

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, November 1, 2019, with Chairperson Carol Schlueter and members Charles Clark and Barry McManus present, Emily Geertz and Bill Tharp were absent. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Todd Schwarz, Larry Guyer and Diane Guyer.

Carol Schlueter: Okay, I am going to open this public meeting at 10:05 a.m. with the three members we have present, which is Barry, Charles and Carol, Emily and Bill are absent. I am going to read the 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. 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 that 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, did everyone get a copy of last month's minutes? (yes) And everybody checked them over and didn't see anything that needed to change? Okay, than I need a motion to approve the meetings from last meeting.

Charles Clark: So moved.

Carol Schlueter: Is there a second?

Barry McManus: I'll second.

Carol Schlueter: Okay, it's been moved and seconded that we approve the minutes from the last meeting. All in favor please say Aye (3) Opposed (0) Absent (Geertz & Tharp). The motion has passed, the minutes are approved. So today we have only three members, most generally we have five. I've got to ask Eric, do we all have to vote for it in order to pass, or can it be a two to one vote?

Eric Furnas: All three have to vote for it in order to pass.

Carol Schlueter: Okay, so all three have to vote for it in order to pass. So you can ask for us to table this until next month when we may or may not have a full board. It's up to you. And you can ask us to table this up until the time right before we vote. Eric, do you want to read the request?

Eric Furnas: Case #19-11-01. An application has been filed by Todd R. and Julie A. Schwarz, Record Owners. This property is located in Fulton Township in the SW¼ of Sec. 7-T78N-R1E, Parcel A, Plat of Survey, 1197 Vail Avenue, containing approximately 6.51 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to place an outbuilding in front of the existing dwelling. Now the original Variance request also stated that they needed a Variance from the front lot line to have it 40 feet back instead of the required 50 feet. Now I just clarified it with the Record Owner and he stated that the 10 foot Variance was not required. So apparently they do not need the Variance from the front lot line setback. So it's a Variance just for an accessory structure in the front yard space, or what is considered the front yard space of the dwelling.

Carol Schlueter: Any correspondence?

Eric Furnas: We received none.

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

Todd R. Schwarz: Todd R. Schwarz...do I need to stand up?

Carol Schlueter: You don't have to.

Todd Schwarz: 1197 Vail Avenue. With the property that we purchased, we really don't have a suitable site to build a garden shed on that is already level enough to do so on, that's not in a flood plain or a watershed area coming off of the adjacent land. So I picked a spot north of my pond and I want to put it there because it's closer to the actually driveway that I'm going to use for that kind of stuff anyway, without driving down my asphalt driveway. But being on that part of the property it put it closer to the road than what my existing house is. Granted, none of the neighbors won't even be able to see the building once they are in their house, me included, because it's a long and narrow area. So it's not going to be an eyesore for anyone. It was the best site that I could come up with, that's why I am asking for a Variance.

Barry McManus: So the only real issue is that it's going to set forward of the front line of the house?

Carol Schlueter: Correct.

Eric Furnas: Yes.

Carol Schlueter: I was down there, Todd took me down there and he staked it out where he is going to put it. And where he is putting it, to me, is the perfect location. He's not going to take any trees down there, it's not going to be in anyone's view in order to get onto Vail Avenue. I did talk to the neighbors to the north, Thiering's, and they have no problem. And you know they would be the closest neighbors to this property. The building that he puts up, that's completely... he has to get a permit for that and go by the regulations, right?

Eric Furnas: Right, you are just dealing with the actually sighting of the building or structure. All permitting and code related questions would go through our office if this is approved.

Carol Schlueter: Okay, are there any other questions by the board members? Anyone in the audience that would like to say anything concerning this request, please state your name first?

Larry Guyer: My name is Larry Guyer, we are the next door neighbors and we are supporting him in this Variance.

Carol Schlueter: Okay, does anyone else have any questions regarding this request, if not, is there a motion in regards to this request?

Charles Clark: I move that we grant the request of Mr. Schwarz to place a building in the front of his dwelling on his property.

Carol Schlueter: Is there a second to the motion?

Barry McManus: I'll second that.

Carol Schlueter: There has been a motion and it has been seconded to approve this Variance in order for them to place an outbuilding in front of the existing

dwelling but it would be at least 50 foot back from the front lot line, as stated by our rules. Any other discussion? If not, all those in favor of the motion please say Aye (3) Opposed (0) Absent (Geertz & Tharp). You're good.

Todd Schwarz: Thank you.

Eric Furnas: Now the Board of Supervisors will also review this on Monday, you don't have to be present. They just need to review any Variance that these folks grant. They do have the authority to remand the decision back to this board for further consideration. Typically if it is not a controversial issue or if people aren't opposed... but given that it was a unanimous vote and the only people that were present were neighbors for it, I don't see a problem. But we will let you know.

Todd Schwarz: Okay, thank you.

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