

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

November 21, 1996

The Cedar County Board of Adjustment conducted a Public Hearing on November 21, 1996, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Hoy, Johnson, Beyer, Penningroth and Lenker.

Minutes from the last meeting held on October 24, 1996, were previously sent to the members and were approved as written.

The Board members then heard the following petitions:

1. Mike and Gail Yates, RR, Olin (Owners) - Requesting a Home Occupation Permit for the purpose of operating a used book store and a Home Industry Permit for the purpose of operating a welding and fabrication shop on their property located in Parcel A in the E 1/2, SW 1/4, Section 11, T-82N, R-3W, in Fremont Township, consisting of approximately 6 acres.

Mike Yates was present and informed the Board members of his and his wife's plan to create a side income by conducting a used book store and welding and fabrication shop on their property during their spare time. He stated that these will be their secondary jobs. The used book store business will be conducted within the home and the welding and fabrication business will be conducted within a separate 60' x 120' building on their property. He stated that if the book store business grows, it will probably be relocated. He also stated that he will be the only person working in the welding and fabrication shop.

Zoning Administrator La Rue reminded the members that the home occupation must be secondary to the zoning classification and that separate motions should be made for approval or disapproval for the two requests. Discussion of signs for the two businesses then followed. Since these will be two different businesses, two separate signs will be allowed as long as they are not larger than 8 square feet.

After further discussion, Penningroth made a motion to allow the Home Occupation Permit for the used books and videos store with the sign meeting the guidelines stated in the Zoning Ordinance. Hoy seconded the motion. Ayes all. Member Beyer then made a motion to grant the Home Industry Permit for the purpose of operating a welding and fabrication shop with a suitable sign and noting that the business be conducted inside the building. Lenker seconded the motion. Ayes all.

2. Annual review of the Special Use Permit previously granted to Galen Conrad, RR, Lowden - A 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 approximately 0.523 acres.

Mr. Conrad's Special Use Permit annual review was tabled at the meeting held on August 15, 1996, due to La Rue informing the members that he had not noticed any activity going on at the property. No written or verbal objections were on file. La Rue informed the members that he had contacted Mr. Conrad and had been informed that he is not currently working on any cars but would like to keep his permit for future work. Lenker then made a motion to extend Mr. Conrad's Special Use Permit. Beyer seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned at 3:20 p.m.

Louise Johnson  
Chairman

Sharon Laukamp  
Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

January 7, 1997

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 23, 1997, at 3:00 p.m., in the Blue Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Board will consider the following petition:

1. United States Cellular Communications, Davenport, Iowa - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4, SW 1/4, Section 12, T-79N, R-2W, in Sugar Creek Township, consisting of 5.65 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sl





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

November 4, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, November 21, 1996, at 3:00 p.m., in the Blue Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Board will consider the following petition:

1. Mike and Gail Yates, RR, Olin (Owners) - Requesting a Home Occupation Permit for the purpose of operating a Used Book Store and a Home Industry Permit for the purpose of operating a Welding and Fabrication Shop on their property located in Parcel A in the E 1/2, SW 1/4, Section 11, T-82N, R-3W, in Fremont Township, consisting of 6.00 acres more or less.

At this time the Board shall also conduct an annual review of the following Special Use Permit which had been previously granted:

1. Galen Conrad, RR, Lowden - A permit granted 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 approximately 0.523 acres.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:s1





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

October 7, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 24, 1996, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Mike and Gail Yates, RR, Olin (Owners) - Requesting a Home Occupation Permit for the purpose of operating a Used Book Store and a Home Industry Permit for the purpose of operating a Welding and Fabrication Shop on their property located in Parcel A in the E 1/2, SW 1/4, Section 11, T-82N, R-3W, in Fremont Township, consisting of 6.00 acres more or less.
2. Matt and Mary Ann Herring, RR, Olin (Owners) - Requesting a temporary variance to allow the placement of a second dwelling on their property located in the SE 1/4, SE 1/4, Section 2, T-82N, R-3W, in Fremont Township, consisting of 2.71 acres more or less.
3. David and Janice Syverson, RR, West Branch (Owners) - Requesting a temporary variance to allow the placement of a second dwelling on their property located in Parcel C, in the SW 1/4, SW 1/4, Section 3, T-79N, R-4W, in Springdale Township, on the portion of their property which is zoned Suburban Residential, consisting of 1.99 acres more or less.
4. Scattergood Friends School, RR, West Branch (Owner) - Requesting a variance on the permitted sign area requirements in the A-1 Agricultural District on property located in the NW 1/4, SW 1/4, Section 10, T-79N, R-4W, in Springdale Township.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

October 24, 1996

The Cedar County Board of Adjustment conducted a Public Hearing on October 24, 1996, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Present were Board members Penningroth, Johnson, Hoy, Beyer and Lenker.

Minutes from the September 26, 1996, meeting were previously sent to the members and were approved as written.

The Board members then heard the following petitions:

1. Mike and Gail Yates, RR, Olin (Owners) - Requesting a Home Occupation Permit for the purpose of operating a Used Book Store and a Home Industry Permit for the purpose of operating a welding and fabrication shop on their property located in Parcel A in the E 1/2, SW 1/4, Section 11, T-82N, R-3W, in Fremont Township, consisting of approximately 6 acres.

Since no one was present to represent this petition, Beyer made a motion that it be tabled. Hoy seconded the motion. Ayes all.

2. Matt and Mary Ann Herring, RR, Olin (Owners) - Requesting a temporary variance to allow the placement of a second dwelling on their property located in the SE 1/4, SE 1/4, Section 2, T-82N, R-3W, in Fremont Township, consisting of approximately 2.71 acres. No written or verbal objections were on file for this petition. Mrs. Herring explained to the Board members that they plan to replace the existing mobile home with a double wide mobile home. She informed the Board that they will need time to dismantle the old mobile home because they need to cut it apart in order to remove it from the property. They plan to live in the double wide until a new house is built on the property. Approval of the building permit depends on the septic system meeting Cedar County's regulations. After a brief discussion, Lenker made a motion to allow the second dwelling and give the Zoning Administrator approval to issue a building permit after regulations have been met. Penningroth seconded the motion. Ayes all.

3. David and Janice Syverson, RR, West Branch (Owners) - Requesting a temporary variance to allow the placement of a second dwelling on their property located in Parcel C, in the SW 1/4, SW 1/4, Section 3, T-79N, R-4W, in Springdale Township, on a portion of their property which is zoned Suburban Residential, consisting of approximately 1.99 acres.



