

The Muscatine County Board of Adjustment met in the Environmental Learning Center Classroom on Friday, August 7, 2020, with Chairperson Carol Schlueter and members Emily Geertz, Janelle Spies, Charles Clark and Tom Harper present. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Chad Sexton and Melinda Phillips.

Carol Schlueter: Okay, it is 10 o'clock and I'm going to open this public hearing of the Board of Adjustment. I will 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. So if you speak, please state your name and speak a little louder since we are all spread out like this. Alright did all of the board members receive last month's minutes by email? Have you had a chance to look them over? Is there any corrections to them? If not, I will entertain a motion to approve the minutes as written.

Janelle Spies: I move we approve the minutes.

Carol Schlueter: A motion has been made to approve the minutes, is there a second to that motion?

Emily Geertz: I'll second.

Carol Schlueter: Okay, it has been moved and seconded to approve the minutes as written. Any other comments? All in favor please say Aye (5) Opposed (0). The motion has passed. Eric, would you like to read the first request?

Eric Furnas: Case #20-08-01. An application has been filed by Richard Holmes, Record Owner. This property is located in Moscow Township, in the NE<sup>1</sup>/<sub>4</sub> of Sec. 28-T78N-R2W, 2454 140<sup>th</sup> Street, West of Moscow Road, containing approximately 4.73 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance to allow a lean-to to remain on their property that was built in front of the existing dwelling and without a building permit.

Carol Schlueter: Any correspondence?

Eric Furnas: No ma'am.

Carol Schlueter: Okay would the owner or spokesperson please state your name and tell the board what you are requesting today. Yeah, can you come up here so that we can hear you?

Melinda Phillips: My name is Melinda Phillips. We built a lean-to and since there were no walls, no electricity to it we didn't think it needed a building permit.

Carol Schlueter: So it's already up? The structure is up?

Melinda Phillips: Yes.

Carol Schlueter: And what is it being used for?

Melinda Phillips: Campers.

Carol Schlueter: Who's campers?

Melinda Phillips: Ours and Richard's.

Carol Schlueter: But you are not renting it out to others?

Melinda Phillips: No.

Carol Schlueter: So it's just for your personal campers?

Melinda Phillips: Yes.

Carol Schlueter: Board members, do you have any questions?

Emily Geertz: Which one is it on here?

Tom Harper: Is this the one that's in the right-of-way?

Eric Furnas: No, it's on their property, it's in front of their house but it's on their property.

Tom Harper: No, I mean the old outbuilding was placed on the right-of-way and it's now a part of their property.

Eric Furnas: Yeah, you're right but I think that was vacated. Yeah at one time it was, but it's a legal lot/parcel there now. If I might fill the board in a little bit? It is a fairly simply structure but it does require a building permit, I mean it's a permanent structure in the ground. The lot, as you can see is very uniquely shaped. I imagine because of the shape of the lot and the orientation of the lot with the roadway... and obviously because it's not a through road – it's not a site distance issue caused by this structure to pull onto the road. This would just allow us to be able to permit the structure, do some basic inspections on it. I just don't have the authority to approve the Variance because of the outbuilding being in front of the dwelling.

Carol Schlueter: But you live here at this property or this is a business?

Melinda Phillips: We live at 2452 140<sup>th</sup> Street and Richard lives at 2454 140<sup>th</sup> Street.

Carol Schlueter: But you run a trucking business out of here?

Melinda Phillips: They park their trucks there, yeah.

Eric Furnas: Yeah about a year and a half ago the board granted a Variance to Mr. Holmes and his nephew Chad Sexton to have their trucks parked here. There were some limitations, such as a limited amount of trucks from that location. And that is in compliance.

Carol Schlueter: Okay, so you are representing Mr. Holmes today?

Melinda Phillips: Yes ma'am.

Carol Schlueter: Okay. Are there any other questions, comments or concerns from the board? Is there anyone here in the audience that wishes to speak for or against this request? Okay, is there a motion on this request?

