

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

October 28, 1999

The Cedar County Board of Adjustment conducted a Public Hearing on October 28, 1999, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Johnson, Penningroth and Lenker. Member absent was Hoy.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on September 23, 1999, were previously sent to the members. They were approved as presented.

The members then heard the following petitions:

1. Ron and Helen Thursby, RFD, Tipton (Owners) - Requesting a variance for the purpose of placing a temporary second dwelling on property located in the SW 1/4 of the NE 1/4 of the SE 1/4, Section 32, T-81N, R-3W, in Center West Township. Said property is currently zoned A-1 Agricultural.

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

Mr. Thursby was present and explained to the Board that he and his wife wish to build a new house on their property and live in the existing house until the new one is built. He informed the members that they will use the current driveway. There were no objections from the County Engineer. Mr. Thursby was informed that a new septic system will need to be installed and a building permit would need to be obtained. Mr. Thursby expects the completion date to be by April 2000. The Thursby's have approximately 4 acres.

After a brief discussion, Penningroth made a motion to approve the requested variance in accordance with the completion date and demolition of the old residence by August 30, 2000, unless Mr. Thursby notifies the Zoning Office. Johnson seconded the motion. Motion carried.

2. Dean Frauenholtz and Jean Koviach, RFD, West Branch (Owners) - Requesting a variance for the purpose of placing a temporary second dwelling on property located in the West Fraction half of Lot G of Lot 7, in the NW 1/4 of the NW 1/4, Section 19, T-80N, R-3W, in Gower Township. Said property is currently zoned R-2 Urban Residential.

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

Mr. Frauenholtz and Ms. Koviach were present and informed the Board that they wish to build a new house and live in the existing house on their property in Cedar Valley until a new home is constructed. They explained that they are in the process of purchasing additional ground adjacent to their property and would like to build one home on the combined property. There is currently an old hotel building on the property they plan to purchase and informed the members that they would be removing the hotel building prior to building the new house. They also stated that they would remove the existing house after construction of the new house. They plan to begin construction in the spring of 2000. A letter from the County Engineer stated that he had no objection and there should be no problem with issuing a new driveway permit. The petitioners stated that they plan to extend the current driveway. They were also informed that a new septic system would need to be installed.

After further discussion, Penningroth made a motion to approve the request with the condition that the old house be removed by the year of 2001 and that they obtain the additional lot to the west. Lenker seconded the motion. Ayes all.

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

Claudia Byr

Chairperson

Secretary

## OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

October 4, 1999

### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 28, 1999, 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. Ron and Helen Thursby, RFD, Tipton (Owners) - Requesting a variance for the purpose of placing a temporary second dwelling on property located in the SW 1/4 of the NE 1/4 of the SE 1/4, Section 32, T-81N, R-3W, in Center West Township. Said property is currently zoned A-1 Agricultural.
2. Dean Frauenholtz and Jean Koviach, RFD, West Branch (Owners) - Requesting a variance for the purpose of placing a temporary second dwelling on property located in the West Fraction half of Lot G of Lot 7, in the NW 1/4 of the NW 1/4, Section 19, T-80N, R-3W, in Gower Township. Said property is currently zoned R-2 Urban Residential.

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



Phil La Rue  
Zoning Administrator

Copies sent out on 10/7/99 to the following:

1. Ron & Helen Thursby - 1174 Hayes Avenue, Tipton, Iowa 52772 - Certified
2. James & Elaine Lieser - 1111 Simons Road, Oswego, Illinois 60543

