

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

November 19, 1998

The Cedar County Board of Adjustment conducted a Public Hearing on November 19, 1998, at 3:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Members present were Hoy, Johnson and Lenker. Members absent were Beyer and Penningroth.

Chairperson Pro-tem Johnson called the meeting to order at 3:00 p.m. Minutes from the last meeting held on October 22, 1998, were previously sent to the members. They were approved as written.

The members then heard the following petition:

1. Kirk Smith, RFD, Lisbon (Owner) - Requesting a variance on the front and rear yard setback requirements in the R-1 Suburban Residential District for the purpose of constructing a single family dwelling on property located in Lot 2, Meadowview Acres First Addition, in the NE 1/4 of the NW 1/4, Section 18, T-82N, R-4W, in Pioneer Township. Said lot consists of 1.223 acres more or less.

There were no written or verbal objections on file for this petition. Zoning Administrator La Rue advised the members to consider this petition in accordance with Chapter 17.18, Subsection 3 of the Zoning Ordinance.

The Smith's were present and stated that because of the shape of their lot it would be impossible to meet the front and rear yard setback requirements. They also stated that the cul-de-sac cuts into Lot 2. The county maintains the road in their development and there is a 33 foot right-of-way from the center of the road. The Smith's stated that because of the shape of the lot it would be impossible to be 83 feet from the center of the road to the leading edge of their proposed home. Mr. Smith presented a diagram of their proposed home and stated that he has changed the porch location. He stated that the covenants of his subdivision would allow him to build within 50 feet of the road or after the county right-of-way. La Rue read the setback requirements for the R-1 district from the Zoning Ordinance. La Rue stated that it has been demonstrated that special conditions and circumstances exist for granting a variance for this petition.

After further discussion, Lenker made a motion to grant a variance to allow a front yard requirement of 42 feet and a rear yard requirment of 48 feet. Hoy seconded the motion. Ayes all.

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

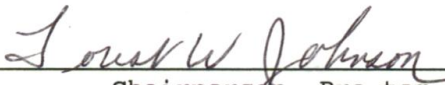
1. Dennis and Diana Hodgden, RR, Tipton (Owners) - A Special Use Permit granted authorizing the commercial extraction of limestone on property located in the NE 1/4, NE 1/4, Section 22, T-80N, R-3W, in Center West Township, consisting of 5.00 acres more or less. It was noted that the Hodgden's have not extracted any gravel yet.
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. No problems were noted.
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. It was noted that their dust control is adequate.
4. 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. No problems were noted.
5. 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. No problems were noted but the property is not fenced yet.
6. 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. No problems were noted.
7. 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. No problems were noted.

8. 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. La Rue advised the members that Mrs. Klavemann has greatly downsized her facility. No problems were noted.
9. 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. No problems were noted.
10. 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. No problems were noted.
11. 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. No problems were noted.
12. 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, SW 1/4, SE 1/4, Section 33, T-81N, R-1W, in Springfield Township, consisting of 10.00 acres more or less. No problems were noted.
13. 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. No problems were noted.
14. 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. No problems were noted.
15. 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. No problems were noted.

16. 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. No problems were noted.
17. Mike and Debra Bedford, RFD, Stanwood (Owners) - A Special Use Permit granted 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. No problems were noted.
18. United States Cellular Communications, Davenport, Iowa - A Special Use Permit granted 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 problems were noted.
19. Sherry Smahaj, RFD, Lowden (Owner) - A Home Industry Permit granted 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 problems were noted.
20. Janita Fisher, RR, Lowden (Owner) - A Special Use Permit granted 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. La Rue informed the members that Ms. Fisher is no longer operating the Bed and Breakfast business and suggested that the Special Use Permit be removed. Ms. Fisher was sent the public notice and was requested to inform the members in person, or in writing, of her intentions regarding her Special Use Permit. Since she had not yet informed the Zoning Office of her plans, this Special Use Permit annual review was tabled until the next meeting.

After a brief discussion, Hoy made a motion to approve renewal of the Home Occupation/Industry and Special Use Permits for #1 through #19. Lenker seconded the motion. Ayes all.

With no further business to be discussed at this time, Lenker made a motion for adjournment. Hoy seconded the motion. Meeting adjourned at 3:50 p.m.


Chairperson, Pro-tem


Secretary



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

November 9, 1998

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, November 19, 1998, 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 petition:

1. Kirk Smith, RFD, Lisbon (Owner) - Requesting a variance on the front and rear yard setback requirements in the R-1 Suburban Residential District for the purpose of constructing a single family dwelling on property located in Lot 2, Meadowview Acres First Addition, in the NE 1/4 of the NW 1/4, Section 18, T-82N, R-4W, in Pioneer Township. Said lot consists of 1.223 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:

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.

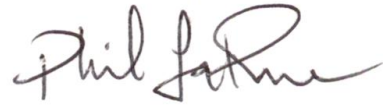
Copies sent out on 11/12/98 to the following:

1. Kirk Smith - 362 Adams Court, Lisbon, Iowa 52253 - Certified
2. Keith Morningstar - 1726 240th Avenue, Lisbon, Iowa 52253
3. Peter & Margo Greiner - 48 Highway 30, Lisbon, Iowa 52253
4. Rita Wendler - 48 Highway 30, Lisbon, Iowa 52253
5. Francis & Jennifer McCloy - 1560 Grand Avenue, Marion, Iowa 52302
6. Gary & Linda Ellerbach - 204 Meadowview Drive, Lisbon, Iowa 52253
7. Kirk & Lisa Allison - 208 Meadowview Drive, Lisbon, Iowa 52253
8. Nathan & Christa Smith - 362 Adams Court, Lisbon, Iowa 52253
9. Scott Gross - 228 Meadowview Drive, Lisbon, Iowa 52253
10. Joseph & Carolyn Kilburg - 232 Meadowview Drive, Lisbon, Iowa 52253
11. John McPhail & Tracy Sperry - 218 Adams Avenue, Lisbon, Iowa 52253
12. Jack & Dianne O'Connell - 230 Adams Avenue, Lisbon, Iowa 52253
13. 5 Board of Adjustment members
14. 1 copy to newspaper on 11/6/98
15. 2 file copies
16. 2 copies for bulletin boards

4. 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.
5. 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.
6. 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.
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10. 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.
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13. 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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15. 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.
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17. Mike and Debra Bedford, RFD, Stanwood (Owners) - A Special Use Permit granted 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.
18. United States Cellular Communications, Davenport, Iowa - A Special Use Permit granted 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.
19. Sherry Smahaj, RFD, Lowden (Owner) - A Home Industry Permit granted 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.
20. Janita Fisher, RR, Lowden (Owner) - A Special Use Permit granted 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.

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

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

Phil La Rue
Zoning Administrator

PL:sl



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

October 5, 1998

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 22, 1998, 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 petition:

1. Eastern Iowa Drainage Services, RFD, Lowden (Owner) -
Requesting a Special Use Permit in accordance with
Chapter 5, A-1 Agricultural District, Section D1 of the
Cedar County Zoning Ordinance, on property located in
Parcel A, NW 1/4 of the NW 1/4, Section 11, T-81N, R-1W,
in Springfield Township, on a parcel of land consisting
of 6.989 acres more or less.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 10/7/98 to the following:

1. Eastern Iowa Drainage Services - Darrell & Jody Yutesler, 2217 Hoover Highway, Lowden, Iowa 52255 - Certified
2. Glayds & Gerhardt Scheeper & Et Ali - Box 356, Lowden, Iowa 52255
3. Jeffrey Jensen - 716 Hoover Highway, Lowden, Iowa 52255
4. Jeffrey & Michael Jensen - 604 5th Street, Lowden, Iowa 52255
5. Three Way Farms, Inc. - 824 Taylor Avenue, Lowden, Iowa 52255
6. 5 Board of Adjustment members
7. 1 copy to newspaper on 10/5/98
8. 2 file copies
9. 2 copies for bulletin boards

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

October 22, 1998

The Cedar County Board of Adjustment conducted a Public Hearing on October 22, 1998, at 3:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Johnson and Lenker. Members absent were Penningroth and Hoy.

Chairperson Beyer called the meeting to order. Minutes from the last meeting held on September 24, 1998, were previously sent to the members. They were approved as presented.

The members then heard the following petition:

1. Eastern Iowa Drainage Services, RFD, Lowden (Owner) - Requesting a Special Use Permit in accordance with Chapter 5, A-1 Agricultural District, Section D1 of the Cedar County Zoning Ordinance, on property located in Parcel A, NW 1/4 of the NW 1/4, Section 11, T-81N, R-1W, in Springfield Township, on a parcel of land consisting of 6.989 acres more or less.

There were no written or verbal objections on file for this petition. Jody Yutesler was present representing Eastern Iowa Drainage Services. She explained that she and her husband, Darrell, own a 47 acre farm and her husband operates a tiling business. She informed the members that they have a building on the north side of the property where they park equipment and store materials for the business. She stated that they have a 4' x 10' sign along the fence line of Hoover Highway advertising their business. She then explained the location of their buildings on an aerial photo. Mrs. Yutesler told the members that they were unaware of any regulations when they had the sign made and placed on their property.

Zoning Administrator La Rue advised the members to consider this petition in accordance with Chapter 17.18, Subsection 2 and 3 of the Zoning Ordinance. The size of the sign does not comply with the A-1 District. Chairperson Beyer stated that according to Chapter 17.18, Subsection 3, special conditions and circumstances must exist in order for the petition to be considered and that various issues need to be addressed such as setback requirements, size and location.

After discussion by the Board members, it was noted that this petition must be considered in two phases. A Special Use Permit would be needed to allow the tiling business to be located in the A-1 District and a variance would be needed regarding the size and location of the advertising sign. It was noted that the sign is not in the county right-of-way and visibility is not a problem.

After further discussion, Johnson made a motion to grant a Special Use Permit to allow the business in the A-1 District. Secondly, a variance be granted to allow the current 40 square feet sign, and grant exception to the setback distance which would allow the sign to remain in the current location, subject to annual review by the Board. Lenker seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned at 3:30 p.m.

Claude Beyn
Chairman

Sharon Laucamp
Secretary

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 24, 1998

The Cedar County Board of Adjustment conducted a Public Hearing on September 24, 1998, at 3:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Members present were Lenker, Beyer, Penningroth and Hoy. Member absent was Johnson.

Chairperson Beyer called the meeting to order. Minutes from the last meeting held on August 27, 1998, were previously sent to the members. They were approved as presented.

The members then heard the following petitions:

1. Lois Hanser, RFD, Tipton (Owner) - Requesting approval of a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This manufactured home will be located in the SW 1/4 of the NW 1/4, Section 2, T-79N, R-3W, in Rochester Township, on a 90.00 acre more or less farm.

There were no written or verbal objections on file for this petition. Zoning Administrator La Rue advised the members to consider this petition in accordance with Chapter 17.18, Subsection 2 of the Zoning Ordinance. He also informed the members that the Zoning Commission recommended unanimously the Special Use Permit request.

Dennis Hanser was present and stated that he would like to live on the family farm. Lois Hanser stated that she would like her family to live locally and also stated that she will remain the owner of the property. Chairperson Beyer informed the Hanser's that a Special Use Permit is for current ownership only and is not transferrable should the property be sold. She also stated that she had spoken to Assistant County Attorney, Sterling Benz, regarding Special Use Permits for third dwellings on a farm. She stated that Attorney Benz suggested that each case has to be considered on their own merits. If the family would sell or deed the property where the third dwelling is placed, it would need to be rezoned. Gaylord Mickle, adjacent property owner and Assistant Health Assistant, introduced himself and stated that he questioned what a farm unit is and read the definition of a farm from the Code of Iowa. He stated that he felt that the Hanser's should not need to go before the Board of Adjustment and should be able to build without any restrictions in a separate 40 acre tract. Claudia Beyer stated that the definition of a farm needs to be litigated and is not clear in the current Zoning Ordinance. Clarification will need to come from the state level.

