

# **BUCHANAN COUNTY BOARD OF ADJUSTMENT**

**7:00 PM Monday, January 9, 2017**

**Buchanan County Public Health Meeting Room**

Vice Chairperson Wulfekuhle called the meeting to order at 6:55 PM.

Wulfekuhle introduced himself and then led the Pledge of Allegiance.

Deb Ehlers, Dan Sperflage, Karen Stephenson, Louis Wendling, and Al Wulfekuhle were in attendance along with Matthew Even, Environmental Health & Zoning Administrator.

Public guests (0) included: No guests were present

**The first item on the agenda was the approval of the minutes from the previous meeting.**

Wendling made a motion to accept the minutes of the last meeting. Ehlers seconded the motion. With a vote of 5-0, the motion carried.

**The second item on the agenda was the election of officers.**

Wulfekuhle opened the floor for nominations of the positions of Chairperson and Vice Chairperson. Wendling nominated Wulfekuhle for the position of Chairperson. Ehlers seconded the nomination. Wendling nominated Ehlers for the position of Vice Chairperson. Stephenson motioned to cease all nominations and approve the nominations. Sperflage seconded the motion. With a vote of 5-0, the motion carried. Ehlers motioned to appoint Even as Secretary. Sperflage seconded the motion. With a vote of 5-0, the motion passed.

**The third item on the agenda was the approval of changes to Rules of Procedure.**

Even gave an overview of the changes to the Rules of Procedure. Even reviewed the title change, change to gender neutral position titles, the inclusion of a section allowing electronic meetings, and the increase from 200 feet to 500 feet for notifying neighboring property owners of variance requests. The Board discussed the changes and did not have any concerns regarding the changes made. Wulfekuhle asked if the attorney would be joining in for future meetings as he had in the past. After discussion, the Board requested that the attorney be present if they feel it is necessary. There was then a discussion on the powers of the Board and relations to the Board of Supervisors and the Zoning Commission.

Wendling made a motion to approve the revisions to the Rules of Procedure as presented. Stephenson seconded the motion. With a vote of 5-0, the motion carried.

**The fourth item on the agenda was discussion on open meeting laws.**

Even passed out an email from Shawn Harden, the County Attorney, and the Open Meetings, Open Records Handbook authored by the Iowa Freedom of Information Council. Even reviewed the email provided by the County Attorney regarding a new ruling by the Iowa Supreme Court. There was then discussion on how the Board should handle communications with property owners so they are obeying open meeting laws.

Wendling seconded the motion. With a vote of 5-0, the motion passed.

**The fifth item on the agenda was adjournment.**

Stephenson made the motion to adjourn and Wendling seconded the motion. With a vote of 5-0, the motion carried.

The meeting adjourned at 7:23 PM

Submitted on 3/6/2017 by Matthew Even

# **BUCHANAN COUNTY BOARD OF ADJUSTMENT**

**7:00 PM Monday, March 13, 2017**

**Buchanan County Public Health Meeting Room**

Chairperson Wulfekuhle called the meeting to order at 7:02 PM.

Wulfekuhle introduced himself and then led the Pledge of Allegiance.

Deb Ehlers, Dan Sperflage, Karen Stephenson, Louis Wendling, and Al Wulfekuhle were in attendance along with Matthew Even, Environmental Health & Zoning Administrator.

Public guests (4) included: Victoria Meggers, Ken Meggers, Tim Brustkern, Pam Brustkern

**The first item on the agenda was the approval of the minutes from the previous meeting.**

Ehlers made a motion to accept the minutes of the last meeting. Sperflage seconded the motion. With a vote of 5-0, the motion carried.

**The second item on the agenda was the approval of variance request by Kenneth Meggers to Buchanan County Code of Ordinance 51.04(1)b to allow the lowest floor elevation to be at base flood elevation instead of one foot above base flood elevation. This structure is located on the property described as the SE ¼, SW ¼, Sec 24, T87N, R8W of the 5th P.M. Buchanan County, Iowa.**

Even explained that this variance request is different than most in the past since it is a variance request to the Floodplain Management Ordinance instead of the Zoning Ordinance. Even then gave an overview of the National Flood Insurance Program and the role that the Board of Adjustment plays in granting variances. Even then reviewed possible conditions that the Board could place conditions on the variances if they are granted.

Even then gave an overview of this situation. Even explained that Mr. Meggers had went through all of the right channels prior to starting construction and was not required to obtain an Iowa DNR permit since he was building on natural ground and it was found to be above the 100 year floodplain. During construction, an error occurred causing the bottom of the storm shelter to be at the 100 year floodplain instead of one foot above the 100 year floodplain as required. Even explained that this is a seasonal structure with a shed and the only part affected is an 11 feet by 11 feet storm shelter below the floor that has concrete walls and no furnishings. Ehlers asked if there was electricity in the shelter and Mr. Meggers responded that there was electricity for the sand point well, a light, and an outlet near the ceiling in case they ever needed to pump it

out. Wulfekuhle inquired if the well was one foot above the 100 year floodplain and Mr. Meggers responded that it is only half a foot above, but it can be easily fixed.

Even then displayed a map of the site showing the 40 acre parcel and the location of the seasonal cabin. Wulfekuhle asked if there was access in a 100-year flood and Mr. Meggers responded that they have access through their neighbors field when the road floods. Sperflage inquired if the area where they are building ever floods and Mr. Meggers responded that it has not flooded in the last 103 years since Mrs. Meggers family has owned the land. Sperflage asked if the building has already been constructed and Mr. Meggers responded that it is still under construction. Stephenson asked if this is a seasonal home and Mr. Meggers responded affirmatively. Wulfekuhle asked if the floor of the main living area is above the 100-year floodplain and Mr. Meggers responded that it is more than 10 feet above.

Wulfekuhle asked if the other attendees had any concern and Mr. Brustkern responded they were just interested and did not have any objections. Wulfekuhle asked Even if he had any concerns and Even responded that the septic system was his only concern. Mr. Meggers replied that they do not have water right now, but will be installing a septic system this year.

Stephenson made a motion to approve the variance with the condition that the well casing is extended to at least one foot above the 100-year floodplain which would be an elevation of 867.5 feet. Sperflage seconded the motion. With a vote of 5-0, the motion carried.

**The third item on the agenda was announcements.**

Even passed out information on the Iowa State University Extension's Introduction to Planning & Zoning Workshop. Interested participants should let Even know if they plan on attending by Thursday, March 16.

Even passed out an email from the County Attorney reviewing open meeting laws and how they apply to the Board of Adjustment.

**The fourth item on the agenda was adjournment.**

Ehlers made the motion to adjourn and Stephenson seconded the motion. With a vote of 5-0, the motion carried.

The meeting adjourned at 7:29 PM