

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on April 7, 2017 with Chairperson Tom Harper and members, Carol Schlueter, Emily Geertz and Mike Birkinbine present, Bill Tharp was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Also present for this hearing: Richard Holmes, Perry Hartman, Matt Stauffer and Miranda Vice.

Tom Harper: Alright, I will call this meeting of the Muscatine County Zoning Board of Adjustment to order. I have an opening statement to read. 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. Now today we only have four members here so we have to have three affirmative votes for the appeal to pass. Any person applying for a Special Use Permit or Variance has the opportunity to either table this until next month, and we can't guarantee that we'll have a full board then, or we can proceed with the four members that we have today. 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. Now before we begin here we have a few housekeeping items to take care of. We have the minutes from the last meeting that were sent out to all the board members for your review. You should have had a chance to review those. If there are no changes, I will entertain a motion to approve the minutes from the last meeting and the resolutions.

Carol Schlueter: So moved.

Tom Harper: Is there a second?

Mike Birkinbine: Yes.

Tom Harper: A motion has been made and seconded to approve the minutes and resolutions from the last meeting. Any discussion? Hearing none, all those in favor signify by saying Aye (4) Opposed (0) Absent (Tharp). The motion carried. Also, since this is the first meeting of our term we need to elect a new chairman and vice chair. I will open the floor for nominations for chairman?

Mike Birkinbine: I will make a motion for the chairman to remain the same.

Carol Schlueter: I'll second it.

Tom Harper: Any other motions or nominations? Is there a nomination for a vice chair?

Carol Schlueter: Who is that now?

Dixie Seitz: Bill Tharp.

Carol Schlueter: How about you Mike?

Mike Birkinbine: No.

Carol Schlueter: No, you don't want it?

Emily Geertz: How about you Carol?

Mike Birkinbine: Yeah, Carol she'd be good at.

Carol Schlueter: Okay.

Emily Geertz: I will nominate Carol for vice chair.

Tom Harper: Is there a second?

Mike Birkinbine: I second that.

Tom Harper: Alright a motion has been made and seconded to have Tom Harper as chairman and Carol Schlueter as vice chairman. Any other discussion? Hearing none, all those in favor of the motion please say Aye (3) Opposed (Harper) Absent (Tharp). (laughter) Alright, enough of that. Eric, do you want to read the first request?

Eric Furnas: Case #17-04-01. An application has been filed by Matthew Stauffer, Record Owner. This property is located in Moscow Township in the NW¼ of Sec. 28-T78N-R2W, Parcel B, 1438 Moscow Road, West of Moscow Road, containing approximately 10.06 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 to build a rural residence on this property.

Tom Harper: Is the applicant here?

Matt Stauffer: Yes.

Tom Harper: Please state your name and address.

Matt Stauffer: Matt Stauffer and my current address is 1587 Dougherty Estates, Muscatine.

Tom Harper: Please give us a little background on your request.

Matt Stauffer: I have some information that I put together it has the maps and the communications with our neighbors.

Tom Harper: Was there any correspondence?

Eric Furnas: No sir.

Matt Stauffer: I have correspondence from the two closest neighbors across the road from me, a letter from Paul Grunder and Bill Grunder both signing letters that they would be okay with us being closer than the 750 feet and across the road from them.

Tom Harper: Okay, so you bought this in 2016?

Matt Stauffer: Yes we bought it last fall with intentions of building this spring. There was a homestead there until 2007 when the house was torn down. Then there was approval to build on that property in 2010 but they decided not to build and then they sold the property to another person who was going to build but then they moved to town and then we bought the property from them last fall. We had the flood survey done last year to determine where the flood plain was and how close we had to come up to the road. So the first map there shows where our proposed home location would be. We pushed it back as far as we can on the land. The second page shows where Eric and I discussed where the house would be 750 feet back, it's back further along the easement. That's actually a steep slope down, probably about 15 foot down

along that easement down into the flood plain. So there wouldn't be an easy way to build a house back there.

Tom Harper: So the ten acres follows this one line with what looks like a one lane road here?

Matt Stauffer: Yes that's an easement that goes all the way back to another property and then our property goes from there over to Little Mosquito Creek. The line is in that rough vicinity. That's all in a flood plain.

Tom Harper: So most of this ten acres, close to half of it is in the flood plain?

Matt Stauffer: The majority is, yeah.

Carol Schlueter: When you bought this property, did you go through a realtor?

Matt Stauffer: No.