It was noted that there is fairly sandy soil on the property and it is not in a flood plain. A new well and septic system will be required. Mr. Hanser informed the members that he intends to use the current driveway off Snaggy Ridge Road. The Acting County Engineer's opinion was read which stated no objections.

After further discussion, Lenker made a motion to approve the Special Use Permit with the understanding that if the third dwelling were ever divided off the farm, it would have to follow the code regulations at that time. Penningroth seconded the motion. Ayes all.

2. Donald and Sharon Stiff, RFD, Tipton (Owners) - Requesting a Home Occupation Permit for the purpose of operating a wood crafts shop in their home on property located in Lots 6, 7 and 8, Block 19, in the SW 1/4 of the SE 1/4, Section 2, T-79N, R-3W, Rochester Township in the unincorporated town of Rochester, consisting of .054 acres more or less. Said property is currently zoned R-2 Urban Residential.

There were no written or verbal objections on file for this petition, nor from the Acting County Engineer. A letter of support was read which was received from Francis & Geraldine Schilling and Clarence & Lorine Ford. La Rue informed the members that the R-2 Zoning District does allow Home Occupations and Home Industries.

Donald and Sharon Stiff were both present and informed the members that they are both retired and now do woodworking projects for craft shows. They stated that they have partitioned off an 8' x 12' room in their garage to keep their projects dust free. The Stiff's are aware of the sign requirements and were informed that the Home Occupation Permit is for the current owners only.

After a brief discussion, Penningroth made a motion to approve the Home Occupation Permit, subject to annual review. Hoy seconded the motion. Ayes all.

3. Eugene Eiselstein, RFD, Tipton (Owner) - Requesting a Home Industry Permit for the purpose of conducting a light automotive repair service on property located in Lot 14, Springvalley Estates, Part II, in the NW 1/4 of the NE 1/4, Section 12, T-79N, R-3W, in Rochester Township, consisting of 3.89 acres more or less. Said property is currently zoned R-1 Suburban Residential.

Zoning Administrator La Rue informed the members that the Eiselstein's were requesting the Home Industry Permit for the purpose of bringing their property into conformity with Chapter 15 of the Zoning Ordinance. He also read a letter of objection which was received from Steven and Linda Ohrt.

La Rue presented an aerial photo and showed the members where the Ohrt's property was in relation to the Eiselstein's. The Acting County Engineer had no objections to this petition.

Gene and Sandy Eiselstein were present and informed the members that Gene works on vehicles on nights and weekends in part of a 30' x 60' building on their property. He stated that he has no plans to work full-time. Mr. Eiselstein presented a list of signatures of customers and neighbors in support of his service and stated that he feels that Kevin Puhl, his wife's ex-husband, wishes to cause problems for his family. He explained his intentions regarding the registered vehicles currently on the property. La Rue informed the members that the R-1 District does allow a Home Industry Permit, as provided in Chapter 15 of the Zoning Ordinance. He also informed Mr. Eiselstein that Chapter 15 only allows a total of five outside parking spaces for the business.

Jeanette Wigim, new owner of Ed Odeen's property and Lot 7 in Springvalley Estates, was present and stated her concerns about the business. She read quotes from the Springvalley Estates Covenants and questioned if any restrictions would be placed on Mr. Eiselstein's business. She stated that she hopes the Board will consider what the covenants state. She feels that the Board's decision may create a standard for the future and could make a difference on development in the area. She was informed that the covenants are to be enforced by the homeowner's association and not by the Board of Adjustment. Chairperson Beyer suggested that Ms. Wiggim's concerns be taken up with the homeowner's association and that the covenants are subordinate to the R-1 District.

La Rue read the Home Industry definition and stated that the Board of Adjustment can put restrictions on the Home Industry Permit. Mr. Eiselstein stated that he was inspected by the DNR last fall and no violations were found. He stated that antifreeze, oil, etc. is contained and he disposes of them properly and complies with state regulations. He informed the members of his intent to help immediate neighbors and friends and wants to make enough money to keep from having his wife work outside of their home. Mr. Eiselstein was informed that if his business went full-time, he would need to change the zoning classification. Penningroth suggested that the Board inform Mr. Eiselstein what they expect. Chapter 7, Section B.1, states that there shall be at least three parking spaces per unit provided in the R-1 District. Chapter 14 of the Zoning Ordinance states that the maximum number of spaces provided for accessory parking shall not exceed five. Chapter 15 states that the activity must be conducted entirely within the the permitted accessory structure. It also states that the business provide

parking on the premises and not in the public road right-of-way and that traffic may not increase significantly because of the business.

After further discussion, Penningroth made a motion to approve the Home Industry Permit, subject to annual review. Lenker seconded the motion. Ayes all.

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

Claudia Byrnes
Chairperson

Sharon Laucamp
Secretary



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772
September 4, 1998

LEGAL NOTICE

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At this time the Board will consider the following petitions:

1. Lois Hanser, RFD, Tipton (Owner) - Requesting approval of a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This manufactured home will be located in the SW 1/4 of the NW 1/4, Section 2, T-79N, R-3W, in Rochester Township, on a 90.00 acre more or less farm.
2. Donald and Sharon Stiff, RFD, Tipton (Owners) - Requesting a Home Occupation Permit for the purpose of operating a wood crafts shop in their home on property located in Lots 6, 7 and 8, Block 19, in the SW 1/4 of the SE 1/4, Section 2, T-79N, R-3W, Rochester Township in the unincorporated town of Rochester, consisting of 0.54 acres more or less. Said property is currently zoned R-2 Urban Residential.
3. Eugene Eiselstein, RFD, Tipton (Owner) - Requesting a Home Industry Permit for the purpose of conducting a light automotive repair service on property located in Lot 14, Springvalley Estates, Part II, in the NW 1/4 of the NE 1/4, Section 12, T-79N, R-3W, in Rochester Township, consisting of 3.89 acres more or less. Said property is currently zoned R-1 Suburban Residential.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said 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

Copies sent out on 9/11/98 to the following:

1. Lois Hanser - 1813 Snaggy Ridge Road, Tipton, Iowa 52772 - Certified
 2. William Dallege - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
 3. Brian & Lori Thomas - 1792 Snaggy Ridge Road, Tipton, Iowa 52772
 4. Helen/Robert Nicolaus Trust - Hertz Farm Management, Box 500, Nevada, Iowa 50201
 5. Douglas & Catherine Ford - 1865 Snaggy Ridge Road, Tipton, Iowa 52772
 6. Gaylord & Lorene Mickle - 1771 Snaggy Ridge Road, Tipton, Iowa 52772
 7. Marlin Christian - 1791 Snaggy Ridge Road, Tipton, Iowa 52772
-

1. Donald & Sharon Stiff - 1903 3rd Street, Tipton, Iowa 52772 - Certified
 2. Francis & Geraldine Schilling - 309 Sycamore Street, Tipton, Iowa 52772
 3. Leland & Karen Gritton - 1881 2nd Street, Tipton, Iowa 52772
 4. Herbert Ford - 1811 King Avenue, Tipton, Iowa 52772
 5. Michael & Mi Suk Ford - 1887 2nd Street, Tipton, Iowa 52772
 6. Clarence & Lorine Ford - 1889 2nd Street, Tipton, Iowa 52772
 7. Golden Rule Lodge - 1882 1st Street, Tipton, Iowa 52772
 8. Earl & Sandi Cook - 1884 1st Street, Tipton, Iowa 52772
 9. Gary & Margaret Witmer - 1888 1st Street, Tipton, Iowa 52772
 10. Janet Nelson - 1901 2nd Street, Tipton, Iowa 52772
 11. William & Mamie Lovell - 1722 Cedar Street, Tipton, Iowa 52772
 12. Margaret Pierce - 1908 2nd Street, Tipton, Iowa 52772
 13. Louise Ann Idlewine - 1728 Washington Street, Tipton, Iowa 52772
 14. Kathryn Post - 1891 3rd Street, Tipton, Iowa 52772
 15. Alva Hansen - 1726 Washington Street, Tipton, Iowa 52772
 16. William Dallege - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
 17. Martha Freeman - 1871 2nd Street, Tipton, Iowa 52772
 18. Warren Williams - 1873 2nd Street, Box 411, Tipton, Iowa 52772
 19. Rita Idlewine - 1875 2nd Street, Tipton, Iowa 52772
 20. Gregory & Laura Boeding - 1711 Washington Street, Tipton, Iowa 52772
 21. Norman & Gloria McQuillen - 1874 1st Street, Tipton, Iowa 52772
 22. Roger & Carolyn Gritton - 1876 1st Street, Tipton, Iowa 52772
 23. Lowell & Donna Salyars - 1881 1st Street, Tipton, Iowa 52772
 24. Merle & Diana Waltz - 1889 1st Street, Tipton, Iowa 52772
 25. John & Rozella Simons - 2241 290th Street, Wilton, Iowa 52778
 26. Dorothy Ford - 1811 King Avenue, Tipton, Iowa 52772
 27. Contel of Kansas, Inc. - 19845 N. US 31, Box 407, Westfield, IN 46074
 28. GTE Telephone Operations - Box 152206, Irving, TX 75015-2206
 29. Michael & Beryl Rocca - 1926 4th Street, Tipton, Iowa 52772
 30. Donald & Joyce Henning - % Max Phelps, Box 287, Tipton, Iowa 52772
 31. Randy Rodgers & Alice Gottschalk - 1886 1st Street, Tipton, Iowa 52772
 32. Ellis & Marjorie Stonerook - 122 W. 11th Street, Tipton, Iowa 52772
 33. Gary Anderson - HCRI, Box 4194, Shell Knob, MO 65747
 34. Jerry & Barbara Wood - 1872 3rd Street, Tipton, Iowa 52772
-

1. Gene Eiselstein - 1154 290th Street, Tipton, Iowa 52772 - Certified
 2. Francis & Dale Thumma, Trustees - 1149 290th Street, Tipton, Iowa 52772
 3. James & Linda Samuelson - 1148 290th Street, Tipton, Iowa 52772
 4. Robert & Barbara Hamer - 1131 Cemetery Road, Tipton, Iowa 52772
 5. Rochester Lumber Co. - 1140 Cemetery Road, Tipton, Iowa 52772
 6. Sharpless Trust - % Janet Nelson, 1901 2nd Street, Tipton, Iowa 52772
 7. First National Acceptance - P.O. Box 4010, East Lansing, MI 48826
 8. Allan Hubler - 1156 290th Street, Tipton, Iowa 52772
 9. Dennis Dittmer - 1160 290th Street, Tipton, Iowa 52772
 10. Grace Wiese - 1151 Cemetery Road, Tipton, Iowa 52772
 11. Jeannette Wigim - 1161 Cemetery Road, Tipton, Iowa 52772
 12. Russell & Janet Anderson - 1170 290th Street, Tipton, Iowa 52772
 13. Darrell & Deanna Gritton - 1162 290th Street, Tipton, Iowa 52772
 14. Steven & Linda Ohrt - 11 McCall Place, Tijeras, NM 87059
-

5 Board of Adjustment members
1 copy to newspaper on 9/4/98
file copies and bulletin board copies

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

August 27, 1998

The Cedar County Board of Adjustment conducted a Public Hearing on August 27, 1998, at 3:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Members present were Lenker, Beyer, Hoy and Penningroth. Member absent was Johnson.

