

Board of Adjustment Meeting Minutes – January 3, 2025

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, January 3, 2025 at 10:00 a.m.

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

Absent: Emily Geertz (Vice Chair)

Staff Present: Eric Furnas and Morgan Othmer

Others present for this meeting included: Tom Pastrnak, Josh Hazen, Jayme Hazen, Rayelle Phillips, Kevin Phillips, Scott Sauer

- **Approval of the December 6, 2024 meeting minutes.**
 - A motion was made by Michael Smock to approve the December 6, 2024 meeting minutes and was seconded by Carol Schlueter.
 - Aye's: Tom Harper, Carol Schlueter, Michael Smock, Janelle Spies
 - Opposed: None
 - Motion approved.

- **Case #25-01-01**
 - Carol asked who had received notice of the meeting and staff responded that a notice was mailed to the property owners of any parcel within 500 feet of the affected parcel.
 - Tom P., the attorney for the applicant, spoke about the request. He informed the board that the request is for a Special Use Permit for a Rural Residence and a letter was provided by the applicant to provide background information and explain the reason for the request. He then explained that the applicant meets all of the criteria to qualify for the Special Use Permit except for the CSR rating. They feel that since the Comprehensive Use Plan shows the property as an area for future commercial use, the CSR rating is irrelevant.
 - Eric explained that he disagrees that the CSR should be disregarded. There is separate set of criteria that are used for potential commercial development that is different from the criteria considered for Rural Residence Special Use Permits. The CSR is a factor that is part of the process for a Rural Residence and the CSR for the parcel being considered is 88, indicating prime farm ground. Eric continued by explaining that the criteria for the Special Use Permit does not take into consideration the plight of the owner.
 - Scott inquired about how long the surrounding area has been in the Comprehensive Plan to be used for commercial development. Eric responded that he was not sure of a precise time, but did believe that it appeared as future commercial development in the 2014 Comprehensive Plan.
 - Carol inquired about the surrounding properties that are currently zoned A-1 Agricultural and what it would entail for that area to be rezoned to commercial. Eric

- explained that any of the property owners would be able to request for their property to be rezoned through the Zoning Commission.
- Carol asked the applicant to explain where they would like to place the residence and Jayme explained they would like to place it near an existing entrance on the south side of the property.
 - Jayme inquired about a map that is in the 2014 Comprehensive Plan that she thought showed the future land use as agricultural for the area in question. Then, Eric explained that the map may have shown a couple of parcels as agricultural because that is what they were zoned in 2014 and that two sections have since been rezoned to commercial. The future land use map in the new Comprehensive Plan does show the area as expected commercial use.
 - Jayme then stated that there are two commercial zoned properties with residences right next to the businesses and their request is to be allowed the same opportunity.
 - Carol asked how many acres would be used for the residence that would no longer be farmed. Kevin responded that they intend to use one acre.
 - Michael asked the applicant if the residence could be placed on the north side of the parcel and Jayme responded that the dwelling could be built anywhere.
 - Eric asked the applicants if they had spoken with the Highway Department about where an entrance would be allowed to be placed, as that may restrict where the dwelling could be located.
 - Eric expressed his concern for the proposed location as it would be located adjacent to land zoned C-2 commercial. He explained that the ordinance for C-2 states that the nature of the district is one of relatively high traffic generation and uses are not necessarily compatible with residential development.
 - Tom H. asked if there was lighting on the storage units (on the adjacent parcel) and Scott answered that there is lighting. Tom responded that he was concerned about the lighting interfering with the house.
 - Eric encouraged the board to review the duties of the Board of Adjustment to make sure that they determine the effect of the proposed use including the concerns about nuisances and traffic and the potential for those factors to have an effect on the value of the existing commercial properties and future commercial development.
 - Tom P. stated that the land owner is aware of the potential nuisances and the risk would be on the land owner if the area was to have commercial development in the future.
 - Michael asked if they Board can stipulate where the dwelling be placed on the parcel and Eric answered that they can make a reasonable limitation.
 - Carol stated that she would rather see the house placed on the north side of the parcel and the applicants agreed that they were comfortable with placing the house to the north.

- A motion was made by Carol Schlueter to approve the Special Use Permit request to allow the construction of a rural residence on the north one acre of the parcel and was seconded by Michael Smock.
 - Aye's: Tom Harper, Carol Schlueter, Michael Smock, Janelle Spies
 - Opposed: None
 - Motion approved.

- The meeting was adjourned at 10:37 a.m.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
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