

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on July 14, 2017 with Chairperson Tom Harper and members Carol Schlueter, Emily Geertz, Mike Birkinbine, and Bill Tharp present. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Also present for this hearing: Tina Storjohann and Linda Brockert.

Tom Harper: I will open this meeting of the Board of Adjustment with all members present. 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. 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. The minutes were sent out from the last month and everyone should have had a chance to review those. If there are no changes or corrections on those I will entertain a motion to approve the minutes from the last meeting.

Emily Geertz: I will make a motion to approve the minutes.

Tom Harper: Is there a second?

Mike Birkinbine: I'll second.

Tom Harper: A motion has been made to approve the minutes from the last meeting. All those in favor signify by saying Aye (5) Opposed (0). The motion carried. Eric, can you please read the first case?

Eric Furnas: Case #17-07-01. An application has been filed by Cedar View Homeowners Association Inc., Linda Brockert, Record Owners and David L. and Tina M. Storjohann, Applicant. This property is located in Goshen Township, in Sec. 25-T78N-R3W, Buildings on Leased Land, Cedarview, Lot 25, 1451 Cedarview Drive 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. & Mrs. Storjohann to place a camper on this site for use as a Seasonal Recreational Cottage.

Tom Harper: Was there any correspondence?

Eric Furnas: No sir.

Tom Harper: Is the applicant here?

Linda Brockert: My name is Linda Brockert and I am here to represent the Cedarview Homeowner's Association. I guess we are a little bit confused because our property is zoned residential and Cedarview Homeowner's Association owns that property and the lots that each member owns, they pay dues, association dues. So we were confused why they needed to pay \$150 for that.

Eric Furnas: I can answer. The property is zoned A-1 Agricultural District. The property is taxed as residential through the Assessor's Office, but that is completely separate from zoning, okay? The tax assessor will tax that property on the use of it but it is still zoned A-1 Agricultural District. So that's what dictates the actual use of the property. A Special Use Permit is required to allow someone to place a camper or cottage on these lots. Our

policy has been when you improve a Seasonal Recreational Site by adding utilities or construction, it would become a Seasonal Recreational Site and we need to know what it would be. Even if they choose not to construct a cottage, it's being improved for that purpose. So this would actually allow them, upon getting a building permit, to improve this lot by adding a camper or constructing a building. A seasonal use only site is allowed under a Special Use Permit that only the Board of Adjustment can issue.

Linda Brockert: Yeah the association has no issues with this.

Eric Furnas: Right, right ... I mean you can go out and create an association on any property, that doesn't mean that they can just go and park campers and build cottages. Zoning rules still apply, so that's why they had to go before the Board of Adjustment.

Tom Harper: Okay. So you are from the association?

Linda Brockert: Yes.

Tom Harper: And you are the applicant?

Tina Storjohann: Yes.

Tom Harper: Can you please state your name and address?

Tina Storjohann: Tina Storjohann and my address is 110 E. 2nd Street, Wilton, Iowa.

Tom Harper: Okay, can you just tell us a little about your request?

Tina Storjohann: Well I would like to place a camper... well I have a camper out there.

Tom Harper: So you presently have a camper out there or plan to have one out there?

Tina Storjohann: I have one out there.

Tom Harper: Okay so this is so they can put up a shed or make improvements on it?

Eric Furnas: Yeah, there is no problem with them using a camp site with their camper. They wanted to build a shed and use utilities so once they start improving this site and it is a Seasonal Recreational Cottage site, they can install a septic system if they wanted to for their camper. It just opens up other options for you to build permanent structures on this.

Tina Storjohann: Well there was utilities there when we bought it.

Eric Furnas: I believe there was a request for an electric permit or to build something?

Tina Storjohann: Yes.

Eric Furnas: I believe that is why this is appropriate to allow this Special Use Permit because they would like to make improvements.

Carol Schlueter: But on the application it says to place a camper on this site and she said that there is already a camper there. So are they going to put a building up instead of placing a camper there?

Eric Furnas: I believe they are wanting to put up a storage shed or something like that for lawn mowers, that kind of thing.

Tina Storjohann: Yeah, that camper wouldn't stay there all year round.

Carol Schlueter: So it doesn't make any difference since this says putting up a camper and not a shed?

Eric Furnas: Yeah a Special Use Permit is to approve a cottage site, so they can place a camper, build a cottage, and build a little shed to support their camper that they are using as a cottage. It would be approving it as more of a permanent site but it's still seasonal use only.

Tom Harper: Okay, is there anyone else here to speak for or against this request? Does the board have any additional comments, questions? Eric, do you have anything else?

Eric Furnas: I would just say that this is a very recognized use in this area, it is a recreational used area and it is common for Seasonal Recreational Cottages in this area. So this request is in complete harmony with the surrounding uses that have been established there.

Mike Birkinbine: So this just says that applicant wishes to have utilities added to this site, but that's not correct?

Eric Furnas: Apparently they are already there.