Chairperson Beyer called the meeting to order. Minutes from the last meeting held on July 23, 1998, were previously sent to the members. They were approved as presented.

The members then heard the following petition:

1. Kun Chae Bae Trust and KM Communications, Skokie, Illinois (Contract Buyer) - Requesting approval of a Special Use Permit authorizing the location of a 1,459 foot communication tower and broadcast station on property located in the SW 1/4 of the NE 1/4, Section 19, T-80N, R-4W, in Gower Township, on a parcel consisting of 68.83 acres more or less.

It was noted that the legal description of the proposed location of the tower should read the SE 1/4 of the NE 1/4 (For Option #1) instead of the SW 1/4 of the NE 1/4 (For Option #2) because the tower location was adjusted due to wetness of the ground. The Board did not see this as a reason to delay the hearing.

Zoning Administrator La Rue read a letter of objection received from Howard Seigel, adjoining property owner. Mr. Seigel's letter was dated July 27, 1998, instead of August 27, 1998. It was stated that the records are to show the correct date of August 27, 1998. Mr. Seigel also verbally informed the Zoning Office that he had not received written notification of the hearing. Failure to notify an adjoining property owner was then discussed. Claudia Beyer read from Chapter 17, Section 17.18, Subsection 2.b, and stated that since the notice was published in the Tipton Conservative and West Branch Times, this was sufficient to allow the Board to proceed.

La Rue informed the members to consider this petition in accordance to Chapter 17.18(2) of the Zoning Ordinance when making their decision. He stated that communication towers are permitted according to Chapter 5, Section D, Subsection 12. It was noted that Mr. Seigel's residence is beyond the required one-half height of the proposed tower.

Attorney Bruce Goddard was present representing the petitioners. He presented an aerial view showing the

68 acre parcel to be purchased if approved. He informed the members that there will not be a broadcast studio located on the property as previously planned. However, there will be a transmitter building. Driveway access was questioned. Mr. Goddard stated that their engineer and the Cedar County Engineer's Office is in agreement of the driveway access. Accessing will be at the top of the hill and will be the first driveway north of the Cedar County Cooperative. Mr. Goddard presented two different location options. Option #1 is on the east side of the creek and Option #2 is on the west side of the creek. Option #1 would have less road and would not have to deal with a bridge. Mr. Goddard requested that the Board consider both options.

It was noted by the Board that the Planning and Zoning Commission approved the request subject to meeting driveway access regulations, setback requirements and the structures are out of Zone A of the Flood Insurance Rate Map. La Rue informed the members that if the tower is located within the flood plain area, they would have to comply with Chapter 20 of the Zoning Ordinance. The road will be pretty much along the north property lines and the proposed location does meet the setback requirements.

Attorney Goddard stated that Kun Chae will purchase the property and would then lease to KM Communications except the farmland. Their intention is to start construction this fall if approved. Any crop damage will be paid for. They intend to continue to farm the ground under the tower. Landscaping of the property was discussed. No landscaping will be required since the tower will be at least one-quarter mile away from the road.

The Board members were more favorable with Option #2 because they felt it would be less offensive for Mr. Seigel. After further discussion regarding both options, Hoy made a motion to grant a Special Use Permit for Option #2, located in the SW 1/4 of the NE 1/4, Section 19, T-80N, R-4W, in Gower Township for a communication, transmitter building and adequate parking, subject to annual review. Penningroth seconded the motion. Ayes all.

The Board next discussed the need for an amendment to the Special Use Permit #3198 which was approved in June, 1998, for Larry and Evelyn Beaver. It was noted that the original motion made in June did not reflect that the S.U.P. be subject to annual review. Brad Person, attorney for the Beaver's was present. Lenker made a motion that the S.U.P. issued to the Beaver's be subject to annual review. Hoy seconded the motion. Ayes all.

Discussion then followed regarding how to handle Special Use Permits for a third dwelling on a farm. It was questioned whether an amendment

would be needed to Chapter 17, Section 17.18, Subsection 2, of the Zoning Ordinance regarding the Board of Adjustment considering Special Use Permit requests for a third dwelling on a farm. La Rue will discuss this matter with the County Attorney's Office. Hoy then stated that he thought it would be a good idea if the Board of Adjustment, Planning and Zoning Commission and Board of Supervisors could have a joint meeting to discuss various zoning matters.

With no further business to be discussed at this time, Penningroth made a motion for adjournment. Hoy seconded the motion. Ayes all. Meeting adjourned at 4:20 p.m.

Claudia Dey
Chairperson

Sharon Laucamp
Secretary

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

July 23, 1998

The Cedar County Board of Adjustment conducted a site survey on July 23, 1998, at 2:00 p.m., prior to the regularly scheduled Public Hearing with the following members present: Beyer, Penningroth, Hoy, Lenker, Johnson and Zoning Administrator La Rue.

The purpose of this site survey was for the purpose of considering the variance request of Stacy Northup which was tabled at the hearing on June 25, 1998. Ms. Northup did not appear as agreed at the June meeting. Documents provided by Ms. Northup and the letter from Acting County Engineer, Ron Knoche, were reviewed on the site. From the aerial photographs and Engineer Knoche's comments, it was determined that the county right-of-way (R.O.W.) extends eastward toward the existing trailers to a point of 5 feet more or less from the private water well on this lot. It was then determined that the present trailer location is approximately 7 feet further east of the well. Therefore, the front yard is presently 12 feet in width from the County R.O.W. The letter from Engineer Knoche recommend that the variance be disapproved, or if approved, the new trailer not be allowed closer to the R.O.W. than the present trailer location (12 feet from the R.O.W.).

Examination of the existing trailers showed that the two trailers are presently 22 feet in width and that the rear yard is 15 feet, 6 inches in depth. It was noted by the Board that this lot does not have ownership of property to the bank of the Cedar River.

Regarding the water well and septic system presently on this lot, La Rue stated that whether or not the well water is safe to drink is unknown. It is believed that the septic tank is about 8 feet from the well and presently beneath the trailer closest to the well site. It was noted by the Board that both the minimal separation distances required under Iowa Administrative Code 567, Chapter 49, for the distance from a well to a building is closer than 10 feet and for the well to the septic tank is closer than 50 feet. La Rue stated that the septic system will have to be reconstructed under county permit as a requirement for the zoning permit to place a new manufactured home on the site.

Proposed systems are either a large waste holding tank or a Multi-Flo mechanical septic tank and sand filter. Both systems have perpetual maintenance agreements with the mechanical system requiring an additional permit/approval from the Iowa Department of Natural Resources for discharge of treated waste close to the Cedar River. A variance from the Board of Health will be required in either case. In the areas where a septic tank/system would be placed, there are no wells on adjoining lots within 100 feet.

It was noted by the Board that replacement of the trailers with a new manufactured home and reconstruction of the septic system would improve the present situation. The Board did, however, express concern

that the petitioner may not fully understand the requirements, limitations and responsibilities of maintaining a septic system or waste holding tank as presently being considered.

Having concluded the site survey, the Board returned to the Courthouse for the purpose of conducting the Public Hearing.

The Board then conducted their scheduled Public Hearing at 3:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Penningroth, Lenker, Hoy, Johnson and Zoning Administrator La Rue.

Minutes from the last meeting held on June 25, 1998, were previously sent to the members. They were approved as written with one amendment. Hoy was not present at the meeting as written in the minutes.

The members then heard the following petitions:

1. John Skinner, RFD, Lowden (Owner) - Requesting a variance to temporarily permit two dwellings so as to allow replacement of the existing dwelling on property located in the NE 1/4 of the SE 1/4, Section 11, T-82N, R-1W, in Massillon Township, consisting of 15.14 acres more or less.

This petition was heard first because Petitioner #2 was not present at the meeting.

Mr. Skinner was present and informed the Board of his intent to replace his existing home with a modular home. He would like to leave the old house on the property until the new house is built. La Rue informed the Board that Mr. Skinner would need to obtain a construction permit and a new septic system would need to be installed for the new house. He also reminded the members to consider this petition in accordance to Chapter 17.18(3) of the Zoning Ordinance.

The members then discussed a time table to remove the old house after the new one is built. Mr. Skinner stated that he would like as much time as possible as the new house is not scheduled to be delivered until late fall.

After a brief discussion, Penningroth made a motion to grant Mr. Skinner's variance request with a removal date of the existing home by June 1, 1999. Johnson seconded the motion. Ayes all.

2. Stacy Northup, Tipton (Contract Buyer) - Requesting a variance on the front, rear and side yard requirements in the A-1 district for the purpose of replacing the existing mobile home(s) on property located on Lot B, in the SW 1/4 of the SW 1/4, Section 2, T-79N, R-3W, in Iowa Township, consisting of 0.18 acres more or less.

This petition was previously heard before the Board on June 25, 1998, but was tabled until the site survey of the property could be done by the Board members. The Board discussed their findings during the site survey. It was noted that a variance of 38 feet for the well would be needed. The setback requirements and County R.O.W. were also discussed as previously noted during the site survey.

After further discussion, Hoy suggested that alot of things still need to be addressed regarding this request. Penningroth then made a motion to table this petition. Lenker seconded the motion. Ayes all.

With no further business to be discussed at this time, Lenker made a motion for adjournment. Johnson seconded the motion. Meeting was adjourned at 3:30 p.m.

Claude Beza
Chairperson

Sharon Laucamp
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 10, 1998

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 27, 1998, 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 petition:

1. Kun Chae Bae Trust and KM Communications, Skokie, Illinois (Contract Buyer) - Requesting approval of a Special Use Permit authorizing the location of a 1,459 foot communication tower and broadcast station on property located in the SW 1/4 of the NE 1/4, Section 19, T-80N, R-4W, in Gower Township, on a parcel consisting of 68.83 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

Copies sent out on 8/12/98 to the following:

1. Kun Chae Bae Trust - 3654 W. Jarvis, Skokie, Illinois 60076 - Certified
2. KM Communications, Inc. - Stan Byers, Chief Engineer, 3654 W. Jarvis Avenue, Skokie, Illinois 60076
3. Liberty Trust & Savings Bank - 502 8th Avenue, P.O. Box 1118, Durant, Iowa 52747
4. Joseph J. & Esther P. Ruzek - 226 W. Main, West Branch, Iowa 52358
5. Fred Michael - 1442 Baker Avenue, West Branch, Iowa 52358
6. Robert Jindrich - 79 265th Street, West Branch, Iowa 52358
7. Ronald & Catherine Ellyson - Box 457, West Branch, Iowa 52358
8. Binbuster, Inc. - 121 Bickford Drive, West Branch, Iowa 52358
9. Fobian Farms, Inc. - 3639 Oasis Road NE, West Branch, Iowa 52358
10. Donald & Kristine Murphy - 1528 Baker Avenue, West Branch, Iowa 52358
11. Cedar County Cooperative - P.O. Box 192, Tipton, Iowa 52772
12. Vivian & Keith Howard - 111 260th Street, West Branch, Iowa 52358
13. Bruce Goddard - Attorney at Law, 311 Iowa State Bank & Trust Building, Iowa City, IA 52240
14. 5 Board of Adjustment members
15. 1 copy to newspaper on 8/10/98
16. 2 file copies
17. 2 copies for bulletin boards



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
August 27, 1998, 3:00 p.m.
Cedar County Courthouse, Tipton, Iowa

- I. Approval of Board minutes from July 23, 1998
- II. Review of petition for Special Use Permit #3998,
by Kun Chae Bae Trust and KM Communications,
Skokie, Illinois, for 1,459 foot tall communi-
cation tower.
- III. Discussion
- IV. Consideration of an amendment to the motion to
approve Special Use Permit #3198, approved
June 25, 1998, to allow a third dwelling on a
farm as petitioned by Larry Beaver, RFD,
West Liberty, Iowa. The amendment is for the
annual review of the Special Use Permit.
- V. Discussion
- VI. Conclusion and adjournment.

