

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, March 8, 2019, with Chairperson Carol Schlueter and members Emily Geertz, Tom Harper, and Bill Tharp present, Carl Kleppe Jr. was absent. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator were also in attendance.

Present for this hearing: Kristy Cox, Brian Cox, Ken Bierman, and Tammy Bierman.

Carol Schlueter: Okay, it is 10 o'clock and I will open the Board of Adjustment hearing and I have an opening statement that I will read. The Zoning Board of Adjustment is a quasi-judicial board appointed by the Muscatine County Board of Supervisors. The Board's purpose is to interpret the Zoning Ordinance and to allow certain limited exceptions and variances where special conditions or hardships exist. We are an independent volunteer board of citizens and not part of the county administration. There are five members on the Board. State law requires three affirmative votes to approve any appeal under consideration, no matter how many members are present. If fewer than five members are present, the appellant has the opportunity to have the appeal delayed until the next meeting. We make our decision based on the facts and evidence under county code, presented in open meeting. We ask that if you wish to speak, please give your name and address. We have one member missing today, so you would have to have three affirmative votes in order to pass, it couldn't be a tie vote. You may ask for us to table this but it needs to be prior to the vote. Eric will you read the first request?

Eric Furnas: Case #19-03-01. An application has been filed by Brian A. and Kristy R. Cox, Record Owners. This property is located in Sweetland Township, the SW¼ of Sec. 10-T77N-R1W, Parcel A, 3143 180th Street, containing approximately 1.82 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the owners to place 42' x 50' pole building in front of their existing home but it would be at least 50 feet back from the front lot line.

Carol Schlueter: Was there any correspondence?

Eric Furnas: No ma'am.

Carol Schlueter: Okay, is the applicant here for this case? (yes) Okay whoever wishes to speak please tell me their name and tell the board about what you are requesting today.

Brian Cox: My name is Brian Cox and we would like to build a 42' x 50' pole building to the side of the house. We were hoping to place it beside or behind but there is a septic system to the left and behind the house, there is the geothermal header beside the house and there is an electrical transformer on the right side of the house. When we built the house it had a fair amount of slope to it and so we built the house in the only real flat spot on the property. So if we wanted to build anything else our only option is to place it here because of the slope and everything else that is on the property. Currently at the front of the property on our neighbor's property, that is right beside us, they have a few outbuildings in the front, they actually would be in line with this one. It's not going to be commercial, it's just going to be personal storage for us. So that's kind of what we were thinking.

Carol Schlueter: Okay, so you built this house that you are living in now?

Brian Cox: Yes.

Carol Schlueter: And you bought this property from the Bierman's?

Brian Cox: Yes.

Carol Schlueter: So the buildings that are already there that are along side, those are your buildings?

Ken Bierman: Yes.

Tom Harper: So those are just pole barns for storage?

Ken Bierman: Yes.

Tom Harper: Is that an old foundation for a house just to the east of that?

Brian Cox: Correct and as we built our new house it was still there. Where the new house is, it is about the only flat spot, it slopes everywhere but that spot. Yeah the foundation has been filled in but it wouldn't be a good place to build the outbuilding because it would be more in front of the house. So when you look out the house it wouldn't be directly in front of the house, it's off to the side. So by placing it to the side like that I believe it would make the property more valuable.

Tom Harper: So it won't require any additional driveways off the county road?

Brian Cox: No, we'll use our existing lane.

Bill Tharp: Is the barns and things on the neighboring property, was it used for agricultural to serve like a farm?

Ken Bierman: Yes at one time.

Bill Tharp: And is your property a farm?

Brian Cox: We are not earning income as a farmer.

Bill Tharp: So what is the purpose of the pole barn?

Brian Cox: For personal storage for my hobbies. It's just to store my things in a secure place so that I can work on them.

Emily Geertz: It makes sense to me, the location of it with the criteria.

Tom Harper: I don't see this as a problem. This is consistent with the other requests that we've had. I mean, with the septic system in the back of the property, the utilities on the sides, I mean these are in the way and there is no building space in the back on this acre of land.

