

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, September 2, 2022, with Chairperson Janelle Spies and board members Carol Schlueter, 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: Eric & Nicole Daufeldt.

Janelle Spies: I will open the public hearing and read the following 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. Okay, the minutes from the last meeting were sent to everybody. Does anybody have any corrections or comments? If not, I would like to have a motion to approve the minutes as read.

Tom Harper: So moved.

Janelle Spies: Is there a second?

Carol Schlueter: I'll second it.

Janelle Spies: A motion has been made and seconded to approve the minutes from the last meeting. All those in favor of approving the minutes as read, please say Aye (4) Opposed (0) Absent (Geertz). The motion is granted. Is the applicant or representative present for the Daufeldt case?

Eric Daufeldt: Yes, we are here.

Janelle Spies: Okay, so since we are a board of only four today you would need to get three yes votes for your request to pass. You have the option of continuing with us this morning or we can table the request until the next meeting. Do you wish to continue?

Eric Daufeldt: Yeah.

Janelle Spies: Okay, Eric can you read the request?

Eric Furnas: Case #22-09-01. An application has been filed Eric J. or Nicole M. Daufeldt, Record Owners. This property is located in Moscow Township, in the SW¼ of Sec. 10-T78N-R2W, Willow Brook Estate Addition, Lot 10, 1129 Rallie Lane, containing approximately 1.05 acres and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to build an attached garage onto their dwelling that would only be 32 feet from the corner lot line, instead of the required 35 feet – that should be 37 feet.

Janelle Spies: Okay, was there any correspondence?

Eric Furnas: No ma'am.

Janelle Spies: Would the applicant or their spokesperson please state their name and tell us about their request?

Eric Daufeldt: I'm Eric J. Daufeldt. We are requesting this because we are wanting to build an attached garage onto our house.

Janelle Spies: Okay, board members, questions?

Nicole Daufeldt: We do have a letter from our HOA approving this request. Is that something that you need?

Dixie Seitz: Yes, we can add that to your file. Thanks.

Carol Schlueter: Okay, where is Rallie Lane? Is it east of Moscow?

Eric Daufeldt: Yes, east of Moscow.

Carol Schlueter: So on the south side?

Eric Daufeldt: Yes, on the southeast side of Moscow.

Nicole Daufeldt: If you are coming from Muscatine and you turn at the post office, it's about a mile off of 112<sup>th</sup> Street. It's a little subdivision that is off of 112<sup>th</sup> Street.

Carol Schlueter: Okay, can you come show me where you are wanting to put this garage? So this is what you have now, right?

Eric Daufeldt: Yes.

Carol Schlueter: So you have a detached garage now?

Eric Daufeldt: Yes and we are wanting to build an attached garage right here.

Carol Schlueter: So you are going to put it over here?

Eric Daufeldt: Yes.

Carol Schlueter: Okay, so now where is your well? Here?

Eric Daufeldt: Yes, and this is where our septic system is.

Carol Schlueter: So if you put this garage here, how are you going to get to it?

Eric Daufeldt: The plan was to either have a driveway come directly across from this neighbor and you'd go into the garage this way, or this way.

Carol Schlueter: Oh, so you are going to put a new driveway into your garage?

Eric Daufeldt: Yes, we'd have to put in a new driveway from Rallie Lane.

Carol Schlueter: Okay, so has that been approved and everything?

Eric Daufeldt: It has been approved, but I guess nothing specific has come up about that yet.

Eric Furnas: Yeah, that's up to the Homeowner's Association because it's a private road.

Tom Harper: Yeah, that's a private drive.

Carol Schlueter: Okay, so it's going to be here and then it's going to open to the north?

Eric Daufeldt: Yes.

Carol Schlueter: And that's where they have to be the 37 feet from?

Eric Daufeldt: Yes, since it's a corner lot.

Janelle Spies: Eric, do you have any comments on the request?

