

Board of Adjustment Meeting Minutes – January 9, 2026

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, January 9, 2026 at 10:00 a.m.

Present: Emily Geertz, Tom Harper, Carol Schlueter, Michael Smock, and Janelle Spies

Absent: None

Staff Present: Eric Furnas and Morgan Othmer

Others present included: Jayme Hazen, Josh Hazen, Kevin Phillips, Rayellen Phillips, Scott Sauer

- **Approval of the December 5, 2025 meeting minutes.**

- A motion was made by Tom Harper to approve the December 5, 2025 meeting minutes and was seconded by Michael Smock.
 - Ayes: Emily Geertz, Tom Harper, Carol Schlueter, Michael Smock, Janelle Spies
 - Opposed: None
 - Motion approved.

- **Reconsider Case #25-01-01**

- Eric provided a summary of the request. In January 2025, the Board of Adjustment voted to grant a Special Use Permit for a Rural Residence on the parcel. Due to a district boundary adjustment that occurred later in the process, the County Attorney recommended that the case be brought back in front of the Board of Adjustment for further consideration. The district boundary change caused concern that the proposed location of the Rural Residence was different than what the Board of Adjustment had originally envisioned at the January 2025 meeting.
- Jayme described the request. She stated that in the previous meeting when the Special Use Permit was granted, the motion was to allow construction on the north one acre of the parcel, with no exact location set. During that meeting (January 2025), the Board was made aware that the property to the north was five acres. They did not realize that the property line was incorrectly portrayed in Beacon. As soon as the discrepancy was discovered, they (the applicant) brought it to the attention of the Zoning Office. The survey being completed for the subdivision of land to place the residence on revealed the discrepancy. They had the parcel line in question adjusted and the survey completed. It was not brought to their (the applicant's) attention until a month before this meeting. So far, they have spent thousands of dollars on attorney fees, surveying costs, and custom home plans. They are again requesting that the Special Use Permit for a Rural Residence be granted.
- Carol asked for confirmation that the first request for this property was to rezone and that had been denied. Eric confirmed that they had requested rezoning that

was recommended for approval by the Zoning Commission but was denied by the Board of Supervisors. Carol followed up by asking why the property line error wasn't discovered at that time. Eric explained that the property line was accurate. The zoning district boundary was what was misunderstood. There were no clear records on how the district boundary was laid out in the 70's or 80's. After working with the surveyor, it was determined that what was being portrayed in Beacon as the zoning district boundaries was correct. The C-1 Commercial District boundary was correctly portrayed and crossed over onto the parcel to the south, incorporating two parcels, the entire parcel to the north and part of the southern parcel. A parcel amendment was made on the parcel to the north to adjust the parcel line so it would match the zoning district boundary. This was part of the discussion to reconsider the request since a Special Use Permit can't be granted on any ground zoned C-1 Commercial.

- Carol then asked how many acres are zoned A-1, how many are zoned C-1, and how many acres changed with the adjustment. Eric responded that the northern parcel is five acres and is zoned C-1. Kevin verified that approximately 2.3 acres was added to the northern parcel (zoned C-1) with the amendment. Eric then explained that at the time of the initial request, the county believed that the entire 8.1 acres of the parcel to the south was all zoned A-1 and that the C-1 zoning was only on the northernmost parcel. Later, it was discovered that the C-1 zoned portion extended onto the southern parcel.
- Michael asked if the applicant could request that the 2.3 acres be rezoned to allow the house to be closer to the north side. Eric responded that it is an option but is probably not very appealing.
- Kevin pointed out to the Board on their maps that there is a drainage area on the parcel and they would like to build just to the south of that.
- Next, Eric provided the staff opinion and explained that it remains unchanged from the original request. The Special Use Permit process for a Rural Residence has factors such as CSR (corn suitability rating). The parent parcel does have a high CSR. That is a factor that the Board of Adjustment has been very consistent in observing. Due to the commercial development in the area and the larger percentage of commercially zoned land, there is a higher-than-average likelihood for conflict with residential use. Now that the proposed lot is located farther to the south, it would be less than 750' from the next closest residential dwelling.
- Janelle asked about the proposed subdivision plat and Eric explained that a plat to create one lot for the new dwelling was reviewed by the Zoning Commission and was tabled by the Board of Supervisors at the advice of the county attorney and staff because the changes could lead to a potential legal challenge.
- Janelle asked if there were other houses in the area and Eric answered that there are. Scott then spoke about the homes in the triangular shaped area to the west of Sweetland Road. He explained that the houses in the area had existed for a while. The most newest was built in 2005.

