

# Draft copy

The Muscatine County Board of Adjustment met in the Administration Building on Friday, November 2, 2018, with Chairperson Carol Schlueter and board members Tom Harper and Bill Tharp present, Emily Geertz and Carl Kleppe Jr. were absent. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator were also in attendance.

Also present for this hearing: Steven Tomfeld.

Carol Schlueter: Okay I will open this meeting and I will read the opening statement. The 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 three members present today so all members need to vote for this request in order to pass. You may ask us to table your request until the next meeting, any time prior to the vote. 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 we need a motion to approve the minutes and resolutions that were sent to us from the last month's meeting. Is there a motion to approve the minutes and resolution?

Bill Tharp: I will make a motion to approve the minutes as read.

Carol Schlueter: Is there a second?

Tom Harper: I'll second the motion.

Carol Schlueter: All in favor of approving the minutes and the resolution, please say Aye (3) Opposed (0) Absent (Geertz & Kleppe). The motion has passed. Eric, can you please read the request?

Eric Furnas: Case #18-11-01. An application has been filed with the Board of Adjustment by Steven J. and Pamela K. Tomfeld, Record Owners. This property is located in Cedar Township, 2495 Freedom Circle, Letts, Lots 1-4 and 12-18, Block 2 and Parcels D & E, Cranston, containing approximately 1.05 acres, and is zoned R-2 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to allow Mr. and Mrs. Tomfeld to build a detached carport only 10 feet from the front lot line, instead of the required 35 feet.

Carol Schlueter: Would you like to proceed with your request?

Steve Tomfeld: Yes.

Carol Schlueter: Okay, was there any correspondence?

Eric Furnas: Yes, we received a letter from Bryan and Debra Coleman. It states: I am composing this letter in support of approving the request of Steve and Pam Tomfeld to construct a carport on their property as described in the letter that you sent to us. My wife Debra and I own and reside on the property at 2498 Freedom Circle, Letts, IA. Our property is directly across the street from the entire frontage of the Tomfeld's property and we feel that the request should be approved. That's all we received.

Carol Schlueter: Okay, thank you Eric. The applicant is here so could you please state your name and tell us a little about the request?

Steve Tomfeld: Yes ma'am. My name is Steve Tomfeld and I live in Cranston, Iowa. Last year someone burnt our house down and we are trying to get it rebuilt again. Where we are previously staying we have a carport and we'd like to have a carport at our new house if we could. It's just to cover up our cement so when my wife and I are carrying in groceries and stuff into the house, we can stay out of the weather and our cars will be out of the weather also. It's a small safety issue. I mean, we have been getting by without one for the last 30 years but it would be nice to have one. I am a constructor by work anyway, so I can do all the work myself.

Carol Schlueter: Okay so the house has been built and you are living there?

Steve Tomfeld: No it's not done yet. We have been living outside of Conesville for the last year or over a year now. They are slowly getting our house put back together. We'd like to, hopefully in three months, move back into it.

Carol Schlueter: And you'd like to add the carport onto that now?

Steve Tomfeld: Yes before it gets too cold we'd like to get some cement poured.

Bill Tharp: Yeah and who knows how long that's going to be?

Steve Tomfeld: Yeah Iowa weather is crazy, this whole year is. We missed out on spring.

Bill Tharp: Yeah we did. Hopefully we won't miss fall.

Steve Tomfeld: Yes, agreed.

Carol Schlueter: Okay, Eric do you have any comments on this?

Eric Furnas: Well you have been provided with the aerial of the dwelling prior to the fire. If you recall a few months ago the Tomfeld's were granted a Variance in order to utilize much of the existing foundation of the existing home. The existing home was placed their prior to zoning and prior to the R-2 Residential District setbacks, which are 35 feet from the front lot line. You can see that this is very typical of the Cranston area, adding the carports right up to the front lot line of the house. This isn't going to contribute to any sight issues or to the neighbor's adjacent garage. The impact on the neighborhood and the safety and welfare of the community is pretty negligible. It is quite consistent with the characteristics of much of Cranston.

Carol Schlueter: Thank you Eric. Does anyone on the board have any questions or comments?

Tom Harper: Yeah I think it fits right in line with the hardship rules. I mean it's pretty much the same in the neighborhood. It has existed long before zoning. It's not going to change anything in the neighborhood.

Eric Furnas: Yes and quite frankly if they would have had an attached garage as part of their building plans with the original Variance it would have been included. I possibly could have stretched this but beings this wasn't existing, this is new construction, it was a separate building permit, I thought it was more appropriate to get the blessing of the Board of Adjustment for this carport.

Carol Schlueter: Okay, so you don't have a garage there?

Steve Tomfeld: I do have a garage, it's further back. We built it 30 years ago, but this carport would be in front of the garage.

Eric Furnas: There is not currently an attached garage.

Carol Schlueter: Okay.

Tom Harper: Okay and this carport would be in front of the existing garage?

Steve Tomfeld: Yes. I should have explained that, I'm sorry.

Bill Tharp: Yes, and after all of these years on the board, Tom Harper is our senior member and I could have told you that he was going to say that before he did. Because it is very consistent, that he said ... because when things are consistent with the neighborhood... that is an important factor. So I agree with you.

Steve Tomfeld: Thank you. We love Cranston. It's just a small little town. We were there when the store was there on the corner. I remember going there to get a nickel pop.

Bill Tharp: Well I tell my kids that I used to buy pop for \$0.35 and \$0.45 and they look at me like I'm as old as the hills. (laughter)

Steve Tomfeld: Exactly.

Carol Schlueter: Alright is there any other questions, comments or concerns? If not, can I have a motion in regards to this request?

Tom Harper: I will make a motion that we grant this Variance in order for the applicants, Mr. & Mrs. Tomfeld, to build a detached carport ten feet from the front lot line instead of the required thirty-five feet.

Carol Schlueter: Is there a second to that motion?

Bill Tharp: I will second that motion.

Carol Schlueter: There has been a motion to approve this request for a Variance and it has been seconded. All those in favor of this motion please say Aye (3) Opposed (0) Absent (Geertz & Kleppe). The motion has been approved.

Steve Tomfeld: Thank you very much.

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