

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES
November 18, 1992

The Cedar County Board of Adjustment conducted a Public Hearing on November 18, 1992, at 9:00 a.m. in the basement meeting room of the Court House, Tipton, Iowa. Present were Board members; Beyers, Johnson, Armstrong, Quinn and Zoning Administrator La Rue.

Minutes of the Public Hearing held on October 7, 1992 were read and approved.

The Board then took up the petition of Trilby Klavemann, RR, Bennett, requesting a Special Use Permit authorizing the operation of a commercial dog breeder kennel, located in Tract B, NW 1/4, NE 1/4, Section 6, T-80N, R-1W in Inland Township, composed of 1.00 acres more or less. This property is zoned "Rs" Suburban Residential.

Fred and Trilby Klavemann are owners of the property and were present at the hearing. There were no objectors present and no written objections are on file. Besides the Special Use Permit, the Klavemann's were requesting a variance of the 750 foot minimum separating distance to any zoned residential district or other residence.

Letters from Galen and Pat Sievers and Roger and Caroline Beuthien, adjoining property owners, stating they had no objections to a kennel. The estimated distance between the kennel and the closest neighbor is about 150 feet. Therefore, the variance requested is for 600 feet less than the code limit. Also requested was permission for a 2 X 4 foot sign stating the name of the kennel, type of dog and telephone numbers under Article XVII, Signs, Section 1, paragraph 2.

Discussion followed, Mrs. Klavemann stated that she would have no more than six (6) Golden Retrievers over six months of age at the kennel. After consideration, motion was made by Armstrong, seconded by Quinn to approve the variance, allow the placement of the sign and grant a Special Use Permit. Motion carried unanimously.

The Board then took up the petition of Galen Conrad, RR, Lowden, requesting a Special Use Permit authorizing the restoration of salvaged automobiles on his property, located in the NE 1/4, SE 1/4, Section 1, T-81N, R-1W, in Springfield Township, composed of 0.523 acres more or less.

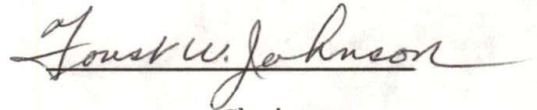
Galen Conrad, owner of the property was present at the hearing. There were no objectors present and no written objections are on file. Chairman Johnson read a letter from Mr. Conrad outlining his intended operation. Mr. Conrad explained that he intends to use an existing

60 X 100 foot pole building for all work and storage and that work will only be conducted during the off season of his regular business, in fertilizer application and trucking. Zoning Administrator La Rue explained the reason for the Special Use Permit request. He stated that because Mr. Conrad intended to use under 1.00 acres that rezoning this property to Light or Heavy Industrial would constitute "Spot Zoning". The granting of a Special Use Permit would allow Mr. Conrad to conduct his business, while allowing the County annual review of the site. Mr. Conrad stated that there would be no more than eight (8) vehicles in the building at any time. It was made clear to Mr. Conrad that if he wished to store more than 8 vehicles or enlarge his work site, that he must petition the Board for an amendment. The Board agreed that finished vehicles may sit outside of the pole building. After discussion, motion was made by Quinn, seconded by Armstrong to approve the Special Use Permit. Motion carried unanimously.

There being no further business to come before the Board, motion was made by Beyer, seconded by Armstrong to adjourn. Motion carried.



Secretary Pro-tem



Chairman

October 7, 1992

The Cedar County Board of Adjustment conducted a Public Hearing on October 7, 1992, at 10:00 a.m., in the Basement Meeting Room of the Courthouse, Tipton, Iowa. Present were Board members Quinn, Johnson, Armstrong, Suchomel, Beyer and Zoning Administrator La Rue.

Minutes of the Hearing held September 9, 1992, were read and approved as read.

The Board then took up petition of Donald and Scheryl Grant, R.R., Bennett, requesting a Special Use Permit authorizing the operation of a commercial dog breeder kennel in Lot E, SE $\frac{1}{4}$, Section 33, T-81N, R-1W, in Springfield Township. This property contains 10.0 acres more or less. The Grants are owners of the property and were present at the Hearing. Also requested was a variance of the yard setback requirements. On file was a letter from Wayne and Bonnie Frett, adjoining property owners, stating they had no objection to the operation but calling attention to the yard requirements for a commercial dog kennel. Distance between the two locations is 530 feet which would be less than the 750 feet code limit required. Therefore, variance requested is for 220 feet on the East side of the Grant's property. There were no objectors present. After consideration, motion was made by Quinn, seconded by Beyer, to approve variance and grant Special Use Permit. Motion carried unanimously.