Eric Furnas: Nothing, beyond what is on your development report. The 37 feet is from the corner lot, it's typically from where the road makes a ninety degree turn. It's to provide site distance so that the outbuildings or dwellings don't block the view going around the corner or if it has a stop sign on it. But if you look at this and see where the garage is going to go, I don't see any sight blocking issues from either direction on Rallie Lane. I think it's special because of the orientation of the house on the property. I don't believe that it's going to create any problems with the well and septic system on that property. I think the public issues and public safety is protected.

Carol Schlueter: Yeah, so where he is going to put it is going to be at one angle, so really only one corner of it is going to be at a slant, correct?

Eric Daufeldt: Yeah that's correct.

Eric Furnas: Yeah, I feel it's a minimal intrusion on that setback. I don't believe that it will create any kind of a site problem.

Carol Schlueter: Okay.

Janelle Spies: Does anybody in the room have anything else to add? Board members, any more questions? Not hearing anymore comments, can I get a motion from the board?

Tom Harper: I will go ahead and make a motion that we grant the Variance as requested by Eric and Nicole Daufeldt to build an attached garage only 32 feet from the side lot line, instead of the required 37 feet setback.

Janelle Spies: Can I get a second to that?

Carol Schlueter: I'll second it.

Janelle Spies: A motion has been made and seconded to grant this Variance in order for the Daufeldt's to build an attached garage onto their dwelling that would be only 32 feet from the corner lot line, instead of the required 37 feet. All those in favor signify by saying Aye (4) Opposed (0) Absent (Geertz). The motion is approved. The request is declared approved, any construction or use allowed by this Board must begin within two (2) years from the date of this decision, or the permission will be void. Any person desiring to appeal this decision to District Court may do so within 30 days after filing this decision.

Mr. & Mrs. Daufeldt: Thank you.

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

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Present for this hearing: Matthew Kurtz.

Janelle Spies: Eric, can you please read the next request?

Eric Furnas: Case #22-09-02. An application has been filed by Matthew A. or Kara H. Kurtz, Record Owners. This property is located in Montpelier Township, in the SE¼ of Sec. 1-T77N-R1E, Auditor's Plat Farm 10, 1699 Zale Avenue, containing approximately 9.50 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 owners to place an outbuilding in front of their dwelling, but it would be at least 70 feet back from the front lot line.

Janelle Spies: Was there any correspondence?

Eric Furnas: No ma'am.

Janelle Spies: Can the applicant or spokesperson state their name and tell the board about their request?

Matthew Kurtz: Yeah, Matthew Kurtz, 1699 Zale Avenue in Blue Grass, Iowa. We've had it recently surveyed and we were trying to put the pole barn next to the garage and beside the pool, but we don't have enough room out there. The beacon website is a little off, so it's really more narrow than what it shows. So we can't put it on the side and we can't put it in the back, so we have to put it towards the front of the pool. So it would technically be south of the house but not directly in front of the house. It would be at least 70 some feet back from the front lot line though.

Charles Clark: Can you show us on this map where you are talking about?

Matthew Kurtz: Yeah, so we'd have a spot to pull in the cars and I would store stuff for my honeybees and extracting sap supplies for making syrup.

Carol Schlueter: So it's going to be like a garage or a pole building?

Matthew Kurtz: A garage.

Carol Schlueter: And you'll enter it here off of your driveway?

Matthew Kurtz: Yes.

Charles Clark: So would this be a business venture?

Matthew Kurtz: No, I'm a school teacher, the bees are just a hobby.

Carol Schlueter: And there's no other place on your property that it could go? I mean it looks like you have a large wooded area in the back.

Matthew Kurtz: Yeah, it's wooded here, the septic is here and it's run off here.

Carol Schlueter: Okay, and you are the last residence on this road?

Matthew Kurtz: Yes, I talked to the Rogers down here and asked them, he said to put it wherever it's convenient.