Emily Geertz: I will make a motion to approve this Variance to allow a lean-to to remain on the property that was built without a building permit and in front of the existing dwelling.

Carol Schlueter: Is there a second to that motion?

Charles Clark: I'll second it.

Carol Schlueter: It's been moved and seconded that we allow the Variance in order to allow a lean-to to remain on the property that was built in the front of the existing dwelling and without a building permit. Any other comments? If not, everyone that is in favor of the motion please say Aye (5) and Opposed (0). The motion is granted.

Melinda Phillips: Thank you.

MUSCATINE COUNTY BOARD OF ADJUSTMENT

By Eric S. Furnas, Planning, Zoning & Environmental Administrator

The Muscatine County Board of Adjustment met in the Environmental Learning Center Classroom on Friday, August 7, 2020, with Chairperson Carol Schlueter and members Emily Geertz, Janelle Spies, Charles Clark and Tom Harper present. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Janis Sauer, Dan Baker, and Bailey Countryman.

Carol Schlueter: Okay, Eric would you read the next request?

Eric Furnas: Case #20-08-02. An application has been filed by Janis L. Sauer, Record Owner and Daniel A. Baker, Proposed Buyer and Builder. This property is located in Sweetland Township, the NW<sup>1</sup>/<sub>4</sub> of Sec. 14-T77N-R1W, South of 180<sup>th</sup> Street, containing approximately 0.81 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit for Mr. Baker to build a one family dwelling on this property.

Carol Schlueter: Any correspondence?

Eric Furnas: No ma'am.

Tom Harper: I have to abstain from this case because it is family.

Carol Schlueter: Okay. So then who is the applicant or owner here?

Daniel Baker: I am.

Carol Schlueter: Okay, so he is abstaining and he can't vote, so then there is four members on our board, so a tie vote is a no vote. But if he is going to abstain all the time that's probably the most we are ever going to have, right?

Eric Furnas: Yes on this case.

Carol Schlueter: Yes from just this case. So it's your choice whether you want to go ahead with this or have us table this.

Eric Furnas: Right and you can make that decision right up until the time before they vote. However, if you table it the circumstances would likely remain the same and you will just have a four person voting, unless you are no longer family in a month or so. (laughter)

Carol Schlueter: Okay, so please state your name and tell us what you are wanting today.

Daniel Baker: Hello, my name is Daniel Baker. I am requesting to build a home on this property.

Carol Schlueter: Okay, how many acres are you purchasing?

Daniel Baker: Legally it's less than one acre.

Eric Furnas: It's already been split long ago, it is its own parcel. This split pre-dates the one acre minimum. The parcel has been there for years and years.

Janelle Spies: Is this the property that has the basement there?

Daniel Baker: Yes.

Janelle Spies: Is it still there?

Daniel Baker: Yeah there is still a foundation there.

Janelle Spies: Okay. Are you planning on moving the house to a different area on this lot?

Daniel Baker: I don't know.

Carol Schlueter: Eric, what are your comments in regards to this request?

Eric Furnas: Well obviously the lot is less than what is normally required for dwellings in the A-1 Agricultural District. However, we do acknowledge that it is pre-existing because this was parceled off years and years ago before we had standards. The CSR2 rating of the neighboring parcels is quite high, we generally look at a parent parcel, however it has already been split off from the parent parcel. As a matter of principle I can't really recommend granting a Special Use Permit for rural residences in areas where the farm value or the farm activity is as high. However, I can acknowledge that it is a separate parcel with a foundation and not much of it is farmable or being farmed. This is kind of a tough one.

Tom Harper: The adjoining land is another owner, right?

Eric Furnas: Yes it's another owner.

Tom Harper: So there's no possibility of increasing the lot size?