Carol Schlueter: Were you told by the previous owner that it was okay to build a house there?

Matt Stauffer: Yes well... they never said okay, but they said we were planning to build but we decided with our four kids to move to town so we are going to move to town and sell this property. That's exactly how they said it to us.

Tom Harper: Eric, do you have any comments to make other than what is on the development report?

Eric Furnas: The comments that I would have would be echoed in the development report. The separation distance comes under our current Special Use Permit for a rural residence. It lists the separation distance of moderate importance. It recognizes 1,250 feet and it states that under 750 feet may be denied. There has been great consistency at honoring the 750 feet from the next nearest residence, other than this one historical case. I am concerned about the precedent beginning to erode or undermine that recommendation for the future. But other than the separation distance, it has access to a paved road, it does have adequate distance from any state managed livestock facilities, however there is a lot of manure application in the area. But from the facilities itself, it does meet the separation distance.

Mike Birkinbine: But the issue is that it was approved at one time to build a house there, correct? And there was a homestead there at one time?

Eric Furnas: There was a homestead there at one time. The previous owner was granted a Special Use Permit that would allow them to build a rural residence and it was under the 750 feet, correct.

Tom Harper: I mean it doesn't meet our standards for a hardship that I see.

Carol Schlueter: Okay, so the two Grunders are the two houses that are within the 750 feet, right?

Matt Stauffer: Yes.

Carol Schlueter: And then the other people that got these notices, Hartman, Treimer, Graves and Holmes... we are not worried about these houses being too close?

Eric Furnas: Correct. The proposed building site would just be less than 750 feet to the two Grunders, they are right across the road. But we have to send a notice to the surrounding property owners.

Carol Schlueter: Right and you have letters from those two Grunders stating that they didn't mind being that close?

Matt Stauffer: Yes.

Tom Harper: I know that it does border on setting a precedence that we are not following what were set down in the rules. But I also see that this was approved in the past, and maybe erroneously.

Carol Schlueter: But there is absolutely no other place on this property to build, right?

Tom Harper: Right, to build a residence.

Carol Schlueter: Right, to build a residence, right. That's what I meant to say.

Mike Birkinbine: Well I think we have done a good job of maintaining the 750 but this to me is... there's just circumstances here that... since it was already passed once, I struggle with that. And there is no other place to build on this property, along with the fact that there isn't anything else there. And the neighbors across the street have approved the distance.

Carol Schlueter: Yeah, that's what I am thinking too.

Tom Harper: Okay, does anybody in the audience have any comments to make?

Perry Hartman: I hope they build because it will stop people from coming in and shooting my place up. I am Hartman.

Carol Schlueter: So you would be in favor of it?

Perry Hartman: I'm totally in favorite of it.

Carol Schlueter: Thank you.

Tom Harper: Anything else? Does anybody care to make a motion?

Mike Birkinbine: I will make a motion to approve this as stated.

Carol Schlueter: I will second it.

Tom Harper: A motion has been made and seconded to approve the request as stated. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (4) Opposed (0) Absent (Tharp). The motion carried. Now this motion is approved, as a caveat to remember that any construction or use allowed by this Board must begin within two (2) years from the date of this decision, or the permission will be rescinded.

Matt Stauffer: Alright, thank you we appreciate it.

Tom Harper: And anybody wishing to appeal this decision to district court may do so within 30 days of the filing date of this decision. The zoning office will have information concerning construction. Now the Board of Supervisors will also review this before it is final.

Eric Furnas: Yeah they review them but they can't remand this decision.

Matt Stauffer: Thank you very much.

Carol Schlueter: Good luck.

Miranda Vice: So if they have 30 days to appeal does that mean they we can't build for another 30 days?

Eric Furnas: No, you would just need to bring out your plans and things like that. The Board of Supervisors cannot change this decision.

Miranda Vice: Okay, 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 April 7, 2017 with Chairperson Tom Harper and members, Carol Schlueter, Emily Geertz, Mike Birkinbine present, Bill Tharp was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Also present for this hearing: Richard Holmes, Perry Hartman, Matt Stauffer and Miranda Vice.

Tom Harper: We will move onto the next meeting. Eric, can you please read that?

Eric Furnas: Case #17-04-02. An application has been filed by Perry V. Hartman III and Kathy M. Hartman, Record Owners. This property is located in Moscow Township, in the NW¼ of Sec. 28-T78N-R2W, 1444 Moscow Road, West of Moscow Road, containing approximately 26.69 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit to allow Seasonal Recreational Cottage (cabin) to remain on the property.

