



## BOARD OF ADJUSTMENT MEETING MINUTES

FEBRUARY 13, 2020

5:30 P.M. – BOONE COUNTY COURTHOUSE, 1<sup>ST</sup> FLOOR CONFERENCE ROOM  
201 STATE STREET, BOONE

PLEASE ENTER THROUGH THE EAST DOOR

### I. OPEN MEETING AND ROLL CALL

Amy Yoakum  
Dennis Lynch  
Steve Kieffer  
Ruth Berglund  
Sam Fisher

**ATTENDANCE:** Sam Fisher, Amy Yoakum and Ruth Berglund

**ABSENT:** Steve Kieffer and Dennis Lynch

**ALSO IN ATTENDANCE:** Brian Bales, Shelia Bales, Kurt Phillips, Allyson Ladd, Debbie Ladd,  
Rick Wailes and Scott Wailes

### II. APPROVAL OF MINUTES:

January 10, 2020

Ruth Berglund moved to approve the minutes as written

*Seconded by AmyYoakum*

Amy Yoakum—yes  
Sam Fisher—yes  
Ruth—yes

*Motion Carried*

### III. APPROVAL OF AGENDA

### IV. DISCLOSE CONFLICT OF INTEREST AND EX-PARTE COMMUNICATION

A. None

### V. CITIZENS COMMENTS ON ITEMS NOT ON THE AGENDA (ADDITIONS TO AGENDA)

A. None

### VI. OPEN PUBLIC HEARING(S) AND CONSIDERATION OF APPLICATION(S)

A. Application for Conditional Use Permit # 2019-008 submitted by Debra K Ladd to allow for a wedding / event venue to be located at 1411 160th St, Boone, Ia 50036

Chairman Sam Fisher asked for any staff comments.

Director Mike Salati discussed the prior meeting with the Zoning Commission. He stated he had meet with Rick Wailes and discussed possible hours for the venue if the event center were to be approved.

Salati noted the Zoning Commission did not recommend Board of Adjustment approval of the application.

Staff noted the applicant had previously applied for a rezoning of the property from A-1 (Agriculture Conservation) to C-1 (General Commercial) to allow for the wedding/ event center.

During the meeting it was determined that a Conditional permit would be the best way to handle such a venue, as conditions could be places on the operation of the event center.

It was noted Mike Salati had taken the recommendation to the Board of Supervisors in regards to amending the Zoning Ordinance to allow such a venue with a Conditional Use permit.

Amy Yoakum questioned if the Zoning Commission had denied the rezoning request because they believed the use should be handled through a Conditional Use Permit rather than rezoning the property from A-1 (Agriculture Conservation) to C-1 (General Commercial).

Mike Salati stated that was correct and that the Board of Supervisors agreed to the change. Salati also noted that the request for a Conditional Use Permit had been denied.

Chairman Sam Fisher next asked for any further comment from the applicant.

Rick Wailes wanted it to be known that they may have soft music playing on Friday nights at the rehearsal dinner and that some people may wish to be married in the front yard and have soft music played at this time also.

Shelia Bales was next to speak. Bales stated they had not been aware of Ladd's plan for the event center until she received a public hearing notice from Boone County stating they were blindsided.

Bales noted they currently resided full time in West Des Moines and that they owned an old barn which they had renovated into a weekend home across the street from the proposed event center. Bales noted the liked it quit and that they did not have big parties.

Shelia Bales stated they were concerned that their weekend getaway "quiet space" would go away. She also spoke in concern to the effect the event center may have on their property value.

Bales also stated they had previously attended three Zoning Commission meetings at which time the request had been turned down. She stated she did not understand why the recommendations of the Zoning Commission were ignored.

Brian Bales next asked if he could read a letter which had been written to the Zoning Commission in December expressing his concerns. (this letter can be found in the written record).

Bales also wanted it noted that the Zoning Commission still rejected this proposal. Bales next discussed the Boone County Board of Supervisors meeting at which time Boone County Attorney Dan Kolicia stated “every other county does this and we should do it”.

Bales next discussed possible conditions which could be put on the Conditional Use Permit such as limiting the number of drinks per person. He stated many of the proposed conditions would not be enforceable.

He further discussed concerns with travel, loud drunken people and unwanted trespassers. He also discussed environmental impacts.

Bales also noted he had been in contact with Xenia Rural Water and concerns with fire suppression. He stated fire extinguishers would not put out a fire and that they needed some type of sprinkler system.

Shelia Bales noted they had been told by Boone County that they were within 700’ of the proposed venue.

Staff noted all property owners within 700’ are notified and that was from property lines and not from actual buildings on the property.

Chairman Sam Fisher noted the home was further from the event center than what would be required for a wind mill, stating it was a considerable distance.

Allison Ladd was next to speak. She noted the property had actually been the family home for over 20 years that they live there and will continue to reside there. She stated she could understand the Bales concerns but there are reasons for protocols and laws.

Allison Ladd stated they had no intention of destroying anyone’s property values or creating demands for crazy wild celebrations. Ladd noted they would put rules into their contracts and work with law enforcement.

She again stated they planned to reside their full time and that they had reached out to the full-time neighbors she stated any concerns had been addressed. Ladd also noted the closest neighbors to the east the Bunning’s had written a letter in support of the project.

