

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, June 4, 2021, with Chairperson Janelle Spies and board member Carol Schlueter attending in the Board of Supervisors Office, Charles Clark attended via telephone, Emily Geertz and Tom Harper were absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Terry Becker.

Janelle Spies: I will open the Board of Adjustment meeting and 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, Eric will you please read the first request?

Eric Furnas: Case #21-06-01. An application has been filed with the Board of Adjustment by Evelyn Hinkhouse, Record Owner and Terry Becker, Applicant and Cottage Owner. This property is located in Moscow Township, in the NE¼ of Sec. 6-T78N-R2W, Hinkhouse, Lot 1, Buildings on Leased Land, 1134 W. Hinkeyville, and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for Mr. Becker to place a 400 sq. ft. detached structure in front of the cottage and only eight (8') feet from the front lot line, instead of the required 35 feet. This request was tabled from the May, 2021, meeting.

Janelle Spies: Okay, just to make sure that you understood... we only have three members here today. So all of us would have to vote in favor of your request in order to pass it. If you wish to continue, please state your name and tell us about your request?

Terry Becker: My name is Terry Becker. I would like to build a three-sided detached building, it's really just a carport, in front of my garage. I would like to use the cement slab that is there. It says I have to be 35 feet back, which the existing place is. But I'd like to add this detached structure in front and it would be about maybe 10 or 12 feet away from the line.

Eric Furnas: We'd really need to make sure of what you are asking. Because if you are only asking for 12 or 15 feet and it ends up to be eight feet, then that might be a problem.

Terry Becker: Well that's why I asked for eight feet, but I'm really thinking that it might only be around 10 or 12 feet. But if you go up and down the road, which is a privately owned road, there are cottages that are closer to the road than this will be.

Carol Schlueter: Are those existing ones?

Terry Becker: I imagine they are.

Janelle Spies: Yeah, I took a drive out there and I saw that there were other cottages that were closer too, but I think they were existing.

Carol Schlueter: Is there any other place to put this detached structure or carport?

Terry Becker: Well I don't really know where my lot lines are, this is owned by one family. We don't really have lot lines. The same people that own this property own the property across the lane too. It's a private road, not a county road.

Carol Schlueter: I just think that if there is another location where it could be located, then it should be.

Janelle Spies: Charles, do you have anything on this?

Charles Clark: I agree with Carol. I believe that if it could be located somewhere else on the property it would be best.

Terry Becker: Well I'm on dialysis three times a week now, I'm on a fixed income so this would save me money if I could place it here and use the cement slab.

Janelle Spies: Eric, do you have any comments on this?

Eric Furnas: Well as I stated on the development report, financial hardship is not grounds for a hardship to approve a Variance. This would be a convenience to have it located here. But I agree, if you go up and down Hinkeyville there are cottages and garages that are closer, but those are existing.

Terry Becker: Well I can't place it to the east because of the electrical and I'm not sure where the lot line is to the west. I just want to use this cement slab and place in it front of my garage.

Janelle Spies: Do the board members have any other questions?

Charles Clark: I do not.

Carol Schlueter: No.

Janelle Spies: Do you wish to have us continue and take a vote on this?

Terry Becker: Well it sounds like the vote won't go through. So I think I'll have you table it.

Janelle Spies: Okay, is there a motion to table this request?

Carol Schlueter: I will make a motion to table this request until the next Board of Adjustment meeting.

Janelle Spies: Is there a second?

Charles Clark: I'll second the motion.

Janelle Spies: All in favor of tabling this request until the next Board of Adjustment meeting please say Aye (3) Opposed (0) Absent (Geertz & Harper). It has been tabled.

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

Present for this hearing: Rick and LeAnn Smith.

Janelle Spies: Okay, you were here and heard the part about the three members would have to vote the same way in order to pass your request. Do you wish to continue?

LeAnn Smith: Yes, thank you.

Janelle Spies: Eric, will you read this request?

Eric Furnas: Case #21-06-02. An application has been filed with the Board of Adjustment for the David W. Johnson Trust, Record Owner by Barbara & Richard Kaalberg and LeAnn Smith. This property is located in Wapsie Township, in the SE $\frac{1}{4}$ of Sec. 18-T78N-R3W, Parcel A, 1689 130th Street, containing approximately 22.97 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to allow an existing detached accessory structure to be only seven inches (7") from the side property line, instead of the required five feet, after it has been split from the property.

Janelle Spies: Okay, if the spokesperson would please state their name and tell us about your request?

LeAnn Smith: Yes, my name is LeAnn Smith. I am here representing my brother's estate. We wish to split off the dwelling and farm buildings from the existing farm ground and grain bins. We will be removing some smaller outbuildings but we'd like to leave the grain bins and another outbuilding with the farm ground.

Carol Schlueter: Is it really only seven inches?

LeAnn Smith: Yes, but our surveyor and lawyer has said that we will have a very detailed easement agreement drawn up and signed so that everyone knows who mows, where the property line is, etc.

Eric Furnas: Will you be keeping those three outbuildings in the front there across the driveway from the house?

LeAnn Smith: Yes, we are planning on it.

Eric Furnas: Those would be in the side yard and would need to be at least 10 feet from the side lot line. I think, you could put it all together in this request, that would be fine.

LeAnn Smith: Yeah, I don't think those are 10 feet away from that proposed lot line.

Carol Schlueter: So it might be a jogged outline then?

LeAnn Smith: That I'm not sure of.

Janelle Spies: Eric, can we have your thoughts?

Eric Furnas: Well I don't believe that the public health and safety will be affected by this Variance. But I do recommend that an easement be a part of this in a stipulation.

Janelle Spies: Charles do you have any comments on this request?

Charles Clark: I do not.

Carol Schlueter: So you are Mr. Johnson's sister?

LeAnn Smith: Yes. And this was part of his will that he wanted the house and surrounding buildings to be cared for and maintained. We believe that the farm ground and grain bins will be sold to the surrounding farmer.

Carol Schlueter: So this is only a 22.97 acre farm?

LeAnn Smith: No he owns ground north of that too. I think he owns about 40 acres total. But we are wanting to split off the house with about one and a half acres.

Eric Furnas: I imagine there are two parcels there, maybe in a different quarter section.

Janelle Spies: Well if there are no other questions, is there a motion?

Carol Schlueter: I will make a motion to approve this Variance in order to allow the existing grain bins to remain that are only seven inches from the side lot line with the stipulation that it would be addressed in the easement when it is sold, and to allow the three existing outbuildings in the front yard to remain that are less than the required 10 feet from the side lot line.

Janelle Spies: Is there a second to that motion?

Charles Clark: I will second the motion.

Janelle Spies: The motion has been made and seconded to approve this Variance. All in favor of the motion please say Aye (3) Opposed (0) Absent (Geertz & Harper).

LeAnn Smith: Thank you.

Carol Schlueter: You're welcome. Good luck.

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