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1. Dean Frauenholtz & Jean Koviach - 109 Valley Road-CV, West Branch, Iowa 52358 - Certified
2. Darrell & Deeda Hubler - 102 Valley Road, West Branch, Iowa 52358
3. Brian & Joan Donovan - 92 Park Road, West Branch, Iowa 52358
4. Donald & Anna Paul - 1546 Garfield Avenue, West Branch, Iowa 52358
5. Thomas & Vicki Vaughan - 92 Park Road, West Branch, Iowa 52358
6. Ivalee Grosvenor - 611 255th Street, West Branch, Iowa 52358
7. Gene Kelley - 603 255th Street, West Branch, Iowa 52358
8. Lucile Higginbotham & Luella Snider - 1800 N. 4th, McAllen, Texas 78501
9. Charles & Valva Ann Zousel - 599 255th Street, West Branch, Iowa 52358
10. Mi-Dee, In. - 1762 Baker Avenue, West Branch, Iowa 52358
11. Wade & Denise Engelkens - 129 Valley Road, West Branch, Iowa 52358
12. Edd & Stevetta Engelkens - 129 Valley Road, West Branch, Iowa 52358
13. Robert E. Fennel Trust Agreement - 413 Skyview Drive, Clemson, SC 29631
14. William & Barbara Wallace - 55 Plum, Apt. 5, Tipton, Iowa 52772
15. Dale Rodgers & Leslie Bismark - 604 255th Street, West Branch, Iowa 52358
16. Steven Wildman & Dessa Slaughter - 916 Stone Mill Road, Tipton, Iowa 52772
17. Keith & Donna Young - 596 Cedar Valley Road, West Branch, Iowa 52358
18. Sharon Kay Jensen Smith & Gail Patrice Ardery - 604 Cedar Valley Road, West Branch 52358

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5 Board of Adjustment members  
1 copy to newspaper on 10/4/99

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 23, 1999

The Cedar County Board of Adjustment conducted a Public Hearing on September 23, 1999, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Lenker, Johnson, Hoy, Penningroth and Zoning Administrator La Rue.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on August 26, 1999, were previously sent to the members. They were approved as presented.

The members then heard the following petition:

1. Mike Moore, Tipton (Contract Buyer) - Requesting a Special Use Permit authorizing the location of a storage rental facility on property located in the NW 1/4 of the NW 1/4, Section 12, T-80N, R-3W, in Center West Township, consisting of 1.00 acres more or less. Said property is currently zoned A-1 Agricultural.

La Rue advised the Board that there were no written or verbal objections on file for this petition. He advised the Board to consider this petition in accordance with Chapter 17.18(2). He also informed the Board that the Planning and Zoning Commission unanimously recommended approval of the petition to the Board of Adjustment. The P & Z Commission recommended that there be a 40 feet access easement and at least 20 feet of gravel on the easement property. They also recommended that there be no outside storage.

Mr. Moore was present and explained to the members that at this time he plans to construct one 40' x 100' building with 20 rental units. He explained that he would like to purchase 1 1/2 acres so that he would have enough property for future expansion and not have another survey done at a later date. He has a verbal agreement with his grandfather, Chancey Moore, to purchase additional ground. He stated that maximum usage of the property in the future would be a total of three storage buildings the same size. Mr. Moore stated that outside security lighting will be provided and it was noted that there are no dwellings close by which would be impacted by the lighting. The Board members inquired about a parking area at the facility. Mr. Moore stated that he anticipates no more than one to two vehicles at the site at one time. He plans to gravel 20 feet around the perimeter of the building which should provide adequate parking.

Mr. Moore informed the members that accessing the property will be through his grandfather's land through an easement. He stated that his attorney had suggested recording the easement in his deed and abstract.

Following a brief discussion, Hoy made a motion to approve the request for a Special Use Permit with the specification that up to three 40' x 100' buildings could be constructed on the property, that there be no outside storage and adequate outside parking and lighting be provided. Johnson seconded the motion. Ayes all. No fencing will be required since there will not be any outside storage. This Special Use Permit will be subject to annual review by the Board.

The Board members then reviewed proposed Cedar County Ordinance #30 which is an ordinance regulating the placement of towers and antennas on property in unincorporated areas of Cedar County. The members were sent a copy of the proposed ordinance prior to the meeting. La Rue informed the members that in Section 5, Application Requirements, the fee of \$100.00 be dropped and replaced with "A fee as established by the Cedar County Board of Supervisors". He also stated that the liability amount of \$1,000,000 was changed to \$3,000,000 as suggested by the Cedar County Engineer. Section 6(A) was also discussed regarding the Board having the authority to not grant approval of a tower site if co-location can be found upon an existing tower. This ordinance shows that the petitioning company must contact all adjoining property owners and meet the requirement of this ordinance and Chapter 17.18(2) of the Cedar Co. Zoning Ordinance. It was also noted that under Section 5(H) that the Board would have authority under aesthetic impacts to govern for outside storage. Lighting on the towers would be regulated by the FAA. The Board members felt that this proposed ordinance will be a good tool for them. After further discussion, Hoy made a motion to support and adopt the proposed ordinance to the Board of Supervisors. Lenker seconded the motion. Ayes all. The Board of Supervisors will hold a Public Hearing on the proposed ordinance on October 11, 1999.

