egress driveway to the ADU shall be shared with that of the primary dwelling. No separate entrance shall be permitted. (Ordinance #2015-05/12-18-2015)

.09 The ADU shall not be considered an accessory structure for the purpose of determining setbacks. (Ordinance #2015-05/12-18-2015)

.10 Only one ADU shall be allowed per parcel or lot. (Ordinance #2015-05/12-18-2015)

.11 The ADU shall not be used as a bed and breakfast. (Ordinance #2015-05/12-18-2015)

.12 ADUs are permitted only when one of the dwelling units, either the primary residence or the ADU, on the property is owner-occupied. Ownership cannot be fractional. Owner-occupied residence shall not be rented out at any time. (Ordinance #2015-05/12-18-2015)

.13 Weekly and Daily rentals of ADUs allowed by special permit. (Ordinance #2015-05/12-18-2015)

.14 The ADU may be permitted to be divided off and to become a separate lot or parcel from that of the primary structure, provide however, that all zoning and subdivision regulations shall be adhered to. (Ordinance #2015-05/12-18-2015)

Section 8.096.030.02 of the County Code states "No variance from the terms of this Ordinance shall be granted unless the Board specifically finds":

.02 The Board shall have the power to hear and decide appeals for variances from the specific terms of this Ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, and provided, that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

No variance from the terms of this Ordinance shall be granted unless the Board is satisfied that granting the variance:

- A. Is necessary to alleviate a demonstrable hardship or difficulty so great as to warrant the variance;
- B. Will not merely serve as a convenience to the applicant;
- C. Will not impair the general purpose and intent of the regulations and provisions contained in this Ordinance;
- D. Will not impair an adequate supply of light and air to adjacent properties;
- E. Will not increase the hazard from fire and other damages to said property;
- F. Will not diminish the value of land and buildings in the County;
- G. Will not increase the congestion and traffic hazards on public roads; and
- H. Will not otherwise impair the public health, safety and general welfare of the inhabitants of the County.
- I. Is not based on the nonconforming use of neighboring lands, structures or buildings in the same district, and the permitted or nonconforming use of lands, structures, or buildings in other districts is not grounds for the issuance of the variance.
- J. Will not, under any circumstances, allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

FLOOD HAZARD: The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates in the Flood Insurance Rate Maps that the property as being in a Zone X-Areas of minimum flooding.