

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

December 18, 1997

The Cedar County Board of Adjustment conducted a Public Hearing on December 18, 1997, at 3:00 p.m., in the Blue Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Johnson, Beyer, Lenker and Penningroth. Member absent was Hoy.

Minutes from the last meeting held on November 20, 1997, were previously sent to the members. The minutes were approved as presented.

The Board members then heard the following petition:

1. Francis and Geraldine Schilling, Tipton (Owners) - Requesting a variance on the street side yard and the rear yard setback requirements in the R-2, Urban Residential District, for a proposed manufactured home to be located on Lot 10 and the South 1/2 of Lot 9, Block 10, in the SW 1/4, SE 1/4, Section 2, T-79N, R-3W, in the unincorporated town of Rochester.

No written or verbal objections were on file for this petition. A letter of support was received from Don and Sharon Stiff for this petition.

Geraldine Schilling was present at the meeting and presented an aerial photo showing where they would like to place the home on the property. La Rue advised the Board members to consider this request according to Chapter 17.18(3), of the Cedar County Zoning Ordinance. The members were informed that there is an 80 foot road right-of-way, the well is located right next to the house and the septic system lies to the west of the building site. La Rue advised the members that the peculiarities of the property give grounds to grant a variance to the Schilling's. Mrs. Schilling stated that the existing house will be removed from the property. She said that she would need a variance of 13 feet on the rear yard setback and 8 feet on the side yard setback requirement in order for the home to be placed on the property.

After a brief discussion, Lenker made a motion to grant the variance as requested acknowledging the peculiarity conditions, subject that the manufactured home will not be in the county road right-of-way. Penningroth seconded the motion. Ayes all. A variance of 13 feet on the rear yard and 8 feet on the side yard requirement was granted. Mrs. Schilling was also informed that they would be given 6 months from when they move into the new home to have the existing home removed.

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

1. Dennis and Dianna Hodgden, RR, Tipton (Owners) - A Special Use Permit granted authorizing the commercial extraction of limestone on property located in the NE 1/4, NE 1/4, Section 22, T-80N, R-3W, in Center West Township, consisting of 5.00 acres more or less.
2. Joe and Carolyn Kilburg, RR, Lisbon (Owners) - A Home Occupation Permit granted 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.
3. Ward Skinner Estate, RR, Wheatland (Owner) and Wendling Quarries, Inc., De Witt - A Special Use Permit granted 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.
4. Elaine Berry, RR, Clarence (Owner) - A Special Use Permit granted 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.
5. Cedar County Cooperative, Tipton (Contract Buyer) - A Special Use Permit granted authorizing the expansion of the Agricultural Business. 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.
6. Sandra Langenberg, RR, West Branch (Owner) - A Home Occupation Permit granted 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.

All of the above Home Occupation/Industry and Special Use Permits were granted one year extensions. Penningroth made a motion to authorize continuance of the permits. Johnson seconded the motion. Ayes all.

The Board members next held a brief discussion on communication towers.

With no further business to be discussed at this time, Lenker made a motion for adjournment. Penningroth seconded the motion. Ayes all. The meeting was adjourned at 3:30 p.m.

Claudia Beyer
Chairman

Sharon Laucamp
Secretary

Legal Notice

LEGAL NOTICE

The Cedar County Board of Adjustment will be conducting a Public Hearing on Thursday, December 18, 1997, 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 petition:

1. Francis and Geraldine Schilling, Tipton (Owners) - Requesting a variance on the street side yard and the rear yard setback requirements in the R-2, Urban Residential District, for a proposed manufactured home to be located on Lot 10 and the South 1/2 of Lot 9, Block 10, in the SW 1/4, SE 1/4, Section 2, T-79N, R-3W, in the unincorporated town of Rochester.

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

1. Dennis and Dianna Hodgden, RR, Tipton (Owners) - A Special Use Permit granted authorizing the commercial extraction of limestone on property located in the NE 1/4, NE 1/4, Section 22, T-80N, R-3W, in Cedar West Township, consisting of 5.00 acres more or less.

2. Joe Land Carolyn Kilburg, RR, Lisbon (Owners) - A Home Occupation Permit granted 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.

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5. John Linn (Owner) - A Special Use Permit granted authorizing the location of a dog kennel on property located in the SW 1/4, NE 1/4, Section 4, T-82N, R-1W, consisting of 1.615 acres more or less.

STATE OF IOWA, CEDAR COUNTY, ss:

98 JAN -7 AM 10:28

I, Herbert E. Clark or Stuart S. Clark, publishers of **The Tipton Conservative and Advertiser**, a weekly newspaper of general circulation, published in said county, being duly sworn do declare and say that a notice, of which one hereto attached is a copy, was published in the said

The Tipton Conservative and Advertiser 1 time

to wit on Dec 10, 1997

Stuart S. Clark

Subscribed and sworn to before me this 5

day of Jan A.D. 1998

Joyce M. Gray
Notary Public in and for Cedar County, Iowa

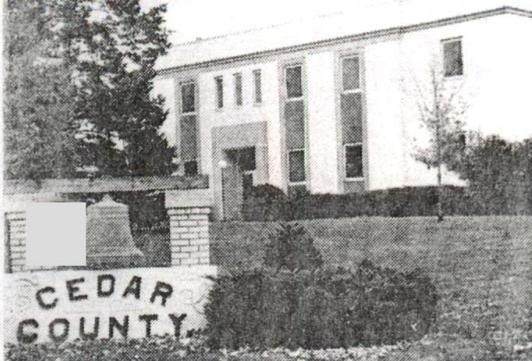
Received of _____

Dollars _____

Printer's fee \$ 28.72



JOYCE M. GRAY
MY COMMISSION EXPIRES



Tel. 319-666-2246

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

December 8, 1997

PUBLIC NOTICE

The Cedar County Board of Adjustment will be conducting a Public Hearing on Thursday, December 18, 1997, 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 petition:

1. Francis and Geraldine Schilling, Tipton (Owners) - Requesting a variance on the street side yard and the rear yard setback requirements in the R-2, Urban Residential District, for a proposed manufactured home to be located on Lot 10 and the South 1/2 of Lot 9, Block 10, in the SW 1/4, SE 1/4, Section 2, T-79N, R-3W, in the unincorporated town of Rochester.

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

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2. Joe and Carolyn Kilburg, RR, Lisbon (Owners) - A Home Occupation Permit granted 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.
3. Ward Skinner Estate, RR, Wheatland (Owner) and Wendling Quarries, Inc., De Witt - A Special Use Permit granted 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.

4. Elaine Berry, RR, Clarence (Owner) - A Special Use Permit granted 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.
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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:sl

Copies sent out on 12/10/97 to the following:

1. Francis & Geraldine Schilling - 309 Sycamore Street, Tipton, Iowa 52772 - Certified
2. Leland & Kara Gritton - 1881 2nd Street, Tipton, Iowa 52772
3. Herbert Ford - 1811 King Avenue, Tipton, Iowa 52772
4. Michael & Mi Suk Ford - 1887 2nd Street, Tipton, Iowa 52772
5. Clarence & Lorine Ford - 1889 2nd Street, Tipton, Iowa 52772
6. Max Phelps - 509 East 2nd Street, P.O. Box 287, Tipton, Iowa 52772
7. Golden Rule Lodge - 1882 1st Street, Tipton, Iowa 52772
8. Earl & Sandi Cook - 1884 1st Street, Tipton, Iowa 52772
9. John A. Wiskus & Bonnie L. Kautz - 4491 73rd St. SE, Wishek, ND 58495
10. Gary & Margaret Witmer - 1888 1st Street, Tipton, Iowa 52772
11. Loren & Cari Gritton - 1704 Cedar Street, Tipton, Iowa 52772
12. Janet Nelson - 1901 2nd Street, Tipton, Iowa 52772
13. Contel of Kansas, Inc. - 19845 N. US 31, Box 407, Westfield, IN 46074
14. Tax Department - GTE Telephone Operations, Box 152206, Irving, TX 75015
15. Donald & Sharon Stiff - 1903 3rd Street, Tipton, Iowa 52772
16. William & Mamie Lovell - 1722 Cedar Street (Rochester), Tipton, Iowa 52772
17. Margaret Pierce - 1908 2nd Street, Tipton, Iowa 52772
18. Louise Ann Idlewine - 1728 Washington Street, Tipton, Iowa 52772
19. Kathryn Post - 1891 3rd Street, Tipton, Iowa 52772
20. Alva Hansen - 1726 Washington Street, Tipton, Iowa 52772
21. William Dallege - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
22. Martha Freeman - 1871 2nd Street, Tipton, Iowa 52772
23. Warren Williams - 1873 2nd Street, Box 411, Tipton, Iowa 52772
24. Rita Idlewine - 1875 2nd Street, Tipton, Iowa 52772
25. Gregory & Laura Boeding - 1711 Washington Street, Tipton, Iowa 52772
26. Norman & Gloria McQuillen - 1874 1st Street, Tipton, Iowa 52772
27. Roger & Carolyn Gritton - 1876 1st Street, Tipton, Iowa 52772
28. Lowell & Donna Salyars - 1881 1st Street, Tipton, Iowa 52772
29. Merle & Diana Waltz - 1889 1st Street, Tipton, Iowa 52772
30. John & Rozella Simons - 2241 290th Street, Wilton, Iowa 52778
31. Dennis & Vickie Janus - % Rosalie Woods, P.O. Box 380, Sparta, MO 65753
32. Dorothy Ford - 1811 King Avenue, Tipton, Iowa 52772
33. 5 Board of Adjustment members
34. 1 copy to newspaper on 12/8/97
35. 2 file copies
36. 2 copies for bulletin boards

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

November 20, 1997

The Cedar County Board of Adjustment conducted a Public Hearing on November 20, 1997, at 3:00 p.m., in the Blue Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Beyer, Johnson and Lenker. Member absent was Hoy.

Minutes from the last meeting held on October 23, 1997, were previously sent to the members. The minutes were approved as written.