Written and verbal objections were on file for this petition pertaining to junk and inoperable, unregistered motor vehicles parked outside of the R-1 district. La Rue read the variance requirements.

David Syverson was present and explained to the members that he is currently a full time student, has a full time job and will need time and money in order to begin building the proposed new house. The Syverson's currently reside in a mobile home on the property.

John Black, spokesperson for the concerned neighbors, stated their concern about vehicles and junk arriving on the Syverson's property. He informed the members that the neighbors are concerned about their property values being negatively affected due to the conditions on the Syverson's property. They also felt that the Syverson's should make a good faith effort to comply with Cedar County Zoning Ordinance regulations. Concerns were also verbally expressed by David Sickles, Denny Gerod and Jim Langenberg.

David Syverson stated that if the neighbors had any questions or if they didn't like what he was doing, he'd appreciate it if they would ask him for an explanation. Mr. Black stated that they had tried this but Mr. Syverson was not cooperative. The neighbors felt that the Syverson's do what the county requests and then go back to the prior situation. Therefore, they would like some assurance that this would not happen again. Mr. Syverson stated that he doesn't want to bother anyone but was reminded that a junk yard is a bother to the neighbors. Board member Beyer expressed the Board's concerns regarding the violations displayed in the past and inquired of Mr. Syverson if they can expect them to comply with the zoning regulations in the future. Mr. Syverson stated that he will abide by the regulations and suggested that he meet with John Black to discuss any concerns. Mr. Black stated that they all have a responsibility to each other as neighbors. Beyer also inquired about shelter for the horses on the property. There is no shelter at this time. Mr. Syverson stated that a shelter will be put up prior to winter and was advised that the building would have to be placed 100 feet from the property lines in the A-1 district. He was also advised that the proposed home must meet all minimal setbacks in the R-1 district. A parking area will also be established in accordance with the Cedar County Zoning Ordinance.

After further discussion, Beyer made a motion to table the Syverson's petition for 90 days and invite him to bring it back when he can answer the addressed issues. Penningroth seconded the motion. Ayes all. Mr. Syverson was informed that he is under certain requirements and if the terms are not met, a county infraction will be filed.



4. Scattergood Friends School, RR, West Branch (Owner) - Requesting a variance on the permitted sign area requirements in the A-1 District on property located in the NW 1/4, SW 1/4, Section 10, T-79N, R-4W, in Springdale Township. No written or verbal objections are on file for this petition.

Will Hardy, Facilities Director for the Scattergood Friends School, was present and explained to the members that they are requesting that their current identification sign be considered an advertising sign, and thereby allow its current size of 128 square feet. All DOT requirements are met and the sign is not in the road right-of-way.

After a brief discussion, Lenker made a motion to grant the variance request. Hoy seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.

Louise W. Johnson  
Chairman

Sharon Laukamp  
Secretary



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

September 9, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 26, 1996, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Brown Farms, Inc., RR, Mechanicsville (Owner) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm on property located in the NW 1/4, NW 1/4, Section 22, T-82N, R-4W, in Pioneer Township.
2. River Valley Cooperative, RR, Wilton (Owner) - Requesting a Special Use Permit authorizing the location of a bulk anhydrous ammonia storage site and chemical mixing site on property located in the S 1/2, of the SW 1/4, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury.
3. David Clark, Iowa City, Iowa (Owner) - Requesting a variance of the yard setback requirements in the C-2 Highway Commercial District on property located in Lots 4 and 5 of Lot 4, Slach's Commercial Subdivision in the NE 1/4, SE 1/4, Section 7, T-79N, R-4W, in Springdale Township, each lot consisting of 0.52 acres more or less.

At this time, the Board shall also conduct an annual review of the Special Use Permit which has been previously granted to the following:

1. Gary Anderson, RR, Tipton - A permit granted authorizing the operation of a yard waste composting business on property located in the SW 1/4, SE 1/4, Section 28, T-80N, R-2W, in Center East Township.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp



CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 26, 1996

The Cedar County Board of Adjustment conducted a Public Hearing on September 26, 1996, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Present were Board members Penningroth, Beyer, Lenker and Hoy. Member absent was Chairman Johnson.

Minutes from the September 5, 1996, meeting were previously sent to the members and were approved as written.

The Board members then heard the following petitions:

1. Brown Farms, Inc., RR, Mechanicsville (Owner) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm on property located in the NW 1/4, NW 1/4, Section 22, T-82N, R-4W, in Pioneer Township. No written or verbal objections were on file for this petition.

Dave Brown explained the request to place a mobile home on a site where there had previously been a mobile home. La Rue explained the need for a variance on the 250 foot clustering requirement because a greater distance was requested. The existing septic system appears to be adequate for the mobile home. After discussion and hearing the Planning and Zoning Commission's recommendation, Lenker made a motion, with Hoy seconding the motion to allow the variance request for a distance greater than 250 feet between dwellings and grant the Special Use Permit which will be subject to annual review. Ayes all.

2. River Valley Cooperative, RR, Wilton (Owner) - Requesting a Special Use Permit authorizing the location of a bulk anhydrous ammonia storage site and chemical mixing site on property located in the S 1/2, of the SW 1/4, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury. No written or verbal objections were on file for this petition.

Lon Warnecke, Manager, again explained the request for the Special Use Permit for the bulk chemical storage/mixing site at their business in Sunbury. La Rue explained the Planning and Zoning Commission's opinion and recommendation supporting the Board of Adjustment in their decision in granting the separation distance variance: 350 feet from nearest dwelling from chemical mixing site and 500 feet separation from nearest dwelling from the bulk storage site. Penningroth questioned the possible sale of the Cooperative's employee's dwelling to another party and its effect on the business. La Rue explained that the new owner would know what was next door and could not

prevent the existing use. Mr. Warnecke stated that the dwelling will never be sold. Beyer then made a motion to grant the Special Use Permit with the separation distances previously stated subject to annual review. Lenker seconded the motion. Ayes all.

3. David Clark, Iowa City, Iowa (Owner) - Requesting a variance of the yard setback requirements in the C-2 District on property located in Lots 4 and 5 of Lot 4, Slach's Commercial Subdivision in the NE 1/4, SE 1/4, Section 7, T-79N, R-4W, in Springdale Township, each lot consisting of approximately 0.52 acres. No written or verbal objections were on file.