Eric Furnas: Well I think the lot size really is kind of a secondary concern. In Muscatine County the minimum is one acre in the country because you need to be able to accommodate a house, a private well, and really space for two septic systems. That's kind of a long term planning, so when one fails you have room for another one. So that's the reasons why we have such a large requirement, at least a minimum of one acre. This type of area isn't likely to have city water, which would cut down on the separation distance needed between wells and septic systems. So that's another reason why we have the larger lot. In addition to having it look and feel like the surrounding farm properties. So the size of the lot is kind of a secondary concern, it could work. You can certainly put a house and a well and a septic on three-quarters of an acre. It's my concern, even if they were able to buy adjoining property or acreage, it's still in an area where the CSR2 of the neighboring properties are high. So you would actually be taking more ground out of production. So I'm not really encouraging you to have them attempt to purchase more acreage, per say. But there is a foundation there with not much of it being farmable, it's probably not going to be farmed.

Daniel Baker: No, it never has been farmed, according to the NRCS office. There's even room to have two septic fields and a well there. Also for anybody to be able to farm this, you have to understand... this property ... the 0.8 acres it sits somewhat on a hill and then everything... all the farm ground adjacent to it ... there's an elevation change. It is a flat ground, all the neighboring ground around it is a little lower. So the farming really is kind of impractical without doing a lot of work to the lot. And then by the time you add up all of those costs, you know, that little piece of ground... that's probably why nobody has ever farmed it before.

Eric Furnas: Yeah, I think I did include a topographical map.

Carol Schlueter: Yes.

Daniel Baker: Then if you go onto the neighboring ground across the property line, there is also elevation change. And in between the property line of this parcel and the ground that is being farmed, there is a very generous waterway in between there now.

Carol Schlueter: Okay, so this property here is owned by Janis Sauer, and that's all she owns is this little parcel here? Everything else around it is owned by a different farmer?

Janis Sauer: Yes, that was my in-laws. It was more of a sentimental thing. His parents owned that and then they came back and placed a basement there and lived there for a while before they moved to town. It's never been farmed that I know of.

Carol Schlueter: Okay, is there anyone here in attendance that has any comments or questions in regards to this request? Okay, then the board members... any other comments or questions? I have a problem, like I said with the CSR2. I'm pretty staunch about the 55 or over that we are not supposed to put a house on.

Emily Geertz: But I think where the house is, or where it was... I mean you are right, I wouldn't spend the money to clean all of that up in order to farm it. It wouldn't be worth it to farm an eighth of an acre.

Janis Sauer: Yeah it's been like that since the mid 80's... the basement was there.

Emily Geertz: Plus, it was a house site since 1915. So there's probably other stuff in there buried.

Eric Furnas: Yeah I think the struggle that the board would have to overcome is can you articulate that there is something uniquely different about this site, I mean, the fact that it is already a parcel, that this has been a residential site in the past years... I mean, I think that's something that we need in order to maintain that CSR2 rating. Because when that ordinance was written, we were really looking at splitting off an acreage off of an existing farm. So I think that if you articulate that this is an existing parcel with an existing foundation that has been a residential site for years, it can make an argument that you are not really removing farm ground from production. You could probably avoid being accused of establishing a precedence by not observing the CSR2. Again, I think it's important to support the record that the board considers that as a very important factor. But if you can articulate the differences in this case, so that it would not establish a precedence of ignoring the CSR2.

Janelle Spies: Well I think it's also important to point out that this has already been sectioned off.

Tom Harper: Can I say something?

Eric Furnas: Well if you have abstained, probably not. Because that would be considered swaying the vote one way or the other.

Carol Schlueter: Okay, board members... any other questions, comments or concerns? If not, would you like to make a motion in regards to this request? You've had no correspondence, right, from anyone?

Eric Furnas: No.

Carol Schlueter: And all of the neighbors got notice of this?

Eric Furnas: Yes.

Carol Schlueter: Any nobody else is present.

Emily Geertz: I will make a motion that we recommend approval of this Variance but...

Eric Furnas: It's actually a Special Use Permit.

Emily Geertz: A Special Use Permit but the board acknowledges the high CSR2 of the farms surrounding this parcel, however, this property has always been a home site and has no record of cropland ever on it and it has a hardship of an existing foundation on it.

