

Board of Adjustment Meeting Minutes – September 8, 2023

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, September 8, 2023 at 10:00 a.m.

Present: Emily Geertz (Vice Chairperson), Tom Harper, Carol Schlueter, Janelle Spies (Chairperson)

Absent: Charles Clark

Staff Present: Eric Furnas, Morgan Othmer

Others present for this meeting included: Verne Schumann, Debra & Greg Saylor, Bill & Carla Clevenger, Jim Proctor, Pat & Melissa Saylor, Scott & Angie Strauss.

- Janelle read the Mission Statement.
- Approval of the July 7, 2023 meeting minutes.
 - A motion was made by Emily Geertz to approve the July 7, 2023 meeting minutes and was seconded by Tom Harper.
 - Aye's: Emily Geertz, Tom Harper, Carol Schlueter, Janelle Spies
 - Opposed: None
 - Motion approved.
- Case #23-09-01
 - Pat Saylor, applicant, made a statement requesting a Special Use permit in order to build a new rural residence on the southeast portion of the parcel owned by Debra Saylor. Mr. Saylor explained that they are selecting a location that would not use any of the land that is currently being farmed.
 - This was followed by a questions and comments session.
 - Carol Schlueter inquired about who farms the land and Mr. Saylor explained that the land is rented out and is used to grow hay.
 - Eric Furnas pointed out the minimum separation distance of 750' from existing dwellings and that there is one dwelling within 750' and a second dwelling within 1,250' of the proposed location. Mr. Furnas also explained that there is a livestock confinement approximately 800' away, less than the recommended separation distance.
 - Mr. Furnas noted that the applicant indicated they would be willing to sign a waiver, but was unsure that it would be applicable since the confinement is already in place. The waivers are usually signed before the livestock confinement is built.
 - Mr. Saylor stated that he grew up in the country and is willing to be near the confinement and sign any waiver that would be needed. He also inquired about other dwellings that appeared to not meet the separation distances.

- Eric explained that some of the structures that are within the separation distances most likely pre-date the current ordinance and that some may be farm exempt structures.
 - Emily Geertz inquired about the potential for a different location on the parcel that would meet the separation distances.
 - Mr. Saylor asked about the concern of taking farm land out of production if the dwelling was placed in a different location. Mr. Furnas explained that the CSR of the parcel is not a concern as it is below the recommended 55 at an average of 39.
 - A map of the parcel was reviewed and a new location west of the pond was found that would meet separation distances. Mr. Saylor agreed that a new location would be acceptable.
 - A motion was made by Tom Harper to grant a Special Use Permit in order to allow the construction of a rural residence on the parcel that would meet the required 1,250' minimum separation distance from the nearby hog confinement and 750' minimum separation distance from any existing dwellings and was seconded by Emily Geertz.
 - Aye's: Emily Geertz, Tom Harper, Carol Schlueter, Janelle Spies
 - Opposed: None
 - Motion approved.
- Case #23-09-02
 - James Proctor, record owner, made a statement requesting a Variance in order to allow a detached accessory building to be placed 25' from the front property line and 17' from the side property line. Mr. Proctor explained that he would like to add on a 30' x 30' extension onto an existing building on his property.
 - This was followed by a questions and comments session.
 - Carol Schlueter asked about the option to add on to the back of the building (to the north). Mr. Proctor explained that he couldn't build on the north side because his septic system drain field is located there.
 - Eric Furnas noted that there should be a unique hardship in order for a variance to be granted. He explained that there is little concern about the public safety impact of the new building.
 - Carol Schlueter inquired about an existing barn on the property that sits on the front property line. Mr. Furnas confirmed that the barn would have been built before the platting was done.
 - Several board members noted that the new structure would not affect the character of the neighborhood and that it would not be any closer to the front lot line than the existing barn is.

- A motion was made by Carol Schlueter to grant the variance to allow a detached accessory building to be placed 25' from the front property line and 17' from the side property line and was seconded by Tom Harper.
 - Aye's: Emily Geertz, Tom Harper, Carol Schlueter, Janelle Spies
 - Opposed: None
 - Motion approved.

- Case #23-09-03
 - Scott Strauss, record owner, made a statement requesting a Variance to allow a single-family dwelling to be placed approximately 15' from the front property line. Mr. Strauss explained that the lot is unique and is not square shaped. He also noted that there is a ravine in the back yard. Mr. Strauss also pointed out that there are two other homes in the subdivision that do not meet the required setbacks.
 - This was followed by a questions and comments session.
 - Eric Furnas explained that the Board may want to look at the Planned Unit Development and consider approving a smaller setback for the entire subdivision, as it does appear to be a reoccurring issue.
 - Mr. Furnas expressed concern about whether or not the request proves a hardship. He noted that the request is to allow for a larger back yard to accommodate a deck and swimming pool.
 - Mr. Strauss explained that when he purchased the lot he believed the 37.5' setback was from the road, not the front property line.
 - Emily Geertz asked Mr. Strauss if he would be willing to move the placement of the home back any farther.
 - Mr. Strauss agreed to move an additional 5' back.
 - A motion was made by Tom Harper to grant a variance to allow a single-family dwelling to be placed 20' (an additional 5' more than what was requested) from the front property line and was seconded by Carol Schlueter.
 - Aye's: Emily Geertz, Tom Harper, Carol Schlueter, Janelle Spies
 - Opposed: None
 - Motion approved.

- The meeting was adjourned at 10:56 a.m.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
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