Copies sent out on 8/12/98 to the following:

1. 5 Board of Adjustment members
2. Brad Person, Attorney at Law, P.O. Box 346, West Liberty, Iowa 52776



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

July 6, 1998

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, July 23, 1998, 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. Stacy Northup, Tipton (Contract Buyer) - Requesting a variance on the front, rear and side yard requirements in the A-1 Agricultural District for the purpose of replacing the existing mobile home(s) on property located on Lot B, in the SW 1/4 of the SW 1/4, Section 2, T-79N, R-3W, in Iowa Township, consisting of 0.18 acres more or less. This petition was previously heard before the Board on June 25, 1998, but was tabled until a site survey of the property can be performed prior to the Hearing on July 23, 1998.
2. John Skinner, RFD, Lowden (Owner) - Requesting a variance to temporarily permit two dwellings so as to allow replacement of the existing dwelling on property located in the NE 1/4 of the SE 1/4, Section 11, T-82N, R-1W, in Massillon Township, consisting of 15.14 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

Copies sent out on 7/7/98 to the following:

1. Stacy Northup - 1107 Lynn Street, Tipton, Iowa 52772 - Certified
 2. Dwain McKinney Estate - 1888 Fox Avenue, West Branch, Iowa 52358
 3. Harry & Susan Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720
 4. Duane McCrea & Robert Helm - P.O. Box 61, Milan, Illinois 61264
 5. Greg Andrews - 235 N. Morrell, Fremont, Nebraska 68025
 6. Larry & Charlotte Hill - Box 195B, 130 W. Rochester, Atalissa, Iowa 52720
 7. Joseph Fahrenkrug - 2727 Glaspell, Davenport, Iowa 52804
 8. Arthur & Cecil Kottman - 1303 16th Street, Oregon City, Oregon 97045
 9. Linda Wilson - 6419 SE King Road, Milwaukee, Oregon 97222
 10. Margaret & George Domer - 141 W. Rochester Avenue, Atalissa, Iowa 52720
 11. Larry Siders - 420 W. South Street, Tipton, Iowa 52772
 12. Martha Jane Henry - 510 Plum Street, Tipton, Iowa 52772
 13. Marjeane Elliott - HCl, 1150-Z, Payson, Arizona 85541
 14. Daniel Tietz - 1013 290th Street, Atalissa, Iowa 52720
-

1. John Skinner - 231 Hoover Highway, Lowden, Iowa 52255 - Certified
 2. Marvin & Cynthia Hanson - 173 Hoover Highway, Lowden, Iowa 52255
 3. Bernice Skinner - 183 Hoover Highway, Wheatland, Iowa 52777
 4. Jack & Marilyn Tubaugh - 174 Hoover Highway, Wheatland, Iowa 52777
 5. Ivan & Jane Clark - P.O. Box 325, Lowden, Iowa 52255
 6. Donald & Dena Skinner - 172 Hoover Highway, Wheatland, Iowa 52777
 7. Joseph Driver - 3709 12th Street, East Moline, IL 61244
-

- 5 Board of Adjustment members
- 2 copies for bulletin boards
- 2 file copies
- 1 copy to newspaper on 7/6/98



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

July 7, 1998

TO: Cedar County Board of Adjustment Members

FROM: Cedar County Zoning Office

AGENDA

July 23, 1998

- 1:30 p.m. -- Leave from the Courthouse to perform a site survey of the property where Stacy Northup is requesting a variance on yard set-back requirements in West Rochester
- 3:00 p.m. -- Public Hearing in basement of the Courthouse, Tipton, Iowa
- Discussion
- Adjournment



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

June 8, 1998

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, June 25, 1998, 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. Brenda Johnson, RFD, West Branch (Owner) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located in the NW 1/4 of the NW 1/4, Section 28, T-80N, R-4W, in Gower Township.
2. Larry and Evelyn Beaver, RFD, West Liberty (Owners) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located in the NW 1/4 of the NE 1/4, Section 19, T-79N, R-3W, in Iowa Township.
3. Stacy Northup, Tipton (Contract Buyer) - Requesting a variance on the front, rear and side yard requirements in the A-1 Agricultural District for the purpose of replacing the existing mobile home(s) on property located on Lot B, in the SW 1/4 of the SW 1/4, Section 2, T-79N, R-3W, in Iowa Township, consisting of 0.18 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

Copies sent out on 6/10/98 to the following:

1. Brenda Johnson - 289 260th Street, West Branch, Iowa 52358 - Certified
 2. Harvey Jensen - 159 260th Street, West Branch, Iowa 52358
 3. Gary Thomas - 1638 Charles Avenue, West Branch, Iowa 52358
 4. Gary D. & Larry L. Thomas & Brenda Johnson - 1638 Charles Avenue, West Branch, IA 52358
 5. Honey Grove, Ltd. - 1745 Charles Avenue, West Branch, Iowa 52358
 6. Jeffrey L. Renander - 1613 Charles Avenue, West Branch, Iowa 52358
 7. Stephen & Carolyn Wildman - 916 Stone Mill Road, Tipton, Iowa 52772
 8. Hilhurst Farms, Inc. - 1718 Delta Avenue, West Branch, Iowa 52358
 9. Julie Wentz - 3444 S. Indiana Avenue, Milwaukee, Wisconsin 53207
-

1. Larry & Evelyn Beaver - 680 310th Street, West Liberty, Iowa 52776 - Certified
 2. Marvin Beaver - Trustee & Dorothy - 670 310th Street, West Liberty, Iowa 52776
 3. Charles J. Lynch III Et Ali - 526 2nd Avenue S., Cedar Rapids, Iowa 52400
 4. Dean & Evelyn Oakes - 2969 Prairie Du Chien NE, Iowa City, Iowa 52240
 5. Charles & Janet Wolf - 4 Greenview Drive, West Branch, Iowa 52358
-

1. Stacy Northup - 1107 Lynn Street, Tipton, Iowa 52772 - Certified
 2. Dwain McKinney Estate - 1888 Fox Avenue, West Branch, Iowa 52358
 3. Harry & Susan Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720
 4. Duane McCrea & Robert Helm - P.O. Box 61, Milan, Illinois 61264
 5. Greg Andrews - 235 N. Morrell, Fremont, Nebraska 68025
 6. Larry & Charlotte Hill - Box 195B, 130 W. Rochester, Atalissa, Iowa 52720
 7. Joseph Fahrenkrug - 2727 Glaspell, Davenport, Iowa 52804
 8. Arthur & Cecil Kottman - 1303 16th Street, Oregon City, Oregon 97045
 9. Linda Wilson - 6419 SE King Road, Milwaukee, Oregon 97222
 10. Margaret & George Domer - 141 W. Rochester Avenue, Atalissa, Iowa 52720
 11. Larry Siders - 420 W. South Street, Tipton, Iowa 52772
 12. Martha Jane Henry - 510 Plum Street, Tipton, Iowa 52772
 13. Marjeane Elliott - HC 1, 1150-Z, Payson, Arizona 85541
 14. Daniel Tietz - 1013 290th Street, Atalissa, Iowa 52720
-

5 Board of Adjustment members

1 copy to Tipton Conservative on 6/8/98

1 copy to West Branch Times on 6/11/98

2 file copies

2 copies for bulletin boards

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

June 25, 1998

The Cedar County Board of Adjustment conducted a Public Hearing on June 25, 1998, at 3:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Penningroth, Lenker and Hoy. Member absent was Johnson.

Minutes from the last meeting held on April 23, 1998, were previously sent to the members. They were approved as written.

The members then heard the following petitions:

1. Brenda Johnson, RFD, West Branch (Owner) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located in the NW 1/4 of the NW 1/4, Section 28, T-80N, R-4W, in Gower Township. There were no additional objections on file since the one filed by Jeff Renander before the Planning and Zoning Commission. La Rue advised the members to consider this petition in accordance to Chapter 17.18(2) of the Zoning Ordinance.

Brenda Johnson was present and informed the members of her desire to build a residence for her and her children on her family's farm. She stated that there are currently two houses on two tracts of land and felt that the location she chose was appropriate because it would be located within 250 feet of her brother's residence.

Jeff Renander, 1613 Charles Avenue, West Branch, was present and voiced his objection to this petition. He pointed out to the members that the proposed 3 acres for non-agricultural use has a CSR of 90. He referred to page 32 of the Zoning Ordinance. He also quoted the permitted secondary farm dwelling definition on page 27. He stated that he sees Ms. Johnson's request as a dwelling on a farm and not as a permitted secondary farm dwelling. He suggested that Ms. Johnson find another location on the farm which has a CSR of 68 or less and build next to the first house. Mr. Renander informed the members that he would like a written answer for their decision. Half of the property has a CSR of 75 or higher.

Discussion followed regarding the fact that if a Special Use Permit were granted, it would be limited to Ms. Johnson and not transferrable. Also, if the proposed house were divided off the farm, it would be subject to subdivision. It was questioned whether other conditions were enough to rebut the CSR.

Carolyn Anderson, Glen Hinkhouse and Richard Anderson, neighbors of Ms. Johnson, voiced support for Ms. Johnson's request. They spoke very highly of Ms. Johnson and her family.

After further discussion, Beyer stated that she did not feel that this case was a comfortable use as a Special Use Permit. Ms. Johnson stated that she was lead toward requesting the S.U.P., but would do whatever the Board suggested. Penningroth suggested that she go through the Planning and Zoning Commission. The members were all in agreement.

2. Larry and Evelyn Beaver, RFD, West Liberty (Owners) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located in the NW 1/4 of the NE 1/4, Section 19, T-79N, R-3W, in Iowa Township.

There were no written or verbal objections on file for this petition. La Rue informed the members to consider this petition in accordance to Chapter 18.2(3) of the Zoning Ordinance.

Mr. & Mrs. Beaver were present and explained to the members that they currently own two acres which has a hog operation on the property. The Beaver's explained that his father owns two farms, each consisting of 80 acres and that there is currently a house on each 80 acres. Mr. & Mrs. Beaver currently rent one of the houses and their father lives in the other house. They explained that they would like to purchase two additional acres from their father to build a new home on. If approved, their daughter and son-in-law would live in the house they are currently renting and they would be part of the hog operation.

Brad Person, attorney for the Beaver's, was present and explained that Mr. Beaver will eventually inherit one-third of the farm. The Beaver's, therefore, want to build a new house on the land they will inherit. Mr. Person stated there are currently two farms with two deeds and two abstracts. One-half of the 160 acres is in a living trust from Mr. Beaver's mother. Zoning Administrator La Rue stated that the property would not need to be subdivided and suggested that a purchase contract be filed.

After further discussion, Penningroth made a motion to approve the request for a Special Use Permit. Lenker seconded the motion. Ayes all. La Rue suggested that they check with the County Engineer's Office regarding the driveway access. He also informed the Beaver's that they would have to meet the minimum setback requirements for the new house and a perc test and sewer permit would be needed from the Environmental Office.