Carol Schlueter: There should not be any obstructions from him either. Okay, I don't have a problem with it.

Janelle Spies: Is there something magic about the 70 feet that you mentioned?

Eric Furnas: Just letting you know that even though this Variance, if approved, would allow a detached structure in the front of the dwelling, which is typically not allowed, that it would be more than the 50-foot minimum for a dwelling to meet. Just let me know when you are ready for the comments that I had on the development report.

Tom Harper: So the Variance is just because it's in front of the house?

Eric Furnas: Yes. Many of these lots are heavily wooded and steep so it really doesn't provide much space for dwellings and outbuildings, other than in front. I think this area is unique because of the creative topography of the lot. You can see, because this is at the very end of that private road, that there is not going to be any site distance issues beyond where the traffic would turn around. I mean, it's going to be 70 feet off of the road already, so I don't know how an argument could be made that it would create traffic issues.

Janelle Spies: Okay, does anyone in the room have anything else to add? Does the board have anymore questions? If there are no more questions can I get a motion by a board member?

Tom Harper: I will go ahead and make a motion that we grant this Variance for Matthew and Kara Kurtz to place an outbuilding in front of their dwelling, but it would be at least 70 feet back from the front lot line.

Janelle Spies: Is there a second?

Carol Schlueter: I'll second it.

Janelle Spies: A motion has been made and seconded to approve this Variance in order for the Kurtz's to place an outbuilding in front of their dwelling but that it would be at least 70 feet back from the front lot line. All in favor of the motion please say Aye (4) Opposed (0) Absent (Geertz). The motion is approved. The request is declared approved, any construction or use allowed by this Board must begin within two (2) years from the date of this decision, or the permission will be void. Any person desiring to appeal this decision to District Court may do so within 30 days after filing this decision.

Matthew Kurtz: Thank you.

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Present for this hearing: Kyle Cox.

Janelle Spies: Eric, can you please read the next request?

Eric Furnas: Case #22-09-03. An application has been filed by Jeffrey D. and Ashley N. Spitler, Record Owners. This property is located in Bloomington Township, Spring Valley Ranchettes, Lot 9 and part of Parcels E & H, in Sec. 12-T77N-R2W, 2798 Deer Creek, zoned A-1 Agricultural District and R-1 Residential District, containing approximately 7.02 acres. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to place a 910 sq. ft. ground mount solar array for personal use, only 16.8' feet from the front lot line and north of the driveway, instead of the required 50-foot setback.

Janelle Spies: Was there any correspondence?

Eric Furnas: No ma'am.

Janelle Spies: Could the applicant or spokesperson please state their name and tell us about your request?

Kyle Cox: Yeah, my name is Kyle Cox and I am here representing the owners.

Janelle Spies: Okay, so can you tell us a little about the request?

Kyle Cox: The topography of their parcel is such that it really only would allow it to be up by the front driveway. Then everything that surrounds this on that other side of the road is just vacant ground. It wouldn't be in front of anyone since it's on the other side of the road or driveway.

Charles Clark: Can you step up here and show us on this map what you are talking about?

Kyle Cox: Sure.

Carol Schlueter: So this is how you get to the property, right?

Kyle Cox: Yes.

Carol Schlueter: And the house is here?

Kyle Cox: Yes.

Carol Schlueter: You live here?

Kyle Cox: I work for the solar company that is wanting to put it there. I'm just here on their behalf.

Carol Schlueter: Oh excuse me, I didn't understand that.

Janelle Spies: Is this the best place to put it so that you are facing north with it?

Kyle Cox: Facing south, but yes. There's just no other... with an array that size there just is no other place on the property.

Janelle Spies: The array is going to face south?

Kyle Cox: Yeah, solar faces south.

Janelle Spies: Yep, I've got it backwards.

Carol Schlueter: So this is a solar just for this property only?

Kyle Cox: Yes.