The Board members then heard the following petition:

1. Mike and Debra Bedford, RFD, Stanwood (Owners) - Requesting approval of a Special Use Permit for the purpose of operating a dog boarding and breeding kennel on property located in Parcel A in the NE 1/4, SW 1/4, Section 21, T-82N, R-2W, in Dayton Township, consisting of 2.13 acres more or less. The members were informed that the Planning and Zoning Commission had previously heard this petition, at which time they recommended approval, with the understanding that there would not be more than 15 dogs over 6 months of age at the facility at one time. La Rue suggested to the members that they consider this petition in accordance to Chapter 17.18(2) of the Zoning Ordinance.

Debra Bedford was present at the hearing and informed the members of her plan to board and breed dogs at her property. She informed the members that she has been showing and breeding champion boxers for 10 years. She provides obedience training and keeps a daily record on all the dogs at her facility. Mrs. Bedford presented pictures of her property. The kennel is located more than the 750' separation requirement from the nearest residence. There is also adequate off-street parking at the facility. Mrs. Bedford informed the members that the dogs are confined inside the building at night. She was aware that she is also required to obtain a license from the Iowa Department of Agriculture.

After further discussion, Penningroth made a motion to grant the Special Use Permit. Johnson seconded the motion. Ayes all. This S.U.P. will be reviewed annually.

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

1. La Rue informed the members that he had omitted the Conditional Use Permit previously granted to Folkman Feed and Grain, Inc., RR, Clarence, for their commercial hog operation. The reason for this is because the Board of Adjustment can not put restrictions on livestock confinements at this time.

2. Patty Laing, RFD, West Branch (Owner) - A permit granted 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.
3. 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.
4. Great Lakes Chemical Corporation, Omaha, Nebraska - A permit granted 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.
5. 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.
6. 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.
7. 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. La Rue informed the members that Mr. Conrad is operating within his perimeters.
8. 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 3.00 acres more or less.
9. 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.
10. 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. It was noted that the Grant's original Special Use Permit was amended on July 5, 1996, allowing them to increase the number of dogs from six to twenty-four.

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.

All of the above Home Occupation/Industry and Special Use Permits, excluding #1, were granted one year extensions. Lenker made a motion to authorize continuance of the permits. Johnson seconded the motion. Ayes all. There will be additional permits to be reviewed at the next meeting which were omitted from the list. The next meeting date will be December 18, 1997.

With no further business to be discussed at this time, Penningroth made a motion for adjournment. Lenker seconded the motion. The meeting was adjourned at 3:25 p.m.

Claudia Beyer
Chairman

Sharon Lautcamp
Secretary

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

November 10, 1997

PUBLIC NOTICE

The Cedar County Board of Adjustment will be conducting a Public Hearing on Thursday, November 20, 1997, 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 petition:

1. Mike and Debra Bedford, RFD, Stanwood (Owners) Requesting approval of a Special Use Permit for the purpose of operating a dog boarding and breeding kennel on property located in Parcel A in the NE 1/4, SW 1/4, Section 21, T-82N, R-2W, in Dayton Township, consisting of 2.13 acres more or less.

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

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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.
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10. 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

PL:s1

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

October 23, 1997

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, October 23, 1997, at 3:00 p.m., in the Blue Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Johnson, Hoy and Beyer. Members absent were Penningroth and Lenker.

Minutes from the last meeting held on September 25, 1997, were previously sent to the members. The minutes were approved as written.

Zoning Administrator La Rue read the Public Hearing notice for this meeting and suggested that the members consider the following petitions according to Chapter 17.18, Subsection 3, of the Cedar County Zoning Ordinance:

1. Kent and Deb Smith, RR, Tipton (Owners) - Requesting a variance on the front yard setback requirements in the R-2 Urban Residential District for a proposed garage to be located on Lot 11, Block 3, in the NW 1/4, NW 1/4, Section 34, T-81N, R-4W, in Cass Township, in the unincorporated town of Cedar Bluff.

Zoning Administrator La Rue informed the members that he had received a letter from County Engineer Mark Nahra recommending denial of the variance requested. The Smith's were present and stated that they had previously talked with Nahra, at which time they were told that if the proposed garage was placed 10 feet from the road right-of-way, he would grant it. The Smith's stated that they would like to place the garage even with the same setback as their house. They stated that they may need the land behind the house and garage in case of future problems with their septic system in order to meet county code requirements. Percolation rates were also discussed.

The Smith's presented pictures of their property showing the existing road. Attorney Werling was present and informed the members that County Engineer Nahra stated that the street is not part of the roadway system. The current front yard setback requirement from the county right-of-way in the R-2 district is 25 feet. The Smith's were requesting a variance to allow them to place the building 10 feet from the county right-of-way. The Smith's stated that their vehicles will be parked further off the road than the variance request which will not present a problem with road maintenance.

After further discussion, Hoy made a motion to grant a 10 foot variance to the front yard setback requirement. Johnson seconded the motion. Ayes all.

2. Randy and Julie Kruse, RR, Stanwood (Owners) - Requesting a Home Occupation/Industry Permit for the purpose of operating a retail food store on their property located in the SW 1/4, NW 1/4, Section 12, T-81N, R-3W, in Red Oak Township. The property is currently zoned A-1 Agricultural.

No written or verbal objections were on file for this petition. The members were informed that the County Engineer recommended that no parking be allowed on the road. Mr. Kruse presented a diagram showing the proposed parking area for 4 to 5 vehicles with additional parking available in front of the building. Mr. Kruse stated that the proposed store will be a separate building on their property. He also stated that the business would not be the principal use of the grounds. They will be selling produce from their garden but no perishable goods will be sold. They will need to acquire a retail food store permit for their business. There will be no food consumption on the premises. The Kruse's were informed of the sign requirements for advertising.

Johnson then made a motion to grant the Home Occupation/Industry Permit subject to parking and sign requirements and also subject to annual review by the Board of Adjustment. Hoy seconded the motion. Ayes all.

3. Archibald Safley Estate, RR, Tipton - Requesting a variance of the 150 foot minimal lot width and the 30 foot side yard requirement of the A-1 Agricultural District, Chapter 5, Section E2 of the Zoning Ordinance for Lot 1 of a proposed minor subdivision. This property is located in the SW 1/4, NW 1/4, Section 25, T-81N, R-3W, in Red Oak Township.

No written or verbal objections were on file for this petition. Stuart Werling, the estate's attorney, was present and informed the members of the variance request. He stated that there are three residences on the whole farm and that one residence will be sold off with the farm. Mr. Werling presented a diagram of Lot 1 and Lot 2 for the two remaining houses. Lot #1 does not meet the current zoning requirements of a 30 foot side yard and a 150 foot frontage. The estate is requesting a variance for Lot #1 to allow for a 21.98 foot side yard and 130.55 be allowed for the frontage yard. La Rue informed the members that the 1975 Zoning Ordinance did not stipulate a minimum lot area for the A-1 district if the dwelling was for family members. The 1996 Zoning Ordinance requires approval from the Board of Adjustment for a variance on lot width and setback requirements before a petition can be prepared for a minor subdivision. It was determined that this was a pre-existing condition beyond the current owner's control.

A motion was then made by Hoy to grant a lot width variance from 150 feet to 130.55 feet and a side yard setback requirement from 30 feet to 21.98 feet on Lot #1. Johnson seconded the motion. Ayes all.

With no further business to be discussed at this time, Johnson made a motion to adjourn the meeting. Hoy seconded the motion. Ayes all.

Claudia Beyer
Chairman

Sharon Laucamp
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

October 6, 1997

LEGAL NOTICE

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

At this time the Board will consider the following petitions:

1. Kent and Deb Smith, RR, Tipton (Owners) - Requesting a variance on the front yard setback requirements in the R-2 Urban Residential District for a proposed garage to be located on Lot 11, Block 3, in the NW 1/4, NW 1/4, Section 34, T-81N, R-4W, in Cass Township, in the unincorporated town of Cedar Bluff.
2. Randy and Julie Kruse, RR, Stanwood (Owners) - Requesting a Home Occupation/Industry Permit for the purpose of operating a retail food store on their property located in the SW 1/4, NW 1/4, Section 12, T-81N, R-3W, in Red Oak Township. This property is currently zoned A-1 Agricultural District.
3. Archibald Safley Estate, RR, Tipton - Requesting a variance of the 150 foot minimal lot width and the 30 foot side yard requirement of the A-1 Agricultural District, Chapter 5, Section E2 of the Zoning Ordinance for Lot 1 of a proposed minor subdivision. This property is located in the SW 1/4, NW 1/4, Section 25, T-81N, R-3W, in Red Oak Township.

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Phil La Rue
Zoning Administrator

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 25, 1997

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, September 25, 1997, at 1:00 p.m., in the Blue Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Lenker, Hoy, Beyer and Johnson.

Minutes from the last meeting held on July 24, 1997, were previously sent to the members. The minutes were approved as presented.

The Board members then heard the following petitions:

1. Wilton Rifle Club, Inc., Muscatine - Requesting approval of a Special Use Permit authorizing the location of a Gun Club on property located in the W 1/2, NW 1/4, Section 35, T-79N, R-3W, in Iowa Township, consisting of 80.00 acres more or less.

Zoning Administrator La Rue informed the members that he had received a letter on September 23, 1997, from the owner of the property, Francis Carlisle, requesting to withdraw his request for a Special Use Permit. Therefore, this petition was not discussed at this time.

2. Andy Tygrett, RFD, Tipton - Requesting a variance to place a 1974 mobile home on property located in the NW 1/4, NE 1/4, Section 22, T-79N, R-3W, in Iowa Township, consisting of 117.00 acres more or less.

No written or verbal objections were on file for this petition. This property is currently zoned A-1. Andy Tygrett's father, Terry Tygrett, represented his son at the hearing. Mr. Tygrett informed the members that the 1974 mobile home has recently been remodeled including new plumbing, wiring, subflooring, LP gas, windows and doors. Pictures of the mobile home were presented to the members by Mr. Tygrett.

Andy Tygrett is currently purchasing a 117 acre farm and wishes permission to place the mobile home on his farm for his two elderly aunts, Louise & Martha Tygrett, ages 87 and 90, so that they can look after them. The aunts are currently living in the mobile home which is placed at Minifarm Acres. Terry Tygrett informed the members that Minifarm Acres is for sale so they would like to place the mobile home on the farm that Terry and Andy are purchasing from the Isabel's.