3. Stacy Northup, Tipton (Contract Buyer) - Requesting a variance on the front, rear and side yard requirements in the A-1 Agricultural District for the purpose of replacing the existing mobile home(s) on property located on Lot B, in the SW 1/4 of the SW 1/4, Section 2, T-79N, R-3W, in Iowa Township, consisting of 0.18 acres more or less. There were no written or verbal objections on file for this petition other than the comment in a letter from the County Engineer's Office. La Rue informed the members to consider this petition in accordance to Chapter 17.18(3) of the Zoning Ordinance.

La Rue then explained that there are currently two homes on this property because in 1988, the Board of Adjustment granted a variance to Deeda Ball to allow two dwellings. He stated that the septic system would have to be upgraded and informed the members that one of the present dwellings is on top of the septic tank. He also suggested that a holding tank may have to be used on this property.

Stacy Northup was present and showed the members pictures of the current mobile home on the property. She explained her desire to live on river front property. She stated that she would like to place a 16 x 80 foot mobile home on the property but would be willing to put in a smaller mobile home and also a holding tank if the Board requested. The letter of concern from the County Engineer's Office regarding the county road right-of-way was discussed. The well on the property is in front of the trailer on the right-of-way line or close to it. The County Engineer's Office recommended that this request not be approved, but if so, they recommend that the new mobile home not be placed any closer to the road than the current mobile home. The Secondary Road Department will be starting a road project and widening the roads in this area but not in front of this residence.

Ms. Northup stated that she would remove the existing mobile home if she gets the go ahead from the Board. Measurements to the property lines were then discussed. Ms. Northup stated that she would be willing to go down to a 14 x 70 foot mobile home because of the size of the lot.

Ron Knoche, Cedar County Engineer's Office, was present and stated that the current parking for this property is in the county right-of-way and recommended that the parking area be moved outside of the right-of-way. Ms. Northup stated that she was willing to do anything but did not want to proceed until approval is granted.

After further discussion, Lenker made a motion that this petition be tabled until a site survey can be performed by the members. Therefore, no decision will be made until after the site survey. Penningroth seconded the motion.

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

Claudia Bay

Chairperson

Sharon Lucamp

Secretary

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

April 23, 1998

The Cedar County Board of Adjustment conducted a Public Hearing on April 23, 1998, at 2:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Beyer, Johnson, Lenker and Hoy.

Minutes from the last two meetings held on February 26, 1998, and March 26, 1998, were reviewed by the Board members. The minutes from the February 26th meeting were approved as written. There was a correction to be made in the minutes from the March 26th meeting. The last sentence in paragraph 2, page 6, was to be omitted. The sentence to be removed was: "There is a concrete retaining wall on the slope."

Zoning Administrator La Rue read the legal notice and the members then heard the following petitions:

1. Loren and Kathy Reynolds, RFD, Atalissa (Owners) - Requesting a variance on the front yard setback requirements in the M-1 Light Industrial District for the purpose of constructing a storage building on their property located in the N 1/2 of the NE 1/4 of the NW 1/4, Section 11, T-79N, R-3W, in Iowa Township, along West Rochester Avenue. This petition was a continuance from the March 26th meeting as no decision was made at that time until more information could be presented. There were no verbal or written objections on file for this petition. La Rue advised the members to consider this petition according to Chapter 17.18(3) of the Zoning Ordinance.

The members reviewed the letter received from County Engineer Mark Nahra. Zoning Administrator La Rue informed the members that he had performed a site survey at the property to the best of his ability. He presented photographs and a scaled drawing of the property to the members. He stated that it appears that the county road has meandered and the travel portion has shifted. La Rue then described in detail the scaled drawing he had made of the property. He stated that the current stakes represent a zero frontage. Mr. Reynolds stated that the 33 foot right-of-way in reality is 37 feet. Hoy said that he could live with Reynolds first request to place the building 40 feet from the center of the road as it appears. Penningroth questioned if the Reynolds' would consider having a survey done by a licensed surveyor. Mr. Reynolds replied that he would rather not incur the cost if an agreement can be made. Johnson stated that since the garage is already in the county right-of-way, he did not see any problem.

Hoy made a motion that the crown of the road be determined and then move 40 feet from that location. No second to the motion was made and discussion continued. It was suggested that Mr. Reynolds' current stake be moved back two feet. Mr. Reynolds was informed that appliances in the building would have to be placed one foot off the floor. After further discussion, Penningroth made a motion to authorize a variance of 38 feet of the 40 feet setback requirement and allow 35 feet from Reference Point #7 (center line of road). Johnson seconded the motion. Ayes all. It was stated that if County Engineer Mark Nahra does not like the Board's decision, that his department is to mark the the center of the road and right-of-way.

2. River Valley Cooperative, RR, Wilton (Owner) - Requesting an amendment to their Special Use Permit to allow the placement of a 30,000 gallon liquid propane storage tank adjacent to their existing ammonia storage tanks on property located in the S 1/2 of the SW 1/4, Section 2, T-79N, R-1W, in the unincorporated town of Sunbury.

There were no written or verbal objections on file for this petition. La Rue advised the Board members to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance when making their decision. It was noted that River Valley Cooperative already has a Special Use Permit authorizing their bulk anhydrous ammonia storage site and chemical mixing site. A variance was also granted to them previously allowing a separation distance for the bulk tanks of 500 feet, a variance of 250 feet, and the mixing plant a separation distance of 350 feet, a variance of 400 feet.

Devon Schroeder, Location Manager, and Dave Schulz, Energy Department Manager for River Valley Cooperative were present and explained the need for the requested Special Use Permit. They stated that the purpose for the 30,000 gallon liquid propane storage tank was for grain drying in their grain operation. The men informed the members that the closest residence where an employee had lived has been removed. The tanks on the south side of the road have also been removed. They also stated that the LP tank will be placed on concrete pillars and plumbed directly to the dryer.

After a brief discussion, Lenker made a motion to authorize storage of up to 30,000 gallons of liquid propane on the site. Johnson seconded the motion. Ayes all.

3. Pauline Hansen, RFD, Mechanicsville (Owner) - Requesting a variance to temporarily permit two dwellings and a mobile home so as to allow replacement of the existing dwelling on property located in the SW 1/4 of the SW 1/4, Section 13, T-82N, R-4W, in Pioneer Township, consisting of 1.34 acres more or less.

No written or verbal objections were on file for this petition. La Rue informed the members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance. La Rue explained that the property is now in non-conformity with the current zoning classification of M-2 which does not permit residential dwellings in this classification. He informed the members that the Hansen's are currently going through with rezoning the property to R-1 which will be heard by the Board of Supervisors on April 30, 1998.

The Hansen's explained to the members that the mobile home on the property is full of materials to build the new proposed house. They stated that the old house and mobile home will be removed after construction of the new home. They will be permitted to use the existing septic system if it meets the county's current requirements. It was suggested that the Hansen's remove the collapsed shed and remove the junk yards on the property within the year.

After further discussion Hoy made a motion to approve a variance to temporarily permit two dwellings and a mobile home on the property and once they move into the new home the old house and mobile home be removed within 180 days. Motion was seconded. Ayes all.

La Rue then asked informally for guidance regarding Barry Alger's situation.

The members then suggested that the next meeting of the Board be scheduled at 3:00 p.m..

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

Claudio Byrne
Chairman

Sharon Laukamp
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 12, 1998

TO: Cedar County Board of Adjustment Members

I am writing this note to inform you that there will not be a Board of Adjustment Meeting during the month of May because no petitions have been received.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

April 6, 1998

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, April 23, 1998, at 2:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Loren and Kathy Reynolds, RFD, Atalissa (Owners) - Requesting a variance on the front yard setback requirements in the M-1 Light Industrial District for the purpose of constructing a storage building on their property located in the N 1/2 of the NE 1/4 of the NW 1/4, Section 11, T-79N, R-3W, in Iowa Township, along West Rochester Avenue. This petition was previously heard by the Board on March 26, 1998, but was tabled until the April meeting so that additional information can be prepared and presented.
2. River Valley Cooperative, RR, Wilton (Owner) - Requesting an amendment to their Special Use Permit to allow the placement of a 30,000 gallon liquid propane storage tank adjacent to their existing ammonia storage tanks on property located in the S 1/2 of the SW 1/4, Section 2, T-79N, R-1W, in the unincorporated town of Sunbury.
3. Pauline Hansen, RFD, Mechanicsville (Owner) - Requesting a variance to temporarily permit two dwellings and a mobile home so as to allow replacement of the existing dwelling on property located in the SW 1/4 of the SW 1/4, Section 13, T-82N, R-4W, in Pioneer Township, consisting of 1.34 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

Copies sent out on 4/7/98 to the following:

1. Loren & Kathy Reynolds - 106 W. Rochester Avenue, Atalissa, Iowa 52720 - Certified
 2. D. L. & Emilie McCrea - 1042 Charles, Mission, Texas 78572
 3. Roger & Catherine Sloan - 108 W. Rochester Avenue, Atalissa, Iowa 52720
 4. Mindy Williams - 1105 Highway 38, Tipton, Iowa 52772
 5. Carl & Carol Fobian - 3639 Oasis Road NE, West Branch, Iowa 52358
 6. Rex & Mary Kitt - 105 W. Rochester Avenue, Atalissa, Iowa 52720
 7. Duane McCrea & Robert Helm - P.O. Box 61, Milan, Illinois 61264
 8. Tina O'Quinn - 1031 290th Street, Atalissa, Iowa 52720
 9. Donald & Gloria O'Hara - 104 Cemetery Road, Lisbon, Iowa 52253
 10. Cathy Isabel - 101 W. Rochester, Atalissa, Iowa 52720
 11. Harry & Susan Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720
-

1. Lon Warnecke - River Valley Cooperative, 409 Center Street, Stockton, Iowa 52769 - Certified
 2. Steven & Ann Ralfs - 1851 270th Street, Bennett, Iowa 52721
 3. Farmers Grain & Lumber Co. - RFD #2, Wilton, Iowa 52778
 4. Richard & Shirley Toyne - 2213 290th Street, Wilton, Iowa 52778
 5. James & Denise Rutherford - 2212 290th Street, Wilton, Iowa 52778
 6. Rick & Sondra Griffin - 2230 290th Street, Wilton, Iowa 52778
 7. Ronald & Joyce Weih - 2176 270th Street, Bennett, Iowa 52721
 8. Keith & Deanna Petersen - 108 Herman, Wilton, Iowa 52778
 9. Roger Meier - Box 937, Durant, Iowa 52747
 10. Wilbert & Shirley Spengler - 2231 290th Street, Wilton, Iowa 52778
 11. Norma Petersen - 806 7th Street, Durant, Iowa 52747
 12. Richard & Barbara Budelier - 1881 Yankee Avenue, New Liberty, Iowa 52765
 13. Robert & Martha McCallister - 212 Herman Street, Wilton, Iowa 52778
 14. Kenneth McCallister - 180 Miller Street, Wilton, Iowa 52778
 15. Robert & Kenneth McCallister - 212 Herman Street, Wilton, Iowa 52778
 16. John & Rozella Simons - 2241 290th Street, Wilton, Iowa 52778
 17. Dennis & Edthye Weih - 1895 Wilson Avenue, Wilton, Iowa 52778
 18. Ellen & Ernest Ledtje - 218 Herman Street, Wilton, Iowa 52778
 19. Herman & Llewellyn Luerksen - 2249 290th Street, Wilton, Iowa 52778
 20. Marvin Pace - 203 Miller Street, Wilton, Iowa 52778
 21. Marvin N. & Karlyn Pace - 103 South Street, Wilton, Iowa 52778
 22. Susan Milligan - 101 South Street, Wilton, Iowa 52778
 23. Donald Mockmore - 200 Miller Street, Wilton, Iowa 52778
 24. Jane & Daryl Clark - 401 1/2 Cedar Street, Wilton, Iowa 52778
-

1. Pauline Hansen - 308 Franklin Avenue, Mechanicsville, Iowa 52306 - Certified
 2. Weets Farms, Inc.-1&2 - 350 Franklin Avenue, Mechanicsville, Iowa 52306
 3. Vernon & Marie Boots - 109 W. First Street, Mechanicsville, Iowa 52306
 4. IBP, Inc. - Attn: Tax Department, P.O. Box 515, Dakota City, NE 68731
 5. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
 6. Lola Maher - 302 N. Cherry, Mechanicsville, Iowa 52306
-

- 5 Board of Adjustment members on 4/8/98
2 copies for bulletin boards
2 file copies
1 copy to newspaper on 4/6/98

Cedar County Board of Adjustment Minutes

March 26, 1998

The Cedar County Board of Adjustment conducted a Public Hearing on March 26, 1998, at 2:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Hoy, Johnson, Lenker, and Penningroth.