Carol Schlueter: Okay, I have one question... there has never been a house on this property, right? There is a basement there, but never has been a house? So there's no well or nothing there?

Janis Sauer: There was... but like I said it's been so long that it's just sitting there and you can't do anything else with it.

Daniel Baker: It's possible to have a well there and the other thing is that REC already has power there. There was a house that was built in 1915 and that was taken down and then they built the basement house.

Janis Sauer: Yeah his grandfather built that.

Daniel Baker: It's been a home site for over 100 years.

Carol Schlueter: But you will have to put a new well and septic in with the new house?

Daniel Baker: Yes ma'am. I've spoken to well contractors and septic contractors both, and they are saying that it's very simple out there in order to do that.

Carol Schlueter: And access on the road, that's taken care of?

Eric Furnas: Well they would have to get an entrance permit.

Daniel Baker: There is actually an existing driveway there.

Eric Furnas: Well there might be, but anytime you change the use... I mean, I don't anticipate there being a problem with secondary roads. You might not have to physically do anything but they have to acknowledge that the entrance has changed.

Carol Schlueter: I have a motion to approve this Special Use Permit in order for Mr. Baker to build a one family dwelling on this property, is there a second?

Charles Clark: Before I second it, the details that were brought forward on this motion, are those going to be a part of this record?

Dixie Seitz: Yes, it will be in the minutes.

Charles Clark: Okay, I'm good. I'll second it then.

Carol Schlueter: Are there any other concerns or questions from the board members? Okay, it's been moved and seconded that we allow this Special Use Permit in order for Mr. Baker to build a one family dwelling on this property. All in favor please say Aye (4), Opposed (0), and Abstained (Harper). It passed, you're good.

Daniel Baker: Thank you.

MUSCATINE COUNTY BOARD OF ADJUSTMENT  
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Present for this hearing: Nathan Meineke.

Carol Schlueter: Okay, Eric next request please?

Eric Furnas: Case #20-08-03. An application has been filed by Nathan J. or Jill J. Meineke, Record Owners. This property is located in Sweetland Township, in the SE¼ of Sec. 15-T77N-R1W, 3171 New Era Road, North of New Era Road, containing approximately 6.15 acres, and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the Record Owners to construct a pole building only 35 feet from the front lot line instead of the required 50 foot setback.

Carol Schlueter: Any correspondence?

Eric Furnas: No ma'am.

Carol Schlueter: Okay, can you please state your name and tell the board what you are wanting today?

Nathan Meineke: My name is Nate Meineke and I own the property. I'd like to place an outbuilding only 35 feet from the front lot line, instead of the 50 feet.

Carol Schlueter: What size pole building?

Nathan Meineke: It would be 32 feet wide and 64 feet long with a six-foot overhang.

Tom Harper: Those other buildings there, are you going to take them down?

Nathan Meineke: They're already down.

Carol Schlueter: Eric, what are your comments?

Eric Furnas: Well really one of the reasons this Variance is required is because of the large right-of-way in front of the property. The map on the back of your package, the red line ... that's really misleading. The right-of-way is actually farther to the North. We had the road department locate where the right-of-way really is. So when you are standing at the right-of-way line you have no idea that you are not fully onto his property. It goes uphill and their house is considerably higher than the road. It still would be 100 feet from the traveled portion, according to the orientation of the right-of-way. I would fully support a Variance due to fact the way the right-of-way is orientated. And there is no sight distance issues for pulling out onto New Era Road.

Carol Schlueter: Is there anyone else here in the audience for this request? Any comments or questions? Okay, is there any other comments or questions from the board? If not, does someone want to make a motion?

Tom Harper: I will make a motion that we allow this Variance in order for Nathan Meineke to build an outbuilding only 35 feet from the front lot line instead of the 50 feet setback.

Carol Schlueter: Okay, is there a second to that motion?

Janelle Spies: I'll second that motion.



Carol Schlueter: Is there any other questions or comments before we vote? Okay, there's been a motion and it's been seconded to approve the Variance that would allow Mr. Meineke to build an outbuilding only 35 feet from the front lot line instead of the required 50 feet. All in favor please say Aye (5) Opposed (0). The motion has passed. Good luck.