Tom Harper: Is the applicant here?

Perry Hartman: Yes I am.

Tom Harper: Please state your name and request.

Perry Hartman: Good morning, my name is Perry Hartman. The property is zoned agricultural. I was kind of surprised that I got this letter in the mail. This particular tool shed that is now on my property was down close to the Cedar River, I think it went through numerous floods. When we bought the property at auction I informed the people that owned the property that I did not want said tool shed. It had been through numerous floods and... well first of all they wanted me to buy it and I told them that I didn't want it to just move it off the property. Push came to shove, I bought the property and they finally said you can have it but I didn't want it but I took it. So I took it upon myself and my two sons, we moved it out of the flood plain and moved it up next to a barn that we built by permit and everything like that. At that time the person that worked for this group... I think her name was Jodee, she came out to see the building post, so we did it by code and we had just dropped the said cabin on the ground next to the barn. So needless to say we did some maintenance improvements on it because it was basically falling apart, we put a roof on it, siding on it to make it look decent and basically that's all we did. How this whole thing started was I went down to the Assessor's Office and told them... because on the tax assessment rolls it shows that we have a septic system and we do not have a septic system. So I went down to tell them about that and it just so happens that the building that they have shown on a picture is not the outbuilding that's on the property. So I said that I would like to have those taken off. And low and behold I got a letter from this group saying that I needed to file for a building permit. So this building had been on another parcel on another property and I just needed to get a building permit for it. I mean, it's not livable. It has one room, we just wanted to get out of the weather, yes it has windows. It's not livable; it doesn't have bedrooms or anything. It has a stove and a refrigerator in it, but basically that's all it is. I did not build it. If I need to get a building permit, I will do it. I want to make it legal. But I did not build it.

Tom Harper: So on this picture here, which one is the building that you are talking about?

Carol Schlueter: The one that has the "x" on it, is that it?

Eric Furnas: Yes, the cabin has the "x" on it. The shed is next to it.

Carol Schlueter: So what's this?

Perry Hartman: That's the barn that I built.

Carol Schlueter: So you built that?

Perry Hartman: I built that with the permits and the whole nine yards, yes.

Carol Schlueter: But this one here is the one that you have just fixed up?

Perry Hartman: Well I did some maintenance work on it, yeah. We moved it from another parcel below and put it up here.

Carol Schlueter: So you moved it here?

Perry Hartman: Yeah it was down in the floodplain, that's why we moved it.

Carol Schlueter: Okay so that is the one that we are talking about that needs a building permit?

Perry Hartman: It's 18 by 20, it's nothing huge.

Carol Schlueter: But there is no septic there but you do have running water?

Perry Hartman: Yes we do have water.

Tom Harper: Eric, do you have any comments you would like to add?

Eric Furnas: Well whether a structure is built on site, partially disassembled and brought on site, bought fully assembled and brought on site, if it's over 200 square feet it requires a building permit of some sort. The permit is determined by the type of the building and what needs to be done to it. So no question, some sort of a building permit to place a structure in a permanent or semi-permanent fashion that's over 200 square feet would have been required. The reason that we are asking that this can be permitted as a Seasonal Recreational Cottage site... this has definitely been converted by some effort to something beyond just a tool shed. I'm not arguing that it's a full dwelling, as Mr. Hartman mentioned, it does not have separate quarters for sleeping and dining that would qualify it as a dwelling. However, the work that he has done on it and also there has been a deck added to it... so it has been modified to some sort of habitable structure where that would be the primary purpose of it, whether it would be for very temporary periods of time like during hunting season, I believe that is when they use it.

Perry Hartman: Correct.

Eric Furnas: But it has been modified for human habitation that's permanently affixed. It is joined to the deck or at least anchored to the ground if it doesn't have a foundation. So that is why we are requesting that if Mr. Hartman receives authorization to have it permitted as a Seasonal Recreational Cottage and that he is free to use it as such. The stipulations on the approval that we are requesting is that any additional modifications of the structure will need to go through our office for proper permits, including connecting any plumbing, sanitary sewer, which he may or may not want to do. But just as a note for the future so that we can avoid these problems. That is if you are entertaining the notion to approve this, I am asking for a caveat on your approval.

Mike Birkinbine: So does it have heat in it?

Perry Hartman: It has a wood burner.

Mike Birkinbine: And it has running water in it?