- Tom stated that the area is unique because it was the site of an original settlement but was never incorporated into the city.
- Scott read from the Development Report provided to the Zoning Commission for the rezoning request in April 2025. It stated that the future land use map in the Muscatine County Comprehensive Plan did not indicate that residential development is expected in the area north of 170th or west of Sweetland Road. The report also stated that the area would be better suited for future Commercial Development and that commercial land uses may cause nuisances for adjoining residential properties. Almost 50% of the land (north of 170th Street and west of Sweetland Road) is zoned commercial, suggesting a strong preference towards additional commercial development in the area. Scott explained that he calculated the triangular shaped area contains a total of 49.95 acres - 24.46 acres are zoned commercial and 25.49 acres zoned agricultural. Therefore, 48.9% of the land is already zoned commercial.
- Next, Scott asked the board about the CSR value they use as a guideline. The application for a Special Use Permit states that a property that has a CSR of 55 or higher should generally not be granted. The parcel under consideration has a CSR rating of 88. This makes the rating 60% higher than the maximum number used as a guideline for the Board.
- Scott asked about the minimum 750' separation distance from other rural residences. He explained that the minimum separation distance is also listed on the application as a parameter that needs to be met.
- Scott expressed concern about the potential conflict with the commercial storage buildings and the security lighting with the house being located further south. The initial approval was granted on the northern side of the parcel to give as much space as possible between the dwelling and commercial uses. Scott's last question to the board was how they would justify disregarding the CSR and separation distances if they were to grant the Special Use Permit.
- Josh asked why it is okay for the future land use in the area to be commercial and not residential. Eric explained that when you look at the conversion of agricultural land to commercial or industrial, CSR is a factor but is not the only factor to be considered. One primary factor to consider would be whether there is other contiguous commercial uses that could contribute to an overall larger commercial area.
- Next, Josh asked why the Existing Land Use Map in the Comprehensive Plan shows the area as residential. Eric explained that staff believes the map has an error. The Land Use Maps don't have parcel level detail, they are only meant to show general development areas.
- Janelle stated that the application provides the CSR and separation distance as guidelines and the application states that they should generally be followed, not that they must be.
- A motion was made by Carol Schlueter to close the public hearing at 10:30 a.m. and was seconded by Tom Harper.

- Ayes: Emily Geertz, Tom Harper, Carol Schlueter, Michael Smock, Janelle Spies
 - Opposed: None
 - Motion approved.
 - Carol stated that she doesn't see a problem with the house being built and does not feel it would cause future conflict. The applicant has stated that they are aware of the possibility of additional commercial development.
 - Eric asked the board if they would like to grant the Special Use Permit, that they recognize that they are varying from what they have typically been very strict on and that if they feel there is something unique in this request that leads them to vary, they should explain why.
 - Several board members asked if there was any correspondence received from surrounding property owners. Eric confirmed that no correspondence had been received.
 - The board acknowledged that the location of the proposed dwelling would be less than 750' from the closest dwelling, but that there was already significant residential development across Sweetland Road that gave the area a "residential feel."
 - Discussion about the driveway location occurred. The applicant explained that they had been granted approval for a new driveway that would be placed on the south side of the proposed house location.
 - Board members acknowledged that the CSR2 of the ag land was considerably higher than what they would normally consider, but that the relatively small parcel size already limited the farmland value.
 - A motion was made by Carol Schlueter to grant a Special Use Permit to allow the construction of a rural residence on the parcel. Second by Tom Harper.
 - Ayes: Emily Geertz, Tom Harper, Carol Schlueter, Janelle Spies
 - Opposed: Michael Smock
 - Motion approved.
- The meeting was adjourned at 10:42 a.m.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
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