The Board members heard the following petitions:

1. Robert Menke, RFD, Wilton (owner) - Requesting approval of a Special Use Permit authorizing the location of an agricultural trailer sales and display area on property located in the NE 1/4, SE 1/4, Section 33, T-79N, R-1W, in Farmington township. This parcel consists of 38.00 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Board to consider the petition in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance when considering this petition for a Special Use Permit.

Mr. Menke explained to the Board that he wishes to move his trailer operation 3 miles down the road from where it has been for the last 20 years. Mr. La Rue noted that in the minutes of the Planning and Zoning Commission, a representative from the Wahkonsa Country Club presented concerns about their liability for stray golf balls. The Commission recommended a screening fence be placed around the display area, which will be 100 feet by 200 feet. In addition, Mr. Menke is going to build a horse barn with an arena which will include a shop to be used for repairs, such as lights and brakes. The engineer had expressed concerns regarding the use of the property being consistent with other land uses. The Planning and Zoning Commission did make a recommendation to approve the requested location rather than moving the area to the south along Highway 927, as was discussed, provided he was aware golf balls might occasionally cross the road, subject to annual review.

Regarding the use of the property, La Rue noted that agricultural trailers are permitted in agricultural districts by special permit, provided they are neat and will not be a detriment to the area. Mr. Menke stated that he has a new home on the property and does not intend to have a junkyard in the front. He stated that he can start a fence and plant some trees, but he would like to use the white plastic fencing which is about 48 inches high and has 3 bars. It was mentioned that this type of fence would not stop many golf balls, and a 5 foot board fence such as those used by some implement dealers would provide better screening. Mr. Menke stated that he is not concerned about golf balls. The question was asked as to who would be liable if someone was hit by a golf ball. Mr. Menke stated that they would be hitting over a hundred feet back from Vermont Avenue and the tee coming off 927 to the south

would be seven to nine hundred feet before reaching the designated area, and he felt that it was outside the realm of reality. Mr. La Rue restated that the County Club does not want to be held liable.

Mr. Menke was asked if the business in the shop would relate strictly to the building of trailers. He responded that there would be no building of trailers, just repair, and that the shop would probably be as big a shop as the average farmer has. The shop would be used for minor repairs, and is irrelevant to the trailer business. Mr. Menke was asked if he would be putting up a sign and he responded that he had not had one for 20 years and had not intended to put one up.

Johnson made a motion to grant the Special Use Permit subject to annual review by the Board. Hoy seconded the motion. Hoy stated that he felt the white plastic fence would be adequate. The motion carried. Ayes all.

2. Iowa Wireless, Des Moines, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 195 foot personal communication services (P.C.S.) tower on property located in the NE 1/4, NE 1/4, Section 23, T-79N, R-2W, in Sugar Creek Township, consisting of 29.78 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Board members to consider this petition and petition #3 in accordance with Chapter 17.18(2) of the zoning ordinance when making their decision. He noted that this site is adjacent to the existing GTE MobileNet Tower northwest of the Wilton, I-80/Highway 38 Interchange.

John Steiding, Iowa Wireless Project Coordinator was present along with Andy Anderson, another consultant and also a property owner. He noted that there are two separate petitions; but at the Board's pleasure, he would present them together recognizing separate action.

3. Iowa Wireless, Des Moines, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 199 foot personal communication services (P.C.S.) tower on property located in the N 1/2, SE 1/4, SE 1/4, Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.5 acres more or less.

Mr. Steiding explained to the Board that PCS is a new, all-digital, telecommunications system. It is different than analog. The system operates at about 1900 MHz. The signal does not travel as far, so they will need to put up more towers for the system to work properly, but they will not be as tall. He gave some background on the history of Iowa Wireless. They will cover the state of Iowa and several counties into Illinois. Des Moines went on line first last year, and they are starting to build out in the

rest of the state, starting in Davenport and moving west. In proposing the specific facilities, they have tried to be cognizant of the county's concerns and needs. They feel they have 50 feet from the right-of-way with the towers and guys and have met and exceeded the requirements at the Grosjean site.

There is already an existing facility on the Grosjean site owned by a competitor, GTE. It is not good business for them to give Iowa Wireless space on their tower. The Iowa Wireless tower will be right next to the GTE tower on the same property. Mr. Steiding was asked about co-location on the towers. He responded that the facility will be available for co-location.

The Grosjean site was drawn up with access on an existing farm lane. Once the tower is built, it will only be visited once a month for maintenance. The towers will not require lights. They have the FAA sign-off's. The legs at the bottom will be about 17 to 18 feet apart. The towers taper up quickly at first, and then more slowly. They are designed to be minimally visually intrusive, being under 200 feet tall. They will have 6 flat panel antennas with 2 facing 3 directions. They break every cell into 3 sections. There will be security fence around the sites.

The design of the system is based on signal propagation, topography, vegetative cover and man-made structures. In the summer, trees will impede the signal. It is line-of-sight technology. When they co-locate on a tower, they lose signal coverage.

The 2nd site is the Fawcett site, which will be located north of Interstate 80 on a hill on 290th street. The site will be in the middle of their property up next to a machine shed. They will use the existing driveway and add a small piece onto it. Concern had been expressed about a small cabin on the back side of the hill, and the tower will be well away from that. The layout of the two towers is almost identical, except that they will be coming in from a different direction. The towers will be identical in design and height. The question was asked as to how far the cabin is from the tower site, and the response was 500 feet minimum.

Mr. Steiding stated that the company they are using to construct the radio towers has never had a tower collapse. The design of the tower is such that they will buckle rather than fall, so if they would break, they would hinge over. There is a weak point intended to break first, so if the tops breaks, it will fold over and would not hit the ground. If conditions would be such that towers would be falling, other structures will be falling also.

Mr. Steiding was asked about the distance between towers. They can space them 8-12 miles apart. They may have a problem where the area is a little more rough. East and west it is a little flatter here. Ray Penningroth asked what would happen down the road if someone were to plant trees in a position where it would be close to a site. Mr. Steiding responded that there are different

technologies being looked at as to how to fill in and add capacity to the system. The radio frequency waves on the project are based on the most foliage available in that area--the worst possible signal conditions. He felt their frequency could handle it. Mr. Steiding went on to say that this is an emerging field. They have to have a base system and will fill in with shorter facilities and network to these towers. What they are constructing will cover the area. What will drive the expansion is increasing need. If the system gets full, additional antennas will be needed. The towers are designed to take up to 9 antennas. The next thing is to go down a few feet and add antennas to these towers. Then they would add additional facilities. As this system is built, it is just starting and will revolutionize telecommunications.

Claudia Beyer asked what the Board can do to encourage co-location--for instance what would encourage Iowa Wireless to allow Sprint to co-locate on their towers? Mr. Steiding responded that while the towers are truly designed to be co-locateable, it would be difficult to project that Sprint would be the one to co-locate on these facilities. Co-location would be done by other entities rather than competitors. Nextel is an analog system--they are competitors, but not as much as Sprint.

Forest Johnson asked if they would be apt to be back in 5-10 years asking to change. Mr. Steiding responded that the design should cover 5-10 years. If at some point the technology should become obsolete and the towers no longer be needed, the towers would be removed and the land returned to its natural state as much as possible. The footings would be buried. They will have a 5-year lease renewable for 30 years, so the lease can be adjusted based on cost-of-living increases or market change.

Mr. Steiding stated that all property owners within 500 feet of the entire track had been notified of the project. The question of losing prime agricultural ground was raised. Mr. Steiding stated that he felt the impact on agricultural ground would be minimal, as the area at the Grosjean site is in a fenced area 75 feet by 75 feet; and at the Fawcett property, they are using a driveway. Both sites are pasture ground, and Mr. Steiding felt that the CSR rating was probably 50-60.

Ray Penningroth stated that he felt that federal legislation is needed to better regulate or coordinate the industry. Mr. Steiding stated that it was becoming an issue with the push being spearheaded by the state of Vermont. He did not know how quickly federal guidelines would be put into effect.

Discussion was held regarding buffer plantings. The statement was made that buffer plantings have not been a priority in the past--they have been required when the Board felt there was a need. Buffer plantings were not observed on the towers which had been viewed. Phil La Rue stated that prior to April of 1996, such facilities were exempted from county review by a utility exemption.

The question was asked as to whether entrance agreements would be needed to go in and out. The response was that this would not be necessary as they were using an existing driveway at the Fawcett site; and at Grosjean's, they will come in an existing driveway and then turn off immediately to go down to the tower.

Forest Johnson made a motion to approve Petition #2, (1st site) for a Special Use Permit, subject to annual review. Ray Penningroth seconded the motion. The motion carried. Ayes all.

Ray Penningroth made a motion to approve Petition #3, (2nd site) for a Special Use Permit, subject to annual review. Chuck Hoy seconded the motion. The motion carried. Ayes all.

4. Loren and Kathy Reynolds, RFD, Atalissa (Owners) - Requesting a variance on the front yard setback requirements in the M-1 Light Industrial District for the purpose of constructing a storage building on their property located in the N 1/2, NE 1/4, NW 1/4, Section 11, T-79N, R-3W, in Iowa Township, along West Rochester Avenue.

Phil La Rue stated that there are no written or verbal objections on file to this petition. The residence was at one time a seasonal cabin. A change in zoning will not be recommended. He would recommend to allow, if the request for a variance is approved, a variance in the M-1 Light Industrial District. If the house were to be changed, a change in zoning would be required to eliminate a non-conformity. The area across the road is zoned R-1 for urban residential. Mr. La Rue asked that the Board review the petition in accordance with Chapter 17.18(3) of the Zoning Ordinance. Copies of a letter from the county engineer were given to Board members so they could see where he stands regarding existing structures in the right-of-way.

Loren Reynolds showed some photographs to the Board of his property and the area in which he would like to place a 24 foot by 38 foot steel building. He stated that he had measured 40 feet from the center of the road and then added a foot to determine where the edge of the structure would be. Phil La Rue stated that in an M-1 Light Industrial district, Chapter 12, Section E-1, (page 59), states that a front yard shall be 40 feet from the edge of the right-of-way, the rear yard 40 feet, and the sides 20 feet. In order to be 40 feet from the edge of the right-of-way, the question was raised as to whether they had to be 80 feet from the center of the road. They had originally requested zero setback to allow the edge to be right on the county right-of-way.

Phil La Rue stated that from the photographs, it appears that the house has a 5-foot front yard. If this is correct, a zero footage would not be necessary. By Iowa code, you are not allowed to go in to the county right-of-way for county liability reasons. At least a little setback or at least as far back as the house could be allowed.