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

Claudia Beyer  
Chairperson

Sharon Laucamp  
Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Board of Adjustment

September 23, 1999 - 3:00 p.m.

- I. Introduction of Proposed Ordinance regarding Telecommunication Towers and Antennas
- II. Discussion
- III. Conclusion

Phil La Rue  
Zoning Administrator

PL:s1

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

September 3, 1999

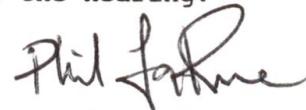
**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 23, 1999, at 3:00 p.m. in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

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

1. Mike Moore, Tipton (Contract Buyer) - Requesting a Special Use Permit authorizing the location of a storage rental facility on property located in the NW 1/4 of the NW 1/4, Section 12, T-80N, R-3W, in Center West Township, consisting of 1.00 acres more or less. Said property is currently zoned A-1 Agricultural.

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 9/9/99 to the following:

1. Mike Moore - 1004 Lynn Street, Tipton, Iowa 52772 - Picked up by Mike on 9/9/99
2. Chancey & Delores Moore - 1110 Cedar Valley Road, Tipton, Iowa 52772
3. Norman Jr. & Janet Foord - 111 235th Street, Tipton, Iowa 52772
4. Jerry O'Rourke - P.O. Box 292, Tipton, Iowa 52772
5. Dwain Ford - Clerk of Center Township Trustees, 1627 Old Muscatine Road, Tipton, Iowa 52772
6. Donald Lamp - P.O. Box 422, Tipton, Iowa 52772
7. 5 Board of Adjustment members
8. Copy to newspaper on 9/3/99
9. 2 file copies
10. 2 copies for bulletin boards

## DECISION

On August 26, 1999, the Cedar County Board of Adjustment denied the Special Use Permit request petitioned by Illinois P.C.S. to authorize the location of a 190 foot tall Personal Communication Services tower on property located in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Section 9, T-79N, R-3W, in Iowa Township, consisting of 39.00 acres more or less. The decision of denial is hereby reduced to writing in accordance with the Telecommunications Act of 1996.

Based upon the record made, the Cedar County Board of Adjustment members find the following facts:

1. Within the area recommended by P.C.S. engineers for the tower location, there are at least four available sites which would provide the level of service P.C.S. believes necessary.
2. The site proposed by P.C.S. for the tower location would have the effect of devaluing the property of Rod and Ilene Hansen.
3. The other three sites within the area recommended by P.C.S. engineers would require P.C.S. to incur the expense of making, upgrading and/or maintaining roads/drives to said sites but would not devalue adjoining properties.

See attached Minutes, Petition #2.

The Cedar County Board of Adjustment members conclude as follows:

1. The economic cost of the development/erection of communication towers on various sites within Cedar County to the developer and to adjoining property owners, is an appropriate factor for consideration.
2. When alternative sites providing the necessary level of service are available, one or more of which negatively impact the value of adjoining properties and one or more of which do not, the latter sites are preferable for the development/erection of communication towers unless the developer by clear and convincing evidence, shows the cost to develop/erect towers on such latter sites would be prohibitive or have the effect of preventing the development or erection of towers thereon.
3. The economic cost to the adjoining landowner in this case of the erection of a tower on the site preferred by P.C.S.

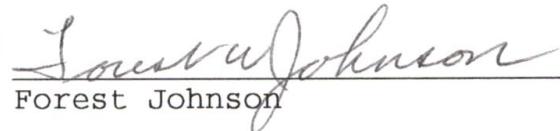
outweighs the economic considerations advanced by P.C.S. for the site which is the subject of its petition before the Board.

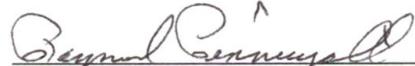
CEDAR COUNTY BOARD OF ADJUSTMENT

  
Chuck Hoy

  
Bill Lenker

  
Claudia Beyer, Chairperson

  
Forest Johnson

  
Raymond Penningroth

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

August 26, 1999

The Cedar County Board of Adjustment conducted a Public Hearing on August 26, 1999, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Penningroth, Hoy, Lenker, Johnson and Zoning Administrator La Rue.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on July 22, 1999, were previously sent to the members. They were approved as presented.