Nathan Meineke: Thank you.

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

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Present for this hearing: Lynn M. Schweitzer, Chad Eichelberger, and Jim Thompson.

Carol Schlueter: Eric can you please read the request?

Eric Furnas: Case #20-08-04. An application has been filed by Chad Eichelberger, Record Owner. This property is located in Lake Township, in the NW<sup>1</sup>/<sub>4</sub> of Sec. 31-T77N-R2W, West of Seven Springs Road, containing approximately 21.94 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit, under A-1 Ordinance, Sec. 3.8, in order for him to extract gravel, stone, clay or other raw materials from this property to sell for fill.

Carol Schlueter: Any correspondence?

Eric Furnas: No ma'am.

Janelle Spies: I'm going to abstain from this vote.

Carol Schlueter: You are going to abstain?

Janelle Spies: Yes.

Carol Schlueter: Okay. Is the applicant here? Can you please state your name and tell the board what you are wanting today?

Chad Eichelberger: I'm Chad Eichelberger and I would like to be able to extract clay from my farm and sell it.

Carol Schlueter: Okay are you going to just do certain spots on the farm or all over, or what?

Chad Eichelberger: Clear on the north end, there is something like ten acres, that's where we'd like to start.

Carol Schlueter: But ...so it is more clay, gravel or what?

Chad Eichelberger: No, it's clay.

Carol Schlueter: So why does the request say gravel and all of this?

Eric Furnas: Yeah, I kind of want to explain some of this because we haven't had one of these requests for a long time, if ever. In A-1 Agricultural District, this is one of the special uses that potentially allows for the same thing as a rock quarry or a mine. It's for raw materials like clay, gravel, rock for commercial purposes. It is generally accepted as compatible with agricultural uses. So it's under a Special Use Permit so that we can look at the locations, the impacts of the county roads, that type of thing. This area was originally proposed for a rather large borrow project, which I understand is not going to be needed now. But Mr. Eichelberger had said that he might need it in the future. You would be surprised about how much fill gets hauled outside for commercial purposes for different projects. We ... I met extensively with the county engineer because of the potential traffic, the impact of the traffic... and Mr. Eichelberger met with us and we worked through the county engineer's concerns because this is a gravel road. You know, because Wendling Quarry is a paved road back to the quarry and there is heavy equipment associated with extraction. You can see on my

development report of my comments and conditions. And the county engineer would strongly suggest that this be conditional on any approval. Mr. Eichelberger knows about all of these conditions. So that is why we are here, because it's essentially ... you are extracting clay in this case but in other cases it might be gravel or sand and it is required to have a Special Use Permit.

Tom Harper: Haven't there been other places in the county that we've had to do this?

Eric Furnas: I don't think we've had to since they applied zoning. I think the quarry was being used as a quarry since Muscatine County was zoned. And down on the island area, it's heavy industrial. So in the A-1 Agricultural District we list it as a Special Use Permit so that it would come before the board. So that gives us the opportunity to look at the different sites. So we can apply stipulations to the sites, which is entirely appropriate in this case, given the type of roads.

Carol Schlueter: Okay on the request it says containing approximately 21.94 acres so in the blue line on the aerial... that's the 21.94 acres?

Eric Furnas: If you look at the next map... I kind of labeled the approximately location of the 10-12 acres where he is indicating. See where it says excavating and borrow area?

Carol Schlueter: Yes.

Eric Furnas: It's the north half of that entire parcel.

Carol Schlueter: So this is more than that...those acres?

Eric Furnas: Well that parcel... if granted, the way that it is proposed that whole parcel could be used for a clay borrow area. But you could just say that right now that borrow area would be contained in that north part of that property.

Charles Clark: If we make this motion can we limit it to just this area that you have outlined here?

