

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, February 4, 2022, with Chairperson Janelle Spies and board members Carol Schlueter, Charles Clark, and Tom Harper present, Emily Geertz was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Melinda Phillips.

Janelle Spies: The Zoning Board of Adjustment is a quasi-judicial board appointed by the Muscatine County Board of Supervisors. We serve as non-professionals and without compensation. 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. We have 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 decisions based on the facts and evidence under county code, presented in open meeting. Okay, so we have minutes and a resolution that needs to be approved. You should have all received them. Does anyone have any correction or comments? If not, I'd like to have a motion to approve as read.

Carol Schlueter: So moved.

Janelle Spies: Is there a second?

Charles Clark: Second.

Janelle Spies: A motion has been made to approve the minutes and it has been second. All in favor of the motion to approve the minutes and the resolution from the last meeting, please say Aye (4) Opposed (0) Absent (Geertz). The motion is granted.

Janelle Spies: Is the applicant or the representative present?

Melinda Phillips: Yes.

Janelle Spies: Okay, since we only have four members present today you would have to have at least three in favor in order to pass. You have the option of having us table this until the next month when we may or may not have a full board or you can go ahead with the request today. What would you wish to do?

Melinda Phillips: I'll go ahead.

Janelle Spies: Eric would you please read the request?

Eric Furnas: Case #22-02-01. An application has been filed by Richard Holmes, Current Record Owner and Chad Sexton, Proposed Record Owner. This property is located in Moscow Township, in the NE<sup>1</sup>/<sub>4</sub> of Sec. 28-T78N-R2W, West of Moscow Road, 2454 140<sup>th</sup> Street, containing approximately 4.73 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit for the existing mobile home, located at 2452 140<sup>th</sup> Street, to remain on the property in order for Mackenzi Proctor and her family to live in. In 1998 the Board of Adjustment allowed a mobile home to be placed on this property for Greg Sexton to live in.

Janelle Spies: Was there any correspondence?

Eric Furnas: No correspondence.

Janelle Spies: Would the spokesperson please state their name and tell the board about your request?

Melinda Phillips: My name is Melinda Phillips. It would be for my daughter who would be living there, she has an autistic son. I watch him while she's working, I take him to school and everything else. It would be helpful to be that close to him.

Janelle Spies: Do any of the members have any questions or comments?

Carol Schlueter: Okay, you are ... Chad Sexton, who is that?

Melinda Phillips: My fiancé.

Carol Schlueter: Okay, so he is buying this property from Richard Holmes?

Melinda Phillips: Correct.

Carol Schlueter: So you will be living in the main house and this trailer is there now?

Melinda Phillips: Correct. We were living in the trailer and then we moved to the house and then my daughter is hopefully going to move into the trailer.

Carol Schlueter: So you have purchased it already or you are in the process of purchasing it?

Melinda Phillips: The house?

Carol Schlueter: Yeah.

Melinda Phillips: We are in the process, it should be done by... I think March 7<sup>th</sup>, DeKock has the paperwork.

Tom Harper: So no issues with the Variance or Special Use Permit? Is this a Variance or a Special Use Permit?

Eric Furnas: It's a Special Use Permit under the provisions of caring for a family member. They actually replaced it with a different mobile home. But they are going before the Board of Adjustment because they are changing it to a different family member that will be living in it.

Carol Schlueter: Okay, so when we approved this in 1998 it was placed there for Greg Sexton to live in. Who is Greg Sexton?

Melinda Phillips: Greg was Chad's dad and Richard and Cindy Holmes lived in the house, Cindy was Greg's sister.

Carol Schlueter: Okay, thank you for explaining that.

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

Eric Furnas: I don't really. It's one of the reasons to approve a mobile home for someone to live in.

Tom Harper: Yeah, I think it's pretty straight forward.

Janelle Spies: Does the board have any further comments or questions? If there are no further questions, can I get a motion from the board?

Carol Schlueter: I will make a motion that we approve this Special Use Permit for the existing mobile home to remain on the property located at 2452 152<sup>nd</sup> Street for Mackenzi Proctor and her family to live in, with the stipulation that at any time Mackenzi Proctor moves out of the mobile home, than it would need to be removed from this property.

Janelle Spies: Okay, is there a second to that motion?

Tom Harper: I'll second it.

Janelle Spies: A motion has been made and seconded to grant a Special Use Permit in order for Mackenzi Proctor and her family to live in, with the stipulation that when Mackenzi Proctor no longer resides in the mobile home then it would need to be removed from the property. All those in favor of the motion please say Aye (4) Opposed (0) Absent (Geertz). The motion is declared approved.

Carol Schlueter: Good luck.

Melinda Phillips: Thank you.

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