

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, April 1, 2016, with Chairperson Tom Harper and members, Carol Schlueter, Martha Peterson, Mike Birkinbine present, Bill Tharp came in late for the meeting. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Lori Bashore, Megan Keltner, Joshua Keltner and Mike O'Toole.

Tom Harper: It is April 1, 2016, and I have a couple of housekeeping items to take care of first. We have the minutes from the previous meeting which were supplied to everyone to review. Are there any questions, changes, additions? Hearing none, is there a motion to approve?

Martha Peterson: I will move that we approve the minutes from the last meeting.

Tom Harper: Is there a second?

Mike Birkinbine: I will second.

Tom Harper: Okay, the motion has been made and seconded to approve the minutes from the previous meeting of this board. Any questions? Hearing none, all those in favor of the motion please signify by saying Aye (4) Opposed (0) Absent (Tharp). The motion is carried. This being the first meeting in April, we need to appoint a new chair and vice chair. Anybody care to make a motion?

Mike Birkinbine: I will make a motion to retain the current chair and vice chair.

Carol Schlueter: Who is vice chair?

Tom Harper: Bill.

Martha Peterson: I will second it.

Tom Harper: A motion has been made and seconded to retain the present chair and vice chair, which is Tom Harper and Bill Tharp. Any discussion?

Mike Birkinbine: No.

Tom Harper: Hearing none, all those in favor signify by saying Aye (3) Opposed (Harper) Absent (Tharp). The motion carried.

Carol Schlueter: I just wanted to make sure that I wasn't vice. (laughter)

Tom Harper: We will get started here. I will read the opening statement. This is the Zoning Board of Adjustment, it 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 only four of us here today, that means that three votes would have to be in affirmative to pass this, if it's a tie vote than that means the application is denied. It's up to the applicants to either proceed with the hearing or table it until next month, and I can't guarantee that we'll have five members next month. So do you wish to continue?

Lori Bashore: Yes.

Tom Harper: Okay, I will continue. 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. And with that being said, Eric, would you want to read the first request?

Eric Furnas: Case #16-04-01. An application has been filed by Lori A. and John P. Bashore, Record Owners and Josh and Megan Keltner, Applicants. This property is located in Seventy-Six Township, 1719 260<sup>th</sup> Street, Letts, Parcel B of the SW<sup>1</sup>/<sub>4</sub> Sec. 20-T76N-R3W, containing approximately 22.50 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance to allow Mr. and Mrs. Josh Keltner to build a second dwelling on this property that they will reside in.

Tom Harper: Okay, and the applicant is here?

Megan Keltner: Yes.

Tom Harper: Would you give us a little background on your request?

Megan Keltner: Currently my husband and I reside in Grandview, and our house is currently not handicap assessable. And as time goes on, he will be wheelchair bound. Without living close to a family member it's really hard. If he falls, things like that, we don't have any live in help in case of emergency. Basically what we are asking is to build a second house right next to my parents to be able to have them provide care. Eventually when something happens to them down the line, the property goes to my brother, sister and I anyway. We would then, either one of them would have to move into the house and help us or we would have to take the second house down.

Tom Harper: Was there any correspondence?

Eric Furnas: I do have some correspondence. It's addressed to the Board of Supervisors but I'm sure it is meant for this board. She states, I approve to allow Josh and Megan Keltner permission to build a house on the property of Lori and John Bashore. Signed Corinne Hargrafen. Is Ms. Hargrafen a neighbor?

Lori Bashore: Yes, she owns property next to us.

Eric Furnas: The applicant's also submitted a letter from a medical provider that provides medical care for Mr. Keltner, as well as a voluntary affidavit limiting the family members that will be involved in Josh's care.

Tom Harper: Is there anything else?

Eric Furnas: No, I don't believe so. You have the aerial of the property?

Carol Schlueter: Yes.

Eric Furnas: There is adequate space for a second residence, wells and septic.

Lori Bashore: I have something too.

Tom Harper: Go ahead.

Lori Bashore: I am the parent of these two, well in-law... really he's my son. Where the house would be located, if you are interested in that, we have a machine shed right now that's sitting out there that needs to be torn down. All that would be torn down and cleaned up and then the house would set back from where the machine shed was behind it. It's a big open space that we use for pasture right now and that's where the house would be.

Carol Schlueter: Okay, so you are planning on taking down this shed that's there then, is that what you are saying?

Lori Bashore: Yeah, that would be torn down and all of that would be cleaned up and then it would be back a ways from the road, and that's where they want to build.

Carol Schlueter: But they do have to have their own well and septic system for this new house?

Eric Furnas: Well the house will have to have its own septic, but depending on the condition of the well and the proximity, that is an option to share the well.

Lori Bashore: Yeah, they would probably have their own well too.

Eric Furnas: Yeah it seems like there is adequate space. The entire parcel has a CSR2 average of only 41, so it's not really prime farm ground.

Martha Peterson: Yeah, that was my question.