She stated she hoped the venue would be a tremendous opportunity for the City and the County as well.

Sam Fisher questioned whether all the parking would be on the property.

It was stated it would be.

Debbie Ladd stated they had spoke with both the county engineer and the fire Marshall noting they had not spoken with Xenia yet.

Allison Ladd stated their family farm had no intensions of burning down any cornfields she stated she was aware of how catastrophic this would be as she was about to marry a crop farmer, gain stating this was their home.

Director Mike Salati noted we had one similar venue which had been operating since approximately 2008 and that we had never received a complaint. Salati also noted another application for an event center had been submitted to Boone County.

Debbie Ladd noted there were no facilities in the area similar to the Venue they were proposing. She stated they had looked in Boone County, Story County and Webster County.

Ladd noted her daughter even looked south of Des Moines and was having trouble finding such a venue.

Ladd hoped it would be successful for bringing more business to Boone such as caterers' hotels and restaurants and other area businesses.

Debbie Ladd noted they wanted to be good neighbors. Ladd stated they were not wanting people to come out to their property and destroy it every event stating it was their home. They did not plan to change the character of the property.

Ruth Berglund questioned whether the majority of the music would be kept inside the building.

Debbie Ladd noted all amplified music would be inside the building she did note if there were to be a wedding on the south lawn they may have some piano or violin music in the early afternoon. She also noted there may be some music outside during the rehearsal dinner.

Ladd also noted if the sound were so loud it were to be disruptive to neighbors no one would want to use their facility as it would be too difficult to have a conversation.

Amy Yoakum tried to explain the Conditional Use Permit process to make their determination.

Sam Fisher stated they had parameters which they had to work within.

Curt Phillips of the Boone Chamber of Commerce was also present to speak in regards to the request. He noted these rural venues had been becoming very popular. He believed this was a growing trend and that we would be seeing more requests for such venues. Phillips noted he knew both families and felt very strongly about their character.

He noted this venue was somewhat different as the property owner lived on site versus some venues which were only opened a limited amount of time.

Phillips stated there was a use for such a venue and that he had received many phone calls asking about venues for weddings and meetings he noted one had recently been added at the new hotel but that there was definitely a need for such a type of business.

Chairman Sam Fisher next spoke in regards to the request. Fisher stated there were many people involved in setting rules such as the county engineer, the fire dept etc.

Fisher noted sprinkler systems were not required in Boone County.

Fisher discussed concerns with how far one property owner should be able to control surrounding property out and beyond their own. He stated this was something they had to consider numerous times.

Shelia Bales questioned why developing one of the empty store fronts downtown hadn't been considered. Bales stated travel would be better. She questioned why we were not using properties that were sitting empty.

Ruth Berglund moved to close the public hearing.

***Seconded by Amy Yoakum***

Ruth Berglund—yes

Amy Yoakum—yes

Sam Fisher—yes

***Motion Carried***

Ruth Berglund stated it appeared the Ladd's had done their homework, noting they lived on site and were concerned with what was going on. She stated many of the questions she had were answered.

Berglund noted she understood Bales' concerns and that she too lived in the country.

Amy Yoakum stated she believed the required conditions for the application had been met.

Yoakum asked for clarification on proposed conditions noted on the staff report.

Director Mike Salati noted the draft resolution addressed many concerns of the Bales.

He noted parking was not allowed on a county road. He noted the fire chief had been in discussion with the Ladd's in regards to fire code requirements. Salati noted the fire chief wanted a condition on the permit to be that the venue comply with all State of Iowa fire codes.

He next discussed amplified music noting all amplified music would be within the venue.

Lastly that the Conditional use permit be reviewed within a one-year period.

Chairman Sam Fisher noted he believed the application for Conditional Use Permit # 2019-008 met the parameters. Fisher noted it was difficult to find such a place in Boone County noting a previous venue had not been able to stay in business.

Fisher stated the desire now was for nontraditional weddings which were being held in a rural setting.

Ruth Berglund stated she agreed with this.

Shelia Bales questioned which parameters were being met. She questioned the transition.

Further discussion was held on the requirement for a buffer.

Director Salati also discussed the results of a sound study which had been done. The study stated the expected level of noise would be similar to that of rustling leaves.

Shelia Bales stated her concern was sitting in front of the campfire enjoying the evening and looking at the stars at dark.

Chairman Sam Fisher noted he had a new camp ground close to his property. Fisher noted there were times which they would hear noise once in a while.

Shelia Bales wanted a copy of the conditions.

Ruth Berglund moved to approve the application # 2019-008 submitted by Debbie Ladd to allow for a wedding / event venue to be located at 1411 160<sup>th</sup> St, Boone, Ia with the conditions as listed on the draft resolution with the addition of the phrase all amplified music will be within the venue.

*Seconded by Amy Yoakum*

Amy Yoakum—yes  
Ruth Berglund—yes  
Sam Fisher—yes

*Motion Carried*

- I. UNFINISHED BUSINESS**
  - A. None
- II. NEW BUSINESS**
  - A. Election of Officers (Tabled)
- III. DIRECTOR'S REPORT (PLANNING AND DEVELOPMENT DEPARTMENT)**
- IV. ADJOURNMENT**

Respectfully submitted

Wanda Cox