

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on November 3, 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: Nick Feldman.

Tom Harper: I will open the Board of Adjustment meeting and 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. We only have four sitting members here today, so it has to be at least three affirmative votes. If it is a tie vote, it is denied. Each applicant has a chance to ask to have it tabled prior to their request and hopefully next month we would have a full board or you can proceed with the four members 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. We also have the minutes from last month that were emailed to everyone and we should have all had a chance to read them. If there are not changes, is there a motion to approve the minutes as written?

Carol Schlueter: So moved.

Emily Geertz: Second.

Tom Harper: There has been a motion to approve the minutes as written and it has been seconded. Is there any discussion, questions or comments? Not hearing any, all those in favor of the motion please signify by saying Aye (4) Opposed (0) and Absent (Tharp). Eric, would you read the first request?

Eric Furnas: Case #17-11-01. An application has been filed by Nicholas J. or Rebecca Feldman, Record Owners. This property is located in Goshen Township, 1443 Holly Avenue, West Liberty, Parcel A in Sec. 29-T78N-R3W NW $\frac{1}{4}$ , containing approximately 2.51 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: Is the applicant present?

Nick Feldman: Yes.

Tom Harper: Would you like to continue with the four members here today?

Nick Feldman: I will proceed.

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

Nick Feldman: We started remodeling the existing house on the property and we had a fire that caused enough damage that we feel we are just going to tear it down and just rebuild it back further on the lot. We want to build further back on the road than what the existing garage is now. In building it further back we are getting it out of the flood plain. We need approval to build in

front of the existing outbuilding that is on the property and we don't believe there is another place that we can build that is in front of that building.

Tom Harper: Was there any correspondence?

Eric Furnas: Yes, we received a letter and it was provided to you in your packets. The letter states: I am the manager of J & V Family Farm LLC that owns property adjacent to the listed property owned by Nick & Becky Feldman and from whom they purchased the property. J & F Family Farm has no problem with them building a new home on the property. I will not be able to attend the hearing. Sincerely John Powell. That is all we have received.

Tom Harper: Okay. Eric, do you have any comments on this?

Eric Furnas: My only comment would be that when you consider approving Variances one of the main criteria that you often look at is if there is something unique to this property. Whether there is a unique hardship to this property that is something that is not self-imposed. So when I think of hardships and what is unique I think this is something that is almost a textbook example. There is a significant portion of this property that is in the flood plain. Our Comprehensive Plan discourages development that is in the flood plain. Their desire is to locate the home outside of the flood plain and the staff is all in support of that.

Tom Harper: And this is a zoning class of R?

Eric Furnas: No it is zoned agricultural. There was an existing farmhouse that was split off from the farm. And as he mentioned they had started remodeling this dwelling and had jumped through all the hoops of adding on in the flood plain. But because of the substantial damage of the fire they want to remove the dwelling and build back further on the lot.

Tom Harper: So this was split off years ago?

Nick Feldman: Yes.

Eric Furnas: So this is not a request to build a house closer to the front lot line or building in the flood plain. I just don't see any public interest that could be harmed here.

Tom Harper: Okay is there anyone here that wishes to speak for or against this request? Does the board have any further questions or comments?

Mike Birkinbine: I will make a motion to allow the Variance in order for the Feldman's to place a one family dwelling on this property that would be behind the existing outbuilding.

Tom Harper: Okay, there has been a motion to approve the Variance as requested. Is there a second to the motion?

Carol Schlueter: I'll second it.

Tom Harper: There has been a motion and it has been seconded to approve the request. Is there any further discussion or questions? Not hearing any, all in favor signify by saying Aye (4) Opposed (0) Absent (Tharp). The motion has been approved, the request has been approved.

Nick Feldman: Thank you.

Eric Furnas: The Board of Supervisors will review this Variance, usually in a couple of weeks and vote whether or not to remand this decision. We will let you know when that meeting will be.

Nick Feldman: Do I need to be there?

Eric Furnas: No, you do not need to be present for that meeting. We will let you know the outcome.

Nick Feldman: Okay, thank you.

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By Eric S. Furnas, Planning & Zoning Administrator

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on November 3, 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: Sue McDonald and Steve Kundel.