Perry Hartman: It has water, yes.

Mike Birkinbine: Sink?

Perry Hartman: Yeah it goes into a sink and then I hate to say this ... but it goes into a bucket.

Mike Birkinbine: Then you dump it back in the other shed, or ...

Perry Hartman: We take care of it. We dispose of it properly.

Eric Furnas: I guess I would question what proper disposal is, because if it's dumped out on the ground... it's gray water and that's not proper disposal.

Perry Hartman: We are hauling it into town and dumping it.

Eric Furnas: And by recognizing it and permitting it as a Seasonal Recreational Cottage, it would allow further modifications with proper permits, he could add some of those improvements, should he desire. Is there electrical hooked to it?

Perry Hartman: Yeah we do have power. We have a generator, yes.

Eric Furnas: Those are things that we would require as permitting and the inspections need to go along with any kind of plumbing or electrical.

Tom Harper: Do you have an electrical service back to there from REC?

Perry Hartman: No, we didn't have \$34,000.

Tom Harper: So you have an onsite generator then?

Perry Hartman: Yes, they wanted \$34,000 to bring the electricity.

Tom Harper: Okay, is there any further discussion, comments or questions? Does anybody in the audience want to make any comments? Does a board member care to make a motion?

Mike Birkinbine: I will make the motion to approve the Special Use Permit to allow the Seasonal Recreational Cottage to remain on the property.

Tom Harper: Is there a second?

Carol Schlueter: Do we need any stipulations on that?

Eric Furnas: The staff would like to see that a permit be acquired and that some basic inspections be conducted.

Mike Birkinbine: Yes, with the conditions that are on the sheet.

Eric Furnas: We are not looking for him to, or require him to, lift it up or put in a full foundation under this at this point. But we are looking for some basic life safety issues that we need to look at. We would look at the electrical, the deck, how far it is off the ground, are the guardrails proper... so just basic stuff like that.

Tom Harper: Okay, was there a second to the motion?

Carol Schlueter: I will second.

Tom Harper: A motion has been made to approve the Special Use Permit in order to allow a Seasonal Recreational Cottage to remain on this property with the stipulation as stated by staff. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (4) Opposed (0) Absent (Tharp). The motion carried.

Perry Hartman: Thank you very much, I appreciate your time.

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

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Also present for this hearing: Tarrilee Werling, Aaron Werling, and Loren Bohnsack.

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

Eric Furnas: Case #17-04-03. An application has been filed by Tarrilee M. Leathers-Werling and Aaron W. Werling, Record Owners. This property is located in Montpelier Township in the NE¼ of Sec. 24-T77N-R1E , 3967 Hwy. 22, containing approximately 3.43 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit for the Record Owners to operate a dog kennel and grooming facility on this property.

Tom Harper: Is the applicant present?

Aaron Werling: Yes, my name is Aaron Werling, 3967 Hwy. 22, Blue Grass. And this is my wife Tarrilee. We bought this property with the intent of moving her pre-existing business out there. She would groom about three, four or five dogs a day. And board anywhere from zero to five dogs at any given time. We wish to turn a pre-existing pole barn into her shop on our property.

Tom Harper: Okay, was there any correspondence?

Eric Furnas: No correspondence.

Tom Harper: Okay, are there any questions by the board?

Carol Schlueter: You do not live on this property?

Aaron Werling: We do live there.

Carol Schlueter: Oh you do live on this property?

Aaron Werling: Yes.

Tarrilee Werling: See this is the property. (showing the board a map)

Tom Harper: Is this to the east of Montpelier?

Aaron Werling: Here it is.

Emily Geertz: And that is the closest house?

Aaron Werling: Yes.

Emily Geertz: And that's the building that we are looking at, that little white one?

Tom Harper: So you bought this whole property?

Aaron Werling: Yes.

Tom Harper: Farm and all?

Aaron Werling: Well it's only 3.43 acres, so I wouldn't call it a farm.

Tom Harper: Okay, so the lines aren't on the map.

Emily Geertz: And these are outbuildings that somebody else owns?

Aaron Werling: Yes.

Tom Harper: Eric, do you have any comments?

Eric Furnas: Yes, the grooming business itself does not require a Special Use Permit. They would be able to operate that with restrictions within our Home Occupation Ordinance. However, they had expressed desire occasionally to board and so that would define the operation as also a kennel. So we have separate provisions laid out for operation of a kennel. So with this Special Use Permit they would be able to operate a boarding kennel in addition to the grooming operation. They have already been very involved in questions concerning the septic needs of the washing facilities. They are working closely with us in designing something. So they have been trying to address any issues. They do meet and exceed the minimum 750 foot separation distance from the next nearest residence. That's really the only requirement for kennel is the separation distance.

