

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, April 3, 2015, with Vice Chairperson Bill Tharp and members, Martha Peterson and Carol Schlueter present, Tom Harper and Mike Birkinbine were absent. Steve Boka, Interim Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Tim and Pam Gray.

Bill Tharp: We are here, it is 10:31 and it is April 3rd, 2015. This is the regular meeting of the Board of Adjustment, Muscatine County. To begin, just a little bit about the Zoning Board of Adjustment. 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, like today, 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 come to the podium and give your name and address. To begin, I think that we have some administrative business to tend. We need to nominate a chairperson and a vice chair for this board. I believe that Tom has done a good job as a chairperson.

Carol Schlueter: And you have done a good job as a vice chairperson. I will make a motion to nominate Tom Harper for chair and Bill Tharp for vice chair.

Martha Peterson: I will second it.

Bill Tharp: All in favor of having Tom Harper continue as the chairperson and Bill Tharp as the vice chair please say Aye (3) Opposed (0) Absent (Harper & Birkinbine). I believe that carries. So for the next year until March 31, 2016, the chairperson will be Tom Harper and the vice chair will be Bill Tharp. I thank you for allowing us to take that time, and now we will move on. Has everyone had the opportunity to review the minutes from the previous meeting? If there are no changes, could I have a motion to approve the minutes?

Martha Peterson: I will make a motion to approve the minutes from the last meeting.

Bill Tharp: And a second?

Carol Schlueter: I'll second it.

Bill Tharp: All in favor say Aye (3) Opposed (0) Absent (Harper & Birkinbine). The motion carries and the minutes will be entered into the record. We will move onto our first case, Mr. Boka, could you read the request please?

Steve Boka: Certainly. Case #15-04-01. An application has been filed by Timothy J. or Pamela A. Gray, Record Owners. This property is located in Montpelier Township, 3686 Dismore Road, in the SE¼ of Sec. 21-T77N-R1E, containing approximately 0.45 acres, and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance to allow the Gray's to rebuild their existing garage that is currently six (6') feet from the front lot line, rather than the required 50 foot setback.

Bill Tharp: Has there been any correspondence on this case?

Steve Boka: We have not had any correspondence.

Bill Tharp: Is the applicant here? If so, would you like to come to the podium and tell the board about your request?

Tim Gray: Yes, my name is Tim Gray. What we'd like to do is we purchased the property about two years ago. Last year we had water in the garage, which was there... it's been there forever. What I would like to do is rebuild the garage higher so that the water doesn't go into the garage and it's protected from the flood water. The existing dwelling is at elevation and we have no problems with the flood waters. The house was built in 1993 and it was built a foot above the 100 year flood stage. So last year we had approximately 30 inches of water in the garage. To me, that's not easy to have when you have cars out there. Now there is a lot that is closer to Hwy. 22 that most people in that subdivision will bring out their stuff and park their cars out there and have access to it without it being flooded. The garage that is there right now is within 10 foot to the house. So what I am asking for is to allow me to build a new garage that is on a pedestal like the house is so that the river water doesn't get into it. Since it's already attached, it seems like the most logical idea to build it attached too. It doesn't obstruct anyone's view. Most likely all the water that is going to drain from it will go towards the river. If it is approved, I would obtain a permit to build the garage.

Carol Schlueter: So you do not live here now?

Tim Gray: No, not permanently.

Carol Schlueter: Do you intend to live here permanently?

Tim Gray: Yeah we are planning on selling our house that we live in in Davenport in Scott County, that's about nine miles away. We are going to put our house up for sale in the next month.

Pam Gray: And then this will be our primary residence.

Carol Schlueter: Okay.

Pam Gray: So we need to raise the garage, so it is safe, sound and secure. Whereas it is right now, it is not.

Carol Schlueter: Okay, so the Mississippi is right to the south of your property?

Tim Gray: Well the property is east/west. So the river is actually south of where the house is. I guess my idea is that the river is the most important thing that you can see. There is a lane that is an egress-ingress for the next door neighbor to our west, and that is way down the lane after my garage. I do have some pictures here if you would like to take a look at them.

Carol Schlueter: So you don't want to move it really? And it's currently six feet now from the line, right?