The members then heard the following petitions:

1. Advanced Electroforming, Inc. (Owner) - Requesting a variance on the street side, corner lot setback requirement in the C-2 Highway Commercial District for the purpose of constructing a building addition on property located in Lot 1, Slach's Commercial Subdivision, in the NE 1/4 of the SE 1/4, Section 7, T-79N, R-4W, in Springdale Township.

La Rue advised the Board that there were no written or verbal objections on file for this petition. He advised the Board to consider this petition for a variance in accordance with Chapter 17.18(3) of the Zoning Ordinance. Le Rue explained the setback requirements in the C-2 Highway Commercial District for street side, corner lots to be 50 feet.

Bob Borland, owner, was present and explained his request for a variance and the diagrams that he provided with his petition. He explained that the requested 1,166 square feet addition is to be placed over the existing concrete pad and extend two feet further east toward the access easement. He continued that prior to his company purchasing the property from Dale Lynch, Swift Eckrich had a freezer which covered the area to the edge of the pad. There was then discussion about the access road (easement) which this proposed addition will be close to and the lots north of this area. No impact to the easement and adjoining lots is anticipated. A letter from Cedar County Engineer, Don Torney, indicated that he had reviewed the site and has no objection.

With no further discussion or comment, Johnson made a motion to grant the variance based upon lot limitations and to allow a setback of four feet from the easement. Lenker seconded the motion. Ayes all.

2. Illinois P.C.S., LLC, Geneseo, Illinois - Requesting approval of a Special Use Permit authorizing the location of a 190 foot tall Personal Communication Services (P.C.S.) tower on property located in the SE 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 39.00 acres more or less. Said tower site will be leased and consists of an area of 3600 square feet and is zoned A-1 Agricultural.

La Rue advised the Board that there is a written objection on file from Rod and Ilene Hanson, adjoining property owners, which was read at the Public Hearing of the Cedar County Planning and Zoning Commission on August 18, 1999. La Rue advised the Board to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance. La Rue explained the motion from the Planning and Zoning Commission that Illinois P.C.S. look for another site or show why this location is the best or only possible tower location. It was noted by the Board that they have received a similar letter from Mr. and Mrs. Hanson. Chairperson Beyer requested that the letter the Board members received and the copy of the faxed letter from Illinois P.C.S. received on August 26, 1999, be added to the record.

Tom Hollaman, Illinois P.C.S., was present for the petition and explained the letter he faxed to the Planning and Zoning Commission on 8/26/99. This letter was also presented to Mr. and Mrs. Hanson prior to the Public Hearing. Mr. Hollaman presented photos to the Board which showed the proposed site and presented a chart with a drawn circle which explained why their engineers selected this area and where a tower must be located based on elevation for a 190 foot tower to link up with other towers in the system. The towers are required to be located close to Interstate 80 to connect the links in the system. He then explained the difference in towers between cellular and P.C.S. digital and that the company does not have a lot of latitude because of geography in the tower's placement. There is a very specific area that a tower must be placed for the system to work. More sites are needed to provide better service. Area zoning regulations are also considered. He continued to explain that utility and construction costs (including access) are also used to determine a proposed site. A willing land owner is also required.

Mr. Hollaman then explained the proposed tower site on the chart as well as the location of Mr. and Mrs. Hanson's existing home which is about 300 feet away. He continued that on Mr. Meixner's property, this area is not in a federal set-aside program and is not as well suited for agriculture. Mr. Meixner does not wish to remove any acres which are enrolled in a federal program for the tower site. The process to remove a site from a federal program is also very time consuming which is undesirable to Illinois P.C.S. The selected site is an old road bed and is also screened with trees which reduce its visibility. He then explained that Illinois P.C.S. has examined other properties as per the Planning and Zoning Commission's directive on August 18, 1999. He showed on his diagram that the existing road (south of the Hanson's home) changes to a Class "B" road (298th Street), and placing the tower is possible after talking with the land owners on the property east of the Hanson's home where the tower's presence would be diminished. Mr. Hollaman expressed his concern to place the tower at this new location because of the cost factor in upgrading and then maintaining the road and access to the tower. Board member Johnson asked about how often the facility would be visited. Mr. Hollaman stated about once per month but the company must always be able to gain access at any time. He then explained that Mr. Meixner has two other possible sites. One site is further north of the proposed site along the old road and the other site is just south of I-80. He again stressed that Mr. Meixner does not want a site to be selected that will affect his crop or set-aside ground. The cost to construct a long access road is very undesirable to Illinois P.C.S., but it can be done. It was noted by the Board that both possible alternatives are within the engineer's recommended tower location area which appears to have a radius of about 1,320 feet. Mr. Hollaman again stressed that the cost to construct and maintain such a long access road is very undesirable.

