

Minutes of the Marion County Board of Adjustments
March 23, 2021

The Marion County Board of Adjustments met via Teams virtual/in person meeting in accordance with Marion County's Disaster Declaration and pursuant to Iowa Code 21.8, This meeting will be held electronically as valid concerns exist that an in-person meeting would be impossible or impractical in seeking to adhere to Governor Reynolds State of Public Health Disaster Emergency Proclamation related to COVID-19 Community Spread Mitigation on March 23, 2021 at 5p.m.

Attendees of the virtual meeting were Jan Szlachetka, Danielle Huffine, Dale Miller.

Several members from the Ver Ploeg Campground were present:

Duane Ver Ploeg
Terry Wickliff
Pat and Steph Roberts
Ronda Geery
Steve and Rose Clark
Dan and Karyn Houser
Mike and Rita Gee
Ronda and Rick Silvers
Jeff Beary
John Goodyk

Chairperson Huffine called for a motion to approve the minutes from February 23, 2021 Szlachetka makes a motion to approve with correction and Miller seconded the motion. A roll call vote was taken.

Huffine yes
Szlachetka yes
Miller yes

Poffenbarger explained to the BOA that the purposed of Petition 72625 was to bring a long time existing "campground" into some form of compliance. Per Marion County Ordinance 55.24 (2) Recreation – Campgrounds, private campgrounds with permanent infrastructure and tourist parks. The campground has for many years been considered "grandfathered". Many properties have been updated, changed out or added since the beginning of the campground more than 50 years ago. As the properties change hands by State Code a septic inspection must be done. An inquiry about one septic led to an inquiry about the rest of the properties, many of which have no legal septic.

The intent of a Special Use Permit is review specified use in accordance with Marion County Zoning Chapter 55 to ensure development or existing properties are regulated to protect the health, safety, and general welfare of the citizens in and around the proposed area.

Poffenbarger explained most of these properties were placed before building permits were required in the early 1990's or they were placed without permits. Through the years they have been very hard to track the buildings on leased land as they transfer. Now that the area has come to the attention of the County, they must comply with the same rules all other properties do.

A general legal description for the existing area of the existing campgrounds: The most southerly portion of Parcel 1286300100 lying along the river and east of 216th Pl., Legal: SE NW & NE SW GOVT L 2 E OF RR. The buildings are buildings on leased land defined by an E911 address and lat./long coordinates.

The most southerly portion of Parcel 1286100100 lying along the river and west off of 216th Pl. and west off of 215th Ln., Legal: GOV L 2 PT E 1/2 NW N OF RIVER & W RR. The buildings are buildings on leased land defined by an E911 address and lat./long coordinates.

The main objects are the following defined in the proposed resolution:

1. The provisions and/or regulations shall be minimum requirements.
2. A detailed and scaled site plan in compliance with Ordinance 55.31 showing all proposed grading, landscaping, proposed structures, parking areas, and any other pertinent improvements shall be reviewed and approved by the Marion County Zoning Commission and the Marion County Board of Supervisors and filed with the Zoning Administrator prior to the issuance of a permit for building permit. All buildings shall comply with A-1 district setbacks.
3. The access to the property a private drive named 215th Ln., a private drive addressed to the west of 216th Pl., and a private drive with addresses of 216th Pl. east of 216th Pl.
4. E911 addresses assigned to plot for emergency service purposes. As well as identifier for septic and flood plain permits.
5. The property is subject to any other permit or inspections required from Marion County or State of Iowa.
6. All properties must follow Marion County and FEMA Flood Plain requirements.
7. Any full-time living property as of 3/23/2021 shall be allowed to remain until such time the structure is no longer livable. No further full-time living cabins/trailers will be allowed after 3/23/2021.
8. Campground are intended to be leisure facilities to be used from April to October each year.
9. Any well or on-site wastewater treatment system shall first be approved by the Marion County Department of Public Health prior to installation and prior to construction of structures in which rest room facilities will be installed.

Getting the Special Use Permit in place is the first step before lease holders are required to spend money for upgrades to comply with addresses, septics, or flood plain requirements.

Many lease holders were present and had questions and concerns about the lack of an official lease. Poffenbarger explained that was between them and the property owner. Poffenbarger explained there had been discussions with Ver Ploeg about getting an official lease in place with all. The lease holders would like for Ver Ploeg to give them a 10-year lease if they are going to spend the money for upgrades. Ver Ploeg and the lease holders asked what would happen if the property sold to the lease. Poffenbarger explained that is a legal question that needs to be discussed with an attorney.

The BOA asked if Special Use Permits are transferrable to new owners. Poffenbarger explained the Special Use Permit would follow the land. The crowd asked what would happen if the new owner did not want the Special Use Permit? Poffenbarger was unsure what would happen in that case.

Once the Special Use Permit is in place the lease holders can work with Marion County Environmental Health on obtaining septic permits for holding tanks and/or full septic systems, while maintaining setbacks from current wells.

All but one of the properties follows the Flood Plain requirements, Mike and Rita Gee. They were instructed to work with the County Engineer staff.

Satisfied with the details of the request Chairperson Huffine called for a motion on Petition 72625– Ver Ploeg Land LLC Special Use Permit per Marion County Ordinance 55.24 (2) Recreation – Campgrounds, private campgrounds with permanent infrastructure and tourist parks. Szlachetka made a motion for approval as defined by the resolution and Miller seconded it. A roll call vote was taken.

Huffine yes

Szlachetka yes

Miller yes

Huffine called for a motion to adjourn the meeting. Miller made the motion and Szlachetka seconded the motion. All in favor; meeting adjourned.

Minutes by: Melissa Poffenbarger