Steve Boka: Right.

Martha Peterson: So they are just going to rebuild in the same location.

Tim Gray: Yes, we just want to rebuild this garage so it's higher.

Steve Boka: Well you would be removing the existing garage if it's approved to build a new structure, is that right? So that it would be in the same location only bigger?

Carol Schlueter: Oh, you are planning on taking the old one completely down?

Tim Gray: Yeah, completely down.

Martha Peterson: So that they can raise it.

Tim Gray: Yeah, I think that's what the issue was. The garage where it is now doesn't have any Variance or anything. I guess at one time it was okay to be that close, it was built in the 60's I believe.

Pam Gray: Yeah, you can just scroll through the pictures.

Carol Schlueter: I don't know how to do that ma'am; I don't have one of these. I've got an old flip phone, so don't ask me to do that. (laughter) Maybe somebody else does, I don't know.

Pam Gray: I mean you can't hurt anything.

Carol Schlueter: So how tall are you going to make it off the ground?

Tim Gray: It probably would be three to 3½ feet. It will be equal to what the house is now. The house is actually about 33 inches now.

Martha Peterson: And the house didn't get any water in it with the flood last year?

Tim Gray: We had about a quarter of an inch on the porch. According to the FEMA guidelines that's where it should be. The living spaces should be above that.

Carol Schlueter: How are you going to drive into the garage?

Pam Gray: Well there is a gate.

Carol Schlueter: But you are going to build the garage up that high too?

Pam Gray: We are going to have a ramp up to it.

Dixie Seitz: Was it just two pictures on here?

Pam Gray: No, there's more.

Carol Schlueter: Well we came to the picture that looked like it was taken inside by a dresser, so we stopped.

Dixie Seitz: Okay, I bet we have to go backwards then. Here, it starts here and then just swipe it.

Carol Schlueter: Okay, so this one will be completely coming down?

Pam Gray: Yes.

Carol Schlueter: So you just want to make it higher and bigger, right?

Tim Gray: And longer.

Steve Boka: But it would maintain the same distance as it is from that property line currently.

Carol Schlueter: Okay.

Martha Peterson: So that's the issue that it would be six feet than.

Carol Schlueter: Right, okay I understand that we are talking about the setbacks but I was just wondering about how you were going to get to it.

Steve Boka: Well it's a good question.

Carol Schlueter: Well I thought you were going to maybe fill it in and it was going to block the water flow or something like that.

Tim Gray: No, I would just have the same pedestal that the house is on and then we would build a ramp.

Carol Schlueter: Okay, I understand. I don't have a problem with it.

Martha Peterson: I will make a motion to allow the Variance for the Gray's to rebuild their existing garage that is currently six feet from the front lot line and to be able to extend it horizontally; I guess is what I should say.

Carol Schlueter: I have one more question. Okay, this isn't going to block anybody's view, right?

Steve Boka: Actually there is a vacant lot behind this property and then to the west there is an adjacent house. But no, there won't be anybody that is directly affected by this construction.

Bill Tharp: There is a motion on the table is there a second to the motion?

Carol Schlueter: I will second it.

Bill Tharp: All in favor say Aye (3) Opposed (0) Absent (Harper & Birkinbine). The motion carries.

Tim Gray: Thank you for your time.

Dixie Seitz: This Variance also needs to be looked at by the Board of Supervisors. I will let you know when that meeting will be. You can attend the meeting if you wish but you are not required to.

Pam Gray: Okay, thank you.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Steve Boka, Interim Zoning Administrator

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, April 3, 2015, with Vice Chairperson Bill Tharp and members, Martha Peterson and Carol Schlueter present, Tom Harper and Mike Birkinbine were absent. Steve Boka, Interim Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Robert Lucas Jr.

Bill Tharp: Steve, could you read the next request?

Steve Boka: Case #15-04-02. An application has been filed by Robert M. Lucas Jr. and Ruthanne Lucas, Record Owners. This property is located in Cedar Township, 1570 231st Street, Letts, East of 231st Street, in the SE¼ of Sec. 1-T76N-R4W, containing approximately 38.49 acres, and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for Mr. and Mrs. Lucas to construct a 12' x 16' Seasonal Recreational Cottage on their property.