Chairperson Beyer asked about reception and elevation of the possible site east of the Hanson's property. Mr. Hollaman stated that the elevation and reception is about the same. Don Torney, County Engineer, explained the Level "B" section of this road is about 800 to 1,000 feet in length. Board member Penningroth asked Engineer Torney what improvements to the road will be required. Engineer Torney then stated that the trees would need to be cut and the road built up to current

secondary road standards if it was to be used as a Level "A" road and county maintained. It was noted that the road would not have to be brought up to these Level "A" standards if the road was privately maintained and rocked by Illinois P.C.S.

Attorney Bill Norton, representing Mr. and Mrs. Hanson, then spoke requesting that the petition be denied in its present form because the tower site is too close to the Hanson's property, environmental problems and de-valuing of the property. It would be acceptable to the Hanson's to have the tower re-located east of the Hanson's property, north of the present proposed site 300 to 400 feet to the north or to the south of I-80. Attorney Norton stated that they (Illinois P.C.S.) probably would not need to go more than 300 to 400 feet along the road (298th Street), and with a culvert, could gain access east of the Hanson's property if that site were selected. These options, he continued, would not be detrimental to the company, just perhaps a little more expense initially, and would be acceptable to the Hanson's.

Dennis Starling, licensed appraiser, then spoke at Attorney Norton's request, regarding this petition and proposed site. He explained that from a cost aspect to the company for road maintenance and utilities, this is the cheapest site to build upon. He then explained that this site would restrict possible residential development and would de-value the property by preventing the development of the Hanson's property. He stated that you have to be one-half the height of the tower from any residential dwelling, and in doing so, would restrict the siting of a possible dwelling in that area of the Hanson's property. This would prevent the subdivision and development of their property (13.60 acres) from its highest and best use as residential. Said 13.60 acres is presently zoned A-1 Agricultural. The 4 acres north of the Hanson's home that would be affected would be de-valued from \$4,000.00 per acre to an estimate of \$500.00 per acre. It would be useless and have no function for the rest of the property. This would be considered consequential damages. He explained that this could prevent the Hanson's son from building a home near his parents on their present tract of approximately 13 acres. The costs saved by Illinois P.C.S. in building at the proposed site would be transferred directly to the Hanson's by de-valuing their property. Zoning would then

affect the Hanson's property. Discussion then followed regarding possible development for a second dwelling and a required change of zoning to Suburban Residential. Also discussed was the required setback for building adjacent to a communication tower and topography problems. The Hanson's property was then reviewed for existing buildings and proposed sitings.

Sterling Benz, Assistant County Attorney, was present and explained that in a petition to rezone to residential, that the tower and required setbacks could have a negative impact in the decisions of the Planning and Zoning Commission and the Board of Supervisors, but may not prevent future development. Mr. Starling then stated that he believed that the tower setback separation distance of one-half the tower height to a dwelling was for safety in case of collapse of the tower. The safety question will not go away. Chairperson Beyer then questioned Attorney Benz about the petition and what they can address pertaining to this site in making a decision. Benz responded that a decision must be made based upon this petition and the proposed site. Alternative sites would need to be reviewed separately.

Rod Hanson then expressed his opinion on the petition and why they are concerned about land usage value and their own peace of mind. To him, they are ugly structures. Anything the company does to get the tower away from their dwelling will satisfy them. They understand the tower will be built. Member Johnson then asked for information about the tower height, lighting and construction. Mr. Hollaman explained it's construction, height, fencing and lighting (F.A.A. guidelines) as per the petition's site plan. At Chairperson Beyer's request, Mr. Hollaman explained that yes, another site can be selected but generally people forget about the tower once it has been erected. They have many sites where towers are built closer to dwellings than this site. In his opinion, the negative effects on property values (by towers) are speculative at best and an opposite opinion could probably be received on appraisals. He challenged whether or not the closeness of the tower (and property values) is a definitive reason to deny the site, especially when the site is surrounded by trees on almost all sides. He continued that this is an economic issue, and if we (Illinois P.C.S.) felt that we were doing damage to the Hanson's

property, the tower site would have been moved. He stated that they want to be good neighbors with their 175 sites in Illinois and Iowa and do not want to run rough-shod over the public in placing their towers.

