

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, September 6, 2019, with Chairperson Carol Schlueter and members Emily Geertz, Bill Tharp, Charles Clark and Barry McManus present. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Michael and Lisa Mathis.

Carol Schlueter: I will open this public meeting of the Board of Adjustment and I will start by reading opening statement. 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. As a Board of the County, we welcome all testimony. 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 need to approve the minutes and the resolutions from the last meeting.

Emily Geertz: So moved.

Barry McManus: Second.

Carol Schlueter: All in favor of approving the minutes and resolutions from the last meeting please say Aye (5) Nay (0). Motion approved. Are you the Mathis's?

Michael Mathis: Yes.

Carol Schlueter: Okay we have five members here today so we are good to go. Eric would you like to read the request?

Eric Furnas: Case #19-09-01. An application has been filed by Michael R. and Lisa M. Mathis, Record Owners. This property is located in Sweetland Township, in the NW<sup>1</sup>/<sub>4</sub> of Sec. 36-T77N-R1W, North of Hwy. 22, 3315 Hwy. 22, containing approximately 1.30 acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the owners to place a detached garage on the same site as the existing garage, which is in front of the existing dwelling, but at least 50 feet back from the front lot line.

Carol Schlueter: Any correspondence?

Eric Furnas: No ma'am.

Carol Schlueter: Okay would the applicant please state your name and tell the board a little more about your request?

Mike Mathis: I am Mike Mathis. And what I am requesting is... I have a small garage and I am just looking to build a larger garage in the ... covering the small footprint basically. It would be wider but I have a septic system that runs towards the side that's towards the road so the building would be coming back towards my house and then lengthening. It's basically the same spot it's just a bigger garage to accommodate the boat and the two cars and the other things that we have. We have a trailer that we haul around. But when the present garage was built, I believe it was 1965 and it's 20 by 22... once you would ... well my vehicle wouldn't fit in it because the garage isn't high enough, I guess they didn't have four wheel drive vehicles in 1965. But

once you put her car in there and the snow thrower and the rider and those things, there's not enough room even if my vehicle would fit in there.

Carol Schlueter: But the existing building will come down and a new one will be built in its place?

Mike Mathis: Well what we'd like to do with the existing building is to possibly move it out into the yard ... I have a diagram... and on the aerial photo the previous owner had a bunch of things piled in that area. We'd like to move this old garage out there and we have some chickens and we would move the chickens over to that side.

Bill Tharp: In the back, right?

Mike Mathis: It would be behind, yes. Or we could tear it down and redo it.

Carol Schlueter: Okay, is there any other questions?

Emily Geertz: Eric, why is this in front of us?

Eric Furnas: Technically the south line is their front line, that is the line between them and Hwy. 22. What makes it look like it shouldn't need a Variance is the way the house is orientated and the way the driveway... it's an older subdivision and it actually comes across the lot. But I have recommended approval of it, if you have read my notes. I believe the impact of the surrounding property owners would be minimal. But technically it is the front yard space. You can see from the topographical map that I created, that this is the one area that is somewhat flat on this property. So there are some limiting geographical issues here.

Bill Tharp: Well along with what Emily was saying, I just want to put something on the record so that it shows that we aren't being arbitrary and capricious. It's that the impact to surrounding property owners will be minimal as the proposed new building will be replacing an existing one. The proposed structure will be approximately 65' from the front property line and in excess of 100' from the traveled portion on Hwy 22, this minimizing any site clearance issues. And, the area beside and behind the house in what would be considered the side and rear yards contains considerably steeper slopes making the utilization of that space much more difficult than the proposed site. So I see it as there is a unique property limitation and you know, all of the other ground has considerably steeper slopes, in my opinion. That's just me.

Barry McManus: I think it will be a plus for the neighborhood. I don't see it as any kind of a negative at all.

Bill Tharp: Yeah I think it's consistent with the property surrounding it.

Barry McManus: Yeah I don't think anyone should have a complaint about a new larger garage space there. It's shouldn't devalue the neighborhood at all.

Eric Furnas: I would just like to clarify, you said that the new building wouldn't encroach upon the front lot line at all?

Mike Mathis: No, not at all. There is a septic system that runs between there about 14 foot out.

Charles Clark: I have two questions. One, you talked about moving and re-erecting that pole building?

Mike Mathis: Uh huh.

Charles Clark: Will he need a Variance to do that?

Eric Furnas: No it would appear that that would either be a side yard or a rear yard for accessory structure. He would have to meet minimum setbacks but if it's in the same location as the junk was, that wouldn't be a problem.

Charles Clark: And is that your plan Mr. Mathis?

Mike Mathis: Yes that is the plan to possibly re-erect the old garage on that site where they had other ... I think they had a chicken coop or something like that that.

Charles Clark: Okay, would you mind showing me that on this map?

Mike Mathis: Oh sure. So this would be the new one with the same footprint as the old garage and then I would move that to this location in the back.

Charles Clark: And all this old stuff?

Mike Mathis: That's all gone.

Charles Clark: Okay thank you. I think that makes sense.

Carol Schlueter: Okay, are there any other questions or concerns by a board member? If not, would someone like to make a motion for this request?

Bill Tharp: Yes, Madam Chairman, I would like to make a motion to approve the Variance in order for the owners to place a detached garage on the same site as the existing garage, which is in front of the existing dwelling but it would be at least 50 feet back from the front lot line.

Carol Schlueter: Is there a second?

Emily Geertz: I'll second it.

Carol Schlueter: Okay, it's has been moved and seconded that we allow this request as stated. Is there any other discussion? If not, everyone in favor please say Aye (5) Opposed (0). The motion is approved, the request is approved.

Mike Mathis: Thank you.

Carol Schlueter: You bet.

MUSCATINE COUNTY BOARD OF ADJUSTMENT  
By Eric S. Furnas, Planning & Zoning Administrator