Under the Cedar County Zoning Ordinance, a second farm dwelling is allowed if placed within 250 feet of the existing house and is for a family member or one who is actively involved in the farming operation. Mr. Tygrett informed the members that the mobile home would be placed approximately 75 to 100 feet of the existing farm house. A separate sewer system will be installed for the mobile home and the mobile home will be converted to real estate. Mr. Tygrett also stated that when the elderly aunts pass away, the mobile home will be removed from the farm.

La Rue informed the members to consider the request according to Chapter 17.18, Subsection 3, of the Cedar County Zoning Ordinance. Penningroth then made a motion to approve the request for a temporary variance to place the mobile home on the farm for the occupancy of the two elderly aunts and that the mobile home is to be removed within one year after the deaths of Louise & Martha Tygrett. Lenker seconded the motion. Ayes all.

Zoning Administrator La Rue next suggested to the members that in the future, if any environmental or special studies need to be done prior to the Board making a decision on a Special Use Permit, that the next meeting not be held later than 90 days.

With no further business to be discussed at this time, Johnson made a motion for adjournment. Penningroth seconded the motion. Ayes all.

Claudia Bayn

Chairman

Sharon Laucamp

Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Board of Adjustment Public Hearing

September 25, 1997

For Proposed Special Use Permit for the Wilton Rifle Club

9:30 a.m. - Assemble at the Courthouse

10:00 a.m. - Site survey at the proposed rifle range for live-fire shooting, also the residence of Karl Nebergall, RR, Atalissa

1:00 p.m. - Public Hearing in Basement Meeting Room of the Cedar County Courthouse

3:00 p.m.? - Adjournment



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

September 8, 1997

AMENDED LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on September 25, 1997, at 1:00 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. Wilton Rifle Club, Inc., Muscatine - Requesting approval of a Special Use Permit authorizing the location of a Gun Club on property located in the W 1/2, NW 1/4, Section 35, T-79N, R-3W, in Iowa Township, consisting of 80.00 acres more or less.

This petition was previously heard before the Board of Adjustment on April 24, 1997, but was tabled until more information could be presented and a site survey performed by the Board of Adjustment. This on-site survey by the Board of Adjustment is scheduled to be performed at 10:00 a.m., September 25, 1997.

2. Andy Tigrett, RFD, Tipton - Requesting a variance to place a 1974 mobile home on property located in the NW 1/4, NE 1/4, Section 22, T-79N, R-3W, in Iowa Township, consisting of 117.00 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:sl

Copies sent out on 9/8/97 to the following:

1. Wilton Rifle Club, Inc. - 2015 West Bay Drive, Muscatine, Iowa 52761 - Certified
2. Francis Carlisle - Box 124, Atalissa, Iowa 52720
3. Karl Nebergall - 2365 Atalissa Road, Atalissa, Iowa 52720
4. Dennis & Garey Tharp & Beverly Barclay - 915 Cypress Street, Wilton, Iowa 52778
5. Steven & Patricia Albro - 2229 Atalissa Road, Atalissa, Iowa 52720
6. B. L. Anderson Farms, Ltd. - Farmers Bank Trust Dept., Box 299, Independence, IA 50644
7. Bonnie Waters Sturtz Revocable Trust - 7383 Huntington Road, Hudson, Ohio 44236
8. George Lewis - 1388 Iron City Avenue, Atalissa, Iowa 52720
9. David Kaska - 1061 Jefferson Avenue, Atalissa, Iowa 52720-9776
10. William Norton - Attorney at Law, 504-508 Main Street, Lowden, Iowa 52255
11. Stuart Werling
12. 5 Board of Adjustment members
13. 1 copy to newspaper on 9/8/97
14. 2 file copies
15. 2 copies for bulletin boards

Copies sent out on 9/9/97 to the following:

1. Andy Tygrett - 2050 Highway 38, Tipton, Iowa 52772 - Certified
2. Ronald & Debra Simpson - 972 305th Street, Atalissa, Iowa 52720
3. Janice Isabel - 985 310th Street, Atalissa, Iowa 52720
4. Mike & Sandra Rummells - 1049 305th Street, Atalissa, Iowa 52720

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 29, 1997

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on September 25, 1997, at 1:00 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. Wilton Rifle Club, Inc., Muscatine - Requesting approval of a Special Use Permit authorizing the location of a Gun Club on property located in the W 1/2, NW 1/4, Section 35, T-79N, R-3W, in Iowa Township, consisting of 80.00 acres more or less.

This petition was previously heard before the Board of Adjustment on April 24, 1997, but was tabled until more information could be presented and a site survey performed by the Board of Adjustment. This on-site survey by the Board of Adjustment is scheduled to be performed at 10:00 a.m., September 25, 1997.

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

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

July 24, 1997

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, July 24, 1997, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Johnson, Penningroth, Hoy and Lenker. Member absent was Beyer.

The Board members then heard the following petitions:

1. Andre and Norma Seligman, RFD, Tipton (Owners) - Requesting a variance of the Cedar County Zoning Ordinance, Chapter 5, Agricultural District, Section C, Subsection 2, to permit the location of a second farm dwelling with a separation distance greater than 250 feet from existing farm structures on property located in the NE 1/4, NW 1/4, Section 8, T-79N, R-3W, in Rochester Township.

No written or verbal objections were on file for this petition. Mr. and Mrs. Seligman informed the members of their desire to have their son and his wife move a three year old mobile home on their property which is non-productive timber ground. The Seligman's had letters from adjacent property owners stating that they had no objections. They stated that they will comply with the Cedar County Health Department's regulations and setback requirements. A 146' well was drilled on the property in 1983. They also stated that they will retain ownership of the property. The CSR on the property is 68.

La Rue advised the members to review the Seligman's request according to Chapter 17, Section 17.18, Subsection 3, of the Zoning Ordinance. After a brief discussion, Lenker made a motion to approve the Seligman's request. Hoy seconded the motion. Ayes all.

2. Greg Fowler, RFD, Tipton (Owner) - Requesting a variance of the Cedar County Zoning Ordinance, Chapter 5, Agricultural District, Section C, Subsection 2, to permit the location of a second farm dwelling with a separation distance greater than 250 feet from existing farm structures on property located in the NE 1/4, NE 1/4, Section 7, T-80N, R-3W, in Cass Township.

No written or verbal objections were on file for this petition. Mr. Fowler was present and informed the members of his intent to build a home on the northwest corner of a parcel of 35 acres. He is currently purchasing the property on contract from Lavern & Irene Woods. The close proximity of the property to the old landfill site was discussed. Chapter 49 of the Iowa State Code requires a separation distance of 1,000 feet. The CSR on the property is 68.

Gilbert and Phyllis Behrens, adjoining property owners, were present and stated that they were not objecting to Mr. Fowler's request as long as he is aware of their farm operation. Mr. Behrens questioned if there were laws to protect him and his current operation. He was advised that House File #519 states nuisance protection for farmers.

La Rue informed the members to consider Chapter 17, Section 17.18, Subsection 3, in making a decision. After further discussion, Penningroth made a motion to approve Mr. Fowler's request. Hoy seconded the motion. Ayes all.

The Board members next held an election of officers. Forest Johnson expressed his request to resign as chairman. He will, however, continue to be a member of the Board of Adjustment. Penningroth then made a motion to accept Mr. Johnson's resignation. Hoy seconded the motion. Ayes all. La Rue then informed the Board that he had talked with Claudia Beyer and said that she would be willing to accept the chairperson position. Hoy then made a motion to nominate Claudia Beyer as chairperson and Ray Penningroth as vice-chairperson. Lenker seconded the motion. Ayes all. Another election of officers will be held in January of next year.

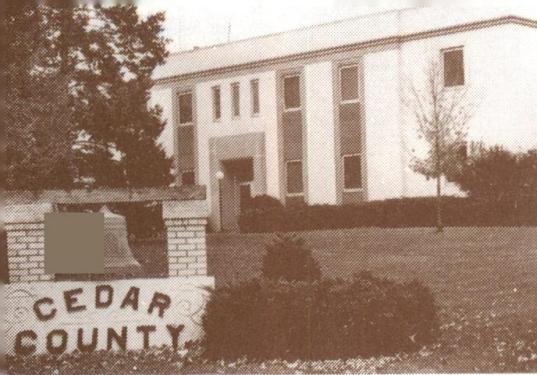
La Rue next requested that the next regular meeting date of the Board of Adjustment be changed. No date was decided upon at this time.

Minutes from the last meeting held on June 26, 1997, were previously sent to the members. Hoy made a motion to approve the minutes as written. Lenker seconded the motion. Ayes all.

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

Forest Johnson
Chairman

Sharon Laucamp
9-25-97
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

July 7, 1997

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, July 24, 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 petitions:

1. Andre and Norma Seligman, RFD, Tipton (Owners) - Requesting a variance of the Cedar County Zoning Ordinance, Chapter 5, Agricultural District, Section C, Subsection 2, to permit the location of a second farm dwelling with a separation distance greater than 250 feet from existing farm structures on property located in the NE 1/4, NW 1/4, Section 8, T-79N, R-3W, in Rochester Township.
2. Greg Fowler, RFD, Tipton (Owner) - Requesting a variance of the Cedar County Zoning Ordinance, Chapter 5, Agricultural District, Section C, Subsection 2, to permit the location of a second farm dwelling with a separation distance greater than 250 feet from existing farm structures on property located in the NE 1/4, NE 1/4, Section 7, T-80N, R-3W, in Cass 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:s1

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

June 26, 1997

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, June 26, 1997, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Lenker, Hoy, Johnson, Beyer and Penningroth.

Minutes from the last meeting held on April 24, 1997, were previously sent to the members. They were approved as written.

The Board members then heard the following petitions:

1. Janita Fisher, RR, Lowden (Owner) - Requesting approval of a Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the SW 1/4, SW 1/4, Section 36, T-82N, R-1W, in Springfield Township, consisting of 5.75 acres more or less.