Tom Harper: And a kennel is a Special Use Permit?

Eric Furnas: Correct, it is a Special Use Permit within that zoning district.

Tom Harper: Okay.

Carol Schlueter: Have you operated your business some other place before moving here?

Tarrilee Werling: I have currently been operating for the last 10 years in Scott County. It's a property that we were leasing. It just recently got sold so we had to find a new place to work.

Carol Schlueter: I see.

Tom Harper: Is there anyone here to speak for or against this request? If so, please state your name first before you speak.

Loren Bohnsack: I am Loren Bohnsack. I own the farm that surrounds three sides of this property. I am all in favor of it. I see no reason why she shouldn't have this business there. It's their property. If they have dogs there, it might keep some of the coyotes away from my cattle. (laughter)

Tom Harper: Alright.

Carol Schlueter: Good, thank you.

Mike Birkinbine: That's good.

Tom Harper: Any other comments, questions or discussion? Is there a motion?

Emily Geertz: I will make a motion that we approve this Special Use Permit for the Werling's to operate a dog kennel and grooming facility on this property.

Carol Schlueter: Second.

Mike Birkinbine: Second.

Tom Harper: Don't fight over it. (laughter) Alright the motion has been made and seconded to approve the Special Use Permit for the Record Owners to operate a dog kennel and grooming facility on this property as stated in the request.

Is there any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (4) Opposed (0) Absent (Tharp). The motion carried.

Aaron Werling: Thank you.

Tarrilee Werling: Thank you.

Carol Schlueter: You bet.

Tom Harper: Just keep in contact with the zoning office.

Aaron Werling: Absolutely.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
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Also present for this hearing: Mark Meyer, Mark Temple, and Albert Meyer Jr.

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

Eric Furnas: Case #17-04-04. An application has been filed by Mark A. Meyer, Record Owner. This property is located in Sweetland Township, in the NW¼ of Sec. 7-T77N-R1W, 2828 170th Street, South of 170th Street, containing approximately 4.15 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for Mr. Meyer to build a detached garage in front of the dwelling, but it would be at least the required 50 feet back from the front lot line. And I might add, it will be well in excess of the 50 foot.

Tom Harper: Okay, is the applicant here?

Mark Meyer: Yep.

Tom Harper: You look familiar. (laughter) Alright, do you want to state your name and your request?

Mark Meyer: I think he is going to talk.

Mark Temple: Mark Temple, 720 Leroy Street. Basically when he built his house he had to set it back 750 feet and it's clear to the back of his property. Behind his house is a waterway that goes through some agricultural ground behind him. So basically there is really no place to build behind the house because of the septic location and because of the waterway location.

Tom Harper: So there really is not a whole lot of places to build on this property then?

Eric Furnas: Are you asking me?

Tom Harper: Yeah.

Eric Furnas: The property is limited. You can see on the aerial map that I attached, as Mr. Temple stated, behind the house which is the rear portion of that yard, a large portion of that is in the waterway to the adjoining field. The portion to the left of that structure is where the septic system is, it would be in the side yard, which would be another normally recognized site for a detached accessory structure. So that precludes that site from being used. If you can see the smaller red square on the map that I have provided, in the front of that is a large tree line. So the house is behind that with that large red square. So the proposed site of the detached accessory structure wouldn't even be visible from the street because there are quite a few trees, a lot of visual screening. We don't have any concerns as far as site distance issue and accessing 170th Street because it will be built so far back off of 170th Street.

Tom Harper: I take it this aerial is older because it doesn't show the present house or the access?

Eric Furnas: That's correct.

Carol Schlueter: Okay, where's your house at?

Mark Temple: The house is right here and that's where the septic field is.

Carol Schlueter: And where do you want to build?

Mark Temple: Right here. You can't see 170th but there is a tree line right here and then there is another heavy tree line.

Tom Harper: Didn't we have another case out there?

Eric Furnas: Well I believe that this was approved for a house.

Tom Harper: Okay, yeah because this picture is looking familiar.

Mark Temple: The house was constructed in... 2015?

Carol Schlueter: Is there an attached garage on the house?

Mark Temple: Yes.