Attorney John Cruise, Iowa City, was present representing Mr. Clark and explained Mr. Clark's request. Mr. Clark intends to construct two commercial buildings to be used as office buildings and storage garage to support these offices. La Rue questioned the water supply and sewage disposal by these offices. He recommended that Mr. Clark connect to city utilities rather than construct them on-site because of limited disposal options. Attorney Cruise stated that Mr. Clark will consider all options. Member Hoy questioned the 2 foot 6 inch side yard request because the construction contractors will be working on a neighbor's property during part of the construction. He feels this side yard distance is not adequate. Discussion on the setback requirements for the C-2 District in West Branch and Iowa City followed. The Cedar County Zoning Ordinance, C-2 requires a front yard of 50 feet, rear yard of 40 feet and a 20 foot side yard. Mr. Clark is also requesting a variance on the front and rear yard of 30 feet and 0 feet respectively. A zero lot line for the rear yard was not acceptable to the Board as was a side yard of 2 feet 6 inches. The requested 30 feet front yard was acceptable because the buildings would then have the same setback as adjacent buildings. With no objections from Mr. Cruise, Beyer made a motion to grant a yard variance and allow a front yard setback of 30 feet, rear yard setback of 11 feet and a side yard of 5 feet. Hoy seconded the motion. Ayes all.

4. Gary Anderson, RR, Tipton - Annual review of a Special Use Permit granted authorizing the operation of a yard waste composting business on property located in the SW 1/4, SE 1/4, Section 28, T-80N, R-2W, in Center East Township. Mr. Anderson's father, Russel Anderson, was present to represent him. La Rue then read a letter received from Mrs. Jewel Howard who resides in the home south of the compost site. Mrs. Howard was complaining about the open burning of brush and yard waste causing a nuisance. Mr. Anderson countered the complaint from Mrs. Howard, stating that there is no burning when the wind will blow smoke in her direction. Mr. Anderson was given a copy of

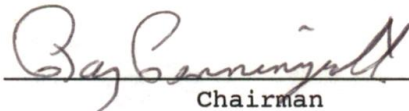


the State of Iowa regulations pertaining to yard waste composting and open burning. La Rue then presented a letter from Terry Jones, Iowa Department of Natural Resources, Washington, Iowa, sent to Mr. Anderson regarding the open burning of materials at the compost site ordering that there be no more burning of brush and yard waste.

Discussion then followed with Mr. Anderson regarding the findings of a site survey of the site conducted by the Board members on September 5, 1996, that it appears that yard waste is being burned, not composted. Finding a location where brush can be burned was then discussed. Jim Web and Jerry Murphy, City of Tipton, explained that Tipton can burn brush that is collected by them during tree trimming, but they can not allow any one else to burn at their site southwest of town. The city does take yard waste down to the compost site containing brush not larger than 2 inches by 36 inches. Jerry Murphy stated that the city will work with Mr. Anderson to keep brush and tree limbs from going to the site. The city wants the compost site to remain open. Tom Spear, Tipton, spoke voicing support for the composting site. Discussion continued regarding state composting and open burning regulations, sign requirements, fencing and gating of the site.

Beyer then made a motion to grant the Special Use Permit renewal with the understanding that the composting site will only accept compostable, chipped material, and that there be no more open burning on the site. La Rue recommended adding a sign requirement to the motion. Beyer then amended her motion to include the sign requirements and the site must conform with all state regulations. The Board will then perform a site survey of the compost site in 90 days. Hoy seconded the motion. Ayes all. The Board then requested Mr. Anderson to have a notice printed in the Tipton Conservative stating that brush can no longer be taken at the site unless it is of a compostable size.

With no further business to be discussed at this time, the meeting was adjourned.

  
Chairman

  
Secretary



At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

A handwritten signature in dark ink, appearing to read "Phil La Rue". The signature is fluid and cursive, with the first name "Phil" and last name "La Rue" clearly distinguishable.

Phil La Rue  
Zoning Administrator

PL:sp

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 5, 1996

The Cedar County Board of Adjustment conducted a Public Hearing on September 5, 1996, at 2:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Present were Board members Johnson, Beyer, Penningroth and Hoy. Member absent was Lenker.

Minutes from the August 29, 1996, meeting will be sent to the members at a later date.

The Board members then heard the following petition:

1. River Valley Cooperative, RR, Wilton (Owner) - Represented by Lon Warnecke, Manager, was present requesting a variance on the minimal separation distance of 750 feet between a bulk anhydrous ammonia storage and mixing site and residential dwellings on their property located in the S 1/2 of the SW 1/4, Section 2, T-79N, R-1W, in Farmington Township. No written or verbal objections were on file.

Mr. Warnecke explained the reason for the variance was to move the existing storage tanks south of 290th Street in Sunbury, and the existing tanks in Durant, to the proposed new site north of the Cooperative's buildings in Sunbury. There will be one 12,000 gallon and one 18,000 gallon bulk tank. There will also be between twenty and thirty 1,000 gallon portable units on site. All chemicals will be loaded and unloaded in an enclosed diked area for safety. The Cooperative is therefore asking for a variance of 400 feet and to be allowed a separation distance of 350 feet. Member Penningroth asked if the site could be moved further north. Mr. Warnecke then explained that the area north floods somewhat and they do not want the chemical valves going under water.

Letters were presented to the Board by Mr. Warnecke from representatives of the Iowa Department of Agriculture and land stewardship, Mr. Gary Wolf, Program Supervisor of the Feed and Fertilizer Bureau and Mr. Neal Vaughn, Ag Products Inspector. An additional letter was presented by Mr. Warnecke from adjacent property owners Robert and Marla Brewer, RR, Wilton. The letters from the Department of Agriculture representatives stated that the proposed distance complies with the safety requirements of the Iowa Code. The letter from Mr. and Mrs. Brewer supported the Cooperative's request and urged granting the request.

Mr. Richard Toyne, RR, Wilton, property owner west of the proposed site (within the minimal 750' separation distance),



questioned the requested separation distance of 350 feet from the bulk tanks. He stated that he was not concerned about the separation distance from the chemical mixing plant but felt that 350 feet was too close for the bulk storage site. He requested a two tiered variance so that the bulk station is at least 550 feet away from his home. Mr. Warnecke questioned the need for a two tiered variance and such distance for the bulk tanks, but could agree to a separation distance of 500 feet. Board member Beyer made a motion to grant a two tiered variance to allow a separation distance for the bulk tanks of 500 feet, a variance of 250 feet, and the mixing plant a separation distance of 350 feet, a variance of 400 feet. Penningroth seconded the motion. Ayes all.

