

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, September 4, 2015, with Chairperson Tom Harper and members, Carol Schlueter, Martha Peterson and Bill Tharp present, Mike Birkinbine was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Lucas Kemp, Angie Kemp, and Tom Furlong.

Tom Harper: I will open this session of the Muscatine County Zoning Board of Adjustment. We have no minutes to approve at this meeting, so we will do that next month. I have an opening statement here that I'd like to read to everyone. 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. Today we only have four members, which we'd have to have at least a three to one vote to approve. A tie vote is a denial of the request. All applicants have the option of proceeding with the board that is here or table it until next month, and I can't guarantee that next month we would have five members here. That would be up to you. 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. With that being said, Eric would you read the first request?

Eric Furnas: Case #15-09-01. An application has been filed by Thomas M. and Rebecca L. Furlong, Record Owners and Lucas S. Kemp, Proposed Buyer and Builder. This property is located in Seventy-Six Township, East of Golden Avenue and South of 245th Street, in the SW¹/₄ of Sec. 18-T76N-R3W, containing approximately 205 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 Lucas Kemp to build a rural residence on approximately 28 acres that will be split from this property that borders 245th Street. In 1993 a Restrictive Covenant was filed on a portion of this property.

Tom Harper: Okay, is the applicant or their representative here? Please state your name and if you could give us some background on your request?

Tom Furlong: Good morning.

Board Members: Good morning.

Tom Furlong: I am Tom Furlong, 1745 231st Street, Letts. The property is a long narrow piece of timber pasture that is currently being used as timber pasture. It has a creek that runs all the way through it. It has a low CSR of 36. Lucas Kemp approached me a couple months ago about the possibility of buying this to build a residence on. He grew up in this area and he currently lives with his parents about one mile south of this property. So he is very familiar with the property. We've planted oak trees on this and it's a nice timbered pasture and a nice place for a house. So I've had opportunities to sell off the trees, people have been interested in buying them. But I've known Lucas's family and I think the property would be a good place for a home. If you have any questions, I would be glad to answer them.

Tom Harper: Could you give us some background on the Restrictive Covenant that was filed on this?

Tom Furlong: In 1993, I think.... There is 320 acres originally on this piece and they sold off a house and ten acres. So by county code, they put a Restrictive Covenant on it at that time. I have talked to Mike and Gail Hutchison, who purchased that house in 1993 and they still live there, they have no problems with this. I mean this would be at least 1,500 feet away from their property.

Tom Harper: So what was split off before is on the south side of this?

Tom Furlong: Yes, it was on the south side which was pasture and an existing home that was there at that time.

Carol Schlueter: So there is no other house on this property? I mean on all of this ground, did you say 320 acres?

Tom Furlong: Well of the 320 acres I did sell 80 off and it was a farm that somebody built a house on it. It was classified as a farm. So this house will probably be over 1,500 feet from any existing house. There are two other properties that are quite a ways away from that even. I've talked with them and they don't have a problem with it. I guess just a little bit over the years I have learned that if we are going to grow Muscatine County and attract people to Muscatine County we have to have housing options that are more than just lots in town or one acre subdivision lots. That is my philosophy and it's probably changed over the last 40 years. But I see it as a good place for a rural residence. The adjoining landowners that I've talked to think it's a good idea too.

Tom Harper: Okay, is there any correspondence?

Eric Furnas: No correspondence.

Tom Harper: Does anyone else here care to speak for or against this request? If so, please state your name first.

Lucas Kemp: My name is Lucas Kemp, 2558 Golden Avenue. I am wanting to buy this property and have the approval to build on it.

Tom Harper: Okay, Eric do you want to raise some of the issues on this development report with him? Well I guess they aren't really issues, but concerns.

Eric Furnas: Right, they are listed under the development report. It exceeds the minimum recommendation for separation distance from existing dwellings. The CSR of the actually building site is well under the maximum CSR that we would consider. It does not appear to have any state managed livestock facilities anywhere in the near vicinity that would influence this. So our Zoning Ordinance does allow for rural residences under a Special Use Permit after consideration of this board. The one thing that I think if approval is considered, there is a small amount of flood plain that runs through this 28 acres. Tom had talked about a creek. The proposed building site location that was given to us, it would be on the opposite side. And just as a note, anything that is going in there, any development within a flood plain requires a Flood Plain Development Permit through our office. You can't just go in and drop a culvert without getting some engineering certifications. I am not saying that it is impossible there are just steps that the proposed builder would need to do, as well as to follow the construction codes for the dwelling.

