

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, September 11, 2020, with Chairperson Carol Schlueter and members, Janelle Spies, 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: Michael C. McCallister and Debra K. McCallister.

Carol Schlueter: I will open this Board of Adjustment meeting and start by reading 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 all the members get a chance to read the minutes that were emailed to you by Dixie? (Yes) Are there any corrections to them? If not, is there a motion to approve them as read?

Tom Harper: I will approve the minutes from last month.

Carol Schlueter: Is there a second?

Janelle Spies: I'll second the motion.

Carol Schlueter: Any other discussion? If not, all those in favor of the motion to approve the minutes as read, please say Aye (4) Opposed (0) Absent (Geertz). Okay, so moved. The applicant is here today Eric. Would you read the request please?

Eric Furnas: Case #20-09-01. An application has been filed by Michael C. and Debra K. McCallister, Record Owners. This property is located in Fruitland Township, in the NW¼ of Sec. 5-T76N-R2W, Hickory Hills, Lot 6, 2227 Hickory Hills Road, containing approximately 1.16 acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the McCallister's to build a detached garage in front of their existing dwelling and only approximately 25 feet from the front lot line, instead of the required 50 foot setback.

Carol Schlueter: Any correspondence?

Eric Furnas: The only correspondence that we received were emails that were forwarded to Mr. McCallister from their homeowners association, indicating that their request was approved.

Carol Schlueter: Okay, so today we are only a board of four members, normally we have five members. So if we vote and it's a tie vote, it's the same as a no vote. You have the option of continuing today or you can request that we table this request until next month, when we may or may not have a full board.

Michael McCallister: We'll go ahead.

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

Michael McCallister: Yes, my name is Michael McCallister and I am trying to build a garage to provide for more storage for vehicles, etc. This 1.16 acres is deceiving because part of that is a ravine next to the house, so I don't have as much room as you would think. In order to put it in the backyard ... I have very little access on the east side to get to it and I don't want to get into my neighbor's yard by the time I get around trees and stuff. On the west side, it will come into play with our septic system and a swimming pool that we have there and a couple of trees. If I have to move trees, I can do that, but that's not something that we really want to do if we can help from doing that. So that takes my backyard space out. I have a berm, I think I mentioned it in my letter, that we had built across the back. There is a farm field there and that takes care of a lot of runoff from that field, it keeps it away from my house.

Debra McCallister: And we'd be able to use our existing driveway.

Michael McCallister: Yeah it would give us the opportunity to use our existing driveway and the trucks bringing in the materials to build the garage would have better access than trying to go through the yard. I'm not sure if they could go through the yard anyway.

Carol Schlueter: Okay, I'm lost on these. So this is their house? (Yes) And where do they want to put it?

Eric Furnas: The first map in your packet shows where they want to place the detached garage.

Carol Schlueter: Okay, now I see it.

Debra McCallister: Yeah I feel it's deceiving to say that we want it in front of our house, because it's not really sitting in front of our house, it's off to the side. We can drive up our existing driveway right into this one.

Carol Schlueter: And it will be like a garage or is it a Morton building?

Debra McCallister: No, it will be a garage.

Michael McCallister: Oh no, it will be built to match the house, it will be brick, it will match the pitch of the roof, it should all match the house. It should look like it belongs there, not just ... like you say, a pole building.

Carol Schlueter: And it's just for your vehicles and other accessories?

Michael McCallister: Well we put up a large Christmas display and I have stuff scattered all over town.

Carol Schlueter: We need that.

Michael McCallister: Yeah, we need storage for that – yes.

Tom Harper: Christmas, Halloween...

Michael McCallister: Yeah for the holiday's ... we like to decorate.

Carol Schlueter: Nice. Eric, do you have any comments in regards to this request?

Eric Furnas: I would reference you to the second and third pages in your packet, it shows the maps. I think they pretty clearly show what Mr. McCallister was alluding to. I would say that at least 50 percent of the lot is wooded ravine. Although not totally unique to Hickory Hills, it does certainly create some limiting factors with useable space, especially in conjunction with the location of the septic system. So there would be a hardship that would be created on that

particular lot. I think that this is one of those appropriate Variances that I like to see, it's the minimum relief necessary to accomplish what they want. The association sent an email and they have been approved, it is an architectural match to the house, which is what they require. The ravine itself and the trees block more view of the street than this garage will. I don't see a problem with the sight distance and people pulling out onto the road because it's still 25 feet back. So again, there's not any traffic hazard created by this garage at all. Staff recommends approval.

Carol Schlueter: Okay thanks Eric. Is there any other questions or concerns by any of the board members? If not, is there someone that wishes to make a motion concerning this request?

Janelle Spies: I will make a motion to approve the Variance in order for the McCallister's to build a detached garage in front of their existing dwelling and only 25 feet from the front lot line, instead of the required 50 foot.

Carol Schlueter: Is there a second?

Charles Clark: I'll second it.

Carol Schlueter: Okay, there has been a motion and it's been seconded to allow this Variance for the McCallister's to build a detached garage on their property in front of their house and only 25 feet back from the front lot line. Any further discussion? All in favor please say Aye (4) Opposed (0) Absent (Geertz). The motion has been approved, the request is approved.

Mike McCallister: Thank you.

Eric Furnas: The Board of Supervisors will review this request in a couple of weeks. We will let you know when that meeting is, but you are not required to attend. After that, we will send you a letter.

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