No written or verbal objections were on file for this petition. Ms. Fisher's request was heard by the Planning and Zoning Commission on June 18, 1997, and was approved. At that time, Ms. Fisher was advised that another review by the Board of Adjustment would be necessary if she ever wishes to provide additional rooms for guests more than the two she originally requested.

Ms. Fisher was present and informed the members that she has a four bedroom home of which she would like to provide two as guest rooms for her intended bed and breakfast business. Zoning Administrator informed the members that at this time no food or hotel/motel license is required. However, more rules may come into existence when bed and breakfast homes are changed to bed and breakfast inns by the State. Ms. Fisher was again informed that she would have to petition the Board of Adjustment if she ever wishes to expand the number of guest rooms.

Sign placement and adequate septic system facilities were questioned by the Board members. She was informed that she was allowed to place a two square foot sign for advertising and the current septic system is adequate unless she adds more rooms. It was also suggested that she have the drinking water tested annually.

La Rue advised the members to review Ms. Fisher's request according to Chapter 17 and Chapter 5, Section D., Subsection 14, of the Zoning Ordinance. After a brief discussion, Penningroth made a motion to approve the Special Use Permit request. Lenker seconded the motion. Ayes all.

2. Roy and Kathryn Ryan, RR, West Branch (Owners) - Requesting a variance on the yard setback requirements for a proposed accessory structure in the R-2 District on property located in Lots 1 & 2, Block 14, in the SE 1/4, SE 1/4, Section 30, T-79N, R-4W, in Springdale Township, in the unincorporated town of Downey.

No written or verbal objections were on file for this petition. Mr. and Mrs. Ryan were present and informed the Board of their intent to construct a two car garage on their two lots. Mr. Ryan stated that the garage is for personal work and not commercial and they will not sell either lot individually. The Ryan's were requesting a variance on the rear yard setback requirement of 10 feet to 5 feet or less so that a tree would not have to be taken down. The septic system is in the north yard preventing the location of the garage there. Snow removal by the Secondary Road Department was questioned by the members. There is a one lane alley and the members suggested that the Ryan's contact the County to determine an exact point of measurement for the easement. The Ryan's agreed to do so.

La Rue informed the members to review the request according to Chapter 17 of the Zoning Ordinance. Beyer then made a motion to grant the variance request from 10 feet from the boundary line to 4 feet. Lenker seconded the motion. Ayes all.

3. Dan and Carla Boddicker, RR, Tipton (Owners) - Requesting a variance on the yard setback requirements for a proposed porch addition in the R-1 District on property located in the NW 1/4, SE 1/4, Section 23, T-81N, R-3W, in Red Oak Township.

No written or verbal objections were on file for this petition. Mr. Boddicker was present and informed the Board of his intention to build a 12' x 24' four seasons room onto his house. He was requesting a variance on the front yard setback from 50 feet to 26 feet. This property is located on a dead end road which has been vacated by Cedar County.

After a brief discussion, Penningroth made a motion to grant the request of a 26 feet front yard setback. Hoy seconded the motion. Ayes all.

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

Tonetta Johnson
Chairman

Sharon Laucamp
Secretary

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

June 20, 1997

TO: Cedar County Board of Adjustment Members

Enclosed for your review is a copy of the minutes from the Planning & Zoning Commission Meeting regarding the Special Use Permit request which you will be hearing on June 26th.

If you will be unable to attend the meeting, please notify this office at your earliest convenience.

Sincerely,



Phil La Rue
Zoning Administrator

PL:sl

Encl.

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 18, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, June 18, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Brown, Glick, Penningroth, Krall, Schuett and Zoning Administrator La Rue. Members absent were Bowie and Pruess.

Minutes of the previous meeting held on May 21, 1997, were previously sent to the members. A motion was made by Schuett and seconded by Penningroth to approve the minutes as written. Motion carried.

The following petition was then heard by the Commission members:

1. Janita Fisher, RFD, Lowden - Requesting approval of a Special Use Permit authorizing the location of a Bed & Breakfast Home on property located in the SW 1/4, SW 1/4, Section 36, T-82N, R-1W, in Springfield Township.

No written or verbal objections were on file for this petition. Janita Fisher was present and explained her intention to provide a Bed & Breakfast Home, using two bedrooms in her home. Commission members reviewed guidelines for Bed & Breakfast Homes in accordance with Chapter 137B,C, Code of Iowa, 1997. Ms. Fisher was advised that any additional rooms for guests would require another review by the Cedar County Board of Adjustment and compliance with Bed and Breakfast Inn regulations. Access to the home is through the 3-30 Country Club property. La Rue asked that five alarms and extinguishers be installed in the home and adequate parking be provided.

After a brief discussion, Krall made a motion to approve Ms. Fisher's request and forward it to the Cedar County Board of Adjustment. Brown seconded the motion. Ayes all.

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

AGENDA FOR BOARD OF ADJUSTMENT PUBLIC HEARING

June 26, 1997

- I. Review of petitions
- II. Discussion on Wilton Rifle Club's pending S.U.P.
- III. Conclusion

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

June 9, 1997

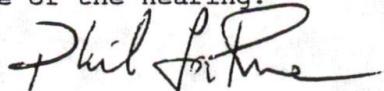
PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, June 26, 1997, 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. Janita Fisher, RR, Lowden (Owner) - Requesting approval of a Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the SW 1/4, SW 1/4, Section 36, T-82N, R-1W, in Springfield Township, consisting of 5.75 acres more or less.
2. Roy and Kathryn Ryan, RR, West Branch (Owners) - Requesting a variance on the yard setback requirements for a proposed accessory structure in the R-2 Urban Residential District on property located in Lots 1 & 2, Block 14, in the SE 1/4, SE 1/4, Section 30, T-79N, R-4W, in Springdale Township, in the unincorporated town of Downey.
3. Dan and Carla Boddicker, RR, Tipton (Owners) - Requesting a variance on the yard setback requirements for a proposed porch addition in the R-1 Suburban Residential District on property located in the NW 1/4, SE 1/4, Section 23, T-81N, R-3W, in Red Oak 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

Copies sent out on 6/10/97 to the following:

1. Roy & Kathryn Ryan - 212 Broadway Street, West Branch, Iowa 52358 - Certified
2. Mrs. Fred Ingram - 2284 Baker Avenue, West Branch, Iowa 52358
3. Mr. & Mrs. Steve Zinkula - 2280 Baker Avenue, West Branch, Iowa 52358
4. Downey Baptist Church - % Mrs. Georgia Elliott, 76 330th Street, West Branch 52358
5. Mr. & Mrs. Alfred Simmons - 211 Center Street, West Branch, Iowa 52358
6. Ms. Jane Simmons - 305 Cedar Street, West Branch, Iowa 52358
7. Ms. Susan Connell - 303 Cedar Street, West Branch, Iowa 52358
8. Mary Longerbeam Estate - % Bill Meardon, Attorney, 122 S. Linn St., Iowa City 52240
9. Mrs. Georgia Elliott - 76 330th Street, West Branch, Iowa 52358
10. Mr. & Mrs. Jerry Lawrence & Lawrence Machines - 2306 Baker Avenue, West Branch 52358
11. West Branch Fertilizer & Chemical - 202 Peedee Street, West Branch, Iowa 52358
12. Pioneer Hi-Bred International - 202 Front Street, West Branch, Iowa 52358
13. John J. Walsh & Michelle Brendel - 201 Broadway Street, West Branch, Iowa 52358
14. Mr. & Mrs. Paul O'Neil - 2281 Baker Avenue, West Branch, Iowa 52358
15. Mr. & Mrs. Mike Hamer - 213 Broadway Street, West Branch, Iowa 52358
16. Mrs. Wanda Nash - 102 Front Street, West Branch, Iowa 52358
17. Christopher Martin - 106 Front Street, West Branch, Iowa 52358
18. Judith Spencer & Richard King - 110 Front Street, West Branch, Iowa 52358
19. Betty C. Burton - 108 Walnut Drive, West Branch, Iowa 52358
20. Sig Sigler - 301 Cedar Street, West Branch, Iowa 52358
21. Iowa Electric Light & Power - 200 1st Avenue SE, Cedar Rapids, Iowa 52403
22. Andy Berkenpas - 301 Broadway Street, West Branch, Iowa 52358
23. Mr. Robert Sexton - 319 Broadway Street, West Branch, Iowa 52358
24. Mr. Clifford Bell - 310 Front Street, West Branch, Iowa 52358
25. Mrs. Blanche Bowman - 313 Broadway Street, West Branch, Iowa 52358
26. Mrs. Brenda Kunkel - 316 Broadway Street, West Branch, Iowa 52358
27. Mrs. Pauline Waters - 101 Cedar Street, West Branch, Iowa 52358
28. Mr. & Mrs. Larry Sexton - 102 Broadway Street, West Branch, Iowa 52358
29. Rita & William Krall - 106 Broadway Street, West Branch, Iowa 52358
30. Kirk Schrock - 101 Broadway Street, West Branch, Iowa 52358
31. Mr. & Mrs. Joe Schrock - 111 Broadway Street, West Branch, Iowa 52358
32. Mr. & Mrs. Mike Klinkhammer - 103 Broadway Street, West Branch, Iowa 52358
33. Ms. Mary Lou Brendel - 205 Cedar Street, West Branch, Iowa 52358
34. Wapsie Valley Grange - % Larry Sexton, 102 Broadway Street, West Branch, Iowa 52358
35. Mr. & Mrs. Steve Campbell - 313 Cedar Street, West Branch, Iowa 52358
36. Mr. Mark Klinkhammer - 211 Dillon Street, West Branch, Iowa 52358
37. Mr. & Mrs. Craig Kiene - 204 Dillon Street, West Branch, Iowa 52358
38. Mr. & Mrs. Bob Stubbs - 319 Broadway Street, West Branch, Iowa 52358

1. Janita Fisher - 2309 Country Club Lane, Lowden, Iowa 52255 - Certified
2. William B. Norton - 405 Washington Avenue, Lowden, Iowa 52255
3. Lowden Development Corp. - 301 Country Club Lane, Lowden, Iowa 52255

1. Dan & Carla Boddicker - 1052 195th Street, Tipton, Iowa 52772 - Certified
2. Harold Hass - 1501 Mulberry Street, Tipton, Iowa 52772
3. William G. Reeder, C. Johnson & G. Betts - 7633 Rockpoint Dr., Austin, Texas 78731

BoA

7 ~~Zoning~~ Commission members on 6/11/97
1 copy to newspaper on 6/9/97
2 file copies
2 copies for bulletin boards

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

April 24, 1997

The Cedar County Board of Adjustment conducted a public hearing on April 24, 1997, at 3:00 p.m. in the large meeting room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Hoy, Johnson, Lenker, and Penningroth.