Chairperson Beyer asked Mrs. Hanson about the fact that work for utility services had been commenced. Mrs. Hanson said the utility company was on site to provide telephone service to the site. Mr. Hollaman stated that this was preliminary only because it is a time consuming process. He explained that building permits would be needed before construction of the tower itself is commenced. He then added after questioning by Johnson that this is the last site they will be constructing to complete their system. It is desirable to commence construction in 30 days. There was then additional discussion on the feasibility of the site this close to the Hanson's, its possible effects and the costs of providing access to another site. Beyer then stated that after visiting the site, the alternative sites would have lesser effects on the Hanson's and would be presumptive to grant the Special Permit and then have to live with the effects on the Hanson's and any future development by them. Member Johnson stated that Illinois P.C.S. should come back to the Board with another site which is acceptable with the Hanson's and the company. He can not see that the access road construction costs along 298th Street to place the tower east of the Hanson's home is cost prohibitive. Mr. Hollaman then stated that he requests a ruling of yes or no on the proposed site before the Board. If the petition is denied, the company can then come back before the Board with an alternative site. It is unfortunate, but they would live with that decision.

Attorney Benz then reminded the Board that a decision to approve or deny the petition in accordance with the Telecommunication Act of 1996, that approval or denial of a petition must be supported by substantial evidence finding of fact, and be in writing. A motion must state the reasons for or against a petition, economic impact, placement, etc. Dennis Starling stated that he estimates the Hanson's property is valued at \$150,000.00 and would be de-valued to between \$125,000.00 and \$130,000.00. This is based upon how the property is valued today versus after the tower is erected and the property is being

developed (i.e. residential. Member Hoy stated that the Hanson's will have a greater negative impact with the tower as compared to Illinois P.C.S. having to develop a longer access road at an alternative site in the area because of their economic potential.

There was additional discussion on road maintenance and Secondary Road policy for maintenance of Level "B" Road. Engineer Torney and Attorney Benz told the Board that the County will not do this maintenance beyond policy because of liability.

With no additional discussion, Johnson made a motion to deny the petition based upon the following reason: That with the proposed site of the Illinois P.C.S. tower in the SE 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, the record substantiated that the alternative sites presented by Illinois P.C.S. will have less impact and lesser economic impact on the adjoining property owners, as reviewed and determined by the Cedar County Board of Adjustment in accordance with Chapter 17.18(2), pages 80 and 81 of the Cedar County Zoning Ordinance. Penningroth seconded the motion. The petitioner is encouraged to seek approval before the Board of an alternative site for this proposed tower within the area selected through technical study which has been determined necessary to maintain a suitable link and signal throughout their personal communication system network. Ayes all.

Mr. Hollaman then requested a recourse of action. Attorney Benz stated that an appeal can be filed in District Court. It is also noted that another petition may be filed by Illinois P.C.S. to the Board of Adjustment for one of the possible alternative locations. This petition could go directly to the Board, provided that application and notice procedures are followed in accordance with Chapter 17.18(2) of the Zoning Ordinance. The Board agreed to a special meeting, in accordance to Chapter 17.18(2), should Illinois P.C.S. petition the Board for a Special Use Permit at an alternative site.

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

Claudia Bryan

Chairperson

R.D. Johnson

Secretary Pro-tem



Tel. 319-886-2248

## OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 9, 1999

### LEGAL NOTICE

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At this time the Board will review the following petitions:

1. Advanced Electroforming, Inc. (Owner) - Requesting a variance on the street side, corner lot setback requirement in the C-2 Highway Commercial District for the purpose of constructing a building addition on property located in Lot 1, Slach's Commercial Subdivision, in the NE 1/4 of the SE 1/4, Section 7, T-79N, R-4W, in Springdale Township.
2. Illinois P.C.S., LLC, Geneseo, Illinois - Requesting approval of a Special Use Permit authorizing the location of a 190 foot tall Personal Communication Services (P.C.S.) tower on property located in the SE 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 39.00 acres more or less. Said tower site will be leased and consists of an area of 3600 square feet and is zoned A-1 Agricultural.