Charles Clark: And this is their property where this line is here?

Kyle Cox: Yes.

Carol Schlueter: What is the size that it's going to be?

Janelle Spies: It says 13' by 69'?

Carol Schlueter: And how tall is it?

Kyle Cox: It will be about 15 feet tall in the back and probably at the bottom of the rail in front, it would be about three feet.

Tom Harper: And it's not movable?

Kyle Cox: It will be in concrete.

Charles Clark: And this is timber ground in here?

Kyle Cox: It's kind of just wild grass where they are wanting to place it.

Tom Harper: And you are up as close as you can get to the trees then?

Kyle Cox: Yes.

Carol Schlueter: Eric, was there any correspondence?

Eric Furnas: No.

Janelle Spies: Eric, can we get your comments?

Eric Furnas: Well you can kind of see on the topographical map that we provided, that that area... while it probably is the flattest spot on the property, it is considerably lower than Deer Creek Lane. So if you look there will be places where this grid will be closer to the existing grade at the bottom of it and there's portions that will be farther from the ground. It will drop off until it gets to be somewhat level. But the top of the panel itself won't be 15 feet above Deer Creek Lane because of the drop off. I'm looking at the county topo and it looks like it's at least 12 feet. It kind of sits down in kind of a hole, but apparently it's in an openable area that it can be exposed to the sunlight. But I agree, it's really about the only spot on that lot that is level and open. I think they benefit from that spot that is lower than the road and yet it's open. There is another house in the subdivision that has a private solar panel in their yard, so this isn't anything new here. In looking at the map that we have the topography and it shows the location of the septic system, the flood plain, the house and outbuildings ... it would be extremely difficult to get enough flat area with the sun on it there.

Janelle Spies: Board members do you have any other questions?

Carol Schlueter: So west of this property... well I think it's the west... I mean, these are just houses in a subdivision, right?

Eric Furnas: Yes.

Kyle Cox: Yes and the owners sent me a text that said that the person that owns the house just to the west didn't have an issue with it and he didn't think it would hurt anything.

Eric Furnas: They would have all be notified by us for this request and we didn't receive anything. Also, this is the last house on the cul-de-sac so none of the neighbors would even have to drive by it. The traffic is not going to be affected by it. It would be significantly off the traveled portion of the road, so it wouldn't impact that area at all. I just don't see the impact being very substantial at all on this.

Tom Harper: And this ground all over this way is all zoned A-1 Agricultural District, right?

Eric Furnas: Correct.

Carol Schlueter: So that's farmable ag ground?

Eric Furnas: Yes.

Carol Schlueter: And that farmer got notice, or whoever farms it?

Eric Furnas: Yes, anybody that owns property within 500 feet of this entire parcel received a notice.

Janelle Spies: Okay.

Eric Furnas: If you are sitting in a tractor in that farm field, you are up over the top of it because of the way this property drops. It's pretty low impact of the area.

Janelle Spies: Okay, if there are no more questions or comments, can I get a motion from the board?

Carol Schlueter: I will make a motion that we allow this Variance in order for Jeffrey and Ashley Spitler to place a 910 sq. ft. ground mount solar array on their property for personal use, and only 16.8 feet from the front lot line north of the driveway, instead of the required 50-foot setback.

Janelle Spies: Is there a second for that motion?

Tom Harper: I'll second it.

Janelle Spies: A motion has been made and seconded to grant this Variance in order for the Spitler's to place a 910 sq. ft. ground mount solar array on their property for personal use only 16.8 feet from the front lot line north of the driveway, instead of the required 50-foot setback. All those in favor please signify by saying Aye (4) Opposed (0) Absent (Geertz). The motion is approved. The request is declared approved, any construction or use allowed by this Board must begin within two (2) years from the date of this decision, or the permission will be void. Any person desiring to appeal this decision to District Court may do so within 30 days after filing this decision.

Kyle Cox: Thank you.

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