There being no further business to come before the Board motion was made by Quinn, seconded by Armstrong, to adjourn. Motion carried.

Phil La Rue Pro tem
Z.A. Secretary

Louise Johnson
Chairman

September 9, 1992

The Cedar County Board of Adjustment conducted a Public Hearing on September 9, 1992, at 10:00 a.m., in the Basement Meeting Room of the Courthouse, Tipton, Iowa. Present were Board members Quinn, Johnson, Suchomel, Armstrong, Beyer and Zoning Administrator La Rue.

Minutes of the Hearing held June 17, 1992, were read by the Secretary and approved as read.

The Board then reviewed petition of Tom Spear requesting a Special Use Permit to authorize a garage and service center for equipment used in his business, Total Lawn Care. Mr. Spear is the owner of approximately 3.0 acres more or less located in Lot A, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 8, T-80N, R-2W., Center East Township. Mr. Spear was present. He furnished each of the Board members with a letter ^{outlining} ~~outlining~~ his operation and later answered questions concerning the same. There were no objectors present nor any written objections on file. After discussion, motion was made by Armstrong, seconded by Quinn, to approve Special Use Permit. Motion carried unanimously.

The Board then took up petition of Robert Farley, R.R., Atlissa, requesting a variance to place a mobile home on his property currently zoned "Aa" Agricultural. The property is located in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 14, T-79N, R-3W, in Iowa Township and consists of 22.5 acres more or less. Mr. Farley was present. He explained that he had sold his present home and was planning to build a new home in the spring on one acre of this property but, in the meantime, needed a place to live. He would like to place a mobile home on his property temporarily until the house could be built, estimating the time between one year to a year and a half. Mobile home would then be removed. There were no objectors present nor any written objections on file. After consideration, motion was made by Suchomel, seconded by Beyer, to grant variance. Motion carried unanimously.

Next to come before the Board was Annual Review of Special Use Permit requested by Clifford P. Krutzing, Tipton, Iowa, used for the purpose of operating an experimental yard waste composting business located in the NE $\frac{1}{4}$, Section 33, T-80N, R-2W, in Center East Township. In December of 1991, Mr. Krutzing discontinued his operation. Earlier this year his father, Clifford L. Krutzing, resumed the operation. Clifford L. Krutzing was present. He stated he accepts only yard waste, that he is currently working with the DNR and also the City of Tipton in the disposal

of their yard waste. There were no objectors present nor any written complaints on file. After discussion, motion was made by Quinn, seconded by Armstrong, to re-establish Special Use Permit and put same in the name of Clifford L. Krutzinger. Motion carried unanimously.

Next on the agenda was review of Special Use Permit of Loretta and Charley Martin, R.R., Lowden, used for the purpose of operating a commercial dog breeder kennel in Lot A, SW $\frac{1}{4}$, Section 19, T-82N, R-1W, in Massillon Township and consisting of approximately 3.13 acres. There were no written complaints nor oral ones to come before the Board. Motion was made by Armstrong, seconded by Quinn, to continue Special Use Permit. Motion approved unanimously.

The Board then took up review of Special Use Permit to Byers and Happel and Quaker Oats Company of Cedar Rapids, used for the purpose of stockpiling corn cobs. The property is located in the NW $\frac{1}{4}$, Section 33, T-82N, R-1W, in Massillon Township. There were no written complaints on file nor any objectors present. Motion was then made by Beyer, seconded by Suchomel, to continue Special Use Permit. Motion approved unanimously.

Annual review of the Conditional Use Permit of Folkman Feed and Grain, Inc., was next discussed. The operation is located in the SE $\frac{1}{4}$ of Section 33, T-82N, R-2W, Cedar County, Iowa. There were no objections on file nor any objectors present. Motion was then made by Beyer, seconded by Armstrong, to continue Conditional Use Permit. Motion carried unanimously.

There being no further business to come before the Board, motion was made by Quinn, seconded by Armstrong, to adjourn. Motion carried unanimously.