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 8/12/99 to the following:

1. Bob Borland - Advanced Electroforming Inc., 717 Industrial Drive, P.O. Box 768, West Branch, Iowa 52358 - Certified on 8/10/99
2. Norman & Annabell Albin - 215 Thomas Drive, West Branch, Iowa 52358
3. Leonard & Carol Slach - Box 190, West Branch, Iowa 52358
4. Rummels Farms, Inc. - P.O. Box 698, West Branch, Iowa 52358
5. Kenneth & Mary Jeanne Kenney - 1420 Ridge Street, Iowa City, Iowa 52240
6. David & Sandra Clark - 33 Greenview, West Branch, Iowa 52358
7. Karol Dykes - 319 N. 4th Street, West Branch, Iowa 52358
8. Larry & Lesa Regennitter - 2233 Baker Avenue, West Branch, Iowa 52358
9. McDonald's Corp - P.O. Box 66207 AMF Ohare, Chicago, Illinois 60660
10. Home Oil Stations, Inc. - P.O. Box 475, Ottumwa, Iowa 52501
11. Raymond Barnes - P.O. Box 766, West Branch, Iowa 52358
12. Joe Lawrence & Daniel Willis - P.O. Box 663, Iowa City, Iowa 52244
13. Raymond & Deborah Woods - 172 290th Street, West Branch, Iowa 52358
14. Dick Dykes - 319 4th Street N., West Branch, Iowa 52358
15. Cynthia Bohnenkamp - 1417 Plum Street, Iowa City, Iowa 52240
16. Carl & Carol Fobian - 3639 Oasis Road NE, West Branch, Iowa 52358
17. Deanna Weismann - 331 N. Downey Street, West Branch, Iowa 52358
18. City of West Branch - 308 E. Main, West Branch, Iowa 52358

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1. Illinois PCS, L.L.C. - 11 Hawkeye Lane, Geneseo, Illinois 61258 - Certified on 8/10/99
2. Rolland Meixner - 1930 Inca Avenue, Atalissa, Iowa 52720
3. James & Evelyn Buol - 1969 Inca Avenue, Atalissa, Iowa 52720
4. Rodney & Ileen Hanson - 875 297th Street, Atalissa, Iowa 52720
5. Hilbert & Karl Nebergall - 2365 Atalissa Road, Atalissa, Iowa 52720
6. Iowa Dept. of Transportation - Right-of-Way Office, Attn: Steve Westrod, 800 Lincoln Way, Ames, Iowa 50010

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5 Board of Adjustment members  
copy to newspaper on 8/9/99  
file copies  
bulletin board copies

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

July 22, 1999

The Cedar County Board of Adjustment conducted a Public Hearing on July 22, 1999, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Penningroth, Johnson, Lenker and Zoning Administrator La Rue. Member absent was Hoy.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on June 24, 1999, were previously sent to the members. They were approved as presented.

The members then heard the following petition:

1. James and Adrienne Mills, RFD, Tipton - Requesting a Special Use Permit authorizing the location of a dog kennel on property located in Lot 1 in the N 1/2 of the SW 1/4, Section 26, T-81N, R-2W, in Fairfield Township, consisting of 4.12 acres more or less. Said Lot 1 is presently zoned A-1 Agricultural.

La Rue advised the Board that there were no written or verbal objections on file for this petition. He informed the members that the Planning and Zoning Commission made a recommendation to approve the Special Use Permit, subject to annual review. He then advised the members to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance.

Mr. and Mrs. Mills were present and explained their plans to have a 24 x 30 foot building with 5 x 6 foot kennels inside and will have 6 foot runs. There will be a 5 x 10 foot outside exercise area which will be attached behind the house and will have a 6 foot high chain link fence. They will have water, electricity and septic system as per Iowa code. The closest resident is about one-quarter mile away.

The Mills' informed the members that their kennel is for their dogs only. They will be raising Brittany spaniels for field trials and will continue to keep the dogs after their field trial days are over. They stated that they plan to have one litter of pups every three to four years. They would like to have a maximum allowance of 15 dogs over the age of six months. They will not have an advertisement sign. It was noted that the road comes in from

the south and the kennel will be located on the north side of their house. The County Engineer stated no objections in his letter.

After a brief discussion, Penningroth made a motion to approve the Special Use Permit request for a kennel to house up to 15 dogs over the age of 6 months, subject to annual review and acquiring a license or permit as required by the state. Johnson seconded the motion. Ayes all.