Tom Harper: Yeah I guess along with everybody's word, there are certain restrictions that are going to go along with this if it's approved.

Tom Furlong: Yes and Dixie gave us the flood plain map which I've shared with them. So they are aware of the location on that property.

Eric Furnas: Yes, the proposed building site is, I did not mean to infer that that is located in the flood plain, it is not in the flood plain. You have to cross the flood plain to get to this site. So I'm talking about the installation of a culvert would require a Flood Plain Development Permit approval. The building site does not appear to be in the flood plain.

Tom Harper: Is there any discussion or questions by anyone on the board?

Carol Schlueter: Yeah, the entrance you have gotten approved by the County Engineer's Office?

Tom Furlong: Yes, there is plenty of sight distance. Yes, that has been taken care of.

Carol Schlueter: Okay and this house is for you, you are building it for yourself to live in?

Lucas Kemp: Yes, the building is for me.

Bill Tharp: The CSR looks right, the distance looks right, I will make a motion.

Tom Harper: Okay, go ahead.

Bill Tharp: My motion would be to approve the Special Use Permit in order for Lucas Kemp to build a rural residence on approximately 28 acres that will be split from this property that borders 245th Street.

Tom Harper: Alright is there a second?

Martha Peterson: I'll second it.

Tom Harper: The motion has been made and seconded to approve the request as stated, any other discussion or questions? Hearing none, all those in favor of the motion signify by saying Aye (4) Opposed (0) Absent (Birkinbine). The motion carried.

Tom Furlong: Thank you.

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

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, September 4, 2015, with Chairperson Tom Harper and members, Carol Schlueter, Martha Peterson and Bill Tharp present, Mike Birkinbine was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Craig Ineichen, Susan Finn and Jeff Finn.

Tom Harper: Okay, Eric can you please read the next request?

Eric Furnas: Case #15-09-02. An application has been filed by Marvin Ray Stolley, Record Owner by Doug Stolley, POA, and Craig Ineichen, Proposed Buyer and Builder. This property is located in Bloomington Township, East of Hwy. 38, in the SW $\frac{1}{4}$ of Sec. 12-T77N-R2W, containing approximately 18 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 Craig Ineichen to build a rural residence on this property.

Tom Harper: Okay, is the applicant here? If so, please state your name and give us a little background on your request?

Craig Ineichen: My name is Craig Ineichen. My wife and I have two small children and we are hoping to buy this property and get a Special Use Permit. We are currently ... we have sold our house and we'd like to move to Muscatine and build a house on the property. I have marked the location where we would like to build the house, and it is only 580 feet from the house to the south, I believe. But both houses to the south are approximately 350 feet apart and both houses to the north are approximately 350 feet apart. It's zoned Ag-1 but it has been taxed for the last... since 2012 at least, as a residential property. There is a ... there was, according to Mr. Stolley, there was a house on the property and it burned down in the 1970ish area. There is still a foundation there, we wouldn't use it obviously, but there is a well and stuff on the property since there was a residence at one time. It is currently being taxed as residential. So we are just hoping to get approval.

Tom Harper: Okay, is there any correspondence?

Eric Furnas: No correspondence.

Tom Harper: Eric, do you have any comments on this?

Eric Furnas: I guess it is one that the applicant has already mentioned, that the separation distance is a little bit lower than what is normally considered. So it is under the 750 feet minimum separation distance from the next nearest dwelling. I think in the past that has been the standard or the minimum that the board has considered, however the residential ordinance does say that anything less than 750 feet maybe denied. So there is obviously a lot of latitude at the Board of Adjustment's pleasure. So that is the one comment that I have at this time.

Craig Ineichen: If I may add something else, if this is denied than this property is pretty much rendered useless just because... Dixie sent me some coordinates of the minimum and it was located in the creek and the other part was in the low lying area. But that would be pretty much it.

Tom Harper: Is there anyone else in the room to speak for or against this?

Martha Peterson: I have a question. Relative to where the old foundation is, where would you proposed to place the new house?

