

APPEAL TO THE BOARD OF ADJUSTMENT:
SPECIAL USE PERMIT FOR A RURAL RESIDENCE IN MUSCATINE COUNTY

This notice of a Special Use Permit appeal to the Muscatine County Board of Adjustment is from the decision of the determination made by the Muscatine County Zoning Administrator for Muscatine County.

Facts in this case are as follows:

The premises affected is zoned: A-1 Agricultural District

Containing approximately: _____

Located in parts of the: _____

Parcel #/District: _____

Address of Property affected: _____

That said Zoning Administrator denied or refused to issue a Special Use Permit request for the reason that it was a matter, which in their opinion, should properly come before the Muscatine County Board of Adjustment. (I) (We), therefore, request that a Special Use Permit be granted as follows:

_____ and that the Muscatine County Zoning Administrator be authorized and instructed to issue a Special Use Permit for this use, and (I) (We) contend you have such authority as set out in Article XVIII, Section 3, after your Board has held a public hearing and approved the Special Use Permit.

That attached, hereto, is our non-refundable fee in the amount of \$150.00 per request payable to the Muscatine County Treasurer, Zoning Office Receipt # _____ .

Respectfully submitted on this date: _____ and signed by: _____

The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Muscatine County, Iowa, assuring the information provided herein is true and correct. By signing below, I hereby give my consent for the Muscatine County Zoning Office to conduct a site visit and photograph the subject property.

X

Applicant's Signature
(if different than Record Owner)

Record Owner Signature

Print Applicant's Name
(if different than Record Owner)

Print Record Owner's Name

Print Applicant's Address
(if different than Record Owner)

Print Record Owner's Address

Print Applicant's Telephone #
(if different than Record Owner)

Print Record Owner's Telephone #

Print Applicant's Email Address
(if different than Record Owner)

Print Record Owner's Email Address

Rural Residence. The Zoning Board of Adjustment may issue a special use permit to establish a rural residence in an Agricultural Use Zone. The intent of this provision is to allow, under certain circumstances, construction of single-family homes in rural Muscatine County without requirement of a farm use. The goal is to minimize conflict with existing and future farm uses, while allowing development of property. In making this determination, the Zoning Board of Adjustment shall consider the following factors:

a. Proximity to State Regulated Livestock Operations: Livestock Operations have a significant impact on their neighbors, and have a higher potential of conflict with rural residences. Applications which concern property closer than the current specified setback requirements set forth by the Iowa Code from the nearest livestock operation required under state law to submit and implement manure management plans shall be denied. The distance shall be measured in feet from the closest point of the proposed residence to the closest point of the confinement feeding operation structure as that term is defined in Iowa Code section 459.102.

What is the exact distance, measured in feet, between this proposed Rural Residence and the nearest livestock operation? _____

b. CSR2 rating of the land: Muscatine County's rich soil is an asset to be valued and protected, while being utilized to its greatest potential. Applications, which the proposed property has a Corn Suitability Rating of 55 or higher as calculated by weighted average of the entire parcel, should generally not be granted. This factor is of high importance.

What is the CSR2 rating of the property where this proposed Rural Residence will be located? _____

c. Proximity to a paved road: Residential development on or within one mile traveled distance of a paved road makes the provision of services more efficient and reduces the conflicts caused by crushed rock roads. This factor is of moderate importance.

What is the exact distance, measured in feet or miles, to the nearest paved road from this proposed Rural Residence? _____

d. Proximity to other rural residences: High density and concentration of rural residences should be discouraged, as increasing the potential for conflict with agricultural uses. A separation distance of 1,250 feet should be met between the proposed rural residence and existing neighboring residences, distances less than 750 feet may be denied. If an area is particularly suited for residential use, its rezoning should be considered. This factor is of moderate importance.

What is the exact distance, measured in feet, to the nearest residence from this proposed Rural Residence? _____

e. Proximity to city limits: Residential development is more efficient when it occurs near already existing infrastructure and services. This factor is of moderate importance.

What is the exact distance, measured in feet or miles, from the city limits to the proposed Rural Residence? _____

f. Other factors: Other factors produced by active agricultural uses create potential for conflict with residential uses. Those include sound, dust, odor, visual appearance and other externalities of active farm operations. A separation distance of 1250 feet should be met between the proposed rural residence and neighboring feedlots, grain dryers and silos. This factor is of moderate importance.

What is the exact distance, measured in feet or miles, to the nearest active agricultural use from the proposed Rural Residence? _____

What is the exact distance, measured in feet or miles, to the nearest grain bin, silos, grain dryers to the proposed Rural Residence? _____

If this proposed new residence is allowed, would it require a new driveway onto a county road or state highway? If so, prior approval through the appropriate channels must be given before the Board of Adjustment will hear this case.

The Farm Definition Ordinance will be used by the Board of Adjustment in conjunction with the Muscatine County Comprehensive Plan to aid in the development of residential housing in A-1 Agricultural Districts.

A Special Use Permit issued pursuant to this section shall run with land. Rural residential uses permitted under this section shall be subject to the Muscatine County Code of Ordinances, including the Muscatine County Zoning Ordinance and the Muscatine County Construction Codes, and are subject to reasonable conditions imposed by the Zoning Board of Adjustment.