

**DALLAS COUNTY
BOARD OF ADJUSTMENT
MINUTES**

The Dallas County Board of Adjustment was called to order on **August 22nd, 2016**, at 4:30 P.M., in the Dallas County Board Conference Room at 902 Court Street in Adel, Iowa, by Chairperson, Marilyn Gliem. Members Karen Smith, Marilyn Gliem, John Baker, and John Bunz were present. Member Scott Pope was absent. Murray McConnell, Director of Planning and Development, and Samuel Larson, Senior Planner, were also in attendance.

Approve Agenda:

Motion by K. Smith **to accept** the agenda as presented. **Seconded** by J. Bunz. **Ayes unanimous. Motion carried.**

Approve Minutes of the last meeting of July 18th, 2016:

Motion by J. Baker **to dispense** with the reading of the Minutes of the last meeting of July 18th, 2016, and **approve** them as written. **Seconded** by K. Smith. **Ayes unanimous. Motion carried.**

Old Business: (None)

New Business:

Item 1: A petition to consider a Variance to allow a reduced front setback of 36' for an addition to a single-family dwelling on Lots 9-16 of Block 26, Wiscotta, Parcel #1304402001, zoned R-1 (Suburban Residential District) located at 31500 S Old Hwy 6 in Section 4, T78N, R29W (Union Township) **for Nicholas R. Holliday.**

Nicholas Holliday spoke stating his request for a reduced front setback so that he could add on to his small family home. N. Holliday explained that his options for expanding were limited due to the location of his garage, property line and septic system. N. Holliday stated that the financing for the addition was all taken care of and all of his contractors are lined up, so the only thing left was the variance.

Others to speak in Support: (None)

Others to speak in Opposition: (None)

Questions from the Board:

J. Baker asked N. Holliday if he had spoken to his neighbor, Nick Paardekooper, about the addition. N. Holliday responded stating he knows N. Paardekooper well and has spoken with him about the addition. N. Holliday explained that the addition will be not be on the side facing N. Paardekooper, so it will not affect N. Paardekooper's property.

Comments from the Board:

J. Baker stated he knew the property well, and if N. Paardekooper did not have a problem with the variance, then he did not have a problem with the variance.

K. Smith spoke stating she also did not have a problem with the variance, and asked M. McConnell if he had any issues with the variance.

M. McConnell stated that he had not heard anything from the County Engineer, and explained that the reduced setback would not really affect the county road since the road lies to the west of the property, and they are less concerned with any reduced setback on the east or south side of the road. M. McConnell continued explaining that it is 36' from the addition to the lot line, but then there is another considerable distance to the edge of the pavement. M. McConnell stated that most of the lots in Wiscotta are small and typically variances are needed to build most anything, so there is no opposition from the Planning and Development Department.

Motion by J. Bunz to approve a Variance to allow a reduced front setback of 36' for an addition to a single-family dwelling on Lots 9-16 of Block 26, Wiscotta, Parcel #1304402001, zoned R-1 (Suburban Residential District) located at 31500 S Old Hwy 6 in Section 4, T78N, R29W (Union Township) **for Nicholas R. Holliday. Seconded by J. Baker. Ayes unanimous. Motion carried.**

Item 2: A petition to consider approval of a Conditional Use Permit to allow a venue for events including but not limited to weddings, family reunions, and graduations on Parcel #1107100007, zoned A-1 (Agricultural District) and A-2 (Agricultural/Floodplain/Conservation District) located at 25143 Sportsmans Club Road in Section 7, T79N, R27W (Adel Township) **for Kendra Kasischke.**

Kendra Kasischke spoke stating that she was not at the meeting to protest the findings of the Planning & Zoning Commission, which was to recommend denial of the Conditional Use Permit, but rather to protest the Conditional Use process. K. Kasischke stated she worked very transparently with the Dallas County Planning & Zoning Department for upwards of a year. K. Kasischke explained she had been in corporate America for 30 years, and she wants to get back to Iowa, where she grew up, to be closer to family and to start a business. K. Kasischke chose Dallas County because of the growth of the community, the economic conditions, and the proximity to her family. K. Kasischke does not feel that the Planning & Zoning Department has been as transparent as she would like them to be. K. Kasischke stated that she understands that many people have interest in starting a wedding venue in the area, and she also understands that many people withdraw their interest because of the challenges involved. K. Kasischke said she struggled with whether to choose a commercial property or to use an agricultural property with a Conditional Use Permit but settled on the Conditional Use Permit to avoid an overly commercial setting which would not be ideal for developing a rustic, rural wedding venue.