The minutes from the meeting of March 27, 1997, were previously sent to the members. The minutes were approved as written.

The Board members then heard the following petitions. The order of the petitions was changed, as the first petition will take more time. The second petition will be heard first and then the Board will come back to the first petition.

2. David Clark, Iowa City, Iowa (Owner) - Requesting a variance of the yard setback requirements in a 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.

There are no written or verbal objections to this petition on file. Mr. Clark was present and apologized for the mix-up last month. Mr. Clark explained that he is requesting a variance to build a building across the lot line rather than sub-dividing the lots. He was asked if at any point in the future he was going to sell off any part of the lots and he responded that he can't.

Larry Regennitter, property owner directly to the south, was present and asked where the water will drain from the lots when the building is completed. Mr. Clark stated that he will run ABS to route the water to the lot lines and down the lot line to the front, and flooding won't be a problem.

Phil La Rue read the applicable variance from the Cedar County Zoning Ordinance in Chapter 17, 17.18, subsection 3. After a brief discussion, Beyer made a motion to grant the requested variance. Hoy seconded the motion. Ayes all.

1. Wilton Rifle Club, Inc., Muscatine - Requesting approval of a Special Use Permit authorizing the location of a Gun Club on property located in the W 1/2, NW 1/4, Section 35, T-79N, R-3W, in Iowa Township, consisting of 80.00 acres more or less.

Stuart Werling was present, representing the Wilton Rifle Club in their petition for a Special Use Permit to allow them to make use of the property listed in Iowa Township.

Letters of objection had been received from Norton & Norton, Attorneys At Law, representing Karl Nebergall and Steven Albro; Mark Fehseke, Karl and Elizabeth Nebergall and family; Jerry McMichael; Todd and Kimberly Dickey; Will Nebergall; Ray Nebergall; Ronald Simpson, Jean and Ralph Kirchner; Harold and Linda Staley; Norma Dickey, Ruth and Ronald E. Grimm; Mark Pelzer; Kent and Rebecca Bovenmyer; Allan Bovenmyer; Courtney Bovenmyer; Mary Ellen and Joe Simon; Maralee and Duane Dotson; John, Holly, and Maggie Wertzbaugher and Nonu, Derek, and Morgan Penderson; and Robert and Rosemary Wertzbaugher. These letters had been previously reviewed by the Board of Adjustment. Additional letters of objection were read from Ann Dotson, Dana (Dotson) Pfister, Brade DeRiemacker, David J. Kaska, Darryll Alke, Andy and Krista (Dotson) DeRiemacker, William and Tammy Goodale, Laurie Dennis, and Robert and Sandra Goodale.

Phil LaRue read excerpts from Chapter 5, section D, subsection 9; Chapter 5, section G, subsection 7; and Chapter 17.18, subsection 2 of the Cedar County Zoning Ordinance to list the procedures regarding special use permits that the Board of Adjustment must consider when making a determination.

William Norton, representing the objectors, raised a jurisdictional question. He stated that the exception on page 29, subsection 9 refers not to shooting ranges, but to gun clubs and hunting areas. Shooting ranges is a different definition, which is covered in Chapter 657.9 of the Code of Iowa. It appears that you are going to have a shooting range. This should come before the County Zoning Commission and not the Board of Adjustment. Phil La Rue stated that the Zoning Commission had made a recommendation at their meeting in March. It appeared that the Wilton Gun Club had met the requirements. Planning and Zoning did review the request and made a recommendation to forward it to the Board of Adjustment. Mr. Norton asked if at that meeting, they submitted a plan for the proposed development and a plan to minimize adverse effects. Mr. La Rue stated that he believed they presented it to the Zoning Commission and will now present it to the Board of Adjustment. Mr. Norton stated that he wished to be on record as objecting to the jurisdiction. He cited a Supreme Court decision which he felt related to the situation and stated that it may be that we are wasting our time in this forum.

Stuart Werling made a presentation on behalf of the Wilton Rifle Club. He asked that the Board of Adjustment take into consideration the interest of persons who live and work in the

area and that Board members determine whether those who speak against and for have an interest in the outcome of the proceedings. Mr. Werling stated that some of the letters of objection are from people who don't live in the vicinity as far as he could tell, and that if they live more than 750 feet away that can be ignored. Mr. Werling listed those he was aware of that do live within 750 feet (Karl Nebergall, Dennis Tharp, Steven Albro, B.L.A. Anderson Farms, Bonnie Sturtz Trust, George Lewis), and stated that no one objected to the original petition.

Mr. Werling noted that one of the objections filed by Mr. Norton was that people who used the West Liberty Gun Club treated neighbors poorly and questioned if that was a reason that this petition should be denied. A letter from Rod Harrison was submitted. Mr. Harrison stated that he had lived next to the Wilton Rifle Range over 20 years and never heard of any problems and animals never paid any attention to the shots. Mr. Werling stated that the purpose of a gun club is to promote recreational shooting and serve as an instructional facility for the safe operation of guns. Mr. Werling also told those present that as when the Wilton Rifle Club operated their former facility, Cedar County Law Enforcement will also be invited to make use of the facility.

As part of the Wilton Rifle Club's effort to determine who would be affected by the outcome of the proceedings, Mr. Werling presented as Exhibit 1 a hand-drawn plat showing the various structures that are within "any kind of reasonable distance" of the proposed rifle range. The rifle range will fire to the south and to the east. A rangefinder was used to sight the various distances listed. He asked the Board to ask where people live and why are they objecting. Mr. Werling also presented exhibit 2, a plat of section 35 showing some of the residences listed on exhibit 1, and exhibit 3, showing a plat of Iowa township, noting that there are renters who don't show up on the plat.

Mr. Werling stated that what is being requested is not rezoning but rather a special use permit, authorized by the current zoning ordinance. The Board of Adjustment has the authority to impose any regulations necessary to insure the safe operation of the gun club. The Wilton Rifle Club has operated a similar facility in the Moscow area for 70 years without a single accident. The Rifle Club members were characterized by Mr. Werling as mature people who are intelligent, safe operators of their guns who will continue to be so. In response to a comment filed by an objector as to someone not wanting a gun club in their back yard, he stated that residences were 2 miles away, which drew comments of disagreement from those objectors present.

Exhibit 5 showed the access road. Mr. Werling explained that this is a Class B road. In response to the objection that there would be too much traffic and dust and noise, Mr. Werling said that there would not be a great deal and that they were not asking for the road to be improved. He stated that the map shows that it is essentially a trail and by its own nature will have limited access. Mr. Werling also stated that if there were problems with other people using the road to call law enforcement--it was not for the Rifle Club to worry about what other people have done wrong.

Exhibit 6 was pictures showing the potential range to be used with the hill as a natural backstop.

Exhibit 7 was presented which was a photograph showing the general condition of the ground, which does not lend itself to efficient agricultural use. It has been stated that this ground should be used to preserve wildlife. The intention of the gun club was stated as to not farm the ground or plow it up, just shoot, and historically the shooting becomes part of the natural background to the wildlife. Mr. Werling also stated that he found it interesting that an objection was that "I don't want those guys in here shooting--they will disturb my shooting or may scare off my game." But also stated in the same objection was a concern that they want the area to be safe. Gun club members will be shooting at targets that do not move and don't run through trees.

Mr. Werling introduced Dennis Soppe, Vice-president of the Wilton Rifle Club, who reiterated that they have been in operation 70 years and have never had an accident. He reviewed the layout of the map and stated that they would not be shooting in the direction of any of the houses. He pointed out a big hill on the end which is 60 feet high without any bulldozing. They would bulldoze berms 20 feet tall on the sides. The general recommendation is to have berms 20 feet tall, and they will have a backstop that is 60 feet high from ground level. He noted that the West Liberty gun club is located on ground that is fairly flat.

Mr. Soppe was asked what type of guns would be used. He stated they would be using pistols, rifles, shotguns--about anything that is legal.

Noise reduction was discussed. Mr. Soppe stated that the Isaac Walton League in Linn County has a 60-foot high berm on the back, and they shoot out of an insulated building, which contains the sound. Mr. Soppe was asked if they are going to have that kind of facility, and he stated that they did not think there was a need for it. They want to place a good lot of trees around the site. He also stated that tall grass is better than anything else and they will be growing various tall grasses.

Rosemary Wertzbaugher asked if club members had read the side of a box of ammunition and stated that there is no such thing as a "short." The distance of a mile is listed, unless you hit a rock. She expressed concern about young people coming out to shoot who might not stop and look. Mr. Evans responded that the Rifle Club has rules to prevent that. Any minor has to be with an adult. New members are required to have training on safety and usage.

Mr. Norton asked if there has been an environmental study as to the impact on the neighbors. He also asked if they would be using lead pellets and bullets and how many people would be shooting. The response was that they don't have many kids. There will be a few shotgunners and 6 or 7 using rifles. Mr. Norton asked if there would be weekend contests and was told that there would be 2 or 3 during the summer months. Mr. Norton asked the gun club used clay birds and was told they did. Mr. Norton asked if they ever used live birds and was told they did not. Mr. Norton asked if exhibits 1-7 were what the gun club considered a detailed plan. He was told that it was not a detailed plan per se but they had tried to show the surrounding people where they lived in relation to the proposed facility. Mr. Norton asked if there was any chance that lights would be installed and was told that a portable system would probably be used if lights were ever needed.