Mildred Suchomel
Secretary

Louise W. Johnson
Chairman

June 17, 1992

The Cedar County Board of Adjustment conducted a Public Hearing on June 17, 1992, at 11:00 A.M. in the Board Meeting Room of the Courthouse, Tipton, Iowa. Present: Armstrong, Johnson, Quinn, Beyer, Suchomel and Zoning Administrator LaRue.

Minutes of the Hearing held May 12, 1992, were read by the Secretary and approved as read.

The Board then took up petition of Philip Akers, Mt. Vernon, requesting a variance on the setback requirements in a "Rs" Suburban Residential district for the purpose of constructing a single family dwelling thereon. The property is located in Lot 4, NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 19, T-82N, R-4W, in Pioneer Township and is composed of approximately 1.28 acres. Request was for a 20 foot variance from the property line in the front and a 10 foot variance from each side of the property line.

Petitioner and his wife were present. They stated they felt a variance would allow them to use less fill dirt and place the house on a more solid footing and also make the sceptic tank easier to install. Also present, as objectors, were Mark Winistorfer and his wife. Mr. Winistorfer stated he owned Lots 5, 6, 7, and had been advised by a real estate agent that Lot 5 would be devalued considerably if the location of the house as proposed was to take effect. Considerable discussion ensued between the parties and the Board with a compromise arrived at. Quinn then made a motion, seconded by Armstrong, to grant a 15 foot variance on the front of the property and a 5 foot variance on the South side of the property. Motion carried unanimously.

Next to come before the Board was petition of Virgil Clark, Lisbon, Iowa, requesting a variance of the road design standards for subdivisions with regard to the maximum allowable length of cul-de-sacs as set forth in the Cedar County Ordinance. Mr. Clark requested a variance in order to construct a private access road approximately 1200 feet long to service a proposed 5-lot subdivision. The property is located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 18, T-82N, R-4W, in Pioneer Township and consists of approximately 30.95 acres. Mr. Clark was present to inform the Board of his plans to subdivide the property. He stated this would be a private road maintained by the property owners under covenants with a Home Association to be organized. Also present were Luella Graves and son, Mark Graves, property owners nearby, who were interested in learning what was planned for the area as was another nearby property owner, Don Seivers. Mr. Seivers also expressed some concern as to the amount of dirt to be removed and the fill that would be needed for the road.

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Carroll Last, from the Cedar County Engineer's Office, also attended the hearing. Mr. Last spoke of a number of potential problems in the development of the area which could arise and would need to be resolved. After consideration and discussion, motion was made by Armstrong, seconded by Beyer, to approve petition and grant variance. Voting "aye" were Quinn, Armstrong and Beyer. Abstaining was Suchomel. Motion carried.

There being ~~no~~ further business to come before the Board, motion was made by Quinn, seconded by Armstrong, to adjourn. Motion carried unanimously.

Mildred Suchomel
Secretary

Louise Johnson
Chairman

6/19/92

Memo to Phil:

I abstained from voting for the following reasons:

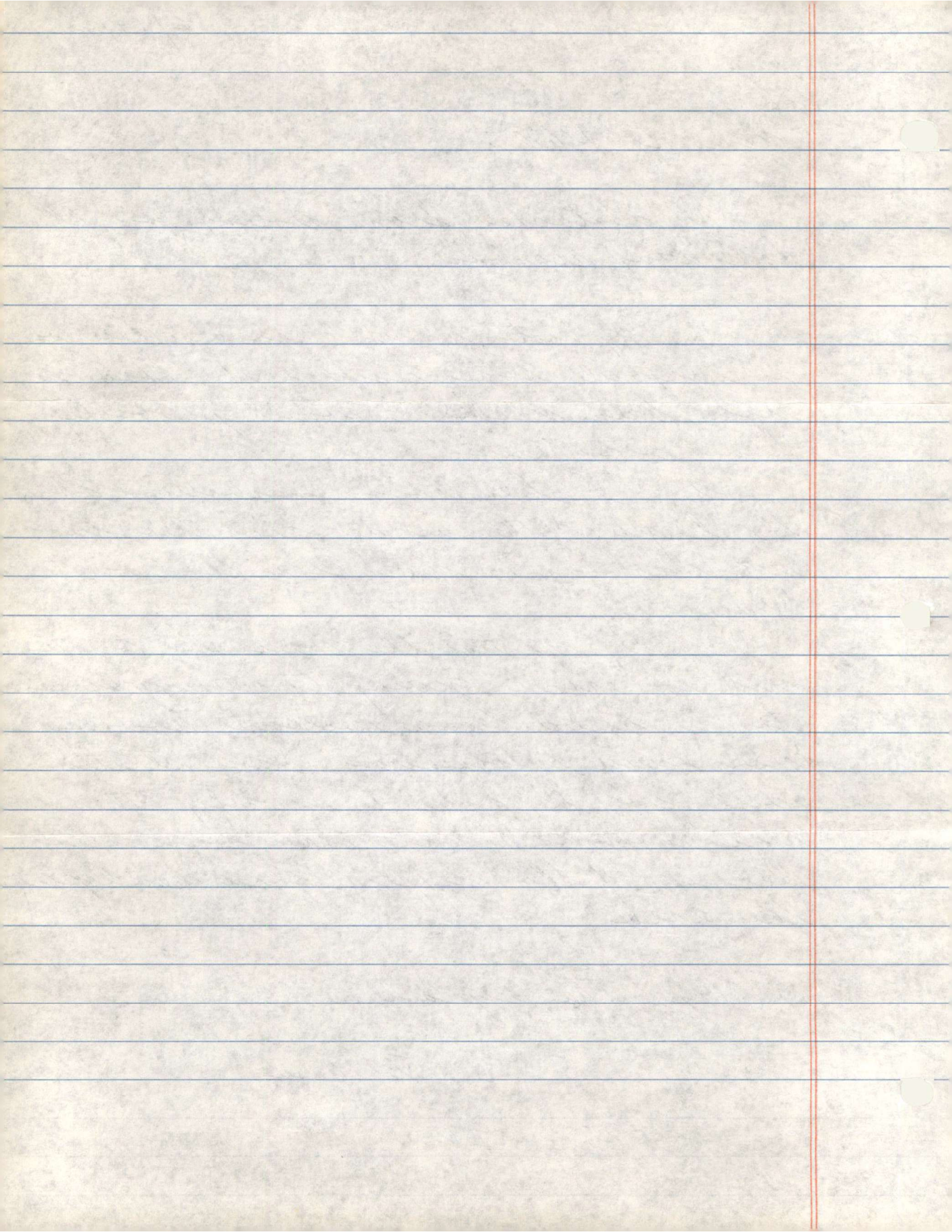
1. My vote wasn't needed. There was a majority vote without it. Had my vote been needed I would probably have voted "aye".

2. I still have reservations about the length of the cul-de-sac. Are we not varying too much from the County Ordinance?

3. By granting the variance we are not in effect giving tacit approval for a subdivision without having very much information. Once started will we be asked to modify other requirements and grant other variances because of the difficulty in developing the area?

Hope this explains.

Millie



The Cedar County Board of Adjustment held a Public Hearing on May 13, 1992, at 10:00 a.m., in the Basement Meeting Room of the Courthouse, Tipton, Iowa. Present: Quinn, Johnson, Armstrong and Zoning Administrator La Rue. Absent: Suchomel and Beyer.

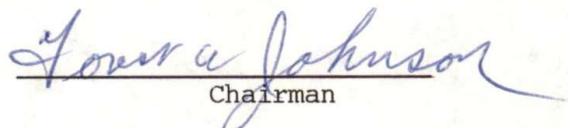
Minutes of the hearing held on February 5, 1992, were read by Chairman Johnson and approved as read. Secretary Pro-tem Sharon Pruess then read the petition filed by Robert Gregory, RR, Tipton, requesting a variance to temporarily place a mobile home on his farm for his son. They also stated that they wished to use the existing septic system for approximately three years, at which time a permanent house would be decided upon and a new septic system would be installed.

Zoning Administrator La Rue stated that the reason for the hearing was to allow the mobile home on the property without converting it to real estate at this time. After three years, the mobile home must be removed, replaced with a permanent dwelling or converted to real estate. Gaylord Mickle, adjoining property owner, stated that the Gregory's are making a vast improvement on the property and was in favor of the Gregory's request. After a brief discussion, Larry Quinn made a motion that the mobile home be allowed. Don Armstrong seconded the motion. Ayes all.

