

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, March 11, 2016, with Chairperson Tom Harper and members, Carol Schlueter, Martha Peterson, Mike Birkinbine present, Bill Tharp was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Ashton Steinke, Michael Phillips, Sheri Skipton, and Gary Skipton.

Tom Harper: I will open this public hearing and first off, we need to approve the minutes from the January hearing. Everyone was sent a copy of the minutes. Are there any changes? If not, is there a motion to approve the minutes?

Carol Schlueter: I will make that motion.

Martha Peterson: I will second it.

Tom Harper: All in favor of the motion please say Aye (4) Opposed (0) Absent (Bill Tharp). The motion has passed. 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. Today we have only four of the five members here. It's the applicant's choice to either continue on this or we can table until next month, but I can't guarantee that we'll have five members next month.

Gary Skipton: Yeah, we'll go ahead.

Tom Harper: Okay, and 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. Eric, can you read the request?

Eric Furnas: Case #16-03-01. An application has been filed by Gary L. or Sheri A. Skipton, Record Owners and Ashton F. E. Steinke and Michael J. Phillips, Proposed Buyers. This property is located in Seventy-Six Township, in parts of Section 22 & 27-T76N-R3W, West of Burlington Road, containing approximately 30 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 the Proposed Buyers to build a rural residence on this property.

Tom Harper: Okay, the applicants are here. Would you please give us a little background on your request?

Gary Skipton: We purchased the property back in 2008 with the intention of building a home down there ourselves. Due to my medical conditions after we purchased the property that is no longer a dream of ours. Then Ashton and Michael came along, they are a young couple that we know and they have the same dream that we had. They would like to build a home in the country and have a place to get out of town and just to enjoy themselves. We held onto it as long as we could but we decided that it was time to let it go, that's the reason. When we purchased it, there had been a house there back in like 1995 and it was taken down due to the fact that the people that had owned it prior just didn't want to keep up with the rental. It was just too much work and too much hassle, so they had it taken care of. So there are no buildings on the site. There is a well there, no septic tank of anything of that nature. It's just an existing home site that was there, I guess that's what you would

call it. You had okayed it back in 2008 for us to build and I didn't realize there was a limitation and I had to come back and redo it, so we had to do it over again. I called just prior to us deciding to sell this property and they said, no you have to come back here to the board again. So that's the reason for our appearance now.

Tom Harper: Okay, and can you please state your name for the record?

Gary Skipton: My name is Gary Skipton, I'm sorry.

Tom Harper: That's okay. Is there any correspondence?

Eric Furnas: No correspondence.

Tom Harper: Any staff recommendations or concerns?

Eric Furnas: Well just what Mr. Skipton spoke to. In 2008 the Special Use Permit was granted on this property for them to build a rural residence. If there is no activity on this over a certain period of time, the Comprehensive Plan may have changed, development in areas may have changed or have evolved a little bit, so these things can change. But nothing has changed in the area, as far as the Comprehensive Plan or no one has built a house closer, nothing has changed that would involve this property. This has the adequate distance between dwellings, has adequate space for a septic system, it's on a hard surface road, and the CSR2 is only 21. It's just simply that the time has passed, but based on those factors, everything seems to be adequate.

Tom Harper: Okay, is there any questions or comments?

Martha Peterson: Are they going to put the house in the same place as where they were going to put the other house?

Ashton Steinke: Yes.

Tom Harper: So the same general vicinity?

Ashton Steinke: Yes.

Carol Schlueter: How long do they have to start the building or is there a limit on that?

Eric Furnas: This permit will be good for two years. So as long as they purchase their building permit in that two year period and then they could take another year to build it, with an option of an extension on the building permit. But the building permit would need to be purchased within the two years so that the Special Use Permit is still valid.

Carol Schlueter: Okay, just so they know that.

Gary Skipton: That is nice to have that confirmed. That is something that wasn't clarified when we purchased the property.

Carol Schlueter: Right and you understand that too?

Ashton Steinke: Yes.

Tom Harper: Does anybody care to make a motion?

Carol Schlueter: I will make a motion that we approve this Special Use Permit in order for the Proposed Buyers to build a rural residence on this property.

Tom Harper: Alright, is there a second?

Mike Birkinbine: I will second it.

Tom Harper: A motion has been made and seconded that we approve this request as stated. Any further discussion? Hearing none, all those in favor of the motion please say Aye (4) Opposed (0) Absent (Tharp). The motion has been approved, the request is approved.

Gary Skipton: Thank you.

Carol Schlueter: You bet.

Tom Harper: Happy building!

Carol Schlueter: Yeah, enjoy it!

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