Mr. Norton referred to exhibit 1 and asked if it shows the place where people will be shooting from, and if they would agree that it is a quarter of a mile east and west and a half mile north and south. He asked if they knew how many cabins there are in the area. The response was that an indication was made on the chart for every structure that was found. Mr. Norton also noted that the chart indicates it is 4,174 feet to the Nebergall property next to the proposed gun club property. Mr. Norton stated that it not 4,000 feet to the Nebergall buildings from the property line and that distances should have been measured to the nearest buildings, not to the property line. Mr. Norton asked about the arable acres and was told the land on the west side will be rented. Mr. Norton again asked if the club had ever used live birds and was told that they have never used live birds.

Rosemary Wertsbaugher noted that clay birds are poisonous to hogs. The response was that the gun club was not going to run hogs and that if they get the property they would not be likely to sell it.

Robert Wertzbaugher stated that they live across the road from Karl Nebergall, with John Wertzbaugher living within several feet. Mr. Evans responded that they are not going to shoot in

that direction. Mr. Wertzbaugher stated that he feels they are well within the range of a .22 caliber rifle at their residence, which would be a mile to a mile and a half. On the arc, a bullet will travel a mile. Mr. Evans responded that gun club members are not allowed to shoot into the air and that they will be shooting into a 60-foot hill. They have a geological survey done by the government saying that it is a 100-foot hill. Stuart Werling presented Exhibit 8, which was a topical survey of the land.

Discussion was held on how the area would be secured. The gun club property would be fenced with regular wire with barbed wire on top. The gate would be padlocked with only gun club members having the combination. If a member gave out the combination, they could be kicked out of the club. The question was raised as to whether a possible problem with security at the quarry would carry over to the gun club. No firearms or ammunition will be kept on the property--they are stored at individuals' homes. The question was asked if telescopic sights are used on the rifles, and the answer was that some are.

Mr. Norton asked if a .22 caliber rifle shell will travel 1 to 2 miles, what will a high-powered rifle shell travel? The response was that it would go 2.2 miles. The statement was made that if you shot a .22 file at shoulder level, gravity would ground the bullet at 400 yards. The rifle would have to be fired at 70 or 80 degrees up to get the maximum distance.

Patricia Albro expressed concern about young people or inexperienced people not maintaining proper control of their guns, stating that she didn't want to worry about bullets coming near her or her grandchildren. She did not feel 60 feet was an adequate safeguard. Mr. Soppe assured her that properly instructed people will place their bullets appropriately. A match situation is the only time that more than one round would be fired. Mr. Evans stated that he has 5 children ages 19-28 who have all gone to the classes taught by different instructors. Not too many children would be there; and if children are there, they would be under instruction. Mr. Evans asked that the 70-year history of no accidents be remembered. When the question of "Will we or will we not have guns in the neighborhood?" was raised, it was pointed out that hunters are already shooting guns in the area.

John Wertzbaugher stated that he is a hunter who shoots 4-5 shells a year. His primary concern is not wanting to sit on his back porch and listen to gunfire. He asked if any study had been done on decibels in the area. A response was made that guns would not be heard a mile away. There was general comment about the noise of guns versus the noise of motorcycles.

Steven Albro asked about the amount of usage of the gun club. How much practice was done for the matches? The response was that there may be someone out there every day or not for a week. Mr. Albro stated that they have people in the area shooting now during turkey season. Neighbors tell him when they are going to be out hunting on surrounding properties, which shows courtesy and respect for other people. When asked how far his house is from the property, he stated that it was 900 feet from the property line at the north end. He asked why his house was not placed on the exhibits. Stuart Werling responded that his house was in the opposite direction from the shooting ranges and was outside of the 750 foot zone of influence.

Mr. Norton asked the individual who was a member of the West Liberty Gun Club if there was an incident when a group was shooting and a bullet struck a vehicle out in the field. The response was that they were unaware of such an incident. Mr. Norton stated that these were professionals trained in the use of firearms, and what was to prevent that from happening here. Mr. Werling responded that he did not know--that these people had not had an accident in 70 years.

Lee Beine, Cedar County Attorney, was present and was asked if he had any comments. Mr. Beine stated that he was not there for or against, that he was there to give advice. He stated that the Board of Adjustment does have the authority to grant the special use exception using the criteria under Chapter 17. They have the discretion to decide either way in the best interest of the comprehensive plan and other uses. The Board should do whatever they think is best and appropriate.

Joe Simon identified himself as a tenant on the Sturtz farm. He stated that their grandchildren have a cabin right next to the proposed gun club. He noted that everyone seems concerned about homes but no one has said anything about people. He asked if the gun club members think the local residents stay inside their houses all the time. He also asked about people working the land in the field right next to the borders, and if their houses were the only safe haven. There was discussion on the berms, and a gun club member stated that the berm will be built up over the rise and that they wanted to build it up on top. Mr. Simon asked if they knew how many people lived within a mile of the property.

William Norton asked if the gun club had done a study on liability insurance. Mr. Evans responded that they had carried 1 or 2 million dollars in liability insurance. When they lost the lease on the old range, they had let it go, but would have to purchase insurance again.

Mr. Nebergall stated that 1 or 2 million dollars would not replace one of his children, and Mr. Evans agreed that it would not replace any of his children either.

Robert Wertzbaugher stated the he and his son live less than a mile from the property. He said that he does not feel safe within a mile of a gun range, as he lived within a half mile of the West Branch gun club when he was a young man and there were some real safety concerns. His experience with a gun club had not been good.

Mr. Wertzbaugher was asked if he hunts, and he responded that he does. He stated that he has lived there 40 years, and when he hunts he tries to be aware of where the houses are. He usually uses a shotgun so he doesn't have to worry about the rifle shot getting somewhere it shouldn't. He tries to identify where the shot is going to go down range. He asked if Mr. Evans would agree that a round will travel farther if it is fired up in the air. The response was that he would agree. Mrs. Wertzbaugher stated that she had counted 25 to 50 people who live within a mile--she didn't know how many people were full time at the cabins.

Mary Simon identified herself as a tenant on the Sturtz farm. She stated that their grandson has a cabin 30 feet from the fence of the property. He goes back to the cabin all year long--enjoys camping and being outside. She stated that she doesn't know how she can feel safe on a tractor. She asked if gun club members would be comfortable sitting in the field on a tractor in that situation. She mentioned that anhydrous applicators are also in that field. She stated that they lost a son in an accident on the interstate and that a million dollars would not be compensation for the loss of a child.

Harold Staley stated that he lives in West Liberty--closer than most of the gun club members, and that he spends a lot of time on the Karl Nebergall farm riding horses and helping with farm work. He took umbrage with the suggestion that the Board of Adjustment should not weigh his words as heavily as someone who lives within 2 miles and stated that he has an equal right to be heard. He was asked if he rides his horses when he knows there are hunters in the area, and he said he did not.

Mary Simon stated that John and Bonnie Sturtz were not present as they had been in California for 3 weeks. She asked when the notification letter was sent to them. She also asked why letters were not sent to individuals more than 750 feet from the property. Phil La Rue explained that it is spelled out in the ordinance.

People living more than 750 feet are to be notified by publication in the paper. It was published in the Tipton Conservative. The question was asked if it specified that it was a request from a gun club, and the response was that it did.

Robert Wertzbaugher stated he felt there was quite a difference in the safety issues between a gun club and a rifle range where there is no limit on the caliber or type of weapon other than anything that is legal. The zoning ordinance does not differentiate--the intention is for Planning and Zoning to look at them all-inclusive. The decision will ultimately be made by the Board of Adjustment.

Cedar County Sheriff Keith Whitlatch was present and was asked if he cared to make any comment. He stated that he obviously has feelings due to the two tragic deaths in the area. However, they were not caused by a gun club or people hunting legally. He asked if the petition were to be granted and then for some reason the gun club would fold, could the permit be transferred to another organization? He was told that special use permits are not transferable. Anyone in the future who would acquire that ground must appear before the Planning and Zoning Commission for a recommendation to the Board of Adjustment.

The question was asked as to whether the permit is reviewed annually, and the response was that it is. The Board of Adjustment may set requirements--failure to comply can result in loss of the special use permit.

Mary Simon asked if everyone stands in the same place to shoot and was told that they have firing lines. She then asked if the footage was measured farther to the west or to the north. She was told that they stand in a line to shoot--when targets are changed, those firing unload their guns and lay them down. There was discussion about just where on the property the firing line was located and was told 50-60 feet from the main gate, and that the measurements were made from the property line.

Another question was raised about the publication of the notice and why the Tipton Conservative was chosen. Phil La Rue responded that The Conservative is the official paper for Cedar County. The Zoning Office is required by the ordinance to provide written notice to all property owners within 750 feet by mail and everyone else is notified by assuming they see it in the legal notice section of the paper. It must be published at least 15 days prior to the meeting.

There being no other questions from those present, Mr. Soppe asked the members of the Wilton Rifle Club who were present to stand and introduce themselves and tell what they do for a living. There was also a request for them to tell where they live. Those present were:

Robert Wendlen, Muscatine, Retired 3 years ago from Alcoa after working there for 34 years

Russ Hillman, Muscatine, Works as a toolmaker for HON--20 years

Clyde Evans, Muscatine, Educator for 31 years, secretary-treasurer

Henry Toerber, Muscatine, Engineer and land survey

Ray Dietrich, Muscatine, Retired from G.P.C. for 10 years, 30-year member of Rifle Club

Warren Bishop, West Liberty, Construction laborer, 20-year member of the West Liberty Gun Club

Ron Martin, Wilton, Muscatine Police Department

Al Lubert, Muscatine, Teacher

Dale Kofron, Iowa City, Employed at University of Iowa

Wm. McCormick, Muscatine

Larry Fettters, Muscatine, Lock and Dam operator

Rick Homrighausen, River City Ford

Don Ketcham, Postal Service worker for 32 years

Clyde Evans spoke on behalf of the Rifle Club, saying that they had rented the property which formerly housed the facility. There was supposed to be an understanding that the property would always be rented to them, but after the gentleman who owned the land died, the heirs had other plans for the property. They were given a termination notice 2 years ago and have been diligently seeking a site, bearing in mind the same concerns voiced by objectors. They found this site--landlocked and surrounded by hills and valleys that would block naturally. Concerns about the quarry have been expressed, and they would like to work with that. Francis Carlisle offered to sell the land to them. They are now ready to purchase it and believe they can be good neighbors. Horses and cattle walked across the previous site and did not seem to be bothered by the shooting.