Craig Ineichen: Directly to the east it would be next to a big old tree. It would be right next to the foundation that is there, straight east and a little to the south. So I wouldn't have any problems with that old foundation there.

Martha Peterson: But the frontage would be the same?

Craig Ineichen: The frontage would be more actually, it would be approximately 20 to 30 feet more.

Martha Peterson: So the old house was closer to the road?

Craig Ineichen: Correct. (changed tapes)

Jeff Finn: My name is Jeff Finn and I live across the street at 1770 Hwy. 38. I just wondered if you had any other intentions of the property with animals?

Craig Ineichen: I would probably have some trees. I would have a couple of chickens. But as far as horses or maybe a calf, I might be having that at some point, but it's not on the agenda at this point.

Jeff Finn: I was mostly wondering about cattle or ...

Craig Ineichen: No, it wouldn't be an 18 acre pasture by no means.

Jeff Finn: Like I said, we live across the street and this property is just overgrown.

Craig Ineichen: Yes, I know it is.

Tom Harper: I am somewhat familiar with this. There is a farm homestead that is just north of this on the same side of the street, isn't that correct?

Craig Ineichen: Yes, to the north yes there is a house.

Tom Harper: And a newer house next to that?

Craig Ineichen: Aww.... I am not aware of that. I know that to the west and northwest there is a house and directly to the north there is a house. But I don't know from there.

Susan Finn: The house that is north of this is a rental property and owned by Frank Draper and just to the north of that is a newer house.

Tom Harper: Okay, thank you.

Carol Schlueter: Okay, so the red portion is what he is planning on buying, that's the 18 acres on here?

Tom Harper: Yes.

Carol Schlueter: Okay, what is this little part out of there?

Eric Furnas: There is an expanded right-of-way for some reason, I'm not really sure why.

Craig Ineichen: Well there is a retainage pond right there, there is a culvert that goes under the road there. The entrance there... the prior occupants had a road that ran straight north just to the east of the property line. There is a culvert under that where that drainage tile exits under the road. I think there is a line that says buried cable or something that is there.

Tom Harper: Where is the entrance to this? Would it be a shared entrance?

Craig Ineichen: Initially it would be a shared entrance. It would be preferred to have it moved later, but if it's not possible than it's not a make or break it deal thing.

Jeff Finn: Where would the entrance be?

Craig Ineichen: Right now it's a shared one with the people to the south.

Jeff Finn: John Wunder.

Carol Schlueter: So this ground has never been farmable ground?

Craig Ineichen: I don't believe it has. It's pretty ...

Carol Schlueter: It's just always been in timber and trees?

Craig Ineichen: Yeah.

Jeff Finn: You use to be able to see more basement there, but it's so overgrown now.

Craig Ineichen: Yeah the foundation is still there.

Bill Tharp: Well the CSR looks right, unfortunately the distance is not. And it's not just off by 20 feet, it's off by a couple of hundred feet. I mean, there is a process by which people can live close together out in the country and what that is, is a subdivision. So that would be going before the Zoning Commission and saying that the developer wants to subdivide an area and then they can be closer together than what the rural residence requires. To me, it just leaves us open to other people saying, hey you know you approved this guy for 500 feet and so we would be open for an appeal if some guy had 600 feet and we did not approve it. Then he could come back and there'd be a court case where we would be subject to an appeal. So I think the policy for that reason ... I mean I am sorry but we don't get to just shoot from the hip but we have to work with what the policy is, and that's what the policy of the county is. So I would vote no on it.

Tom Harper: The only thing is with this, knowing this area up here, this is right on the edge of ... I mean this is close to 180th Street, pretty much everything south of 180th Street is already zoned R-1 Residential District. There is a fair amount of building on the north side of 180th Street. On 170th Street to the north between this and to the east has been pretty well split up into 10 acre plots over the years. Just in this range here from 180th to 170th there is five houses, six houses in there now. So this is not really... they are all very few of them that meet the 750 feet, now granted those are preexisting, but I don't think that this is changing the character of the area or changing the intent of the rule.

Carol Schlueter: How far south is this 180th Street from this property?

Tom Harper: Maybe 300 or 400 feet.

Craig Ineichen: I have a map here if you would like to see it. Right here is 180th Street. There are all of these properties here. These two properties have houses with 350 feet of each other. These two houses right here are with 350 feet of each other.

