

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on December 1, 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: Steven Tomfeld, Pamela Tomfeld, Bryan Coleman, and Debra Coleman.

Tom Harper: Alright, I will open up this public hearing of the Muscatine County Board of Adjustment meeting and 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. Okay, we need to have a motion to approve the previous minutes and the resolutions. If there are no changes, is there a motion?

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

Tom Harper: Is there a second?

Mike Birkinbine: I will second it.

Tom Harper: There has been a motion to approve the minutes as written and it has been seconded. Any further discussion? Not hearing any, all those in favor please say Aye (5) Opposed (0). The motion carried. We have two requests today. Eric, would you read the first one?

Eric Furnas: Case #17-12-01. An application has been filed by Steven and Pamela Tomfeld, Record Owners. This property is located in Cedar Township, Lots 1-4 & 12-18, Blk. 2 & Parcels D & E, Adjacent, Cranston, 2495 Freedom Circle, Letts, Iowa, containing approximately 1.50 acres and is zoned R-2 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to rebuild dwelling that was destroyed by fire on top of the existing foundation, which is located on the front property line.

Tom Harper: Any correspondence?

Eric Furnas: No sir.

Tom Harper: Is the applicant here?

Steven Tomfeld: Yes sir.

Tom Harper: Okay, can you please state your name and tell us about your request?

Steven Tomfeld: My name is Steve Tomfeld and this is my wife Pam. We have lived at this residence for 31 years in Cranston. We would just like to rebuild our house on the existing foundation there.

Tom Harper: Eric, do you have anything to add?

Eric Furnas: I have provided you with some of the facts on your development report along with an aerial of the immediate area, which is commonly known as Cranston. Normally I would argue strongly against replacing a house with the

front of the dwelling being right on the front property line, however, you can see from the aerial that this is consistent with the houses in the Cranston area. Freedom Circle is not a street that I can foresee the county needing to increase the right-of-way to improve the roads, because it goes nowhere. So weighing the potential of, I guess, lack of negative impact of creating this Variance and the burden of relocating a foundation... since the foundation is usable. We have looked at the foundation with them and it obviously would cost them considerably more time and expense when there is a useful foundation there.

Tom Harper: Can you show us where this is?

Steve Tomfeld: Yes I can. (everyone looking at the aerial)

Carol Schlueter: So when did this happen?

Steve Tomfeld: Labor Day weekend.

Carol Schlueter: Were you living in the house?

Steve Tomfeld: Yes ma'am, we were. It was arson, we lost everything.

Carol Schlueter: Oh no. Well you are lucky that you could use the same foundation.

Steve Tomfeld: Yes ma'am.

Tom Harper: So Cranston is from an old plat?

Eric Furnas: Yes. The only reason that a Variance is requested is because just about every dwelling in Cranston does not meet current zoning setbacks, and once a dwelling is destroyed by fire, explosion, an Act of God, to the extent of more than 65% to the fair market value of the structure than it needs to be reconstructed in accordance with all the of current and applicable codes. We felt he should go before the Board of Adjustment so that they could waive the non-conforming use. We've done it before when a house was destroyed and it was in an industrial area.

Tom Harper: Is there anyone else here that wishes to speak for or against this request?

Bryan Coleman: My name is Bryan Coleman and we own all of the property exactly across from Freedom Circle to them. We are here on their behalf and recommending that they get to do what they want to do.

Tom Harper: Okay, anyone else? I think it is bordering on an unnecessary hardship but there is unique property limitation and as you said, probably the whole entire area is pretty much non-conforming anyway. I don't think there would be any harm or precedent setting because of it. Does anyone on the board have any comments or questions?

Emily Geertz: Yeah, I don't see a problem with it.

Tom Harper: Do you care to make a motion?

Emily Geertz: I will make a motion that we approve the request for a Variance in order for the Tomfeld's to build a new dwelling on their existing foundation which is located on the front property line.

Tom Harper: Is there a second to that motion?

Mike Birkinbine: I will second it.

Tom Harper: There has been a motion and it has been seconded to approve this request for a Variance that would allow the Tomfeld's to rebuild their dwelling on the existing foundation which is located on the front lot line. Is there any further questions or comments? Not hearing any, all those in favor of the motion please say Aye (5) Opposed (0). The motion carried.