William Norton asked Mr. Evans if the Rifle Club had made applications to any other zoning boards for permits. Mr. Evans' response was, "No."

Elizabeth Nebergall stated that no one from the gun club had come to them to ask if they minded having a gun club move in. She stated that good neighbors do what the law requires, and that would include notifications to people within 750 feet. The notification may have gone to Bev Barclay, who doesn't live there.

Larry Fettters stated that he is one of the newest gun club members, having been a member for 6 years. Regarding the question of livestock, there were horses on the previous range. The owner told them the livestock would be there and they would have to live with it.

Kathy Hindoble added that she had shot at the Wilton Rifle Club. At matches when the animals came down the creek everyone was required to unload their weapons, put them down, and move off the firing line. Members of the club went down and made sure the animals left the area of the shooting.

Mr. Norton asked if she was aware of an incident at the West Liberty Gun Club when a pickup truck was hit by a stray bullet off the range. She did not know of such an incident.

Mary Simon asked why they didn't offer enough money to buy the former site. The response was that the gun club could not offer them enough money, and the family did not want to sell the property. The suggestion was made by the objectors that had they known about it, they might have bought it. They were told that actually, the property is still for sale. There was more discussion about the clay pigeons being poisonous to hogs and sheep. In response to a question, gun club members stated that the pieces from the pigeons would fall on the gun club land.

Karl Nebergall showed the Board of Adjustment an aerial photograph of his farm. He pointed out his yard, pond, and pasture and the proximity to the property line. He reiterated concern about his children's safety while playing in their yard, having to listen to shooting. He stated that he has been on a firing range, and a high powered rifle really pulls.

Robert Wertzbaugher stated that he thought if you took all the people who live in the area and figured the number of children and grandchildren that use the land surrounding the proposed gun club property, you could come up with more people than belong to the gun club. People come out to that area to enjoy the peace and quiet and safety. Mary Simon asked Mr. Nebergall to show the Board the location of her grandchildren's cabin in the picture, and he complied.

Stuart Werling made a clarification on the 750 feet--it is not 750 feet from the property line, but 750 feet from the point of use.

Duane Dotson stated that they live at the back end of the guns, they will be shooting the other direction. He owns the pond which has been in the discussion. He said you could put it up against

anything in the county--a lot of people use it for camping and fishing. He also stated that he has a heart problem. He doesn't want to listen to the shooting and be jumping inside. Maralee Dotson asked if the gun club came in, could they expect gunfire every afternoon and evening, every weekend and every holiday, and every time they wanted to be outside. The response was that the hours are 8:00 a.m. to 10:00 p.m., and there's no way to know when people will be there.

Chairman Forest Johnson stated that both sides had been heard and it was time to come to a decision.

William Norton asked the Board of Adjustment to consider the question of pollution--sound pollution, pollution to the soil with lead, wildlife, pheasants--what happens if the Board decides to not renew the permit next year? Are you going to let them contaminate 80 acres in a year that will stay contaminated for a long time?

Chairman Johnson polled the Board members as to whether they would like to make a decision today or would like to make an on-site inspection. All of the members of the Board of Adjustment indicated that they would like to make a site inspection.

Duane Dotson stated that he would like to have them come down to his pond and have a couple guys go down and shoot.

The chairman stated that a time would be set when the Board would go down and inspect the site. Objectors could have a representative or two if you wish while we are there. Beyer stated that if there was a quorum of more than 3 members, anyone could come.

The time frame for the site inspection was discussed. The question was raised as to could we have an environmental study. Phil La Rue stated that the Board of Adjustment can require the Wilton Rifle Club to provide an environmental study. They are the petitioners and they have the burden of proof.

Beyer made a motion to table the issue for at least 3 weeks. The date and time will be set when the environmental study has been completed by the DNR. Penningroth seconded the motion. Ayes all.

A request was made by Hoy to have a gun club member bring a 30.06 to shoot where they will be shooting into the hillside--he wanted to see how loud it would be.

Dale Kofron stated that he had shot at the Tipton Gun Club and they had had a company come in and pick up the lead. A machine was used that separated the lead from the dirt and put the dirt back. Someone asked what about the creek that runs through the property and into the Cedar River.

There being no further business, the meeting was adjourned at 5:15 p.m.

Lorraine Johnson
Chairman

Carolyn Wood
Secretary Pro-tem



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

April 7, 1997

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, April 24, 1997, at 3:00 p.m., in the Blue Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Wilton Rifle Club, Inc., Muscatine - Requesting approval of a Special Use Permit authorizing the location of a Gun Club on property located in the W 1/2, NW 1/4, Section 35, T-79N, R-3W, in Iowa Township, consisting of 80.00 acres more or less.
2. David Clark, Iowa City, Iowa (Owner) - Requesting a variance of the yard setback requirements in a 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 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:sl

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

April 21, 1997

TO: Cedar County Board of Adjustment Members

Enclosed are copies of letters this office has received regarding the upcoming hearing on Thursday.

We thought you might want to read them over prior to the meeting. Any additional ones received will have to be presented to you on Thursday.

Phil

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

March 27, 1997

The Cedar County Board of Adjustment conducted a Public Hearing on March 27, 1997, at 3:00 p.m., in the Blue Room in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Lenker, Beyer and Johnson. Member absent was Hoy.

Minutes from the last meeting held on February 27, 1997, were previously sent to the members. They were approved as written.

The Board members then heard the following petitions:

1. The first petition filed by David Clark, Iowa City, was tabled due to no representation of this petitioner.
2. Kirk and Debra Lieser, Tipton (Owners) - Requesting a variance of the Cedar County Zoning Ordinance, Chapter 5, Agricultural District, Section C, Subsection 2, to permit the location of a second farm dwelling with a separation distance greater than 250 feet from existing farm structures on property located in the SW 1/4, SW 1/4, Section 25, T-81N, R-4W, in Cass Township.

Mr. and Mrs. Lieser were both present and explained that they recently purchased the Herb Tholen farm. The current house on the property is smaller than they wish to live in and is up a long lane. They wish to build closer to the road. They explained that they are currently renting out the existing house on the property. Beyer questioned whether the Board members had the authority to grant the variance since the Lieser's are currently renting out the existing farm house.

After a brief discussion, Penningroth made a motion to approve the requested variance. Lenker 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 the portion of their property which is zoned Suburban Residential, consisting of 1.99 acres more or less. This petition was previously heard by the Board on October 24, 1996, but was tabled without a decision.

Beyer made a motion, with Lenker seconding, to bring this variance request back to the table. Mr. & Mrs. Syverson were present and informed the Board members that they have cleaned up the property and the motor vehicles have been reduced. The Syverson's presented a diagram showing the proposed locations. They would like to begin digging in mid April and plan to be finished with construction on or about September 1997. No written objections have been received since the last meeting held in October 1996.

John Black, adjoining property owner and previous owner of the property, was present and expressed views of concerned neighbors of the Syverson's. He stated that based on the past, the neighbors have a general concern where the Syverson's project will go and they want the Syverson's to follow the rules. The neighbors hope that the building project will be progressive, property kept clean, junk doesn't return on the property and, overall, not revert to the same situation as last fall. The Syverson's stated that they have the same goal and intend to finish the project as soon as possible. They were informed that they would be subject to county infractions if they do not make progress toward the intended goals.

The septic system and water supply both meet the county's current requirements. The septic system diagram will be redrawn after the house is hooked up. The Board then informed the Syverson's that the new house must be finished by April 15, 1998, and that they would have 60 days in which to remove the mobile home after they move into the new house, or which ever comes first.

After further discussion, Beyer made a motion to grant the Syverson's the variance with the following restrictions:

1. The property be kept reasonably neat and
2. Reasonable progress be made toward completion of the construction.

Lenker seconded the motion. Ayes all.

With no further business to be discussed at this time, Penningroth made a motion for adjournment. Beyer seconded the motion. Meeting adjourned at 3:45 p.m.

Laurie Johnson
Chairman

~~P.D. Johnson~~
Secretary
Sharon Daucamp



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

April 7, 1997

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2. David Clark, Iowa City, Iowa (Owner) - Requesting a variance of the yard setback requirements in a 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 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:sl

Copies sent out on 4/10/97 to the following:

1. Wilton Rifle Club, Inc. - 2015 West Bay Drive, Muscatine, Iowa 52761 - Certified
2. Francis Carlisle - Box 124, Atalissa, Iowa 52720
3. Karl Nebergall - 2365 Atalissa Road, Atalissa, Iowa 52720
4. Dennis & Garey Tharp & Beverly Barclay - 915 Cypress Street, Wilton, Iowa 52778
5. Steven & Patricia Albro - 2229 Atalissa Road, Atalissa, Iowa 52720
6. B. L. Anderson Farms, Ltd. - Farmers Bank Trust Dept., Box 229, Independence, Iowa 50644
7. Bonnie Waters Sturtz Revocable Trust - 7383 Hungton Road, Hudson, Ohio 44236
8. George Lewis - 1388 Iron City Avenue, Atalissa, Iowa 52720

1. David Clark - 1927 Keokuk Street, Iowa City, Iowa 52240 - Certified
2. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
3. City of West Branch - 304 E. Main, West Branch, Iowa 52358
4. Leonard & Carol Slach - Box 190, West Branch, Iowa 52358
5. Kenneth & Mary Jeanne Kenney - 1420 Ridge Street, Iowa City, Iowa 52240
6. Karol Dykes - 319 N. 4th Street, West Branch, Iowa 52358
7. Home Oil Stations - P.O. Box 475, Ottumwa, Iowa 52501
8. Larry & Lesa Regennitter - 2233 Baker Avenue, West Branch, Iowa 52358
9. Dale & Conni Lynch - 808 Plum Street, Tipton, Iowa 52772
10. Rummells Farms, Inc. - P.O. Box 518, West Branch, Iowa 52358
11. Raymond Barnes - P.O. Box 766, West Branch, Iowa 52358
12. West Branch State Bank - P.O. Box 518, West Branch, Iowa 52358
13. Dick Dykes - 319 4th Street N., West Branch, Iowa 52358
14. Darlene Gibson - 2 Brighton Green, Iowa City, Iowa 52240
15. James & Cynthia Bohnenkamp - 1417 Plum Street, Iowa City, Iowa 52240
16. Richard Stuelke - % Susan Hora, 88 Esther Road, Roxboro, NC 27573
17. Oakes Construction Company - Box 1456, Iowa City, Iowa 52240
18. Aksha Upadhyay, Inc. - 2277 Iowa Avenue, Box 111, Independence, Iowa 50644