Zoning Administrator La Rue stated that the current sewer system be allowed at this time if Larry Martens inspects the current operation of the system.

With no further business to be discussed at this time, a motion was made by Armstrong, and seconded by Quinn, to adjourn.


Secretary Pro-tem


Chairman

The Cedar County Board of Adjustment held a Public Hearing on February 5, 1992, at 10:00 a.m., in the Basement Meeting Room of the Courthouse, Tipton, Iowa. This meeting was a continuation of the meeting held on January 22, 1992. Present: Quinn, Johnson, Beyer, ARMstrong and Zoning Administrator La Rue. Absent: Suchomel. Forest Johnson was appointed Chairman and Don Armstrong was appointed Co-Chairman.

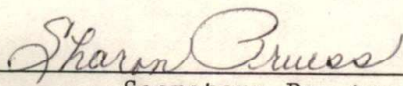
Minutes of the hearing held on January 22, 1992, were read by Secretary Pro-tem Sharon Pruess and approved as read.

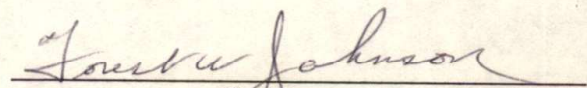
Chairman Johnson then again read the petition from F & M Distributors, Wilton, requesting a variance on the rear yard requirement in a "Ch" Highway Commercial District. The property is located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 35, T-79N, R-1W, in Sugar Creek Township.

William Fusco, petitioner, informed the members that he had met with Mr. Colberg and stated that Mr. Colberg is not interested in selling any property to the Fusco's. Mr. Fusco then restated his original petition requesting a variance from the 40 feet rear yard requirement to 5 feet. Zoning Administrator La Rue suggested that a site survey be made to determine the suitability of the north area for the septic system. He stated that in the parking area, 1 parking space will be allowed for every 150 square feet of floor space in the building.

William and Todd Fusco again stated that they wish to have more than 75 parking spaces for the business. They informed the members that the Department of Transportation had stated that they have no problem with cars parked along Highway 38 during auctions as long as there is not a drainage problem. After further discussion, Armstrong made a motion that the rear yard set-back requirement be granted from 40 feet to 5 feet.

With no further business to come before the Board at this time, a motion was made by Quinn, and seconded by Armstrong, to adjourn. Motion carried.


Secretary Pro-tem

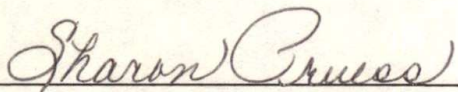

Chairman

The Cedar County Board of Adjustment held a Public Hearing on January 22, 1992, at 10:00 a.m., in the Basement Meeting Room of the Courthouse, Tipton, Iowa. Present: Johnson, Quinn, Beyer and Zoning Administrator La Rue. Absent: Suchomel and Armstrong. Forest Johnson was appointed Chairman Pro-tem.

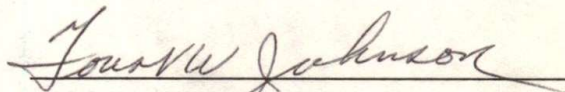
Minutes of the Hearing held on August 7, 1991, were read by Secretary Pro-tem Sharon Pruess and approved as read.

Chairman Johnson then read the petition from F & M Distributors, Wilton, requesting a variance on the rear yard requirement in a "Ch" Highway Commercial District. The property is located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 35, T-79N, R-1W, in Sugar Creek Township. William & Todd Fusco, petitioners, were both present and explained their intentions regarding building an auction hall, gift shop and possible restaurant. They informed the members that they would have a parking problem if they were not granted a variance. They are planning on having approximately 75 parking spaces now and hope to expand to 100 spaces in the future.

Ernest Colberg, adjoining property owner, was also present. After discussion, it was suggested that F & M Distributors attempt to obtain additional property from Mr. Colberg in order to alleviate the parking problem. A decision from the Board was postponed until F & M Distributors and Mr. Colberg have time to negotiate. Larry Quinn made a motion that the hearing re-convene on February 5, 1992, at 10:00 a.m. Claudia Beyer seconded the motion. Motion carried. The Board of Adjustment members will make a site survey of the property on January 31, 1992.



Secretary Pro-tem



Chairman Pro-tem