Mike Birkinbine: Okay, but it triggered this Special Use Permit?

Eric Furnas: Yes.

Linda Brockert: There was a house there at one time and then after the flood it was removed.

Tom Harper: Okay, so a Special Use Permit would codify things that would actually not be permitted yet?

Eric Furnas: Yes.

Tom Harper: Alright, does anybody have anything else? If there is not further discussion or questions, I will entertain a motion.

Mike Birkinbine: I will make a motion to approve the Special Use Permit.

Tom Harper: Is there a second?

Carol Schlueter: I'll second the motion.

Tom Harper: There has been a motion to approve this Special Use Permit in order for the applicants, Mr. and Mrs. Storjohann to place a camper on this site for use as a Seasonal Recreational Cottage. Is there any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (5) Opposed (0). The motion carried.

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 July 14, 2017 with Chairperson Tom Harper and members Carol Schlueter, Emily Geertz, Mike Birkinbine, and Bill Tharp present. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Also present for this hearing: Stacy Hansen and Mike Sheets.

Tom Harper: Eric, will you read the next request?

Eric Furnas: Case #17-07-02. An application has been filed by Mark D. and Stacy L. Hansen, Record Owners. This property is located in Bloomington Township, in the SE¹/₄ of Sec. 14-T77N-R2W, Parcel H, 1887 N. Isett Avenue, Muscatine, Iowa, containing approximately 16.27 acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the Hansen's to place a detached accessory structure in front of the dwelling but it would be at least 50 feet back from the front lot line.

Tom Harper: Was there any correspondence?

Eric Furnas: No sir.

Tom Harper: Is the owner or applicant here?

Stacy Hansen: Yes, my name is Stacy Hansen, 1887 N. Isett Avenue.

Tom Harper: Okay, can you give us a little background on your request?

Stacy Hansen: I have a motorhome that if you see the map there and a horse trailer that I want to build a structure to house them in. I don't know if you can see on the map, but there is a barn there and it will go directly behind that. So basically from the road you will see maybe 10 feet of the building because you won't be able to see it otherwise. But directly behind my house you can see on the map there that there is a 50 foot ravine straight down to Mad Creek.

Tom Harper: And how many acres do you have there?

Stacy Hansen: About 15¹/₂.

Tom Harper: So this is one of those situations that it really doesn't conform to the norms of a building lot.

Eric Furnas: Yeah so this is one of those, for lack of a better term, a boiler plate Variance request. It does appear to have property limitations such as steep slopes behind the house that would prohibit accessory structures to be built in locations that are normally used, such as behind the house. That is the main criteria because there is something unique about this property that makes it a hardship to have to follow the strict zoning laws. I did include, I believe I included a map of the property.

Carol Schlueter: Can you come up here and show us on this map where you are wanting to place the building?

Stacy Hansen: Yeah, right here. This little square is my proposed building.

Eric Furnas: Yeah you can see the steep slopes.

Carol Schlueter: Okay, yeah.

Stacy Hansen: Yeah, that's where it would be. This is my chicken house here.

Carol Schlueter: So it's not going to be attached to this building? It's going to be a separate building?

Stacy Hansen: Well we have the option to do either or. There is enough space to do either or but it would be right next to this building. This is a dry lot here for my horses and this is where the new building would go and I would move my chicken house down.

Carol Schlueter: Okay, so you have horses out there?

Stacy Hansen: Yes. And there is not a whole lot of flat ground.

Carol Schlueter: Okay.

Tom Harper: Does the board have any additional questions or comments?

Bill Tharp: It sounds like they have a lot of property limitations.

Tom Harper: Yes it sounds like it's a large piece of property for residential use and with the horses and that... I don't see any problems with it.

Carol Schlueter: No, I don't either with the lay of the land.

Tom Harper: Does anybody care to make a motion?

Dixie Seitz: I'm not sure if Mike Sheets would like to speak or not. He is here for this request.

Tom Harper: Okay, is there anyone here to speak for or against this request?

Mike Sheets: Well I'm for it. She borders the west end of my property. They are good neighbors and I have no problem with it at all.

Carol Schlueter: Good, thank you.

Tom Harper: Do you know approximately how big you plan to build?

Stacy Hansen: Well it won't be any bigger than what is there now. The one I have there is 30 x 40. We've got some prices on some sheds and the bigger sheds was significantly less than the smaller sheds, I don't know why. So I don't know exactly. Our motorhome is like 30 foot and my horse trailer is 25 and they can sit side by side.

Tom Harper: Okay, if there are no other questions, I will entertain a motion.

Mike Birkinbine: I will make a motion to approve the request.

Tom Harper: Is there a second?

Emily Geertz: I'll second.

Tom Harper: A motion has been made and seconded to approve the Variance request in order for the Hansen's to build an outbuilding in front of the existing dwelling but it would be at least 50 feet back from the front lot line. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (5) Opposed (0). The motion carried.

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