Members then discussed having meetings only once a month. It was agreed that the meetings will be held on the fourth Thursday of each month at 3:00 p.m.

The Board members then made a site survey of Gary Anderson's compost site south of Tipton. It was observed by the Board that it appears the yard waste is being burned and not being converted into compost. During the site survey it was observed that compost bags containing green yard waste were smoldering on a burn pile at the site. The smoke was drifting to the west across Old Muscatine Road.

With no further business to be discussed at this time the meeting was adjourned at 3:15 p.m.

  
Chairman

  
Secretary





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

August 19, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 5, 1996, at 2:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petition:

1. River Valley Cooperative, RR, Wilton (Owner) - Requesting a variance on the minimal separation distance of seven hundred and fifty (750) feet between a bulk anhydrous ammonia storage site and a dwelling as required in Chapter 5, Section D, Subsection 2, of the A-1 Agricultural District of the Cedar County Zoning Ordinance on property located in the S 1/2 of the SW 1/4, Section 2, T-79N, R-1W, in Farmington Township.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

August 29, 1996

The Cedar County Board of Adjustment conducted a Public Hearing on August 29, 1996, at 2:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Present were Board members Beyer, Penningroth, Johnson and Lenker. Absent was Hoy.

Minutes from the previous meeting held on August 15, 1996, were approved as written.

The Board members then heard the following petition:

1. Home Oil Station, RR, Atalissa (Owner) - Requested a variance on the advertising sign height requirement in the C-2 Highway Commercial District on property located in the SW 1/4, SW 1/4, Section 13, T-79N, R-3W, in Iowa Township, consisting of approximately 10.00 acres.

Steve Allsop, Sign Productions, and Don Mundell, General Manager of the truck stop, were present at the meeting. Mr. Allsop then informed the Board that the current sign for the Home Oil Station has limited viewing distance for the eastbound traffic. Therefore, they wish to replace the existing sign with a new sign which will be lighted from the inside and placed high enough (68' 2") for good visibility. The new sign will be placed further west of the current site. Mr. Allsop presented a photo showing the current location of the sign. Don Mundell informed the members that the I.D.O.T. had performed a site survey at the proposed location and stated that they would go along with the county's decision. After a brief discussion, Lenker made a motion that the Board does acknowledge a finding of hardship and therefore recommends that the requested variance be granted. Penningroth seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.

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Chairman

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Secretary





Tel. 319-886-2248

## OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 12, 1996

### PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 29, 1996, at 2:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Board will consider the following petition:

1. Home Oil Station, RR, Atalissa (Owner) - Requesting a variance on the advertising sign height requirement in the C-2 Highway Commercial District on property located in the SW 1/4, SW 1/4, Section 13, T-79N, R-3W, in Iowa Township, consisting of 10.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp ,

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

August 15, 1996

The Cedar County Board of Adjustment conducted a Public Hearing on August 15, 1996, at 2:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Present were Board members Beyer, Penningroth and Hoy. Members absent were Johnson and Lenker.

Minutes from the previous meeting held on July 11, 1996, had been previously sent to the members. Beyer made a motion, with Hoy seconding, to approve the minutes as written. Penningroth presided as chairman in Johnson's absence.

The Board members then heard the following petition:

1. Kris Yarbrough and Margaret Anderson, RR, Atalissa (Owners), were present requesting a variance on the yard setback requirements in the AR-1 District on their property located in Lot 9, in the NE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Center West Township, consisting of approximately 0.68 acres. No written or verbal objections were on file. Mr. Yarbrough explained his request for a variance on the north side of his property to allow construction of a garage addition. Due to the location of the septic system and well on the property, there was no other location for the storage building to be built. After a brief discussion, Beyer made a motion that there is a finding of hardship which warrants a variance on the yard setback requirements, allowing the structure to built 7 feet from the north property line. Hoy seconded the motion. Ayes all. It was then noted that the township printed in the legal notice was incorrect. The property is located in ~~Linn~~ <sup>Linn</sup> Township and not Center West.

The Board next conducted an annual review of the Special Use Permits which had been previously granted to the following:

1. Patty Laing, RFD, West Branch - A permit authorizing a Home Occupation Permit for the purpose of operating a beauty salon in her home located in the SE 1/4, SW 1/4, Section 14, T-80N, R-4W, in Gower Township.
2. Gary Anderson, RR, Tipton - A permit granted authorizing the operation of a yard waste composting business on property located in the SW 1/4, SE 1/4, Section 28, T-80N, R-2W, in Center East Township.
3. Great Lakes Chemical Corporation, Omaha, Nebraska - A permit authorizing the stockpiling of corn cobs on property located in the NW 1/4, NW 1/4, Section 33, T-82N, R-1W, in Massillon Township.



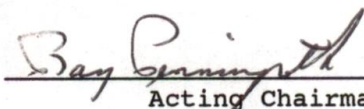
4. Jim Neuzil, J.W. Ranch, RR, Mechanicsville - A permit granted authorizing the location of seasonal rodeo activities on his property located in the NW 1/4, SE 1/4, Section 14, T-81N, R-4W, in Linn Township, consisting of approximately 47.77 acres.
5. Trilby Klavemann, RR, Bennett (Owner) - A permit granted authorizing the location of a commercial dog breeder kennel on her property located in Tract B, NW 1/4, NE 1/4, Section 6, T-80N, R-1W, in Inland Township, composed of approximately 1.00 acre. It was noted that Mrs. Klavemann has reduced the number of dogs at her facility as requested by the Board of Adjustment on November 1, 1995.
6. Galen Conrad, RR, Lowden - A permit granted 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 approximately 0.523 acres.
7. Tom Spear, RR, Tipton (Owner) - A permit granted authorizing a garage and service center for equipment used by his business, Total Lawn Care, in Lot A, NW 1/4, NE 1/4, Section 8, T-80N, R-2W, in Center East Township, consisting of approximately 3.0 acres.
8. Loretta and Charley Martin, RR, Lowden (Owners) - A permit granted authorizing the operation of a commercial dog breeder kennel on their property located in Lot A, SW 1/4, SE 1/4, Section 19, T-82N, R-1W, in Massillon Township, composed of approximately 3.13 acres.
9. Donald and Scheryl Grant, RR, Bennett (Owners) - A permit granted authorizing the operation of a commercial dog breeder kennel on their property located in Lot E, SE 1/4, Section 33, T-81N, R-1W, in Springfield Township, consisting of approximately 10.00 acres. It was noted that the Grant's original Special Use Permit was amended on July 5, 1996, allowing them to increase the number of animals from six to twenty-four.
10. Folkman Feed and Grain, Inc., RR, Clarence - A Conditional Use Permit authorizing their commercial hog operation on their property located in the SE 1/4 of Section 33, T-82N, R-2W, and the NE 1/4 of Section 4, T-81N, R-2W, Cedar County, Iowa. It was noted that there has not been a continuance of dust problems.
11. Duffee Grain, Inc., Wilton (Owner) - A permit granted authorizing the storage and drying of grain on their property located in the SW 1/4, NW 1/4, Section 27, T-79N, R-4W, in Springdale Township, consisting of approximately 8.43 acres.