K. Kasischke explained that this is a very fast growing business in other states, stating that in Wisconsin there is approximately three venues per county, whereas in Iowa there are only approximately less than 10 rural, rustic venues – 20 venues if you stretch it to include venues that allow weddings for under 100 people. K. Kasischke went on to say that about 80% of the business at the wedding barn in Centerville, which is a couple hours away, comes from the Des Moines area because of the lack of similar venues. K. Kasischke indicated that she understood that it was her responsibility to find an appropriate location for the venue, and it had proven to be a challenging task. K. Kasischke explained that she did not ask for help from the county finding a property but rather used them as a sounding board for advice and opinions on possible properties. K. Kasischke said that Samuel was very helpful with this.

K. Kasischke's main concern is the process that has taken place while she has been working towards this Conditional Use Permit, and how to go through the process in a fair and equitable way. K. Kasischke said that things had changed from meeting to meeting, and she did not trust the Planning & Zoning Department to give her the same answer more than two times. K. Kasischke referred to her first hearing with the Planning & Zoning Commission in May which was for a property in Booneville which only had one neighbor. K. Kasischke recognized that any business that comes into a community is more than likely going to have somebody who will have a disagreement or a concern, and her understanding is that these hearings are meant to hear both sides of the issue and make a decision based on what is said at those meetings, which she believes to be a fair and equitable process. K. Kasischke went into details regarding the opposition's concerns at that meeting and stated that by the end of the meeting she had addressed most of the concerns. Craig Walter, the Chairman of the Planning & Zoning Commission suggested to K. Kasischke that she try to work things out with that one neighbor, and a meeting was set at a later date to work things out. K. Kasischke understood that as Craig saying he was willing to try to work

with her to try and get the Conditional Use Permit. The Conditional Use Permit petition on that property had to be withdrawn a few days later due to the sellers withdrawing from the sale unless she took them to court, which K. Kasischke chose not to do. K. Kasischke then discussed the subject property for her current Conditional Use Permit petition, explaining that it seemed like a good option due to the condition and size of the property, even if it was not a completely ideal location. K. Kasischke recognized that there were more neighbors at this property, but she stated her willingness to work with the neighbors and neighborhood to address their questions and concerns. K. Kasischke continued stating that at the next meeting with the Planning & Zoning Commission the neighbors came and spoke their opposition, which she knows is their right to do, but she was told after the meeting, and it was very evident during the meeting, that if even one person had opposition to the petition the board was never going to vote it. K. Kasischke questioned why the requirements had changed from the May meeting to August because before it seemed like they were willing to work with her, and now if there was any opposition at all, there was no chance of the petition being approved. K. Kasischke pointed out that she believes M. McConnell has made it clear that he does not like the idea of her coming to Dallas County and utilizing a Conditional Use Permit for a wedding venue. The current Conditional Use definition does not stipulate how many events you can have or the dollar amount you can have, and K. Kasischke understands that it's subject to the Board's discretion and what's best for Dallas County, and she respects that. However, K. Kasischke wanted to express her concern with the change in rules during the process and the fact that she was not notified and made aware of the changes. K. Kasischke went on to question why a petition would not pass if there is only one person in opposition of the petition.

K. Kasischke stated that it was never identified at the August Planning & Zoning Commission meeting what was seen as true negatives and what were possibly embellishments from the neighbors which are out of her control and should not be considered in the discussion of the permit. K. Kasischke pointed out a specific example that one landowner had brought up regarding appropriate signage of the S-curves near the subject property saying that is not her concern or her issue but rather an issue that should be addressed by the road commission. K. Kasischke went on to mention another landowner's concern with appropriate storm shelter being provided, which is not a requirement for her building as well as not being a requirement for hospitals, schools, churches or nursing homes. K. Kasischke said that she could not get an answer from the Commission in regards to whether the concerns from the landowners that were not applicable to her petition were dismissed or rather the totality of all the concerns were considered before deciding. K. Kasischke stated that she wanted to know what the true reason was for the recommendation of denial of her petition and went on to explain that if it was just the increased traffic on the road, Dallas County would be getting tax dollars from her venue to better those roads; she was going to help provide dust control; and she was willing to work with the county on the traffic concerns. K. Kasischke also addressed a common concern among the neighbor opposition of the immature tree-screen stating that she was going to be putting in mature trees to help cover the perimeter of the subject property. K. Kasischke again stated her concern in not knowing exactly what was considered when the Planning & Zoning Commission recommended denial of her petition because she was willing to work through many of the issues. K. Kasischke then expressed her concerns with the attempts to change the current Conditional Use regulations in the middle of a petitioner's process to obtain a Conditional Use Permit.