Carol Schlueter: Eric, do you have any comments you'd like to make concerning this request?

Eric Furnas: On the back of your packet where I have the remarks, I believe because of the placement of the dwelling on the lot, the topography and the location of the septic system, geothermal field and electrical transformer, that it all contributes to a lack of space. I believe that by placing this pole building in the side yard in front of the dwelling that it really wouldn't alter the general character of the neighborhood and it gives the minimum relief that is necessary to place this pole barn here.

Carol Schlueter: Okay, thank you. Is there any other comments or questions by anyone here in the room? Does anyone on the board have any questions or comments in regards to this request? If not – is there a motion?

Tom Harper: I will make a motion to grant this request for a Variance for the owners to build a pole building on this property that would be in front of the dwelling but be at least 50 feet back from the front lot line.

Carol Schlueter: Is there a second?

Emily Geertz: I will second it.

Carol Schlueter: There is a motion and it has been seconded to approve the request for Mr. and Mrs. Cox to build a pole building on this property that would be in front of the existing dwelling but be at least 50 feet back from the front lot line. All in favor of that motion, please say Aye (4); Opposed (0); Absent (Carl Kleppe Jr.). The motion is approved.

Brian Cox: Thank you.

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By Eric S. Furnas, Planning & Zoning Director

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Present for this hearing: Connie Mills.

Carol Schlueter: Eric, can you please read the next request?

Eric Furnas: Case #19-03-02. An application has been filed by Gary L. and Connie S. Mills, Record Owners and Gary and Julie Savona, Proposed Builders. This property is located in Pike Township, SE¼ of Sec. 12-T77N-R4W, North of Hwy. 22, containing approximately 36.74 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for Gary and Julie Savona to build a rural residence on this property.

Carol Schlueter: Was there any correspondence?

Eric Furnas: No correspondence.

Carol Schlueter: Okay, I will ask you to state your name and tell us a little about your request.

Connie Mills: My name is Connie Mills. I am the property owner. My daughter is wanting to move home and build on this property. The State of Iowa has tentatively granted a new driveway.

Carol Schlueter: Okay, any questions from the board members?

Bill Tharp: It looks like it meets the standard requirements for the Special Use Permit as far as the distance from the next nearest residence and the CSR.

Emily Geertz: Yeah it does.

Bill Tharp: Unless something jumps out for someone else?

Emily Geertz: Yeah I knew there was an irrigation point there.

Tom Harper: Yeah I know that place and that's in a dead spot there that the irrigation point doesn't reach to.

Carol Schlueter: Okay but we really don't have the exact location of where they want to put it – right?

Eric Furnas: Yeah, it's the aerial that has the little square on it.

Carol Schlueter: Okay, but we don't know the real acreage.

Eric Furnas: One to two acres.

Carol Schlueter: Okay, so that's okay?

Eric Furnas: Yeah I have spent a significant amount of time emailing and talking with Miss Mills. She has tried to work real hard to make sure that she doesn't take any farm ground. I worked with her specifically because the FEMA maps are changing as far as property going into the flood plain. And we were able to look at the proposed aerials and found a spot that is not in the flood plain and FEMA doesn't have that it will go in on the next maps. And as far as the entrance, I can tell you that it has tentatively been approved

by the State of Iowa, it's just been such bad weather that they haven't been able to get down here to stake it, but there doesn't appear to be any issues with it. It does meet the minimum separation distances.

Tom Harper: Do you own the property to the west?

Connie Mills: No, our property line is that tree line.

Tom Harper: Okay.

Carol Schlueter: Is there any other questions or concerns? If not, is there a motion?

Bill Tharp: I will move to approve the Special Use Permit in order for Gary and Julie Savona to build a rural residence on this property.

Carol Schlueter: Is there a second?

Tom Harper: I'll second it.

Carol Schlueter: It's been moved and seconded that we approve this Special Use Permit, all in favor please say Aye (4); Opposed (0); Absent (Carl Kleppe Jr.). The motion is passed. Good luck.

Connie Mills: Thank you.

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