Carol Schlueter: So the house is it going to be pre-constructed and set on a foundation or will it be a stick built?

Joshua Keltner: It is already up, we are actually going to move it, her grandpa built it a couple years, several years ago and never finished it. It's just a shell, we can move it over.

Lori Bashore: If that works, if it doesn't and if we don't get approved for that part of it, then we are going to build.

Carol Schlueter: So where is this house at now?

Megan Keltner: It's off of ... it's just on the opposite side of Letts.

Carol Schlueter: But it's already constructed and you just want to move it?

Lori Bashore: My dad built like a double house. It was his and my mom's dream house. Well my mom passed away 20 some years ago. So he started and once he got into it, he didn't feel like finishing it. So he's got like a living quarters that he is in with his new wife and then this place was built, the shell is there, the roof, I mean, it's a very nice big open... it's got big open doors and everything. But he never finished it and he wants it to be gone and he said that he would give it away and he thought, what a perfect house for them if that's possible. Now we know that we would have to go through having an engineer come out and look at it and make sure that everything is okay and all of that. I know that we have to go through all of that before we can move it. But we thought if we could do that, it would save them money, which she is the only one that works, or if we can't, than we would build.

Carol Schlueter: But are you going to put a basement in or is it going to be on a slab?

Megan Keltner: We haven't decided that yet. We haven't gotten that far. We wanted to get permission to go ahead and do it before we made too many plans.

Lori Bashore: We don't want to spend extra money if we don't have to.

Carol Schlueter: I understand that, sure.

Tom Harper: But you are ready to proceed if this is approved?

Lori Bashore: Yes.

Carol Schlueter: I think that this shows hardship, which we need to show. But in the future if this young man, which I hope it never happens, has to go to a nursing home, that means he is no longer living on this premises so then one of the houses would have to come down. Am I correct?

Eric Furnas: Yes and that is addressed in the stipulation that this is the circumstances for the care of Mr. Keltner and if that situation doesn't exist than one of the houses must be removed from the property.

Lori Bashore: Yes and we understand that.

Eric Furnas: Yes, they put it in as a stipulation that I thought was reasonable. It states that when Mr. & Mrs. Bashore, if they pass on, that if another family member wishes to move in and provide care, that that would be an ongoing situation as well. It would be a family member directly involved with the care of Mr. Keltner. That's the way they addressed their stipulation and it is notarized too.

Carol Schlueter: Okay.

Tom Harper: Is there any other discussion?

Mike O'Toole: My name is Mike O'Toole and I own farmland on both sides of this property. I have no objections.

Tom Harper: Okay.

Carol Schlueter: Thank you. This is only pasture ground, right? It's not tillable ground?

Lori Bashore: No, there is cattle in there now.

Tom Harper: Okay, another other comments, questions?

Martha Peterson: Well I will make a motion that we approve this Variance to allow Mr. & Mrs. Keltner build a second dwelling on the property in which they will reside, with all the stipulations that were stated.

Carol Schlueter: I will second that.

Tom Harper: Okay, a motion has been made and seconded to approve this request for Megan and Josh Keltner, with all the stipulations that were stated. Any further discussion? Hearing none, all those in favor of the motion please say Aye (4) Opposed (0) Absent (Tharp). The motion carried.

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

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Others present for this hearing: Greg Cover.

Tom Harper: We will move onto the next case. Eric, can you read the request?

Eric Furnas: Case #16-04-02. An application has been filed by Greg Cover, Record Owner. This property is located in Orono Township, in the SW¼ of Sec. 5-T76N-R4W, Parcel B, 2278 Blue Heron Avenue, containing approximately 1.71 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. Cover to build a one family dwelling on this property.

Tom Harper: Okay and is the applicant here?

Greg Cover: Yes, that's me.

Tom Harper: My memory is not good, but it seems you've been here before.

Greg Cover: Yep, we got one last year and then by the time we got the property cleaned up, it had been too long.

Carol Schlueter: So that's why you are back again?

Greg Cover: Yes.

Eric Furnas: It had been approved on October 3, 2014.

Tom Harper: So you wish to move on without having a full board?

Greg Cover: Yes.

Tom Harper: Was there any correspondence?

Eric Furnas: No correspondence. This is not active farm ground, and as you are aware there was once a residential dwelling there. So it appears that there is adequate space for a well and septic and it has been used for residential purposes before. The staff recommends approval.

Tom Harper: So you took down a house and a barn?

Greg Cover: Yes.

Eric Furnas: And there are no new entrances planned.

Carol Schlueter: And this is for you to live in?

Greg Cover: Yes.

Carol Schlueter: I will make a motion that we allow this Special Use Permit in order for Mr. Cover to build a one family dwelling on this property as stated.

Mike Birkinbine: I will second that.

Tom Harper: Okay, there has been a motion and it has been seconded. Is there any other discussion from anybody? Not hearing any, all those in favor of the

motion please say Aye (4) Opposed (0) Absent (Tharp). The motion has been approved.

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