Tom Harper: Okay, you were here when I said that this is normally a five member board and today we only have four members present. We may continue with the meeting today or you can ask for it to be tabled until the next meeting when we may or may not have a full board. It's up to you.

Steve Kundel: We will continue today.

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

Eric Furnas: Case #17-11-02. An application has been filed by Ralph E. or Barbara A. Buster, Record Owners. This property is located in Sweetland Township, Buster's Subdivision, Lot 1, in the NW<sup>1</sup>/<sub>4</sub> of Sec. 22-T77N-R1W, South of New Era Road, containing approximately 13.51 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 Buster's to place a rural residence on this property.

Tom Harper: Was there any correspondence?

Eric Furnas: We did not receive any correspondence.

Tom Harper: Is the applicant present?

Steve Kundel: My name is Steve Kundel and I am representing the Buster's.

Tom Harper: Okay, would you tell us a little about this request?

Steve Kundel: Yes we have been in front of the county several times in order to split this property off. The overall goal is for Buster's to be able to split off some ground and to be able to transfer that to their children, specifically two daughters. It is a family farm, the kids and grandkids grew up on this farm and this is where the daughters want to move back and live here. So we originally came before the Zoning Commission with the idea of splitting off some timber ground and then we .... well we had to do a subdivision for that but that's kind of on the way side. And during that process the various boards that we were in front of didn't like to change the zoning. And the recommendation to us was just to come back before the county and just use the rural residence process to get that approved. So that process started way back in 2013 and then in early 2015 we created two parcels that could be split off but they are still in Ralph and Barbara's names. We haven't changed the ownership yet. But we are here today ... Debra Buster, one of the Buster's daughters, would like to move the existing farmhouse that is on the main farm property to this lot. I can give you the lot number here...

Eric Furnas: They have all of that information.

Steve Kundel: Okay, awesome. So the idea is that she wants to move the existing farmhouse to the northeast parcel then. Move in there, she's slowing down thinking of retirement and then take her time to restore it and rebuild it and then eventually she will move in. We are back in front of you today because this is the first step in that process.

Tom Harper: Any correspondence?

Eric Furnas: I don't believe so.

Tom Harper: Okay, does anyone on the board have any questions?

Carol Schlueter: Okay come show me where the house is at now.

Steve Kundel: Sure, if you look down here... that is the originally house?

Carol Schlueter: Okay, to move to where?

Steve Kundel: Well it's actually Lot 1 of Buster's Subdivision. There is several things about this lot ... well the flood plain is shown and we have to stay out of that. I have a map when we first started this process back when Jodee Stepleton was here, it was a map that actually showed the distances. I'm not sure if Eric has it. But Jodee put on the circles where we have to stay away.

Eric Furnas: Right this is the map that Mr. Buster provided us and that is actually the 750 feet buffer, which is the minimum distance from other locations. If you move further than what is provided there you do start to encroach on other residences. So this is where it has been indicated to place the dwelling, so if something has changed we need to have that information and it needs to be a minimum of 750 feet.

Carol Schlueter: Okay, so where is Wildcat Den and that?

Eric Furnas: This is New Era Road.

Tom Harper: Is this about a mile east of Sweetland Road?

Steve Kundel: Yes.

Carol Schlueter: Okay.

Tom Harper: How many lots were in the original subdivision?

Steve Kundel: Just two.

Tom Harper: Alright does the board have any additional questions or comments?  
Does anyone in the room care to speak for or against this request?

Emily Geertz: Well I totally support moving an old house and renovating it.

Carol Schlueter: Yes, I do too.

Tom Harper: If there is nothing else, does someone care to make a motion?

Emily Geertz: I will make a motion to approve this Special Use Permit in order for the Buster's to place a one family dwelling on this property.

Mike Birkinbine: I will second it.

Tom Harper: Okay, there has been a motion to grant the Special Use Permit in order for the Buster's to place a dwelling on this property and it has been seconded. Any further discussion?

Eric Furnas: I would just ask that you clarify that the intent of your motion is to approve it at this proposed location.

Tom Harper: So the amended motion is to approve the Special Use Permit in order for the Buster's to place a one family dwelling at the approximately location that has been shown on this drawing. Any further discussion? Not hearing any, all those in favor of the motion please say Aye (4) Opposed (0) and Absent (Tharp). The motion is approved, the request is approved.

Steve Kundel: Thank you.

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