K. Kasischke feels she has not been given the same courtesy as other petitioners based on what she has seen over the past few months. K. Kasischke reiterated that she is not going to protest the findings of the Planning & Zoning Commission because she does not believe she can change any minds now, but she stated she is going to continue to look for an appropriate property for her venue to move forward with the Conditional Use process in the best and most responsible way possible. K. Kasischke stated that she feels Dallas County is not interested in opening a wedding venue, and, if that truly is the case, she'd like to know that upfront to avoid wasting any more of her time. K. Kasischke also expressed her concern with the fact that the July meeting, which was cancelled hours before the meeting because there was no quorum, was not rescheduled sooner than the following month's meeting approximately 30 days later. K. Kasischke went on to say that there were many little things that added up that did not seem fair throughout the process. One example specifically that K. Kasischke brought up was that a neighbor of the Barnes' Place, which is a wedding venue, attended the May meeting and spoke about what it was like to be a neighbor to a wedding venue, but her comments were not shown in the minutes of the May meeting. However,

all the negative comments from the two neighbors in attendance were shown, and K. Kasischke questioned why not all the notes were included in the minutes. K. Kasischke reiterated that she felt there were one too many things that happened, and she will take criticism when necessary, but she respectfully asks that the process is addressed, and if the process is going change and be put on hold, make that transparent. K. Kasischke expressed that she felt that she had wasted 9 months thinking she was doing the appropriate steps for the process, so if things were going to change, it would have been nice to know that in the beginning. K. Kasischke stressed that this is a \$4 million venture, with \$1 million coming from the venue, and another \$3 million coming from the other vendors which she would have pressed to have as local Dallas County vendors. This would have been a nice bit of revenue for the county from a woman-owned business.

Others to speak in Support: (None)

Others to speak in Opposition:

Dustin Noble, an attorney with Hopkins & Huebner Law Firm in Adel, spoke stating he represented a group of concerned neighbors who live in the surrounding area. D. Noble stated that last week they voiced their concerns with the petition at the Planning & Zoning Commission, and they would be happy to voice their concerns with the board today as well if the board would like to hear them.

Questions from the Board:

M. Gliem asked the board if they wanted to hear any of the opposition or if the minutes from the August Planning & Zoning Commission meeting, which they had previously received, were enough.

J. Bunz then questioned M. McConnell regarding where in the Conditional Use Process this petition was at since it seemed unnecessary to meet on this petition after the findings from the Planning & Zoning Commission.

Comments from Staff:

M. McConnell explained that this is the first time that he can remember that a petition that was unanimously recommended for denial from the Planning & Zoning Commission went on to the Board of Adjustment meeting. M. McConnell clarified that K. Kasischke's petition was put on the agenda in an attempt to accommodate the petitioner in the case there had been a different outcome from the Planning & Zoning Commission. M. McConnell stated that the Board of Adjustment, historically, has never approved a Conditional Use Permit where the Planning & Zoning Commission had recommended denial.

Motion by J. Bunz to deny the petition for a Conditional Use Permit to allow a venue for events including but not limited to weddings, family reunions, and graduations on Parcel #1107100007, zoned A-1 (Agricultural District) and A-2 (Agricultural/Floodplain/Conservation District) located at 25143 Sportsmans Club Road in Section 7, T79N, R27W (Adel Township) for Kendra Kasischke. Seconded by J. Baker. Ayes unanimous. Motion carried.

Comments from Others:

A comment was made that the issue presented today was not a permit request, but rather just sharing information. J. Bunz replied to this comment by pointing out that the Conditional Use Permit petition was the only thing on the agenda for K. Kasischke. There were a couple other comments among the meeting attendees, and M. Gliem addressed everyone stating that any comments needed to be addressed towards the board.

Questions from the Board:

K. Smith asked K. Kasischke if she had spoken with other wedding venue providers in regards to the number of events they were having. K. Kasischke indicated that she had, and K. Smith asked her to share that information. K. Kasischke stated that the Keller Place is still growing, but they average about one wedding per weekend, and there are a couple weekends when they don't have weddings. K. Kasischke explained she could not speak in regards to the winter months since they had not gone through a full cycle with heating, cooling and plumbing yet, but they are booked at about 90 percent. K. Kasischke went on to say that the Barnes' Place typically has a minimum of two weddings per weekend, and they are booked about ten and a half months of the year. K. Kasischke shared that her goal is to do one wedding per weekend, with some incremental weddings on Sunday afternoons, and then eventually maybe a Thursday/Friday, Saturday/Sunday, two day combo. K. Kasischke clarified that she'd try to limit the Sunday afternoon weddings if possible. K. Kasischke ended by saying she has worked with around 12 different venues across the Midwest, and Centerville is booked every weekend with about a year and a half to two year waiting list, and they do about one to two weddings per weekend.

Motion by J. Bunz **to adjourn** the meeting. **Seconded** by J. Baker. **Ayes unanimous. Motion carried.**

Meeting adjourned.

Kate Davies
Planner

An audio recording of this meeting is available from the Dallas County Department of Planning & Development.