Eric Furnas: Well you can make stipulations but I just wonder why it would be limited if the site is found or deemed to be appropriate and with the stipulations that the county engineer recommended, I would wonder personally what difference... I think, I would think you would want to state your reason why you would want to apply on that.

Emily Geertz: It's all CRP ground, right?

Eric Furnas: Yes, it's all CRP. And I think you only removed a portion of it from the CRP, right?

Chad Eichelberger: Right, that ten acre area.

Emily Geertz: I mean, you can't even mess with the other part if it's enrolled in the CRP program.

Charles Clark: Okay.

Tom Harper: Is the extraction going to be ongoing or is it just when someone needs it?

Chad Eichelberger: Well it's like our Plan C for a job that we are doing.

Carol Schlueter: So you want this but you're not sure if you are going to do it, is that what I am understanding?

Chad Eichelberger: We want the Special Use Permit to be a backup plan in case we run into some poor quality clay where we are currently getting it. So we can keep going anyway.

Carol Schlueter: Okay, so this is for your other business?

Chad Eichelberger: Correct.

Tom Harper: So once we grant a Special Use Permit it's ongoing... there's no end?

Eric Furnas: If the Special Use Permit is granted it would be good for two years, which my interpretation of it is at some point in the next two years he would have at least need to activate this area in order to make a claim that he has utilized that Special Use Permit. If he doesn't touch it for two years, there's been no use under which the Special Use Permit was granted, he would have to reapply. But if he utilizes that borrow area that than commences that activity that was granted under that permit. So if a larger project involving 50 to 100 large semi-loads the County Engineer would have the ability to say, you need to dust control it during this period of time. So this is not going to be a Wendling Quarry issue at this time with constant trucks going in and out. If there was a project that had that type of traffic, the County Engineer would be able to implement the requirements of signage, the dust control, and those types of issues.

Carol Schlueter: So how far is it, and I know that it's going to be on a gravel road, but how far is it before you get to a hard surface road either way?

Eric Furnas: About six-tenth's of a mile at the most, up to Hwy. 22.

Carol Schlueter: Okay, and that's the way you would be going?

Lynn Schweitzer: How far did you say?

Eric Furnas: About six-tenth's I believe from that drive, approximately.

Lynn Schweitzer: It's further than that. I live a mile off of the highway and his property is right behind mine.

Chad Eichelberger: It's about fifty-five one hundredths.

Lynn Schweitzer: And is that the way you would be taking it?

Chad Eichelberger: Yes.

Lynn Schweitzer: Okay, so behind ???

Chad Eichelberger: Yes.

Eric Furnas: And that is the entrance that has been examined by the County Engineer's Office as well already.

Chad Eichelberger: Yeah we chose that way because it would be minimal impact with a straight shot up to the highway.

Lynn Schweitzer: So you wouldn't be going G28?

Carol Schlueter: Can you please state your name?

Lynn Schweitzer: Oh Lynn Schweitzer. I think you covered pretty much what I was wondering. I was just wondering what direction you would be going out, if there

would be a lot of maintenance to the gravel road. Depending upon how many loads you have makes a big difference on the road.

Eric Furnas: Yeah and depending upon the time of year... yeah, and trust me no one is more concerned than the County Engineer. So those positions will be addressed and fully satisfied with the stipulations. We put a lot of thought into the stipulations.

Lynn Schweitzer: So right now you are saying that it's only 10 acres that you are looking to do this and it's only a two year period?

Eric Furnas: He would need to commence use of the property within two years under a Special Use Permit. If there was no activity on the property within two years, than it would essentially expire. I think that it probably would be appropriate to make it the ten acres at this time and if needed to expand five years from now, then we can look at it and see how things are going. I think the area that he is taking it out of, the CRP... I don't think that that's an unreasonable stipulation and I don't think that he would object to it either, it sounds like.

Carol Schlueter: So this ground isn't even being farmed now?

Eric Furnas: No.

Carol Schlueter: Oh, I thought it was being farmed. Thank you for clarifying that.

Eric Furnas: Sure.

Carol Schlueter: Okay, are there any other questions or concerns by the board? Anyone here?

