

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on October 6, 2017 with Chairperson Tom Harper and board members, Carol Schlueter, Emily Geertz, Bill Tharp present, Mike Birkinbine was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Also present for this hearing: Dustin Feldman.

Tom Harper: Okay, I will open the public hearing. And I have a 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, however we only have four members present today. State law requires three affirmative votes to approve any appeal under consideration, no matter how many members are present. You have the option to continue with this today or you can ask for it to be tabled until next month, when we may or may not have a full board. It's up to you.

Dustin Feldman: I'll go ahead.

Tom Harper: Okay. 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 first item of business is to approve the minutes and resolutions from the previous meeting. You all should have had a copy sent and have read it. If there are no other questions or comments, is there a motion to approve the minutes and resolutions?

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

Tom Harper: Is there a second?

Bill Tharp: I'll second it.

Tom Harper: Any further questions or comments? Not hearing any, all those in favor of the motion please signify by saying Aye (4) Opposed (0) Absent (Birkinbine). The motion has passed. Eric, can you please read the request?

Eric Furnas: Case #17-10-01. An application has been filed by Dustin J. or Stacey J. Feldman, Record Owners. This property is located in Wapsie Township, Carey Bend Acres, Lot 1, 1054 Hwy. 6, in Sec. 6-T78N-R4W SE $\frac{1}{4}$, containing approximately 4.80 acres 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 new one family dwelling behind the existing outbuilding.

Tom Harper: Was there any correspondence?

Eric Furnas: No sir.

Tom Harper: Would the applicant, owner or spokesperson please state their name and tell us a little about your request?

Dustin Feldman: My name is Dustin Feldman. We'd like to build a new house. There is a machine shed that is still in good condition and it's closer to the road than where we would like to build.

Tom Harper: Any discussion by the board?

Emily Geertz: I know the property well. And I think you have to go back.

Bill Tharp: Yeah I saw it too. The old house was built behind.

Tom Harper: Is this a subdivision that came before the Zoning Commission?

Eric Furnas: Yes the Zoning Commission members might remember this. The original owner came before the Zoning Commission and separated that old farm house from the farm ground. Basically they separated the minimum of what it took to get around the buildings and they reserved all the tillable land. Because it was an old agricultural property it had a lot of outbuildings in convenient locations for agricultural. You can kind of see on the back aerial where there were a lot of old agricultural buildings. They have done a good job of removing a lot of the older buildings. And since the dwelling was removed less than a year ago they can replace the dwelling without approval. But you can see from the aerial what would be the front yard space and it is very limited there. It would be very close to the highway. The shape of the lot makes it difficult. It does not appear to have any visual problems with the driveway and pulling onto the highway.

Tom Harper: Yes it makes it a hardship if he were to have to build so close and there really isn't much other use for the property. I don't think it's going to impact any other property building it there.

Bill Tharp: It looks like a gold fish cracker. (laughter)

Carol Schlueter: So this is on Hwy. 6, but is it west of West Liberty?

Eric Furnas: Yes, it's almost all the way to the county line.

Carol Schlueter: Okay.

Tom Harper: Any other comments or questions? Not hearing any, is there a motion?

Bill Tharp: I will move that we allow this Variance in order for Mr. & Mrs. Feldman to build a dwelling behind the existing outbuilding.

Tom Harper: Okay, is there a second?

Emily Geertz: I will second the motion.

Dustin Feldman: So can we build anywhere basically now?

Eric Furnas: You are being granted, or once they vote for it, you would be granted a Variance to build behind the existing outbuilding. If you are unable to observe the side or rear setbacks that would require a Variance that you hadn't requested as well. But you have a little flexibility there. If you want to take a moment and explain to the board on this drawing...but I think that's where you indicated to us that you were wanting to build the house.

Dustin Feldman: Yes that's correct.

Eric Furnas: Yeah if you are moving either way but you are able to observe the minimum setbacks, that's fine.

Tom Harper: Right, we are only dealing with the front setback of the dwelling.

Eric Furnas: Correct. And by the looks of this aerial, I don't believe that he will need an additional Variance.

Tom Harper: Right. So you have the flexibility within limits.

Dustin Feldman: Right.

Carol Schlueter: And are you okay with that?

Dustin Feldman: Yes I think it would be fine.

Tom Harper: Alright, any other discussion? Okay, a motion has been made and it has been seconded to allow the Feldman's to build a dwelling behind the existing outbuilding. Is there any further discussion or questions? Not hearing any, all those in favor of the motion signify by saying Aye (4) Opposed (0) Absent (Birkinbine). The motion has been approved. The request has been approved.

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