Mr. Reynolds explained that the reason why the structure has to be 24 feet deep is that he intends to store a pickup and two boats within it. To build a smaller structure would not serve his needs. In response to a question as to whether the building would have a concrete base, Mr. Reynolds responded that the base would be dirt or limestone gravel at first. It was noted that in 1993, that area of the yard did not flood. There is a Zone A flood insurance rating on the dwelling. Mr. La Rue stated that he did not think it would be necessary for the Board to require a minimum elevation certificate for the bottom of the building, although a concrete floor would assist in protecting Mr. Reynolds' property. The house would be the only structure insurable under a flood insurance program.

Phil La Rue stated that they are looking at safety, health, and welfare concerns, and that the Reynolds' property also be protected. There must be some form of yard, however minimal that the Board may wish to consider. Claudia Beyer noted that Mark Nahra's point was that structures not be allowed to encroach on the county right-of-way. In their request, the Reynolds asked Phil or a representative of the county to establish the center of the road so that the right-of-way could be determined. Discussion was held on the fact that roads do shift from their original position over time. The Board felt it would be helpful if someone from Secondary Road could place a yellow marker to give Mr. Reynolds a visual marker from which to measure off 40 feet. Mr. Reynolds noted that in the back of his house there is a slope that goes down to a flat area 35 feet from the river bank, which does belong to "Mother Nature," and you don't mess with it.

Phil La Rue stated that if the Board of Adjustment chooses to approve a variance, it should be a minimum setback of 5 feet from the county right-of-way, as established by a licensed land surveyor, or at least as far back as the house. The drawing, prepared by Mr. Reynolds and altered by Mr. La Rue, accompanying the correspondence from Mark Nahra indicates that the house is 38 feet from the center of the road, and that there is a right-of-way in that area of 33 feet. The lot was originally bigger and was divided and split a long time ago. The cabin was built as a seasonal cabin prior to 1959 and predated the zoning ordinance.

Mr. Reynolds was asked how soon he wanted to put up the building, and he responded that he had hoped to do it this spring. Discussion was held on whether to recess the meeting for an hour and go look at the property. If the Board wishes to, they could grant zero plus one foot, if the right-of-way can be established, based on Cedar County records as to the road edge. Phil would go by measuring 66 feet total right-of-way, but he needs guides marked to establish the center line of the road. Mark Nahra recommended 5 feet from the edge of the right-of-way. There is a possibility that the road has shifted.

Phil La Rue stated that the road in West Rochester going north from the old tavern has a 66-foot right-of-way, and he would also assume this is a 66-foot right-of-way. Someone will need to look at the records of the Secondary Road Department. The County does not accept any liability for any improvements. Discussion was held on what would happen, should they decide to upgrade or improve the roadway sometime in the future. They are trying to be consistent rather than contribute to additional non-conformities. If there is any way, they would like to get a minimal front yard rather than allowing a zero set-back.

Chuck Hoy stated that he thought if they would pay for a surveyor, he would recommend determining the exact right-of-way, and then going 5 feet. Mr. Reynolds responded that he could do that if the right-of-way was 33 feet, but that if the right of way was 40 feet, to add on another 5 feet would not give him enough room.

Phil La Rue stated that if the Board wishes to approve the variance, a minimum setback of 5 feet is required, if the Reynolds have a line established by a land surveyor. If no survey is done, then the setback would be 10 feet beyond the line established by Phil or by Mark or his staff. Mr. Reynolds was asked if he would be willing to have a survey done. He asked what the cost would be. The response was that it depends on how difficult it will be to find the points and the surveyor pins, but it would not be cheap. A "ball park" figure might be \$300 to \$400. The question was asked as to whether the engineer's office has maps showing the location of the surveyor pins. The response was that they did not. Mr. Reynolds stated that he found it unfair that he is being asked to pay to prove what the county owns.

There was further discussion regarding the road shifting--it is obvious where the road is--and if it shifted, where would it go? The answer was that the road surface may fluctuate, but the established center of the road would not.

Forest Johnson made a recommendation to have Phil work with the Reynolds to find the center of the road as they determine it should be and then go 33 feet and the 5 feet beyond that. Phil La Rue suggested a friendly amendment that as it appears that the house is about 5 feet back from the edge of the right-of-way, making an assumption that the house is not in the right-of-way, as it appears from photographs that it is about 5 feet back to the house from what appears to be the right-of-way, that the new structure not be allowed to be placed closer to the right-of-way than the front of the house. Mr. Reynolds was asked if his stake for his building was as far back as the front edge of his house. Discussion was again held on whether to go to the site, or whether the Board could look at the map and determine the right-of-way from the center line. Then the question was again

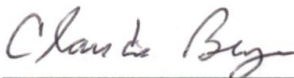
raised of how to determine the center line. It was noted that Mark Nahra had said that his department was not going to evaluate and decide where the right-of-way line is. Mr. Reynolds again asked if that was fair.

Claudia Beyer stated that legally, she would be more comfortable with the survey, but would like to find a way to avoid having to do that. She asked if the Board wished to make a visit to the site, or wished to see if Mr. Nahra were available to come down and discuss the matter with the Board, or wished to have Phil and Mr. Reynolds go out and agree on the right-of-way--but it still will have to be legal.

Claudia Beyer made a recommendation that the request be tabled and Phil and Mr. Reynolds determine the right-of-way with the assistance of Mr. Nahra. Phil can get a photograph of the information to provide to the Board. After again asking if the Board wished to visit the site as a whole, it was decided that members could visit the site individually. The information is to be presented at the next regular meeting of the Board of Adjustment, and they will try to reach a conclusion to try to avoid putting Mr. Reynolds too far behind on his construction.

Ray Penningroth made a motion to table the petition until the next regular meeting, which will be April 23 at 2:00 p.m., and to ask Secondary Roads to spray paint the center of the road to do whatever measurement is needed. Phil is to go out and tape-measure it and use his camera to present information to the Board. Based on the information presented, the Board will make a ruling. Phil is to ask Secondary Roads for their assistance. Chuck Hoy seconded the motion. Ayes all.

The meeting was adjourned at 3:50 p.m.



Chairman



Secretary Pro-tem



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 9, 1998

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 26, 1998, at 2:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Robert Menke, RFD, Wilton (Owner) - Requesting approval of a Special Use Permit authorizing the location of an agricultural trailer sales and display area on property located in the NE 1/4, SE 1/4, Section 33, T-79N, R-1W, in Farmington Township. This parcel consists of 38.00 acres more or less.
2. Iowa Wireless, Des Moines, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 195 foot personal communication services (P.C.S.) tower on property located in the NE 1/4, NE 1/4, Section 23, T-79N, R-2W, in Sugar Creek Township, consisting of 29.78 acres more or less.
3. Iowa Wireless, Des Moines, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 199 foot personal communication services (P.C.S.) tower on property located in the N 1/2, SE 1/4, SE 1/4, Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.5 acres more or less.
4. Loren and Kathy Reynolds, RFD, Atalissa (Owners) - Requesting a variance on the front yard setback requirements in the M-1 Light Industrial District for the purpose of constructing a storage building on their property located in the N 1/2, NE 1/4, NW 1/4, Section 11, T-79N, R-3W, in Iowa Township, along West Rochester Avenue.

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 3/11/98 to the following:

1. Robert G. Menke - 2160 310th Street, Wilton, Iowa 52778 - Certified
 2. Herchal Fitzer - 2233 Washington Avenue, Durant, Iowa 52747
 3. Everett J. & Grace P. Rife Trust - 210 7th Street #2, Durant, Iowa 52747
 4. Wahkonsa Country Club - 2358 Vermont Avenue, Durant, Iowa 52747
 5. Harre Farms LC - % Barbara A. Harre, 13150 106th Avenue, Davenport, Iowa 52804
 6. William Hartz - 2325 Vermont Avenue, Durant, Iowa 52747
-

1. Jeff B. Patten - Systems Development Manager, Iowa Wireless, 312 8th Street, Suite 410, Des Moines, Iowa 50309 - Certified
 2. John & Patricia Grosjean - 809 West 2nd, Muscatine, Iowa 52761
 3. Floyd & Judith Goddard - 1689 310th Street, Wilton, Iowa 52778
 4. Timothy & Laurie DeVore - 1680 310th Street, Wilton, Iowa 52778
 5. Frederick & Alva Gill - 2184 Old Muscatine Road, Wilton, Iowa 52778
 6. Contel Cellular, Inc. - C/O AD Valorem Services Co., P.O. Box 211507, Bedford, TX 76095-8507
 7. Cathryn Thede - 212 W. 5th Street, Box 1067, Wilton, Iowa 52778
 8. Jack & Deborah Brenner - 2096 Rose Avenue, Wilton, Iowa 52778
 9. Patricia Lopker - 822 S. 14th Avenue, Washington, Iowa 52353
 10. Leland Smith - 1964 Vermont Avenue, Wilton, Iowa 52778
 11. IDOT - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
-

1. Jeff B. Patten - Systems Development Manager, Iowa Wireless, 312 8th Street, Suite 410 Des Moines, Iowa 50309 - Certified
 2. Alfred Fawcett Estate - 2039 Eureka Avenue, West Branch, Iowa 52358
 3. Joseph & Faye Grobin - Box 638, West Branch, Iowa 52358
 4. Herbert Sondegard - 321 N. 5th Street, West Branch, Iowa 52358
 5. Randy & Tammy Mather - 789 290th Street, West Liberty, Iowa 52776
 6. Alan & Xann Mather - 774 300th Street, West Liberty, Iowa 52776
 7. Floyd & Mary Helen Fawcett - 330 W. Main, Box 837, West Branch, Iowa 52358
 8. Laurie Jewell - 504 290th Street, West Branch, Iowa 52358
-

1. Loren & Kathy Reynolds - 106 W. Rochester Avenue, Atalissa, Iowa 52720 - Certified
 2. D. L. & Emilie McCrea - 1042 Charles, Mission, Texas 78572
 3. Roger & Catherine Sloan - 108 W. Rochester Avenue, Atalissa, Iowa 52720
 4. Mindy Williams - 1105 Highway 38, Tipton, Iowa 52772
 5. Carl & Carol Fobian - 3639 Oasis Road NE, West Branch, Iowa 52358
 6. Rex & Mary Kitt - 105 W. Rochester Avenue, Atalissa, Iowa 52720
 7. Duane McCrea & Robert Helm - P.O. Box 61, Milan, Illinois 61264
 8. Tina O'Quinn - 1031 290th Street, Atalissa, Iowa 52720
 9. Donald & Gloria O'Hara - 104 Cemetery Road, Lisbon, Iowa 52253
 10. Cathy Isabel - 101 W. Rochester, Atalissa, Iowa 52720
 11. Harry & Susan Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720
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- 5 Board of Adjustment members
- 1 copy to newspaper on 3/9/98
- 2 file copies
- 2 copies for bulletin boards

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

February 26, 1998

The Cedar County Board of Adjustment conducted a Public Hearing on February 26, 1998, at 1:00 p.m., in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Johnson, Hoy, Penningroth and Lenker.

Minutes from the last meeting held on January 29, 1998, were previously sent to the members. Johnson made a motion to approve the minutes as presented. Penningroth seconded the motion. Ayes all.

The Board members then heard the following petitions:

1. Nextel West, Corporation, Bloomington, MN - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4 of the SE 1/4, Section 9, T-79N, R-4W, in Springdale Township, consisting of 2.774 acres more or less. This petition was previously heard before the Board on January 29, 1998, but was tabled at that date so that additional information could be presented.