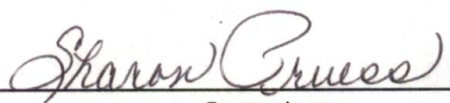
All the above Home Occupation and Special Use Permits were granted one year extensions excluding #2 and #6. Item #6, Galen Conrad's Special

Use Permit, was tabled because Zoning Administrator La Rue stated that he has not noticed any activity going on at the property. La Rue will investigate and report back to the Board members.

Item #2, Gary Anderson's Special Use Permit, was placed last on the agenda because there was a written letter of objection on file. An adjoining property owner, Mrs. Howard, had written a letter expressing her concern about smoke from burning the brush and trees at the composting site. Gary Anderson stated that he had contacted the Department of Natural Resources and said that it was a problem between the two parties. After further discussion, it was decided to table this item for 30 days. The Board members will make a site survey prior to the next meeting and it was suggested that Gary Crock, Cedar County Transfer Station Manager, be present at the meeting.

With no further business to be discussed at this time, the meeting was adjourned at 2:40 p.m.

  
\_\_\_\_\_  
Acting Chairman

  
\_\_\_\_\_  
Secretary





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

July 29, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 15, 1996, at 2:00 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petition:


1. Kris Yarbrough and Margaret Anderson, RR, Atalissa (Owners) - Requesting a variance on the yard setback requirements in the AR-1 Agricultural-Recreational District on property located in Lot 9, in the NE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Center West Township, consisting of 0.68 acres more or less.

At this time the Board shall also consider the annual review of the following Home Occupation and Special Use Permits which had been previously granted to the following:

1. Patty Laing, RFD, West Branch (Owner) - A permit authorizing a Home Occupation Permit for the purpose of operating a beauty salon in her home, located in the SE 1/4, SW 1/4, Section 14, T-80N, R-4W, in Gower Township.
2. Gary Anderson, RR, Tipton - A permit granted authorizing the operation of a yard waste composting business on property located in the SW 1/4, SE 1/4, Section 28, T-80N, R-2W, in Center East Township.
3. Great Lakes Chemical Corporation, Omaha, Nebraska - A permit authorizing the stockpiling of corn cobs on property located in the NW 1/4, NW 1/4, Section 33, T-82N, R-1W, in Massillon Township.
4. Jim Neuzil, J.W. Ranch, RR, Mechanicsville - A permit granted authorizing the location of seasonal rodeo activities on his property located in the NW 1/4, SE 1/4, Section 14, T-81N, R-4W, in Linn Township, consisting of 47.77 acres more or less.

5. Trilby Klavemann, RR, Bennett (Owner) - A permit granted authorizing the location of a commercial dog breeder kennel on her property 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.
6. Galen Conrad, RR, Lowden - A permit granted 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.
7. Tom Spear, RR, Tipton (Owner) - A permit granted authorizing a garage and service center for equipment used by his business, Total Lawn Care, in Lot A, NW 1/4, NE 1/4, Section 8, T-80N, R-2W, in Center East Township, consisting of 3.0 acres more or less.
8. Loretta and Charley Martin, RR, Lowden (Owners) - A permit granted authorizing the operation of a commercial dog breeder kennel on their property located in Lot A, SW 1/4, SE 1/4, Section 19, T-82N, R-1W, in Massillon Township, composed of approximately 3.13 acres.
9. Donald and Scheryl Grant, RR, Bennett (Owners) - A permit granted authorizing the operation of a commercial dog breeder kennel on their property located in Lot E, SE 1/4, Section 33, T-81N, R-1W, in Springfield Township, consisting of 10.00 acres more or less.
10. Folkman Feed and Grain, Inc., RR, Clarence - A Conditional Use Permit authorizing their commercial hog operation on their property located in the SE 1/4 of Section 33, T-82N, R-2W, and the NE 1/4 of Section 4, T-81N, R-2W, Cedar County, Iowa.
11. Duffee Grain, Inc., Wilton (Owner) - A permit granted authorizing the storage and drying of grain on their property located in the SW 1/4, NW 1/4, Section 27, T-79N, R-4W, in Springdale Township, consisting of 8.43 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

  
Phil La Rue  
Zoning Administrator



CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

July 11, 1996

The Cedar County Board of Adjustment conducted a Public Hearing on July 11, 1996, at 2:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Present were Board members Johnson, Penningroth and Lenker. Members absent were Beyer and Hoy.

Minutes from the previous meeting held on July 5, 1996, were sent to the members. Lenker made a motion, with Penningroth seconding, to approve the minutes as written.

The Board members then heard the following petition:

1. Annabelle Finck, Durant (Owner), and Connie & Stan Finck, were present requesting a variance on the yard setback requirements in the R-2 District on a tract of land located in the SE 1/4, NE 1/4, Section 36, T-79N, R-1W, in Farmington Township consisting of approximately 18.22 acres. No written or verbal objections were on file. Mr. Finck showed the members a diagram of the property pointing out the need for the variance. Mrs. Finck sold off the farmstead, including the gravel drive, and plans to build a new house on the remaining acreage. Due to the fact that 11th Street will eventually extend across Mrs. Finck's property, it was decided to consider the north side of the house as the front yard. Mrs. Finck will hook up to city utilities when the new house is constructed. After further discussion, Penningroth made a motion to grant a variance on the rear yard, south of the proposed house, from the 50 feet requirement to 15 feet. Lenker seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.