Steve Tomfeld: Thank you.

Bill Tharp: Good luck.

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By Eric S. Furnas, Planning & Zoning Administrator

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Also present for this hearing: G. David Schmidt, Jacob Holladay, Davina Holladay, Bob DeKock, Don Heckman, and Rena Heckman.

Tom Harper: Okay, we will proceed with our next request. Eric, can you please read that request?

Eric Furnas: Case #17-12-02. An application has been filed by George David Schmidt, Record Owner and Davina S. and Jacob V. Holladay, Applicants. This property is located in Goshen Township, part of the SE $\frac{1}{4}$ of Sec. 33 and the SW $\frac{1}{4}$ of Sec. 34, all in T78N-R3W, North and West of 160th Street, containing approximately 41 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. and Mrs. Holladay to place a one family dwelling on approximately five acres.

Tom Harper: Was there any correspondence?

Eric Furnas: We had a neighbor call in on November 28th. It was from Keith Barnhart, who I believe lives in that vicinity. He just called to say that he was in favor of this request.

Tom Harper: Okay, is the owner, applicant or spokesperson here?

Bob DeKock: They are all here. My name is Bob DeKock and I represent them.

Tom Harper: Okay, if you could state the background of this request?

Bob DeKock: G. David Schmidt has owned this ground since 1982. His daughter Davina Holladay and his son-in-law Jacob would like to buy this five acre tract. There is a circular drive there, so there's not going to be a new curb cut, if you will. The house is going to be in the middle of the circular driveway. There used to be a house there years ago and it burnt down and Davina lived there at the time that it burnt down. So they want to rebuild this house essentially where it was. There is a pasture area there and they already have plans for horses. Jacob assists his father-in-law with the farming and it will continue and he will get more and more involved as the time wears on. There really is a total of 164 acres in this particular farm that is contiguous and there is no other real estate or residential site on this property. It's just a logical place for a house.

Tom Harper: Eric do you have any comments?

Eric Furnas: I would just echo some of Mr. DeKock's comments. There was a house there previously, and it does look like a homestead has been set up there with the circular drive. It meets all of the minimum requirements of a rural residence. This just was not a case that would provide these applicants with a farm exemption. Now if Mr. Schmidt would have applied, it could have potentially been approved for a farm exemption. Now that may change in the future with their involvement or if their financial interest in the farm changes. So under the Special Use Permit for a rural residence we do look at the CSR2 ratings and distances. The CSR is low and the distances are more than adequate and there is already a driveway there. I think this is just one of those typical cookie cutter areas where we would allow a house.

Tom Harper: Now can this acreage be split off this farm?

Bob DeKock: Well we have to do that so that the bank could have the mortgage.

Tom Harper: So would this be the first split?

Eric Furnas: Well I would have to look at how they are wanting to split it. I mean there are two ways that they could do it. There could be a simple plat of survey or perhaps a subdivision plat. But either one of those the zoning doesn't change. I don't think there has been a split off of that original quarter of that 40 acres. I would have to look at it.

Bill Tharp: And it is well within Mr. DeKock's abilities to take care of that.

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

Don Heckman: I'm Don Heckman and I farm there. The only thing that I would like them to be aware of is that there is probably going to be a hog confinement put on our property. I don't know if that gives them any consideration of moving it or anything like that. I just want them to be aware of that. It's probably going to happen. It's probably going to be next to that bin. I don't know exactly where but I just wanted you to be aware of it.

Jacob Holladay: Yeah, thanks Don.

Tom Harper: Okay, we need all discussions to come to the board. Is this north of Hwy. 6?

Eric Furnas: No, it would be south.

Tom Harper: Okay, is there any other discussion, questions or comments?

Emily Geertz: I will make a motion to approve the Special Use Permit in order for the Holladay's to build a one family dwelling at the location indicated.

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

Mike Birkinbine: I will second it.

Tom Harper: There has been a motion and it has been seconded to approve the request for the Holladay's to build a one family dwelling as indicated. Is there any further discussion? If not, all those in favor of the motion please say Aye (5) Opposed (0). Motion has passed.

Bob DeKock: Thank you.

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