Carol Schlueter: Okay.

Martha Peterson: Does the fact that there was a preexisting house there carry any weight?

Eric Furnas: Well it really doesn't according to our ordinance. If it hasn't been there in the last year, it has been an unoccupied structure. One other comment, if you look at the direction of our rural residence ordinance, it talks about if a property seems to be particularly well suited for residential development, than rezoning should be the direction. I think that Bill makes a good point with the potential of appeals that might be brought up. Also as Tom stated with the residential zoning in the nearby vicinity and this may very well may be a good candidate for rezoning to residential, which would take away a whole lot of separation distance issues and it would free up a lot more potential space. It would allow for a potential future subdivision, however, you would not have to subdivide it if you purchased the whole 18 acres and had it rezoned. He would be free to build anywhere he wants within the normal setbacks of an R-1 Residential District.

Craig Ineichen: With that being said, that wouldn't really change the character of the land either. My property to the properties to the south of those, are those R-1 Residential or Ag-1? Just because if I were to rezone it to R-1 Residential, for one my taxes would be much higher and two, can you have chickens on R-1? Can you have a calf on R-1?

Eric Furnas: Well you can check with the assessor's office, but it is my understanding that your taxes are based on the use of the property, not necessarily the way the county has zoned it. So if you have a property that is zoned residential but all you did was farm it, they may tax it as agricultural. But if you have a property that is zoned agricultural and you have a small acreage, I don't think that rezoning would affect the taxes. Usually anything over two acres in R-1 Residential District you are allowed to have livestock on according to our zoning ordinance. According to the beacon website, the county is already taxing this property as residential because the lot size.

Craig Ineichen: Which would indicate that obviously it's not being used as farming, it's being used for residential. I mean, if there was no house there, no buildings there, and I put a house there, why would it be considered residential?

Eric Furnas: That would be a question for the tax assessors.

Craig Ineichen: Well I mean, that's just a point that I raised.

Eric Furnas: I think that they just have an acreage threshold that they consider whether or not it should be taxed residentially or agriculturally. Yeah, I just wanted to bring that to your attention that it may not be a bad candidate for rezoning. Obviously rezoning does involve notification to neighbors. There is always some interest in what's going on, however, it sounds like the boards concerns with the separation distance and with the other items that they have noted, that it might be a good candidate for a rezoning attempt.

Tom Harper: Right, and again you have the option if you want us to table this or you can check into that and can come back to us next month.

Craig Ineichen: I am really looking to proceed with it because I'm... we are renting a house now right beings we just got kicked out of our house for selling it and we are going to try and get a foundation in the ground this year if it's possible. So I am actually hoping... beings with... I am concerned with if I try to have it rezoned with obviously the neighbors may not have a problem with us building a house there because they were notified of this and they could come and dispute it. But if they were to consider this to be rezoned to residential, a housing addition could go in there and then they would oppose that, that would be my concern in trying to go with residential. So at this time it's either a useless piece of property or I guess the county would create a bunch of revenue through taxes with allowing a house to be there.

Tom Harper: Okay, so if we deny this request you will have to wait six months to come back.

Craig Ineichen: Right.

Eric Furnas: Right, he wouldn't have to wait six months before approaching the Zoning Commission.

Tom Harper: Okay.

Craig Ineichen: I would just receive my earnest money back and look elsewhere probably.

Carol Schlueter: Okay.

Tom Harper: Okay, is there any other discussion or questions?

Martha Peterson: Is there any other possible location for the house that would be at least the 750 feet away?

Craig Ineichen: Well as far as the two spots I found within 750 feet, the minimum, one was in the creek and the other was at the base of the creek, to where all the water is going to be funneled.

Martha Peterson: No other place though?

Craig Ineichen: Not that would meet those requirements, no.

Martha Peterson: Even further back?

Craig Ineichen: Further back I would be within 750 feet of the house to the east.

Tom Harper: Okay, anything else?

Bill Tharp: It's just that it is unfortunate that this is the not the process to be able to get this done. So I would make a motion if I could and I will make it in the positive. I will make a motion to approve the Special Use Permit in order to build a rural residence on this property.

Tom Harper: Is there a second?

