

TO: Zoning Board of Adjustment
FROM: Matt Wyant, County Planning Director
DATE: November 1, 2022

RE: Case #ZV-2022-01

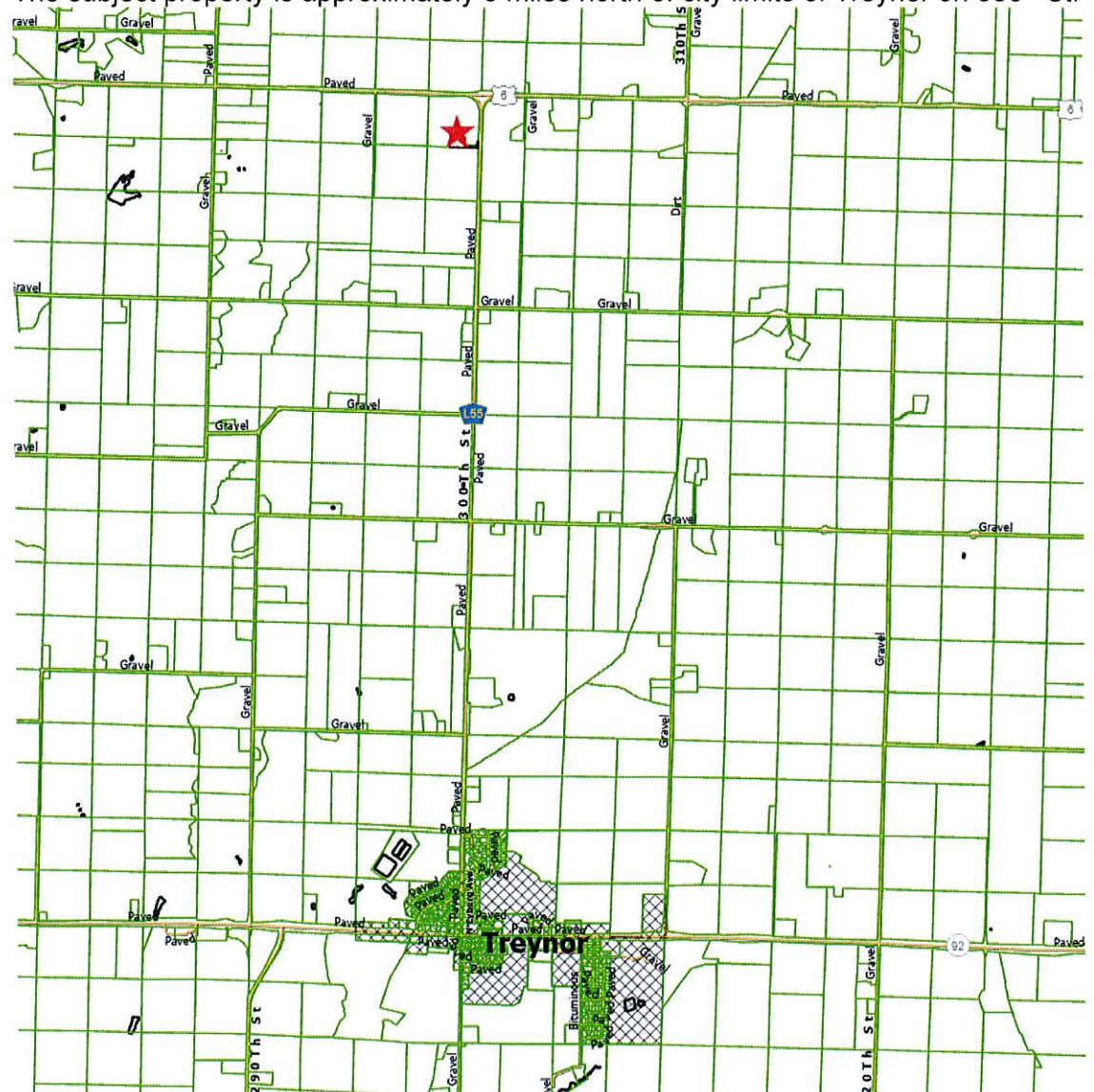
REQUEST: A 6' height variance to allow the construction of a pole building with a height of 28' in lieu of 22'.

