

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, December 6, 2019, with Chairperson Carol Schlueter and members Charles Clark and Barry McManus present, Emily Geertz and Bill Tharp were absent. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Lauren and Tanner Gardner.

Carol Schlueter: Well should we wait?

Eric Furnas: That's up to you. No one called to say they wouldn't be here. We haven't been given any information to say that they aren't going to be here.

Carol Schlueter: Okay, we'll wait for a few minutes. Well I'm sure Emily's not going to be here because she had said that she wasn't done picking corn.

Eric Furnas: Yeah she had said that she might not be here.

Carol Schlueter: Well I think we should start, it's five after. I will open this public hearing 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. (If fewer than five members are present, the appellant has the opportunity to have the appeal delayed until the next meeting. This request must be made prior to Board deliberation of that case.) 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, so there are only three members here today, so it must be a unanimous vote in order to pass. Any time before we vote you can ask us to table your request until next month, hopefully we would have more members. We are just volunteers, so we don't know, there may only be three next month too. Okay? Did everyone get a copy of the minutes through email from Dixie? (Yes) Are there any changes or corrections that you see? If not, is there a motion to approve the minutes as read?

Charles Clark: So moved.

Carol Schlueter: Is there a second?

Barry McManus: Second.

Carol Schlueter: All those in favor of the motion to approve the minutes from the previous month, please say Aye (3) Opposed (0) Absent (Geertz & Tharp). The motion passed. Eric, would you please read the request?

Eric Furnas: Case #19-12-01. An application has been filed by Carolyn K. Bierman and Robert D. Bierman Jr., Record Owners. This property is located in Bloomington Township, West of N. Mulberry Road in the SW¼ of Sec. 5-T77N-R2W, containing approximately 31.82 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 Tanner and Lauren Gardner to build a one family dwelling on approximately five acres after it has been split in the Southeast part of this parcel.

Carol Schlueter: Okay, thank you. Has there been any correspondence?

Eric Furnas: No ma'am. But I would point out that I believe the Gardner's are exploring the option of actually purchasing between eight to ten acres from their grandparents.

Carol Schlueter: Would that make a difference on this application?

Eric Furnas: No. We look at the basis of the Special Use Permit based on the criteria before you.

Carol Schlueter: Okay, would the spokesperson please state their name and tell us what you are requesting today?

Lauren Gardner: My name is Lauren Gardner and we are requesting a Special Use Permit in order to build a home on my grandparent's property. We'd like to purchase between eight to ten acres from them.

Carol Schlueter: So you could build a new home on it, correct?

Lauren Gardner: Yes. We currently live at 1648 N. Mulberry, which is located on a different section of this property. We rent the farmhouse that's on the property and our grandparents want to move back in there. So that's the reason for building the house, to stay within the family farm.

Carol Schlueter: Okay, so you live in this one right here? Is this where you live now?

Lauren Gardner: No, it's down in your left corner I believe.

Carol Schlueter: Why don't you come and show us, please?

Lauren Gardner: Okay.

Carol Schlueter: This is the map that we were given.

Lauren Gardner: We are right here.

Carol Schlueter: So you live here. So there's just one house there?

Lauren Gardner: My mom lives in a trailer right across the lane.

Carol Schlueter: Your mom does?

Lauren Gardner: Yes, her name is Jennifer Gandia.

Carol Schlueter: Okay, so your grandparents are the Bierman's, Robert and Carolyn?

Lauren Gardner: Yes, they own this farmhouse.

Carol Schlueter: So they want to move back into that house?

Lauren Gardner: That's correct.

Carol Schlueter: So they aren't living on any other place on this property either?

Lauren Gardner: Nope, they currently live in a different city.

Carol Schlueter: Oh, okay. And this is where you'd like to build your house?

Lauren Gardner: That's correct.

Charles Clark: So you are wanting to parcel off approximately five acres or potentially more?

Lauren Gardner: Potentially ten acres, just because of how long the field is so to make it a little bit wider.

Carol Schlueter: And you have a legal access, or a lane that goes to it? You don't have a road, but a lane?

Lauren Gardner: Yes.

Eric Furnas: It's an existing private drive off of Mulberry.

Carol Schlueter: Okay.

Lauren Gardner: Yes, it's a private driveway that we maintain and we have a newly signed easement for that driveway as well.

Carol Schlueter: So this other parcel that was split off, is that where the trailer and her mother is living now?

Eric Furnas: Correct.

Carol Schlueter: Are there any other questions or comments from board members?

Charles Clark: And the ground, as I read your development report, the ground wouldn't impact it as far as CSR2 and such?

Eric Furnas: Yeah the CSR2 average of that farm is 41, so it's well below the average of 55.

Charles Clark: Okay.

Eric Furnas: They put some stakes in the ground where the proposed house would go and we have verified that it's actually well over 1,250 feet from the next nearest residence. No hog confinements or large cattle operations are within 1,250 feet. There are no potential large scale farming operations close. As far as the private drive, they did just recently obtain a legal easement because there was some question as to whether there could be an access for another party on this. So they did address that issue. North Mulberry is a paved road, so that's a positive when we are looking at these rural residences.

Carol Schlueter: But this is farm ground, I mean there is a crop and it's either corn or beans?

Tanner Gardner: Yeah.

Carol Schlueter: I mean, it's not timber or anything like that? (Right) Okay, so this has already been split, right? So they don't have to do a subdivision, right?

Eric Furnas: This would actually be considered the first split of that quarter quarter section.

Carol Schlueter: Oh, okay.

Eric Furnas: So I don't believe that they would have to go through the subdivision proceedings to survey off 5 to 10 acres.

Carol Schlueter: Okay, do the board members have any concerns or questions? Eric did you have any more comments?

Eric Furnas: No, I think in a case like this to encourage the applicants to... and I don't think that is their intent... I mean, they would own it but it would continue to be farmed. So really from a typically one acre homestead and the rest of the yard... the rest of this would still be farmed.

Carol Schlueter: Okay.

Eric Furnas: And we would definitely encourage them to do that if they are purchasing eight to ten acres which what is now in crop. Our intention is never to remove farm ground from production, if at all possible.

Barry McManus: So you're not going to see ten acres of mowed grass out there?

Tanner Gardner: No, I don't think that's going to happen.

Barry McManus: I didn't think so.

Carol Schlueter: And then they have to put a well in and septic to meet all of those requirements?

Eric Furnas: Sure, the building codes and environmental codes all still apply.

Carol Schlueter: Okay, is there a time limit that we have to put on this when they build?

Eric Furnas: Well Special Use Permits are good for two years. So they would have to begin building or at least pull their building permit within two years. But I think they are wanting...

Lauren Gardner: Yeah we have twins on the way, so hopefully it will be sooner than later.

Barry McManus: Well congratulations.

Lauren Gardner: Thank you.

Carol Schlueter: Okay if there are no other questions from any board members, is there a motion for this request?

Charles Clark: I will make a motion that we approve this request.

Barry McManus: I'll second it.

Carol Schlueter: There has been a motion to approve the Special Use Permit request, all in favor please say Aye (3) Opposed (0) Absent (Geertz & Tharp). The motion is passed. Go for it kids.

Barry McManus: Good luck.

Charles Clark: Good luck folks.

Tanner & Lauren Gardner: Thank you.

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