Carol Schlueter: I'll second it.

Tom Harper: There has been a motion made and seconded to approve the request for a Special Use Permit to build a rural residence on this property as stated. Any other discussion or questions? Hearing none, we will take a roll call vote on this. Bill?

Bill Tharp: Nay.

Carol Schlueter: Nay.

Martha Peterson: Nay:

Tom Harper: And I vote Aye. The motion has been denied.

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

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, September 4, 2015, with Chairperson Tom Harper and members, Carol Schlueter, Martha Peterson and Bill Tharp present, Mike Birkinbine was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Elnora Arp, Paul Brewer, Alan Hammell, and Julie Hammell.

Tom Harper: Okay, Eric can you please read the last request?

Eric Furnas: Case #15-09-03. An application has been filed by Elnora J. Arp, Record Owner. This property is located in Montpelier Township, 3506 160th Street, South of 160th Street, in the NW¹/₄ of Sec. 5-T77N-R1E, containing approximately 37.36 acres, and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to split off the existing dwelling that was built in 1999.

Tom Harper: Is the applicant here? If so, please state your name.

Elnora Arp: Yes, my name is Elnora Arp. We bought the land and stuff and we built the house there, and of course that's when my husband was alive. He passed away. So I thought I would sell the house and so many acres around it. The rest of the land is in agriculture. Until that is done, I can't sell that part. It's been in CRP.

Tom Harper: Are the people purchasing this here?

Julie Hammell: No, we live on the other house on the farm.

Elnora Arp: And this is my brother.

Paul Brewer: I am Paul Brewer, she is my sister. When her husband died... before that he would take care of this property, and since then she hasn't been able to maintain it properly and she is so far out of town. She needs to be in town. The rest of the property is land bank and she plans to use that to supplement her income so that's the reason why she didn't want to sell the whole property. I guess that's about it, unless you have any questions.

Tom Harper: So can you explain the request Eric?

Eric Furnas: Yeah, I can maybe explain it. The reason why...

Tom Harper: It must have been because the old farmstead was split off before?

Eric Furnas: No, there is an existing dwelling that Ms. Arp's daughter resides in. With that approval that the Board of Adjustment granted in 1999, the applicant was allowed to build a second residence by a Variance. There was a stipulation put on the Variance that once the daughter no longer resided in that residence that it would be a non-habitable type structure. Therefore you would just have one primary dwelling on the property. Currently our Zoning Ordinance allows for an existing farmstead to be able to be split off from a contiguous agricultural land in parcels of one acre or more if the structure was built prior to January of 1987. It's kind of my feeling that perhaps from time to time we maybe need to update the ordinance to reflect the time that has gone by since that year was picked. It is my belief that the intent of that was to keep farmers from utilizing farm exemptions, building a house under a farm exemption, turning around and flipping... basically selling it, you know splitting it off and selling it.

Tom Harper: Uh huh.

Eric Furnas: So the applicant finds herself in somewhat of a strange situation where she resided in a farmstead and it was built through legal means, but unable to split it off into one acre or more parcel, like other people are allowed to do because of a year that our ordinance states. It really just hasn't been adjusted since the ordinance has been adopted. I believe that if this Variance was allowed and once the other stipulations were met, where the daughter no longer resides in the older residence, that we are still just dealing with one farm home that was split off from the existing farm and the rest of the farm ground. It would go back to agricultural use. I believe that that is the intent of that part of the ordinance, to allow for existing farmsteads to be split off. I guess the hardship is kind of that the Zoning Ordinance hasn't really been updated and that we are still left with it stating prior to 1987's construction year.

Bill Tharp: So if we split this off, we have two houses that are less than 750 feet away from each other, right?

Eric Furnas: Potentially. But one of them is in limited residential use because it's just the daughter that can reside there, no one else would be allowed to live there. Once she moves on than it cannot be used for residential purposes by anyone.

Bill Tharp: Okay, so if that is the situation than... maybe I am missing something. So does this mean they are asking to split off that property that has the daughter living in the house right now?

Eric Furnas: No, Mr. Arp wants to split off her dwelling that she is living in, it was built in 1999. She wants to split the house from the farm ground. She wants to sell the dwelling but retain the farm ground.

Tom Harper: So it is the newer house that they are requesting to split off?