Jim Thompson: My name is Jim Thompson, 2094 Seven Springs, I'm right beside it, I used to own it. And I put it in CRP because it just doesn't produce. When they built terraces and stuff... unfortunately, things weren't done correctly and it's got problems. The top soil wasn't saved and that's just the way it is. So I don't have a problem with it because I already know that he's going to push back the ... part. It just was never done right, that's the reason why I didn't want to own it anymore. Because you can have it. (laughter)

Chad Eichelberger: Thanks.

Carol Schlueter: But you are just taking the top soil?

Emily Geertz: He's taking the clay.

Eric Furnas: So correct me if I'm wrong Chad, but normally the top soil is pushed back and saved and then because the type of project that he is needing fill for is... they don't want topsoil they want clay. That's the desired product in this.

Carol Schlueter: But it's not going to be a big hole in the ground, it's going to be...

Eric Furnas: There could be at some point, like a quarry or have a pond.

Chad Eichelberger: Basically what we are going to do is to flatten out a hill.

Eric Furnas: Would you like me to read all the stipulations so that way you don't have to state them all?

Carol Schlueter: Yes please.

Eric Furnas: So staff recommends any approval of this request be subject to the following conditions: 1. Applicant is responsible for the application of dust

control materials to mitigate fugitive dust. Dust control shall be applied from 200 yards south of the site entrance onto Seven Springs Road, north to the intersection with Highway 22. We meant 200 yards south of the intersection because right now there is a ... it's being used kind of as a detour route and we didn't want trucks having to pull out with having north blowing dust creating visibility problems. 2. Applicant is responsible for the hauling, application and grading of road rock as needed to maintain and Seven Springs Road to the satisfaction of the Muscatine County Engineer. 3. Applicant is responsible for providing and erecting signage advising area motorists of trucks pulling onto and off of Seven Springs Road. Applicant is responsible for obtaining consent of the IDOT for signage on Highway 22. 4. Applicant shall obtain NPDES GP#4 Permitting and adequately maintaining all storm water and erosion control structures required within. 5. Applicant shall notify the Muscatine County Zoning Office and the Muscatine County Secondary Roads Department a minimum of 48 hours (not including weekends or holidays) in advance of placing signage and commencing site prep or earth removal activities. The County Engineer shall make the determination as to whether or not weather and/or road conditions are acceptable for proposed activities. And I just want to note that Secondary roads are subject to seasonal embargoes. There may be times where this site can't be used for this extraction when the frost is coming out in the spring. 6. The stipulations above shall apply to all instances of excavation and hauling of materials from the site. The Muscatine County Secondary Roads Department shall determine, dust control, signage and aggregate placement needs on a case by case basis depending on the, weather and road conditions as well as the size and scope of the proposed project. 7. All new entrances or changing the use of existing entrances require an entrance permit.

Carol Schlueter: Okay, you did heard that one of our members have abstained from the vote so if we vote and it's a tie vote, it would be a no vote. Just so you understand that.

Chad Eichelberger: Yes ma'am.

Carol Schlueter: Okay, if all questions have been answered would someone like to make a motion in regards to this request please?

Tom Harper: I will go ahead and make the motion that we grant a Special Use Permit under A-1 Agricultural District under Section 3.8 in order for the applicant to extract gravel, stone, clay or other raw materials from this property with the stipulations that Eric read into the minutes.

Carol Schlueter: Okay, is there a second to that motion?

Emily Geertz: I'll second.

Carol Schlueter: It has been moved and seconded that we allow this Special Use Permit with the stipulations, all in favor please say Aye (4), Opposed (0), and Abstained (Spies). The motion has passed.

Chad Eichelberger: Thank you.

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

The Muscatine County Board of Adjustment met in the Environmental Learning Center Classroom on Friday, August 7, 2020, with Chairperson Carol Schlueter and members Emily Geertz, Janelle Spies, Charles Clark and Tom Harper present. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: John Phil Kaalberg.

Carol Schlueter: Eric, can you please read the last request?