Bill Tharp: Has there been any correspondence that we have received on this?

Steve Boka: No, just an inquiry.

Dixie Seitz: A neighbor, Linda Bailey, called and asked Jim about the location and different things like that. She didn't have any complaints or concerns.

Bill Tharp: Okay, is the applicant here?

Bob Lucas: Yes I'm Bob Lucas.

Bill Tharp: Okay, if you could tell us what you are wanting today?

Bob Lucas: My request . . . three years ago I built the place, its 12' x 16' cabin without a building permit. The reason why I built it is because the old farm house where I raised my family, when I was living there, I couldn't breathe because of my asthma and I was using my inhaler all the time. So we moved out and we moved to Davenport. So then I've got to take care of the farm so I was driving back and forth and so I come up with an idea of either getting a camping trailer or building a place where I can stay overnight. There is mold or something in the old farm house, I don't know what it was but I haven't had an asthma attack since I stayed overnight at this place. All it is, is when I am working I can go in and I can sleep and then I can get my work done. I usually go out there either every week or every two weeks. I stay for two nights.

Bill Tharp: So you intend to use this just on the weekends?

Bob Lucas: Yeah, just the weekends. I've moved to Davenport, I have lived there for six years now. This is so I don't . . . well I would work until dark and then I would have to drive back to Davenport and it was just getting old. I didn't want to see a camping trailer sitting there.

Bill Tharp: Okay, so I just want to be clear with what you are saying. You live in Davenport and you were staying at this cottage during the week?

Bob Lucas: Not during the week, just the weekends. I would go out to take care of the place, snow removal, mowing, you know, just taking care of the acreage. So I built this place so that I could spend the night there without having asthma attacks in the old farm house. Now the farm house is nothing but storage.

Carol Schlueter: Okay, so the existing dwelling on this property, no one lives there?

Bob Lucas: No.

Carol Schlueter: So that is just used for storage?

Bob Lucas: Yes.

Martha Peterson: Is this the house that's back by the trees that you can't see it from the road?

Bob Lucas: Correct.

Martha Peterson: Okay, I think I know the place then.

Carol Schlueter: So why don't you use this?

Bob Lucas: It must have mold or something in it and my doctor said get out and stay out, so I did.

Carol Schlueter: Okay.

Martha Peterson: But you do use that for the bathroom and water and that kind of a thing?

Bob Lucas: Yes.

Carol Schlueter: So you are just going to sleep in this other place when you are out there?

Bob Lucas: Yes.

Martha Peterson: Is there farm ground with this property? I just see a lot of trees.

Bob Lucas: I took 20 acres and planted trees, Acres for Wildlife started me out and I put windbreaks in and prairie grass. The back 12 acres I just planted it all in trees. I've owned it for 41 years.

Martha Peterson: But the cabin is already there? So basically we are just going through the motions to give you permission for it?

Steve Boka: Yeah, we were notified of the existence of a cabin so we checked into it and found that there was no record of it and that facilitated a discussion. Technically he needs to have this approved in order to continue the use of the cabin as it was intended. I mean, he already has a house on there, now granted, it's not usable and he's not intending to use it as that. So I think the record will provide some clarity that it is only there for weekend use. You can see from the aerial photography that it is a long linear site. It's pretty much full of trees. There's no water here. It's just a piece of ground that he has had for 40 some years and he has just built himself a small little place. There's no bathroom in this cabin. It's not set up to be a rental in the future or anything else. It's really just for personal use and that's really what it amounts to.

Bill Tharp: Is there any further discussion or a motion?

Martha Peterson: I will make a motion to grant the Special Use Permit for the Lucas's to construct a 12' by 16' Seasonal Recreational Cottage on their property.

Bill Tharp: Is there a second?

Carol Schlueter: I'll second it.

Bill Tharp: All in favor of the motion to allow Mr. & Mrs. Robert Lucas a Special Use Permit in order to construct this Seasonal Recreational Cottage on their property please say Aye (3) Opposed (0) Absent (Harper & Birkinbine). The motion has been approved.

Bob Lucas: Thank you.

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