Bruce King, Vice President for Cypress Real Estate Services, and in charge of site acquisition and development, presented revised plans for the proposed tower location. Mr. King informed the members that they have moved the proposed site of the tower 312 feet north and 297 feet west of the original site. There will be a joint easement for the driveway with the property owner to the north. The road will abut the fence line. Mr. King stated that one anchor point is fairly close but the rest are well far away from all boundary lines. A fence will be placed around each anchor and the compound itself will also be fenced. Frank Kabel was present and stated that he was satisfied with the revised site plan. It was noted that most of the homes in the surrounding area have mature trees around their property. Judy Cottingham, adjoining property owner, was again present and stated that her living room had a view to the north. Mr. King stated that they tried to get further away from the main road and would plant shrubbery around the tower if requested by the Board. However, no trees would be planted because they would grow into the guyed wires. He also felt that the farm fields would also help to screen the tower location. The building will be four to five square feet and six feet high. There will be a stabilized area for parking.

The Board members again questioned Mr. King about the possibility of piggy-backing. Mr. King stated that the

proposed tower will accomodate 3 standard antenna mounts and will cooperate will companies who wish to co-locate. He stated that they do look for existing towers within their search range and have entered into many agreements in the past.

After further discussion, Penningroth made a motion to approve the request with the following conditions:

1. Permit is subject to annual review by the Board;
2. Appropriate landscaping is required;
3. That the the company build the tower to facilitate piggy-backing.

Hoy seconded the motion. Ayes all.

2. Northern Border Pipeline Company, Omaha, Nebraska - Requesting approval of a Special Use Permit authorizing the location of a communication tower on property located in the NE 1/4 of the NE 1/4 of the SW 1/4, Section 30, T-79N, R-1W, in Farmington Township, consisting of 6.16 acres more or less.

There were no verbal or written objections on file for this petition. La Rue informed the members to consider the petition in accordance with Chapter 17.18(2) of the Zoning Ordinance.

Gerry Rathouz, Project Manager, and Derick Shelton, Team Leader for Operational Division for Northern Border Pipeline, spoke on behalf of the company. They explained that their company intends to locate a communication tower every 20 to 30 miles along their pipeline route. They presented pictures of towers they have erected and explained that there will be three sets of guyed wires and a 28' by 12' building at the base. There will be two sets of guyed wires located near the fence line. Northern Border Pipeline was requesting a 30 foot rear yard setback distance instead of the 50 foot setback requirement. Optimum access will be provided to Henry Hemmerich who is the farmer of the property. Mr. Rathouz and Mr. Shelton informed the members that the towers are designed to last 100 to 200 years and withstand up to 175 m.p.h. winds.

The members questioned co-location. The spokesmen explained that they have two antennas facing one direction and two antennas facing another direction, and therefore, can not add much more wind load on an existing tower. They also can not co-locate because they need to keep their communication towers in line with the pipeline. They explained that they are going through the final construction proceedings now and plan to be in operation by November 1, 1998. They informed the members that they would prefer the

landscaping to wait until the tower is in operation.
The closest residence is approximately 1/4 mile.

After further discussion, Johnson made a motion to approve the Special Use Permit with the following conditions:

1. Permit is subject to annual review by the Board;
2. Landscaping to be reviewed after construction is completed;
3. Allow a variance of a 30 foot rear yard setback requirement;
4. That the company build the tower to facilitate piggy-backing.

Lenker seconded the motion. Ayes all.

3. Jerry and Barbara Wood, RFD, Tipton - 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 the existing farm structures on property located in the NW 1/4 of the SW 1/4 of the SW 1/4, Section 12, T-79N, R-3W, in Rochester Township.

Mrs. Wood was present and explained to the Board that they currently live in Rochester and rent out the existing house on their 110 acre farm. It is zoned A-1. La Rue requested the members to consider this petition in accordance with Chapter 5, Section C, Subsection 2, of the Zoning Ordinance. No verbal or written objections were on file for this petition.

Beyer questioned whether the Board of Adjustment has the authority to grant this request due to renting out the existing house. The members felt that they had two choices which were the following:

1. Grant permission to construct the second dwelling.
2. Deny the request and force the Wood's to split off the existing house and rezone.

Mrs. Wood explained that the property immediately to the south of the existing house is in a draw. During discussion, the members decided that the conditions of the land behoove building the second house further away than the 250 feet separation distance. Penningroth then made a motion to approve the requested variance. Hoy seconded the motion. Ayes all.

4. Debra Nash, RFD, West Branch - Requesting a Home Occupation Permit for the purpose of operating a massage therapy business in her home on property located in Lot A in the SE 1/4 of the SW 1/4, Section 31, T-80N, R-3W, in Iowa

Township, on property consisting of 6.37 acres more or less.

No verbal or written objections were on file for this petition. Steve and Debra Nash were present and explained to the members of Mrs. Nash's plan to run a massage therapy business in their home. She explained that they have three small children, has completed 6 1/2 months of training and feels that it is fitting and appropriate for her to work out of her home. She stated that she will be the only operator and there would be no parking problems. She would like to place a small wooden sign on the side of her house. The sign requirements were read to her.

La Rue explained to the members that Chapter 15 of the Zoning Ordinance does permit a Home Occupation as an accessory use of the Nash's property. After a brief discussion, Penningroth made a motion to approve the request, subject to annual review. Hoy seconded the motion. Ayes all.

Discussion then followed by the members regarding the future of communication towers. It was suggested that a map be drawn showing all tower locations.

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

Chandra Bay

Chairman

Sharon Laucamp

Secretary



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

February 9, 1998

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 26, 1998, at 1:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Nextel West, Corporation, Bloomington, MN - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4, SE 1/4, Section 9, T-79N, R-4W, in Springdale Township, consisting of 2.774 acres more or less. This petition was previously heard before the Board at their January 29, 1998, hearing but was tabled until this date so that additional information could be presented.
2. Northern Border Pipeline Company, Omaha, Nebraska - Requesting approval of a Special Use Permit authorizing the location of a communication tower on property located in the NE 1/4, NE 1/4, SW 1/4, Section 30, T-79N, R-1W, in Farmington Township, consisting of 6.16 acres more or less.
3. Jerry and Barbara Wood, RFD, Tipton - 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 the existing farm structures on property located in the NW 1/4, SW 1/4, SW 1/4, Section 12, T-79N, R-3W, in Rochester Township.
4. Debra Nash, RFD, West Branch - Requesting a Home Occupation Permit for the purpose of operating a massage therapy business in her home on property located in Lot A, in the SE 1/4, SW 1/4, Section 31, T-80N, R-3W, in Iowa Township, on property consisting of 6.37 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.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 2/10/98 to the following:

1. Nextel West, Corp. - Attn: Digital Property Manager, 9401 James Avenue South, Suite 180, Bloomington, MN 55431 - Certified
 2. Heather Moore - Cypress Real Estate Services, Inc., 1161 Murfreesboro Road, Suite 401, Box 283, Nashville, TN 37217
 3. Guy A. Scott - Cypress Real Estate Services, Inc., 299 Loraine Drive, Suite 1001, Attamonte Springs, FL 32714
 4. Ernest Pemberton - 15 Abernathy Court, Highlands Ranch, CO 80126
 5. Alton C. & Charlotte A. Larson - 337 300th Street, West Branch, Iowa 52358
 6. James & Judith Cottingham - 1996 Delta Avenue, West Branch, Iowa 52358
 7. David Kabela - 239 290th Street, West Branch, Iowa 52358
 8. Floyd & Mary Helen Fawcett - 330 W. Main Street, P.O. Box 837, West Branch, Iowa 52358
 9. Frank Kabela - 225 290th Street, West Branch, Iowa 52358
 10. Ken & Helen Fawcett - 260 300th Street, West Branch, Iowa 52358
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1. George A. Rood - Northern Border Pipeline Company, P.O. Box 3330, Omaha, NE 68108-0330-Cert.
 2. Henry & Marlene Hemmerich - 1849 330th Street, Wilton, Iowa 52778
 3. Ruth Jipp - 1833 325th Street, Wilton, Iowa 52778
 4. Mervin D. Jipp & Et Al - 2172 Spicer Avenue, Wilton, Iowa 52778
 5. Hilbert & Mary Lea Stoll - 1856 330th Street, Wilton, Iowa 52778
 6. Larry & Martha Brinning - 104 6th Street, Durant, Iowa 52747
 7. Pasvogel & Son, Inc. - 1795 Rose Avenue, Tipton, Iowa 52772
 8. Michael & Jan Marie Petersen - 803 8th Street, Durant, Iowa 52747
 9. Harolf & Esther Ovesen - 2199 Spicer Avenue, Wilton, Iowa 52778
 10. Robert & Louise Jipp - 2230 Spicer Avenue, Wilton, Iowa 52778
 11. Barry Langley - 2019 Rose Avenue, Wilton, Iowa 52778
-

1. Jerry & Barbara Wood - 1872 3rd Street, Tipton, Iowa 52772 - Certified
 2. Rick & Pamela Dallege - 1971 Atalissa Road, Atalissa, Iowa 52720
 3. George Nopoulos - 815 East, Wilton, Iowa 52778
 4. Double-D Game Farm - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
-

1. Debra J. Nash - 639 280th Street, West Branch, Iowa 52358 - Certified
 2. Stewart & Mildred Stewart - 79 Eisenhower, West Branch, Iowa 52358
 3. Grace Falkers Life Estate Et Ali - West Wind Ret. Villa, Apt. #4, Clarence, Iowa 52216
 4. Herbert A. & Phyllis J. Sondergard - 321 N. 5th Street, West Branch, Iowa 52358
-

5 Board of Adjustment members
1 copy to newspaper on 2/9/98
file copies
copies for bulletin boards



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 5, 1998

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 29, 1998, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time the Board will consider the following petitions:

1. Nextel West, Corporation, Bloomington, MN - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the NW 1/4, SE 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 2.774 acres more or less.
2. Nextel West, Corporation, Bloomington, MN - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4, SE 1/4, Section 9, T-79N, R-4W, in Springdale Township, consisting of 2.774 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 1/7/98 to the following:

1. Nextel West, Corp. - Attn: Digital Property Manager, 9401 James Avenue South, Suite 180, Bloomington, MN 55431 - Certified
2. Heather Moore - Cypress Real Estate Services, Inc., 1161 Murfreesboro Road, Suite 401, Box 283, Nashville, TN 37217 (Copy of P & Z Minutes sent)
3. Guy A. Scott - Cypress Real Estate Services, Inc., 299 Loraine Drive, Suite 1001, Attamonte Springs, FL 32714 (Copy of P & Z Minutes sent)
4. HWH Corporation - P.O. Box 183, Moscow, Iowa 52760
5. Helmod Partnership - 1282 307th Street, Moscow, Iowa 52760
6. Herbert L. Townsend - 2372 Plum Avenue, Wilton, Iowa 52778
7. Pete & Mae Eriksen - 2096 Newton Avenue, Moscow, Iowa 52760

#'s 1, 2 & 3 above

4. Ernest Pemberton - 15 Abernathy Court, Highlands Ranch, CO 80126
5. Alton C. & Charlotte A. Larson - 337 300th Street, West Branch, Iowa 52358
6. James P. & Judith A. Cottingham - 1996 Delta Avenue, West Branch, Iowa 52358
(Copy of P & Z Minutes sent)
7. David Kabela - 239 290th Street, West Branch, Iowa 52358
8. Floyd & Mary Helen Fawcett - 330 W. Main Street, P.O. Box 837, West Branch, Iowa 52358
9. Frank Kabela - 225 290th Street, West Branch, Iowa 52358

- 5 Board of Adjustment members
1 copy to newspaper on 1/5/98
2 file copies
2 copies for bulletin boards