

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, November 6, 2020, with Chairperson Carol Schlueter and members Janelle Spies, Charles Clark and Tom Harper present, Emily Geertz was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Jason Jones.

Carol Schlueter: I will open this public hearing and 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. 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. We have minutes to approve from the last month that have been emailed to all the members. Are there any changes? If not, is there a motion to approve the minutes as read?

Janelle Spies: I will make a motion to approve the minutes as written.

Tom Harper: I'll second it.

Carol Schlueter: Okay, all in favor of the minutes as read, please say Aye (4) Opposed (0) Absent (Geertz). The motion is approved. So as I stated prior, this is normally a five member board but today we have a member absent. You can continue with the four members today or you can ask us to table this until next month right up until before we take a vote. Eric, would you please read the first request? Oh, but I guess our first request ... the people aren't here?

Eric Furnas: No, so I will just move onto the second request, since no one is in attendance for the first case. We can still hear their case if they show up before we close the meeting. Case #20-11-02. An application has been filed by Jason R. or Kimmy J. Jones, Record Owners. This property is located in Sweetland Township, in the NW<sup>1</sup>/<sub>4</sub> of Sec. 36-T77N-R1W, 3311 Hwy. 22, North of Hwy. 22, containing approximately 1.00 acre and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to place a detached outbuilding in front of the existing dwelling and only 10 feet from the front lot line, instead of the required 50 foot setback.

Carol Schlueter: Was there any correspondence?

Eric Furnas: No ma'am.

Carol Schlueter: Okay, is the spokesperson here? (Yes) Can you please state your name and tell us about your request?

Jason Jones: Yes, my name is Jason Jones. I want to put a garage in front of my property.

Tom Harper: I know that this is on Hwy. 22 E, but where in relation to Wild Cat Den is it?

Eric Furnas: This is right west of Fairport. It's before you get to the Izaak Walton League, which is on the right. There are several houses on the left then there is this road that goes up to the subdivision on the top. So it's right before Vail.

Tom Harper: Okay.

Eric Furnas: There was a couple of old subdivisions and there's a large one on top.

Tom Harper: Right. So the silver colored roof, is that the house?

Eric Furnas: Yeah, if you look at the aerial that shows where we have activated the septic system map, and a rough drawing of the placement where he is wanting to place the detached garage.

Tom Harper: And you have a shared driveway with the lot next to you?

Jason Jones: Partially shared, yes.

Janelle Spies: And it looks like the neighbor has pretty much done the same thing?

Jason Jones: Yes, exactly. So basically this would go just straight across from where their garage is.

Eric Furnas: And that was a Board of Adjustment granted Variance for that detached garage. I guess you can kind of see... well I didn't turn the map on for the topography... but I think you are aware that this is on a bluff. The flattest place are the front yards. The right-of-way is quite large. Most of the non-traveled portion of the right-of-way is on their side of the highway. There's a significant driveway before you get to the traveled portion of the highway, before you can even pull out onto the highway. You can see where their septic field is and then after that it does become very steep. So staff does support a Variance in this case.

Carol Schlueter: Okay. Is there anyone else here that has any comments on this case? Are there any comments or questions from anyone on the board?

Tom Harper: No, I don't have anything. I think just given the restrictions of the lot and what's already there and the topography... The Variance was recognized on the lot right next to it. I don't see any problem with it. I will make a motion that we grant the request for a Variance to place a detached garage in front of the existing dwelling and only 10 feet from the front property lot line, instead of the required 50 foot setback.

Carol Schlueter: Is there a second?

Janelle Spies: I'll second it.

Carol Schlueter: Okay, it's been moved and seconded that we allow this Variance for Jason and Kimmy Jones as stated. Is there any additional comments? If not, all in favor please say Aye (4) Opposed (0) Absent (Geertz). The motion has passed.

Jason Jones: Thank you.

Carol Schlueter: You're welcome.

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By Eric S. Furnas, Planning, Zoning & Environmental Administrator

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Present for this hearing: David Carstens and Melody Carstens.

Carol Schlueter: Okay, Eric will you please read this next request?

Eric Furnas: Case #20-11-03. An application has been filed by David B. or Melody E. Carstens, Record Owners. This property is located in Seventy-Six Township, in the NE $\frac{1}{4}$  of Sec. 34-T76N-R3W, Hillside Addition, Lot 9 & Parcel I, 1960 Hwy. 61, containing approximately 1.97 acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to allow the homeowners to place a 42' x 48' outbuilding in their side yard that would only be 28 feet from the rear lot line, instead of the required 40 foot setback.