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Chairman

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Secretary



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

June 24, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, July 11, 1996, at 2:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petition:

1. Annabelle Finck, Durant (Owner) - Requesting a variance on the yard setback requirements in the R-2 Urban Residential District on a tract of land located in the SE 1/4, NE 1/4, Section 36, T-79N, R-1W, in Farmington Township and consists of 18.22 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp



CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

July 5, 1996

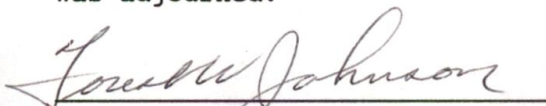
The Cedar County Board of Adjustment conducted a Public Hearing on July 6, 1996, at 2:00 p.m., in the Blue Room of the Courthouse, Tipton, Iowa. Present were Board members Penningroth, Hoy, Johnson, Lenker and Zoning Administrator La Rue. Member absent was Beyer.

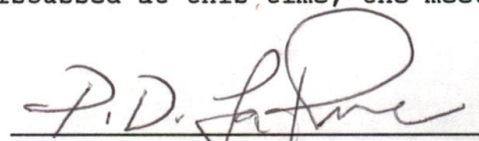
Minutes from the last meeting held on June 13, 1996, had been previously mailed to the members. Hoy made a motion, with Penningroth seconding, to approve the minutes as written.

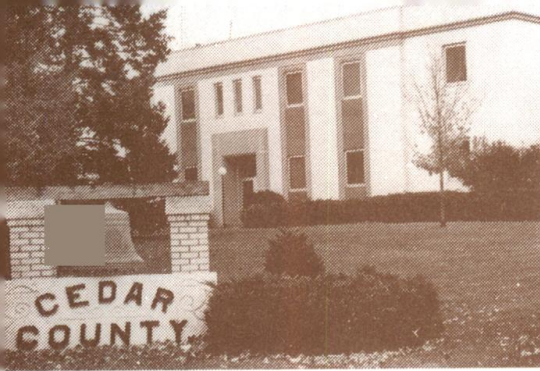
The Board then heard the following petitions:

1. Weaver's Incorporated, RR, Tipton (Owners), were requesting a variance on the yard setback requirements in the M-1 Light Industrial District on property located in the NW 1/4, NW 1/4, Section 3, T-80N, R-2W, in Center East Township, consisting of 5.60 acres more or less. No written or verbal objections were on file. Mr. Weaver wants to construct a workshop and stated that the structure could not be built if required to meet the side and rear yard setback requirements for the M-1 District due to the location of other structures on the property. Therefore, Mr. Weaver's request was for a variance to allow the new structure to be placed 10' from the side property line and to allow a 16' rear yard. After a brief discussion, Penningroth made a motion, with Lenker seconding, to grant the variance of 10 feet on the side yard and allow the rear yard to be 16 feet. Ayes all.
2. Don and Scheryl Grant, RR, Bennett (Owners), were present requesting an amendment to their Special Use Permit for the purpose of increasing the size of their commercial dog breeder kennel from 6 to 24 animals and to permit the training, boarding and grooming of these animals at their property located in Lot E, SW 1/4, SE 1/4, Section 33, T-81N, R-4W, in Springfield Township, consisting of approximately 10 acres. The Grant's stated that no dog breeding is currently being done at their facility but they wish to do the training, boarding and grooming of the animals. Discussion followed regarding noise control, disposal of animal waste by a septic system and the annual review of the SUP. A letter was on file received from Wayne & Bonnie Frett, neighbor's whose home is located within 750 feet of the kennel, stating that they have no objection. After further discussion, Lenker made a motion to allow the amendment to increase the number of animals from six to twenty-four. Hoy seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.

  
Chairman

  
Secretary Pro-tem



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

June 17, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Friday, July 5, 1996. at 2:00 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Weaver's Incorporated, RR, Tipton (Owners) - Requesting a variance on the yard setback requirements in the M-1 Light Industrial District on property located in the NW 1/4, NW 1/4, Section 3, T-80N, R-2W, in Center East Township, consisting of 5.60 acres more or less.
2. Donald and Scheryl Grant, RR, Bennett (Owners) - Requesting an amendment to their Special Use Permit for the purpose of increasing the size of their commercial dog breeder kennel from six (6) animals to twenty-four (24) animals and to permit the training, boarding and grooming of these animals at their property located in Lot E, SW 1/4, SE 1/4, Section 33, T-81N, R-4W, in Springfield Township, consisting of 10.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp





Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

*Cancelled  
withdrawn petition*

June 10, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Friday, June 28, 1996, at 2:00 p.m., in the Blue Room in the basement of the Courthouse, Tipton, Iowa.

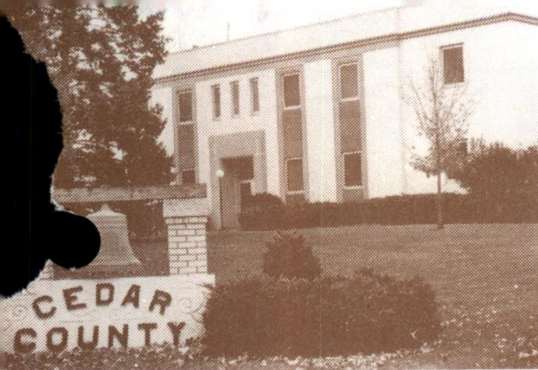
At this time the Board will consider the following petition:

1. Steven and JoDee Kaufmann, RR, Wilton - Requesting a Home Occupation Permit for the purpose of operating a Transient Food Stand on property immediately adjacent south of the east bound Interstate 80 rest area near Wilton, Iowa. Specifically located in the NW 1/4, NW 1/4, Section 23, T-79N, R-2W, in Sugar Creek Township, on a tract consisting of 17.2 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

May 24, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, June 13, 1996, at 2:00 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Joe and Carolyn Kilburg, RR, Lisbon (Owners) - Requesting a Home Occupation Permit for the purpose of operating a photography studio in their home on property located in Lot 6, in the NE 1/4, NW 1/4, Section 18, T-82N, R-4W, in Pioneer Township. Lot 6 is currently zoned R-1 Suburban Residential and consists of 1.615 acres more or less.
2. Leoral and Kathi Kruse, RR, Lisbon (Owners) - Requesting a variance on the yard setback requirements in the R-1 Suburban Residential District on property located in Lot 4, in the SE 1/4, SW 1/4, Section 18, T-82N, R-4W in Pioneer Township and consists of 1.09 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp



CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

June 13, 1996

The Cedar County Board of Adjustment conducted a Public Hearing on June 13, 1996, at 2:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Present were Board members Lenker, Hoy, Johnson, Beyer, Zoning Administrator La Rue and Secretary Pruess. Member absent was Penningroth.

Minutes from the last meeting held on May 23, 1996, had been previously mailed to the members. Beyer made a motion, with Hoy seconding, to approve the minutes as written.