Eric Furnas: Yes.

Carol Schlueter: So you are wanting to sell the new house?

Elnora Arp: Yes.

Carol Schlueter: So then the mother won't be living there anymore, right? So then the daughter won't need to be there because the mother isn't there to take care of, right?

Bill Tharp: Yeah, that's exactly it Carol. So how do we respond to that logic?

Eric Furnas: Well that wasn't part of the original language of that Variance. It just simply said that when the daughter no longer lives there that it cannot be used for residential purposes any longer. It didn't say, I don't believe that it stipulated that when she was no longer there ...

Carol Schlueter: Oh, it didn't?

Eric Furnas: No, it just said that when the daughter no longer resided in the old house that it could no longer be used for residential purposes.

Carol Schlueter: Okay.

Tom Harper: So the Variance was not worded that she was a caretaker for the mother?

Julie Hammell: No.

Tom Harper: She was just living in the house and she could live there as long as she continued to reside there.

Paul Brewer: And if Elnora's husband were still alive she would still want to live out there.

Tom Harper: So the daughter can live there as long as she wanted to but once she quit living there than the house could not be used as a house.

Carol Schlueter: Okay.

Eric Furnas: If this house that the applicant is living in, if it would have been built in 1986, this wouldn't even really be before you. It would be allowed by ordinance as long as she able to put a Restrictive Covenant on the remaining ground she would be allowed to split it off with at least one acre.

Carol Schlueter: Okay, so that would leave the old house and all of the farm ground, and how much farm ground is it, 80 acres?

Eric Furnas: It's 37 something.

Carol Schlueter: Okay, so if they also want to sell that, no one can live in that older house?

Eric Furnas: Correct, other than the daughter that is currently residing in it. (changed tapes)

Tom Harper: So any motion of approval here has to reference that original Variance, should reference that original Variance, that that must still stay in force.

Eric Furnas: Or at least make it clear that you are not releasing or considering releasing the conditions. I would ask that if you consider approval of this Variance that you would also suggest that the Zoning Commission take a look at that section of the ordinance to see if the year should be slid from time to time to allow for years that go by and to see if it still meets the original intent.

Carol Schlueter: Does it say how many acres they want to go with the house?

Elnora Arp: I just wanted to go around the house, just an acre because otherwise I am getting into the agricultural part.

Carol Schlueter: Okay, I see it says approximately one acre, okay.

Tom Harper: Any other comments, questions or thoughts?

Carol Schlueter: I think Bill is getting ready to make a motion.

Bill Tharp: No, you got the motion on this one.

Carol Schlueter: No I don't, I don't know what to say. You can do it.

Bill Tharp: Okay, I will move to approve the Variance in order to split off the existing dwelling that was built in 1999.

Tom Harper: Anything else?

Bill Tharp: And that the requirements that were put in Resolution #Z99-03-04 continue in full force. And for reference, they were recorded in the Muscatine County Recorder's Office as Document #1999-02166.

Tom Harper: Okay, is there a second?

Martha Peterson: I will second the motion.

Tom Harper: Okay, the motion has been made and seconded to grant the Variance in order to split off the existing dwelling that was built in 1999 with full force of the original Variance still in place. Any discussion or questions?

Martha Peterson: So we need to amend it to suggest that the Zoning Commission take a look at this ordinance?

Eric Furnas: It doesn't need to be part of your motion, just maybe in the record that you suggest that they at least look at that.

Tom Harper: Okay, so let's take care of this and then maybe we can pass a resolution or something. Is there any other questions? Hearing none, all those in favor of the motion signify by saying Aye (4) Opposed (0) Absent (Birkinbine). The motion carried.

Eric Furnas: The Board of Supervisors will have to review this Variance in a couple of weeks. We will let you know when that meeting will be. They do have the authority to remand it back to this board for further review.

Elnora Arp: Okay, thank you.

Tom Harper: Okay, as one final act here I would like to put forth a resolution to the Zoning Commission and/or the Board of Supervisors to review this Restrictive Covenant where the year was put in as 1987 and maybe that needs to be reviewed and updated. Does the rest of the board concur with that?

Bill Tharp: Yes.

Carol Schlueter: Yes.

Martha Peterson: Yes.

Tom Harper: Okay, the meeting is adjourned. Thank you.

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