Eric Furnas: Case #20-08-05. An application has been filed by John P. and Debra Kaalberg, Record Owners. This property is located in Montpelier Township, in the NE $\frac{1}{4}$  of Sec. 21-T77N-R1E, Riverview Subdivision, Lot 2 & 20' Tract Adjacent, 3645 Riverview Circle, containing approximately 0.44 acres, and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance to allow the construction of an addition onto an existing dwelling that would be approximately 18 feet from the front lot line, instead of the required 50 foot setback.

Carol Schlueter: Any correspondence?

Eric Furnas: No ma'am.

Carol Schlueter: Alright is the owner or applicant here for this request? If so, please state your name and tell us a little about your request please?

Phil Kaalberg: My name is Phil Kaalberg and my request is to build an addition and a three car garage in front of my existing dwelling.

Carol Schlueter: Okay, 18 feet from the front lot line instead of the 50 foot?

Phil Kaalberg: Yes.

Emily Geertz: I'm just curious, I mean where are you going to go because there's not a lot of room.

Phil Kaalberg: It will go in front of the existing house. There is a little porch there now, the porch will be removed so the addition will go there and then the garage will be below in front of the house. The front of the house right now to the lot line is 33 foot. This was built before zoning. This house was built in 1959. There is a private drive that runs by there. There are 15 houses in the subdivision. It's not going to be clear across the front, it's only going to be about a little over half.

Tom Harper: Was it a closed in sun porch?

Phil Kaalberg: Yeah, I don't know what it was. This is the drawing that I had drawn up that I was showing you. There are garages underneath and then on top there is a porch and then it will be like a 3 season room. There is an existing house in our subdivision that already has something like this, it's about two houses down.

Carol Schlueter: So there's going to be a garage underneath?

Phil Kaalberg: Yes ma'am.

Carol Schlueter: Okay so in your subdivision it didn't need to be approved by an association or anything like that to do this?

Phil Kaalberg: No ma'am.

Carol Schlueter: Okay.

Eric Furnas: This subdivision ... do you want my comments?

Carol Schlueter: Please?

Eric Furnas: This subdivision does pre-date certainly the subdivision ordinance and the lot and setback requirements of the R-1 Residential District. Most of these lots don't even meet the lot area required in R-1. I'm not entirely sure why it was zoned R-1 because most of them are less than what R-1 requires. If it was R-2 or even R-3 it would be more appropriate and it would allow for tighter setbacks. You can see the second map shows the entire subdivision. Many of the houses encroach considerably closer than 50 feet.

Carol Schlueter: Yeah it looks like it to me too.

Eric Furnas: So what the applicant is dealing with is trying to improve this house and remodel and add an addition and trying to stay within the setbacks of the R-1 Residential District. I have zero concerns with this one, it won't be a sight distance problem and it will not alter the characteristics of the neighborhood since it seems most of the houses are closer than 50 feet to the front lot line now.

Carol Schlueter: Okay and there was no correspondence from any one the other residents in the subdivision?

Eric Furnas: No we actually appreciate people in the subdivisions coming to us first and talking to us instead of after the fact that we have to deal with it.

Carol Schlueter: Okay, board members do you have any questions or comments?

Tom Harper: There are numerous subdivisions all along Hwy. 22 and all throughout the county like that.

Eric Furnas: Yeah it's almost as if the modern standards created the hardship, quite frankly. And I don't say that very often.

Carol Schlueter: Okay, would someone like to make a motion concerning this request?

Tom Harper: I will make a motion to allow the Variance in order to allow the construction of an addition onto their existing dwelling that would be approximately 18 feet from the front lot line instead of the required 50 feet.

Carol Schlueter: Is there a second to that motion?

Emily Geertz: I'll second it.

Carol Schlueter: Any other comments or concerns? Okay, it has been moved and seconded that we allow this Variance, all in favor please say Aye (5) and Opposed (0). The motion is granted. Go for it.

Phil Kaalberg: Thank you.

Carol Schlueter: You bet.

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