The Board then heard the following petitions:

1. Joe and Carolyn Kilburg, RR, Lisbon, were present requesting a Home Occupation Permit for the purpose of operating a photography studio in their home on property located in Lot 6, in the NE 1/4, NW 1/4, Section 18, T-82N, R-4W, in Pioneer Township. There were no written or verbal objections on file. Mr. Kilburg informed the members of their intentions to use 798 square feet of their basement for a photography shop. No one else will be employed other than his wife. No chemicals will be used because all negatives will be sent to Waterloo for processing. The Kilburg's showed the members pictures of their residence and pointed out where the parking would be for the customers behind the house. After a brief discussion, Beyer made a motion to approve the HOP for the Kilburg's to operate a photography shop in the basement of their home. Ayes all.
2. Leoral and Kathi Kruse, RR, Lisbon, were present requesting a variance on the yard setback requirements in the R-1 district on their property located in Lot 4, in the SE 1/4, SW 1/4, Section 18, T-82N, R-4W, in Pioneer Township. There were no written or verbal objections on file. Mr. Kruse explained to the members that when they bought their property, they were informed by their attorney Doug Wolfe, to follow the covenant rules of the subdivision regarding the setback requirements. The Kruse's, therefore planned to construct their home 15' from the back lot line on the north side. Cedar County requires a front yard of 50 feet, a rear yard of 50 feet, side yard of 15 feet and a corner lot of 40 feet. The Kruse's are planning on building a berm home which will face to the south. A compromise was suggested which would grant reduction of the rear yard from 50' to 28', thereby moving the home west and increasing the front yard request from 20' to 30' and also the side yard from 40' to 17'. Member Hoy suggested that La Rue confirm conformity of the variance granted. After further discussion, Beyer made a motion to grant a variance of 10' to the west. Hoy seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.

Louise Johnson  
Chairman

Sharon Bruce  
Secretary





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

May 3, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, May 23, 1996, at 3:00 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Phil Ingram and Pamela Scharff, RR, West Branch - Requesting a variance of the yard requirements in the A-1 Agricultural District, thereby allowing replacement of the existing mobile home on property owned by Betty Burton, RR, West Branch, located in the SW 1/4, SW 1/4, Section 29, T-79N, R-4W, in Springdale Township.
2. Sandra Langenberg, RR, West Branch (Owner) - Requesting a Home Occupation Permit for the purpose of operating a Day Care Home on property located in Lot 2, in the NW 1/4, SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of 1.84 acres more or less. Lot 2 is currently zoned R-1, Suburban Residential.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

May 23, 1996

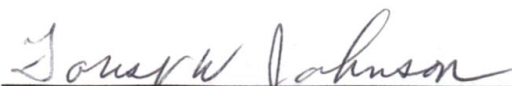
The Cedar County Board of Adjustment conducted a Public Hearing on May 23, 1996, at 3:00 p.m., in the Blue Room of the Courthouse, Tipton, Iowa. Present were Board members Beyer, Hoy, Johnson, Lenker, Zoning Administrator La Rue and Secretary Pruess.

The first order of business to be conducted was election of officers. Penningroth made a motion to appoint Forest Johnson as Chairperson. Beyer seconded the motion. Ayes all. Minutes of the last meeting held on March 1, 1996, had been previously mailed to the members. The minutes were approved as written.

The Board then heard the following petitions:

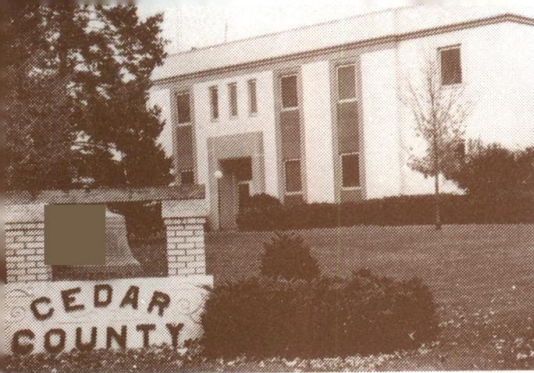
1. Phil Ingram and Pamela Scharff, RR, West Branch, were present requesting a variance of the yard requirements in the A-1 District, thereby allowing replacement of the existing mobile home on property owned by Betty Burton, RR, West Branch, located in the SW 1/4, SW 1/4, Section 29, T-79N, R-4W, in Springdale Township. There were no written or verbal objections on file. Mr. Ingram and Ms. Scharff were requesting a variance width of 7' on their side yard and presented pictures of the existing home and it's location on the property. La Rue explained to the Board members that they will need more absorption field for the new mobile home which Ingram and Scharff agreed. After a brief discussion, Penningroth made a motion to approve the 7' variance request which is justified due to the location of the corncrib on the property and will be in harmony with the Cedar County Zoning Ordinance. Hoy seconded the motion. Ayes all.
2. Sandra Langenberg, RR, West Branch (Owner), was present requesting a Home Occupation Permit for the purpose of operating a Day Care Home on her property located in Lot 2 in the NW 1/4, SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of approximately 1.84 acres. Lot 2 is currently zoned R-1. There were no verbal or written objections on file. Mrs. Langenberg informed the members that she is licensed to care for 11 children and currently has 6 full time children in her care and allows for emergency care or after school children. She has no employees at this time. She presented pictures of the play yard on the property to the Board members and stated that approximately 3/4 of their basement is used for the business. After further discussion, Lenker made a motion that the Home Occupation Permit be granted with a stipulation that the permit is currently for the care of 11 children. Beyer seconded the motion. Ayes all. If at any time Mrs. Langenberg requests from the state for additional children, she will have to petition the Board of Adjustment at that time.

With no further business to be discussed at this time, the meeting was adjourned.

  
Chairman

  
Secretary





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

February 20, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Friday, March 1, 1996, at 2:00 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petition:

1. Charles and Judy Franks, RR, Lisbon (Owners) - Requesting a temporary variance to allow the placement of a second dwelling on their property located in the NE 1/4, SW 1/4, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 1.02 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp





CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

March 1, 1996

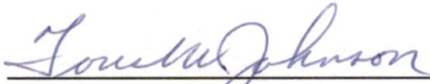
The Cedar County Board of Adjustment conducted a Public Hearing on March 1, 1996, at 2:00 p.m., in the Blue Room of the Courthouse, Tipton, Iowa. Present were Board members Beyer, Hoy, Johnson, Lenker, Penningroth, Zoning Administrator La Rue and Secretary Pruess.