LOCATION: 18772 300th St

Hardin Township

PT NE NE COMM 1169.84'S NE COR TH S143.81' W745.5' N154.3'
NELY60.78'NLY247.53' SE309.41'E139.07' S211.72'E280.5' NE28.23' N98.53' E75' TO
POB(PARCEL A)

The subject property is approximately 3 miles north of city limits of Treynor on 330th St.



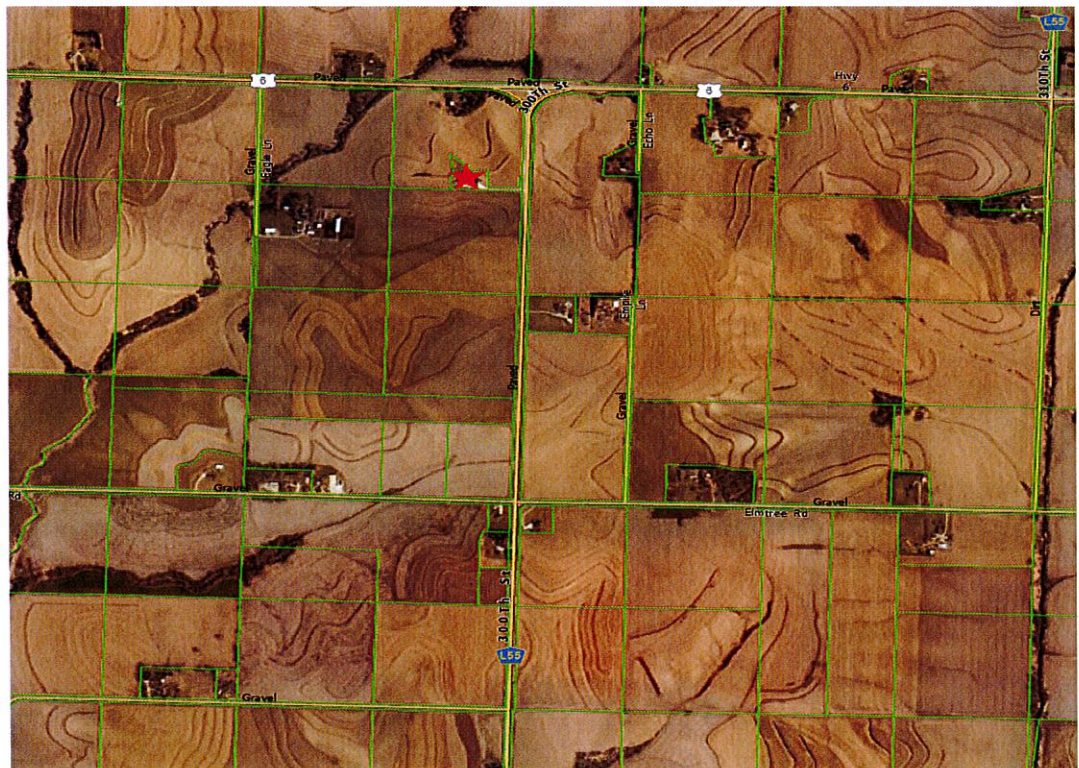
SITE REVIEW:

A single family dwelling, well and septic system are all on the 2.73 acres 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 R-1 (Ag-Urban Transitional) District.

The current maximum standards for the R-1 District are as follows:

8.015.060 HEIGHT REQUIREMENT: The maximum height of Buildings and structures in a Class R-1 District, shall be thirty-five (35) feet or two and one-half (2 1/2) stories, whichever is lower, and an accessory building shall not exceed a height of twenty-two (22) feet or two (2) stories, whichever is lower. (Ordinance #2004-14/07-01-04)

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.

STAFF

RECOMMENDATION: Based on the above information, the preliminary recommendation by the Planning Department is to approve the application, subject to the following condition:

1. The proposed building shall be setback at a minimum of 25 (twenty five) feet from the side yard and 50 (fifty) feet from the rear yard.

Based on the following finding of facts:

1. The applicants' lot size is sufficient to support proposed structure.
2. The property is not in a platted subdivision.
3. The subject building is not going to be used for any commercial activities.
4. The aforementioned facts reduce the potential visual and aesthetic impacts on the line of sight for which the height restriction was adopted.

This recommendation is subject to change, based on evidence and information presented by the applicant and interested parties at the public hearing.