

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, May 6, 2022, with Chairperson Janelle Spies and board members Carol Schlueter, Emily Geertz, and Charles Clark present, Tom Harper was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Travis Clements.

Janelle Spies: I will open the Board of Adjustment meeting and I will start by reading the mission 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. We do have minutes from the last month to approve. Are there any changes? If not, is there a motion to approve the minutes as read?

Emily Geertz: Move to approve the minutes as read.

Janelle Spies: Is there a second?

Charles Clark: Second.

Janelle Spies: There has been a motion to approve the minutes as read and it has been seconded. All those in favor of approving the minutes, please say Aye (4) Opposed (0) Absent (Harper). The motion passed. Okay, is the owner or their representative here?

Travis Clements: Yes.

Janelle Spies: We only have four members present today so in order to pass this request you would need to have at least three votes. You have the option of having us table this request until next month when we may or may not have a full board. It's up to you. Would you like to continue?

Travis Clements: Yes.

Janelle Spies: Eric would you please read the request?

Eric Furnas: Case #22-05-01. An application has been filed with the Board of Adjustment by Jennifer J. Blake and Travis L. Clements, Record Owners. This property is located in Fruitland Township, in the NW $\frac{1}{4}$  of Sec. 6-T76N-R2W, the Oaks Subdivision, Lot 4, 2238 Deer Trail Road, containing approximately 2.26 acres and is zoned R-3 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the owners to build a detached garage only 10 feet from the west property line, instead of the required 25 feet.

Janelle Spies: Was there any correspondence?

Eric Furnas: No correspondence.

Janelle Spies: Can you please state your name and tell us what you are wanting today?

Travis Clements: Yes, my name is Travis Clements. I own the property at 2238 Deer Trail Road. I would like to build an outbuilding but I don't have much useable space due to ravines, steep slopes, the shape of the property, and where my septic system is. So I'd like to place it 10 feet from the side property line.

Carol Schlueter: I have this map, can you come up and look at this? What is this green?

Travis Clements: That's my existing septic system and I have to stay at least 10 feet away from that with an outbuilding.

Carol Schlueter: And what's this red box?

Travis Clements: Well it's kind of where I want to build the outbuilding, but it should go towards the south a little more. It's like a rectangle only going north and south.

Carol Schlueter: What are you going to place in the outbuilding?

Travis Clements: Just mowers, tractors, my boat and storage.

Carol Schlueter: So no water?

Travis Clements: That's not in my plans, no. At most it might be a spigot to wash off the boat.

Carol Schlueter: No bathroom?

Travis Clements: No bathroom.

Carol Schlueter: And your entrance is off of 231<sup>st</sup> Street, not off of your subdivision road?

Travis Clements: Right, but I can come off of Deer Trail Road into this outbuilding.

Eric Furnas: Yes, it's a private subdivision road. So that would be up to their individual association. It's not a county road.

Janelle Spies: Eric, so you have anything else you'd like to add?

Eric Furnas: Well as I have on my development report, there is a significant amount of wooded ravines on this property that limits the potential for building sites.

Travis Clements: Yeah, that and my septic system.

Eric Furnas: I don't believe that there would be any site distance problems due to the fact that the proposed building site would be over 100 feet north of the intersection of Deer Trail Road and 231<sup>st</sup> Street.

Carol Schlueter: Yeah, I don't think so either.

Eric Furnas: And I don't believe that by allowing this Variance it would reduce adjoining property values.

Emily Geertz: There wasn't anything from the neighbors?

Eric Furnas: No, we didn't have any correspondence.

Janelle Spies: Are there any other comments or questions from the board? If not, is there a motion?

Emily Geertz: I will make a motion to allow this Variance request in order for the Record Owners to place an outbuilding in the side yard that would only be 10 feet from the side lot line, instead of the required 25 feet.

Janelle Spies: Is there a second?

Carol Schlueter: I will second the motion.

Janelle Spies: There has been a motion to approve this Variance request in order for the Record Owners to place a 28' x 34' detached outbuilding in the side yard only 10 feet from the side lot line, instead of the 25 foot requirement and it has been seconded. All those in favor please say Aye (4) Opposed (0) Absent (Harper). The motion has been granted, any construction or use allowed by this Board must begin within two (2) years from the date of this decision, or the permission will be void. Any person desiring to appeal this decision to District Court may do so within 30 days after filing this decision.

Travis Clements: Thank you.

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