Carol Schlueter: So this is an additional garage?

Mark Temple: Yes.

Carol Schlueter: To store like your hobby stuff?

Mark Temple: Yes. And kind of a side note, the structure is going to be just the same as the house. So it will have stone on the front and I think it will look like it should be there, I guess.

Carol Schlueter: Okay.

Tom Harper: Does anybody else have any comments? Does the board have any questions, comments or concerns? Eric, do you have anything you want to add?

Eric Furnas: No.

Tom Harper: Is there a motion?

Carol Schlueter: I will make a motion that we allow this Variance in order for Mr. Meyer to build a detached garage in front of the dwelling but it would be at least the required 50 foot setback from the front lot line.

Emily Geertz: I'll second that.

Tom Harper: A motion has been made and seconded to approve the Variance for Mark Meyer to build a detached garage on his property in front of his house, it will meet the setbacks. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (4) Opposed (0) Absent (Tharp). The motion carried. This is a Variance so this also has to be approved by the Board of Supervisors. They can either pass on it or remand it and send it back to us.

Eric Furnas: Yes they have the authority to remand it back to the Board of Adjustment one time for further study or concerns. We will let you know when that meeting will be.

Mark Meyer: Is there another meeting that I need to go to then?

Eric Furnas: No, you do not have to be present for that meeting. We will let you know the results after the meeting. It usually is within two weeks, but we will let you know when it is.

Mark Meyer: Thank you.

Mark Temple: Thank you very much.

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Also present for this hearing: Arasu Krishnan.

Tom Harper: Alright, next case.

Eric Furnas: Case #17-04-05. An application has been filed by Arasu Krishnan and Darcy Ibarra, Record Owners. This property is located in Sweetland Township, Parcel A, NE¼ of Sec. 13-T77N-R1W, 1836 Vail Avenue, North and West of Vail Avenue, containing approximately 1.00 acre and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the Record Owners to build a detached garage in front of their house and approximately 30 feet from the front lot line, instead of the required 50 feet setback.

Tom Harper: Alright the applicant is here?

Arasu Krishnan: Yes.

Tom Harper: Please state your name and tell us a little about your request.

Arasu Krishnan: Arasu Krishnan, 1836 Vail Avenue. We decided to see if we could get a permit to build a garage. The front of the lot is pretty small. In my other garage I have all of my lawnmowers and motorcycle and stuff in there, it's getting pretty tight. That location is the only place that I think I can really build because on the other side of the property it goes down, it's a slope. We'd have to bring in fill and remake the driveway and things like that and it probably would get really expensive.

Tom Harper: It is an odd shaped lot.

Arasu Krishnan: Yeah it kind of goes into a triangle.

Tom Harper: So according to this aerial the back of your house is pretty steep?

Arasu Krishnan: Yes, it's a ravine.

Eric Furnas: The second map is the topo and the closer to the lines are together the steeper the slopes. So you can see about mid-point of the house back it starts to drop off rather quickly so that would preclude the rear yard space from being used.

Tom Harper: Where is the septic system at?

Eric Furnas: I believe it would be... if you are looking at the house, it would be to the right on the opposite side from where they are wanting to build the detached garage.

Arasu Krishnan: Yes.

Tom Harper: So that really is the only buildable spot or area on this lot then?

Eric Furnas: It appears.

Tom Harper: Was there any correspondence?

Eric Furnas: No correspondence.

Tom Harper: Any further comments Eric?

Eric Furnas: I will just comment that I think that this is your example of the typical Variance request for detached garages. This has very unique property limitations, the shape, the ravine, the septic system. But still with at least a 30 feet setback from the front lot line being maintained, the public interest should still be adequately protected with this Variance.

Tom Harper: Did you give him an approximately size or square footage that he could build?

Eric Furnas: Whatever he builds would still need to be back from the front lot line 30 feet. We are not necessarily restricting the size of the building.

Tom Harper: Okay. Any other discussion, comments, questions?

Mike Birkinbine: It's good.

Tom Harper: Go for it.

Carol Schlueter: I will make a motion to allow this Variance in order for the Record Owner to build a detached garage in front of their house and approximately 30 feet from the front lot line instead of the required 50 feet.

Mike Birkinbine: I will second it.

Tom Harper: A motion has been made and seconded to allow the Variance as stated. Any questions? If not, all those in favor please signify by saying Aye (4) Opposed (0) Absent (Tharp). The motion has carried, the request is approved. And we are adjourned.

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