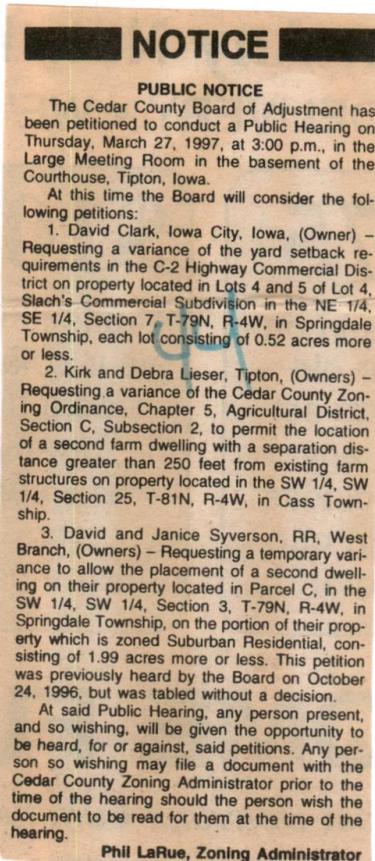
5 Board of Adjustment members

1 copy to newspaper on 4/7/97

2 file copies

2 copies for bulletin boards

PROOF OF PUBLICATION



State of Iowa, Cedar County, ss:

I, Debbie Owen,

Publisher of the West Branch Times, a weekly newspaper of general circulation published at West Branch, in said county, and being duly sworn, do declare and say that a Notice, of which the one hereto attached is a copy, was published in said West Branch Times respectively:

March 20, 1997

Fee: \$

15 62

Sworn to by the said

before me and signed by her in my presence, this _____

_____ day of _____, 1997.

Notary Public

Received of

Dollars

in full on above publication.

At Hoover Library

The Hoover Presidential Library Association is hosting the play, "Wish Me Pretty, Wish Me Strong" at the Herbert Hoover Presidential Library-Museum in West Branch at 3 p.m. Sunday, March 16. Tickets are \$5 each and are available at the door or by calling 319-643-5327 weekdays.

Written by Dubuque playwright Rebecca Christian, the play gives audiences a unique insight into Iowa's history through the lives of Iowa girls and women. The stories are told from the viewpoints of poor women who had little power and whose stories are seldom heard.

The scenes in the 2 act play are enhanced by music and comedy. All the scenes are based on true stories and extensive research conducted by Christian. The show is directed by Lenore Howard of Dubuque. Jill Heitzman chair of the music department of Divine Word College, Epworth, plays the adult women. Kate Thompson, an honor student at Dubuque Senior High School, portrays the young

STATE OF IOWA, CEDAR COUNTY, ss:

I, Herbert E. Clark or Stuart S. Clark, publishers of **The Tipton Conservative and Advertiser**, a weekly newspaper of general circulation, published in said county, being duly sworn do declare and say that a notice, of which one hereto attached is a copy, was published in the said

The Tipton Conservative and Advertiser 1 time

to wit on March 12, 1997

Stuart S. Clark

Subscribed and sworn to before me this 28

day of March A.D. 1997

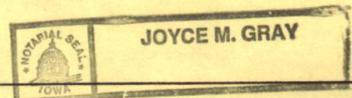
Joyce M. Gray

Notary Public in and for Cedar County, Iowa

Received of _____

_____ Dollars

Printer's fee \$ 17.44



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 10, 1997

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 27, 1997, 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. 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.
2. Kirk and Debra Lieser, Tipton (Owners) - Requesting a variance of the Cedar County Zoning Ordinance, Chapter 5, Agricultural District, Section C, Subsection 2, to permit the location of a second farm dwelling with a separation distance greater than 250 feet from existing farm structures on property located in the SW 1/4, SW 1/4, Section 25, T-81N, R-4W, in Cass Township.
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. This petition was previously heard by the Board on October 24, 1996, but was tabled without a decision.

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

February 27, 1997

The Cedar County Board of Adjustment conducted a Public Hearing on February 27, 1997, at 3:00 p.m., in the Blue Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Hoy, Johnson, Beyer and Lenker. Member absent was Penningroth. Also present was Dwight Niermeyer, adjoining property owner of the petitioner.

Minutes from the last meeting held on January 23, 1997, were previously sent to the members. Lenker made a motion, with Hoy seconding, to approve the minutes as written. Ayes all.

The Board members then heard the following petition:

1. Sherry Smahaj, RFD, Lowden (Owner) - Requesting approval of a Home Industry Permit for the purpose of operating a floral design business on her property located in the NW 1/4, NE 1/4, Section 10, T-81N, R-1W, in Springfield Township, consisting of 10.00 acres more or less. No written or verbal objections were on file for this petition.

Mrs. Smahaj was present and pointed out on an aerial photograph of her property where she intends to construct a building for her floral design business. The proposed building would be 26' x 30' with a total of 780 square feet floor space. She informed the members that she has worked at a floral design business for the last eight years and is currently selling her floral arrangements by consignment in Davenport. Mrs. Smahaj was informed of the set back requirements in the A-1 zoning district and the sign regulations for home industries.

After further discussion, Beyer made a motion that the Board authorize a Home Industry Permit to Mrs. Smahaj for the operation of her floral design business. Hoy seconded the motion. Ayes all. This permit will be reviewed annually by the Board.

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

Louella Johnson
Chairman

Sharon Laucamp
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

February 11, 1997

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 27, 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. Sherry Smahaj, RFD, Lowden (Owner) - Requesting approval of a Home Occupation Permit for the purpose of operating a Floral Design business on her property located in the NW 1/4, NE 1/4, Section 10, T-81N, R-1W, 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 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:s1

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

January 23, 1997

The Cedar County Board of Adjustment members met at 2:15 p.m., prior to the scheduled Public Hearing to perform a site survey at Gary and Russ Anderson's yard waste compost site and the proposed location of U.S. Cellular Communication's communication tower. At Mr. Andeson's compost site, it was noted that the posted sign does not comply with state regulations for signs at these sites, and that yard waste on the site does not appear to be being processed into compost. No open burning site was noted. At U.S. Cellular's proposed communication tower site, the property was viewed for topography, access, utilities, adjoining land uses, distance to county right-of-way and the separation distance between the tower and the nearest dwelling. Members performing the site surveys were Penningroth, Lenker, Beyer, Johnson and Zoning Administrator La Rue.

The Board members then conducted a Public Hearing in the Blue Room in the basement of the Courthouse, Tipton, Iowa, at 3:00 p.m. Members present were Penningroth, Lenker, Beyer, Johnson and Hoy. Minutes from the last meeting held on November 21, 1996, were previously sent to the members and were approved as written.

The Board members then heard 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. No written or verbal objections were on file for this petition.

Representatives in attendance for U.S. Cellular Communications were Attorney John R. Mackaman and Scott Van Roekel, Project Manager. Mr. Van Roekel then explained the procedure his company has followed to obtain the best area to improve communication coverage in that part of the county. He stated that Radio Frequency Engineers generated a map, with the best area circled, to accomplish their objectives. La Rue stated that Special Use Permits for communication towers in agricultural districts are granted by the Board of Adjustment. La Rue then read the motion made by the Planning and Zoning Commission which recommended approval stating that the general location is adequate but a specific site would be better 400' to 500' feet to the north. Mr. Van Roekel stated he believes it is a viable site as proposed and his company would need to spend more substantial money for the project if required to move it further north. The location, as proposed, does meet the zoning code and is more than the required distance to the nearest dwelling.

Bill Laucamp who is purchasing the nearest dwelling to the proposed tower site expressed his concern regarding lightning striking the tower and also going through the telephone lines. Mr. Van Roekel stated that his company will provide substantial protection on the telephone lines and they do have more than one mode of protection in order to protect themselves from expensive repairs. There will also be a ground plate, which is made of copper tubing, installed underground around the tower to ground lightning strikes. Possible interference problems with TV reception is exempt from zoning. The Board members inquired about the company's plan of upkeep around the tower site after construction. Mr. Van Roekel stated that they hire professionals to spray the gravel and site area and row crop to the edge. He stated that the tower sites are neatly maintained after construction.

After discussion Lenker made a motion that approval be granted as originally requested. Beyer seconded the motion. Ayes all. Mr. Van Roekel and Attorney Mackaman were informed that their Special Use Permit would be annually reviewed by the Board, that their permit was not transferrable to another company and a building permit would be required. They were also informed that they needed a copy of the minutes of this meeting and the Special Use Permit application recorded in the Cedar County Recorder's Office.

The Board members then discussed the petition of David and Janice Syverson, RFD, West Branch, which was tabled at the October 24, 1996, Public Hearing. La Rue explained that there has been no major changes at the property: the inoperable, unregistered motor vehicles have not returned and they are slowly constructing a livestock/storage building north of the rezoned tract. The Board noted that the Syverson's are presently allowed the single family dwelling on the R-1 zoned portion of their property. A motion was then made by Beyer, and seconded by Penningroth, to table the Syverson's request indefinitely until they are ready to proceed with the construction of their single family dwelling, prior to which time they must again appear before the Board at a Public Hearing regarding their variance request.

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

Louella Johnson
Chairman

Sharon Laucamp
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

CEDAR COUNTY BOARD OF ADJUSTMENT AGENDA

Thursday, January 23, 1997

2:15 p.m.

- I. Site survey of Gary & Russell Anderson's Yard Waste Compost Site
- II. Public Hearing for Special Use Permit request by U.S. Cellular Communications
- III. David and Janice Syverson's tabled variance request from October 24, 1996
- IV. Discussion and conclusion

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:s1