Chairman Johnson called the meeting to order at 2:00 p.m. Minutes from the last meeting held on February 8, 1996, had been previously mailed to the members. Penningroth made a motion, with Hoy seconding, to approve the minutes as written.

The Board then heard the petition filed by Charles and Judy Franks, RR, Lisbon (Owners), who were requesting a temporary variance to allow the placement of a second dwelling on their property located in the NE 1/4, SW 1/4, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 1.02 acres more or less. No written or verbal objections were on file for this petition. Judy Franks was present and informed the Board that they plan to start construction on their new home at the end of March and would like permission to reside in a mobile home on the property until the new house is completed. La Rue informed the members that all other zoning requirements are met by the Franks. After a brief discussion, Lenker made a motion that the Franks' request be approved with the stipulation that the mobile home must be removed within 60 days after they move into their new home. Beyer seconded the motion. Ayes all.

The Board members next briefly discussed the new Cedar County Zoning Ordinance.

With no further business to be discussed at this time, the meeting was adjourned.

  
Chairman

  
Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

February 27, 1996

TO: Cedar County Board of Adjustment Members

Enclosed is a copy of the minutes from the last meeting held on February 8, 1996. Please review these prior to the meeting to be held this Friday.

Also, bring your Proposed Zoning Ordinance Booklet to this meeting. We will be handing out a whole new set since we have made so many corrections to it.

If you can not attend the meeting on March 1, 1996, please contact this office as soon as possible.

Sincerely,

*Phil LaRue/sp*

Phil La Rue  
Zoning Administrator

PL:sp

Encl.





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2nd  
181-851

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

February 8, 1996

The Cedar County Board of Adjustment conducted a Public Hearing on February 8, 1996, at 2:00 p.m., in the Large Meeting Room of the Court-house, Tipton, Iowa. Present were Board members Penningroth, Hoy, Lenker, Zoning Administrator La Rue and Secretary Pruess. Absent were Beyer and Johnson. Since Chairman Johnson was absent, Lenker made a motion with Hoy seconding, to appoint Ray Penningroth as Chairman Pro-tem.

The meeting was then called to order by Penningroth. Minutes from the last meeting held on November 1, 1995, had been previously mailed to the members. Lenker made a motion, with Hoy seconding, to approve the minutes as written.

The Board then heard the petition filed by Ward Skinner Estate and Wendling Quarries, who were requesting a Special Use Permit authorizing the commercial extraction of sand and gravel on property located in the S 1/2, SW 1/4, Section 11, T-82N, R-1W, in Massillon Township, consisting of 103 acres more or less. No written or verbal objections were on file for this petition.

Glen Varteldt, Attorney representing Wendling Quarries, informed the Board that the operation will consist only of extraction of sand and gravel and that there will be no crushing operation. He stated that the business will be entirely dependent on the market for asphalt or concrete and would be operated on an extensive basis on a short term basis. There will be no water pumped from the Wapsie for the operation.

Wendling Quarries stated that a private roadway into the site will be built. They also stated that when they are in operation, Wendling Quarries will provide dust control on the roadway to the highway which consists of approximately 1 1/4 miles. The dust control will be applied under Cedar County's regulations at Wendling Quarries expense. Cedar County Engineer, Mark Nahra, had recommended calcium chloride treatment for the dust control. Mr. & Mrs. Arthur Barkley, neighbors who have a flower farm business, were present and expressed their concern regarding the dust control. After further discussion, Lenker made a motion to approve the request for a Special Use Permit to the Skinner's and Wendling Quarries, with a stipulation that adequate dust control be provided on the entire route to the highway. Hoy seconded the motion. Ayes all. An annual review will be held on this Special Use Permit.

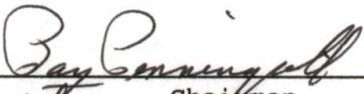
The next petition to be heard was filed by Elaine Berry, RR, Clarence. Ms. Berry was requesting a Special Use Permit authorizing the location of a commercial dog breeding kennel on property located in the SW 1/4, NE 1/4, Section 4, T-81N, R-2W, in Fairfield Township, consisting of 2.179 acres more or less. There were no verbal or written objections on file. Ms. Berry informed the Board members that she currently has 15 adult dogs in her breeding kennel and does not know how big the operation will get in the future. She stated that she may come back to the Board for a boarding permit at a later date, but at this time, prefers to do limited breeding.



She requested permission to allow her to have up to 75 adult dogs (puppies do not count up to past six months old). After further discussion, Hoy made a motion to approve her request to board up to 75 adult dogs. Lenker seconded the motion. Ayes all. An annual review will be held on this Special Use Permit.

The last petition to be heard by the Board was filed by the Cedar County Cooperative, Tipton, who were requesting a Special Use Permit authorizing the expansion of the Agricultural Business currently at their site located in the SW 1/4, NW 1/4, Section 20, T-80N, R-4W, in Gower Township, consisting of approximately 20 acres. There were no written or verbal objections on file. Bob Young informed the members that 8 acres had previously been rezoned with the remaining 12 acres currently zoned as "Aa". He stated that the Cooperative would like the additional land rezoned because they would like to expand and add additional services in the future. He also stated that they do not intend on expanding the hog operation which is currently on the site. After a brief discussion, Lenker made a motion that the Cedar County Cooperative's request be approved. Hoy seconded the motion. Ayes all. An annual review will be held on this Special Use Permit.

With no further business to be discussed at this time, the meeting was adjourned at 2:45 p.m.

  
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acting - Chairman

  
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Secretary



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

January 29, 1996

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 8, 1996, at 2:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Board will review the following petitions:

1. Ward Skinner Estate, RR, Wheatland (Owner) and Wendling Quarries, Inc., De Witt - Requesting a Special Use Permit authorizing the commercial extraction of sand and gravel on property located in the S 1/2, SW 1/4, Section 11, T-82N, R-1W, in Massillon Township, consisting of 103 acres more or less.
2. Elaine Berry, RR, Clarence (Owner) - Requesting a Special Use Permit authorizing the location of a commercial dog breeding kennel on property located in the SW 1/4, NE 1/4, Section 4, T-81N, R-2W, in Fairfield Township, consisting of 2.179 acres more or less.
3. Cedar County Cooperative, Tipton (Contract Buyer) - Requesting a Special Use Permit authorizing the expansion of the Agricultural Business currently at this site. The property is located in the SW 1/4, NW 1/4, Section 20, T-80N, R-4W, in Gower Township, consisting of 20.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sp