

Board of Adjustment Meeting Minutes – July 12, 2024

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, July 12, 2024 at 10:00 a.m.

Present: Emily Geertz (Vice Chair), Tom Harper, Carol Schlueter, Michael Smock, Janelle Spies (Chair)

Absent: None

Staff Present: Eric Furnas and Morgan Othmer

Others present for this meeting included: Scott & Kathy Kresin, Mark Nelson, Stephanie Miene, David Basulto, Tosha Kensett, John Paul Baric, Matt Elam, Jody Besick, Joe Harper, Rose Harper, Mike Harper, Eli Joslyn, and Haley Joslyn

- Janelle read the Mission Statement.
- Approval of the June 14, 2024 meeting minutes.
 - A motion was made by Emily Geertz to approve the June 14, 2024 meeting minutes and was seconded by Tom Harper.
 - Aye's: Emily Geertz, Tom Harper, Carol Schlueter, Michael Smock, Janelle Spies
 - Opposed: None
 - Motion approved.
- Case #24-06-01
 - Mr. Kresin described his request to build an open-sided building to store his camper and boat under.
 - This was followed by a questions and comments session.
 - Carol Schlueter confirmed that the building would be open, with no sides.
 - Eric Furnas explained that a variance is needed because the property is zoned R-2 Residential and the structure he would like to build is considered an accessory structure, however there is no residence on the property that the structure would be an accessory to.
 - Tom Harper posed that a hardship exists because the small parcel size limits what could be built on it, such as a dwelling. Mr. Harper also noted that there are several other parcels in the area that have storage structures on them, so the new storage structure would not change the characteristics of the area.
 - Michael Smock agreed that the size of the property does limit it's use.
 - A motion was made by Michael Smock to approve the Variance to allow Mr. Kresin to build a storage structure on the parcel located at 3395 Hwy 22, and was seconded by Tom Harper.
 - Aye's: Emily Geertz, Tom Harper, Carol Schlueter, Michael Smock, Janelle Spies

- Opposed: None
- Motion approved.

- Case #24-06-02

- Mr. Nelson spoke about the request from Muscatine Power & Water. The company would like to build a 60' x 80' pole building for long-term storage of equipment, vehicles, and tools. Equipment would be kept at the work site for the duration of projects, not transported back to the building every day. The variance is needed to be able to place the building in a position that allows the current driveway to be used as a straight line into the new building.
- This was followed by a questions and comments session.
 - Mr. Harper spoke about a hardship existing due to the original configuration of the property and the current use limits where the building could be placed.
 - Mr. Nelson explained that other locations for the building on the parcel are not feasible due to the slope of the land and ravine on the south west side. A sloped driveway would also make it more difficult to maneuver the large vehicles.
 - Mr. Furnas asked for clarification from the Board on the hardship. Emily Geertz confirmed that there is a hardship due to the topography of the land (slope) and the location of the existing sub-station and power lines limit the areas that the building could be placed. Janelle Spies also noted that the large vehicle size also adds to the hardship.
 - Tom Harper then noted that the property is isolated and would not have a high impact on surrounding parcels.
 - Janelle Spies confirmed that the structure would be similar in appearance to other agricultural structures in the area.
- A motion was made by Tom Harper to approve a Variance to allow the structure to be built approximately 10' from the east side property line and was seconded by Carol Schlueter.
 - Aye's: Emily Geertz, Tom Harper, Carol Schlueter, Michael Smock, Janelle Spies
 - Opposed: None
 - Motion approved.

- Case #24-07-01

- Mr. Baric gave a presentation to the Board to explain the request for a data center. He explained that they would have four strings of pods at this location on approximately 3 acres of the parcel and the data center would meet the required setbacks. There would also be a work area, parking, and storage containers. There would be a fence placed around the facility. He then explained that they would be working with REC to utilize the access road off of University Ave. that

they already use for the substation. Mr. Baric explained that they would be either leasing or purchasing approximately 3 acres of the parcel. He noted that the closest residence would be 1,641' away. The facility would generate some heat and noise. It would be directed towards the substation and their sound readings indicated that they would be less than 20 decibels at the point of reaching the existing residences. The noise level at the facility would be similar to the noise of a vacuum or lawn mower. The facility would have two full-time technicians. The data center would run during the hours that the least amount of electricity is being used by community members, such as during the night and early morning.

- Mr. Harper inquired about the location and why it was selected. Mr. Baric explained that REC informed them that the substation that would be adjacent to the data center is currently underutilized and has the capacity to provide the electricity they would need.
 - Mr. Furnas explained to the Board that there is not currently a specific definition for a data center in the Zoning Ordinance, however it could be considered materially similar to other special permitted uses such as cell phone towers and substations.
 - Mr. Harper expressed that he agreed that the data center is materially similar.
 - Mr. Furnas inquired about the size of the pods and Mr. Baric said that they are approximately 8' x 80' per string.
 - A motion was made by Tom Harper to approve the request for a Special Use Permit to allow a data center consisting of a work area, four strings of pods, and four transformers to be placed on an approximate 3.5-acre portion of parent parcel #09-19-301-010, adjacent to the existing substation, and was seconded by Emily Geertz.
 - Aye's: Emily Geertz, Tom Harper, Carol Schlueter, Janelle Spies
 - Recused from Vote: Michael Smock,
 - Opposed: None
 - Motion approved.
- Case #24-07-02
 - Eli Joslyn explained that they would like to build a single-family dwelling on 3 acres of the parcel.
 - Carol Schlueter inquired about if the land is being used as farm ground and Mr. Joslyn answered that it is currently being used to grow hay.
 - Mr. Furnas explained that the parcel CSR2 average is 42 and that there are no other dwellings or state regulated livestock facilities nearby, so the dwelling would meet the required separation distances.
 - A motion was made by Michael Smock to approve the request for a Special Use Permit to allow the construction of a rural residence on the parcel and was seconded by Carol Schlueter.
 - Aye's: Emily Geertz, Tom Harper, Carol Schlueter, Michael Smock, Janelle Spies

- Opposed: None
 - Motion approved.
- The meeting was adjourned at 11:02 a.m.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
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