

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on October 5, 2018, with Chairperson Carol Schlueter and members Tom Harper, and Carl Kleppe Jr. present, Bill Tharp came in late, Emily Geertz was absent. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator were also in attendance.

Present for this hearing: Marvin Kerschenske.

Carol Schlueter: I will open the Board of Adjustment meeting with the three members that we have. Bill Tharp is absent and Emily Geertz has called to say that she will not be here today. I will read the 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 normally 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. This request must be made prior to Board deliberation of the case. 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. Okay, I believe that all board members received the minutes from the previous meeting by email. I take it that everyone has reviewed them? If there are no changes or corrections, is there a motion to approve the minutes?

Tom Harper: I will make a motion to approve the minutes from last meeting.

Carol Schlueter: Is there a second?

Carl Kleppe Jr.: I'll second the motion.

Carol Schlueter: Okay it has been moved and seconded that we approve the minutes from the last meeting, all in favor please say Aye (3) Opposed (0) Absent (2). Okay, the motion carried. So you understand that we are only a board of three people here today, we usually have five. So we all have to vote for it in order to pass this and have your request be approved. But anytime before we take a vote you can ask to have it tabled until the next month. So that is your choice until we take the vote. Do you understand that?

Marvin Kerschenske: Yes.

Carol Schlueter: So do wish to continue?

Marvin Kerschenske: Yes.

Carol Schlueter: Eric can you please read the request?

Eric Furnas: Case #18-10-01. An application has been filed with the Board of Adjustment by Marvin and Ellyn Kerschenske, Record Owners. This property is located in Seventy-Six Township, Woodland Hills, Lots 27 & 28, in the SW $\frac{1}{4}$ of Sec. 34-T76N-R3W, 2793 Woodland Drive, Letts, Iowa, containing approximately two acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to build an outbuilding in front of the existing dwelling, but it would be over 50 feet from the front lot line.

Carol Schlueter: Any correspondence?

Eric Furnas: No correspondence.

Carol Schlueter: Okay, would the applicant please state your name and what you are asking for today?

Marvin Kerschenske: My name is Marvin Kerschenske and I would like to place this outbuilding there because there is no other place to put it. On three sides of my home there is steep ravines.

Bill Tharp: Madam Chair will you recognize that Bill Tharp is here at 9:34 a.m.?

Carol Schlueter: Yes, Bill Tharp has arrived for our meeting. Thank you. Okay, the applicant just said his name and told us about what he is asking for. Eric do you have any comments?

Eric Furnas: Yes, on the last page of the development report I had stated a few items. Mr. Kerschenske's property consists of two lots in this subdivision. It is essentially being used as one large lot. He comes across a vacant lot in order to get to his house. The last two maps show the location of the well and the septic, which would accommodate a reasonable location for a detached garage. Based on that and where the septic system is located, with the steep ravines on three sides of this house, the house sits back off of the road a great distance, there really is no room other than being in front of the house. You can see on the one map that I have marked a little black square, that is the approximately location of this detached garage. Although it will be technically in the front yard space, it is well off the front property line. The orientation of the driveway is such that this garage would never create any kind of a visual obstruction for pulling out onto the subdivision road. In my mind, this is one of those instances where the purpose of a Variance is made for. There would be no public harm here. There is certainly topographic limitations here.

Bill Tharp: Yeah, I drove by this after I saw the request, I thought, okay this is what a Variance is for.

Eric Furnas: Exactly.

Bill Tharp: And I thought if we could have an example of what a Variance is supposed to be, this would be it. Instead of, you know, we have a lot of places that are around the edges, it's nice to see one that's kind of a good description.

Carol Schlueter: So there is a hardship there?

Bill Tharp: Yeah.

Eric Furnas: Right, there is adequate public protection from what he is asking for. I would agree with you.

Tom Harper: The only thing I see and it's not a requirement... but would you have plans to legally join these two lots as one?

Marvin Kerschenske: Well...

Eric Furnas: Well he doesn't have to ...

Tom Harper: Right it's not a requirement.

Eric Furnas: Yeah that's the first thing that we looked at. This is an old enough subdivision that there are no easements between the two lots, like the modern subdivisions. They wouldn't have to do a vacation plat to vacate the utility

easements so he could build right on the property line between them because he owns both lots.

Tom Harper: Yeah that's the only thing that I saw, where you marked the proposed location of the outbuilding is right on the lot line.

Eric Furnas: Yes upon a request from the owner, the auditor's office could combine the two lots into one tax parcel.

Tom Harper: Right.

Bill Tharp: Yeah and they would kind of like that.

Tom Harper: Yeah, it just cleans it up.

Bill Tharp: Yeah.

Tom Harper: I mean, like I say, it's not a requirement but it's something to think about.

Bill Tharp: It could make the auditor happy.

Marvin Kerschenske: I mean I don't plan on selling or anything.

Tom Harper: Right with the fact that you have the septic on the adjoining lot...

Marvin Kerschenske: The septic and well.

Eric Furnas: Yeah they would just send you one tax bill, it would be one parcel instead of two, and the description would be the two lots.

Marvin Kerschenske: Well what would I have to do?

Eric Furnas: Just go upstairs and talk to the auditor's office. We can talk about this later.

Marvin Kerschenske: Does it cost anything?

Eric Furnas: No.

Carol Schlueter: Any other comments or concerns on this request? If not, I would entertain a motion for this request, please?

Tom Harper: I will make a motion that we grant this request for a Variance in order for the property owner to build an outbuilding in front of the existing dwelling that will cross the two lots lines.

Carol Schlueter: Is there a second to that motion?

Bill Tharp: I would like to second Mr. Harper's motion.

Carol Schlueter: Okay, it has been moved and seconded that we grant this Variance. Is there any other discussion? If not, all in favor of the motion please say Aye (4) Opposed (0) Absent (Geertz). The motion has passed.

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