Carol Schlueter: Any correspondence?

Eric Furnas: No ma'am.

Carol Schlueter: Okay, and you were here when I read the mission statement and letting you know that you can have us table this up until the time we vote on your request, since we only have four members present?

Melody Carstens: Yes.

Carol Schlueter: Okay, would the applicant please state your name and tell the board about your request?

Melody Carstens: Yes, David and Melody Carstens. We are requesting to put up a pole barn next to house. The reason for the Variance is because, if you couldn't tell, we have a very odd shaped lot. The only place to put it is either in front of the existing house or back by the back property line. But the only way we can get it there is to ask for a Variance from the rear lot line setback.

Carol Schlueter: Okay, thank you. Any questions from any board members?

Tom Harper: That crosshatch on the right side, is that the septic field?

Eric Furnas: That's correct.

Carol Schlueter: Eric, can you give us your comments on this?

Eric Furnas: Staff supports this particular request. You can see on the top photograph I have the 40 foot rear lot line marked that would be required. There is minimal change with that. I think that we'd all agree that being nearer to the rear setback is probably more favorable than the front yard. The lot is uniquely shaped and the property to the south would continue with the agricultural feel. There would be no effect on the surrounding property owners by approving this Variance.

Carol Schlueter: Okay, is there any questions or comments by the board members?

Charles Clark: Yes Melody or Dave, I see you are going to put a kitchen, bathroom and office in it?

Dave Carstens: Yes, I am getting ready to retire at the end of the year. So we have an RV and we wanted to travel.

Charles Clark: Sure.

Dave Carstens: My son is going to...basically I'm going to give my house to my son and when we come back from traveling we will be here. I will use the office... that's where I will do my bookkeeping for his chiropractic practice.

Melody Carstens: It's strictly just a personal business office, there will be no outside business going in and out.

Charles Clark: So he will keep his chiropractic practice separate?

Dave Carstens: Yes, where he has it on Hwy. 61 there.

Melody Carstens: He has no intentions of bringing it to this house or location at all.

Charles Clark: Okay.

Tom Harper: So the chiropractic business won't be ran out of this outbuilding or the house?

Dave & Melody Carstens: No.

Carol Schlueter: And this new pole building that they want to put up, it's okay to put in a kitchen, office and bathroom?

Eric Furnas: Yes we have been through the provisions that makes an outbuilding a second dwelling.

Carol Schlueter: Okay.

Eric Furnas: There's no prohibition against this. They intend to travel a lot and they can...

Tom Harper: So they can connect a bathroom into an existing septic system?

Eric Furnas: If it's physically possible, yes. Otherwise it would have to be a separate septic system.

Melody Carstens: We had talked with someone and we don't think that it's physically possible.

Dave Carstens: It's on the other side of the ravine, so probably not.

Eric Furnas: We are seeing this more and more with recreational areas, kids play areas, man's cave... it doesn't violate our laws as long as someone doesn't take up residency in it.

Carol Schlueter: Okay.

Tom Harper: Yeah that's my only concern that this doesn't turn into a secondary residence.

Eric Furnas: Right, no we discussed that. We will obviously inspect the building because it would require a building permit. We have discussed what makes it a dwelling and what keeps it from being defined as a residence.

Carol Schlueter: Okay, is there any other questions or comments?

Charles Clark: Nope, I'm good.

Carol Schlueter: Would someone like to make a motion in regards to this request?

Janelle Spies: I will make a motion that we allow the Variance in order for the owners to place a 42' x 40' outbuilding in their side yard that would only be 28 feet from the rear lot line, instead of the required 40 foot setback.

Carol Schlueter: Is there a second?

Tom Harper: I will second.

Carol Schlueter: A motion has been moved and seconded that we approve this Variance for David and Melody Carstens, in order to place a 42' x 40' outbuilding in their side yard that would only be 28 feet from the rear lot line, instead of the required 40 foot setback. Is there any further discussion? If not, all those in favor of the motion please say Aye (4) Opposed (0) Absent (Geertz). The motion has passed.

Dave Carstens: Thank you.

Carol Schlueter: Sure, good luck. Enjoy your travels.

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