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

*Clarie Bey*

Chairperson

*Sharon Lousamp*

Secretary

**OFFICE OF THE CEDAR COUNTY HEALTH DEPARTMENT**  
Cedar County Courthouse :: Tipton, Iowa 52772

July 2, 1999

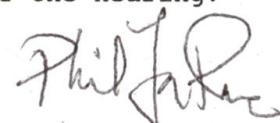
**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, July 22, 1999, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa.

At this time the Board will consider the following petition:

1. James and Adrienne Mills, RFD, Tipton - Requesting a Special Use Permit authorizing the location of a dog kennel on property located in Lot 1 in the N 1/2 of the SW 1/4, Section 26, T-81N, R-2W, in Fairfield Township, consisting of 4.12 acres more or less. Said Lot 1 is presently zoned A-1 Agricultural.

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 7/7/99 to the following:

1. James & Adrienne Mills - 1064 Quincy Avenue, Tipton, Iowa 52772 - Certified
2. Richard & Bonnie Shumaker - 1604 240th Street, Tipton, Iowa 52772
3. Shane Martin - 1631 210th Street, Tipton, Iowa 52772
4. Lois Lilienthal Et Ali - 1053 Quincy Avenue, Tipton, Iowa 52772
5. Robert Niermeyer - 1630 200th Street, Clarence, Iowa 52216
6. Board of Adjustment members
7. 1 copy to newspaper on 7/2/99
8. 2 file copies
9. 2 copies for bulletin boards

CEDAR COUNTY BOARD OF ADJUSTMENT

June 24, 1999

The Cedar County Board of Adjustment conducted a Public Hearing on June 24, 1999, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Penningroth, Hoy and Zoning Administrator La Rue. Members absent were Johnson & Lenker.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on May 27, 1999, were previously sent to the members. They were approved as presented.

The members then heard the following petitions:

1. Kun Chae Bae Trust, Skokie, IL - Requesting an amendment to their Special Use Permit for the purpose of allowing placement of a communication studio on property located in the SE 1/4 of the NE 1/4, Section 19, T-80N, R-4W, in Gower Township, consisting of 80.00 acres more or less.

Bruce Goddard, attorney for Kun Chae Bae Trust, and Mark Culbertson, building contractor, were present to explain the requested amendment to the Special Use Permit. They explained that Kun Chae Bae Trust would like to build a communication studio at the site where the approved tower is located on approximately 68.83 acres. A Special Use Permit was granted on July 23, 1998, by the Board of Adjustment for the communication tower to be located on the west side of the creek. At that time a studio was not planned.

Mr. Culbertson then showed the members an aerial of the proposed studio site. He stated that a large out building on the site will be used temporarily. The existing farmhouse and all out buildings will be removed in time. He also stated that the proposed studio will house approximately 21 people from 8:00 a.m. to 5:00 p.m., Monday through Friday. They eventually hope to have up to 35 employees. At this time, they were not sure if the building will have one or two stories but plan on a total usable space of 12,000 to 15,000 square feet. The earliest they plan to break ground will be next April. They would like to be finished between July and September of 2000. Culbertson estimated the value of the building to be between \$800,000 and \$1,500,000. The tower will be valued around \$1,000,000.

Steve Lacina, Cedar County Economic Development Director, was present and stated his support of the proposed studio. He estimated the payroll to be around one-half million. He stated that KM Communications is involved with children of the community which assists in teaching experience. Mr. Goddard stated that KM Communications will make the area pleasing to the eye and that they want a good reputation.

Howard and Shanna Seigel, sellers of the proposed site for the studio, were present and expressed their concern regarding the windbreak of pine trees which were planted on the property by the Cedar County Soil Conservation Service. Mr. Culbertson stated that they will do everything possible to save as many of the trees as possible and that there would not be a massive destruction of them.

It was noted that the Cedar County Engineer has reviewed the access conditions for installing a commercial entrance at the tower site. He stated his conditions in a letter sent to KM Communications on May 28, 1999, which were reviewed by the Board members.

La Rue advised the members to consider this request in accordance with Chapter 17.18(2) of the Zoning Ordinance. After further discussion, Hoy made a motion to approve the request of an amendment to the Special Use Permit, subject to the restrictions of the county engineer, build the tower according to specifications and attempt to maintain the natural surroundings of the area. Penningroth seconded the motion. Ayes all.

2. Cedar County P.C.S. - Clarence, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 190 foot personal communication services (P.C.S.) tower on property located in the NE 1/4 of the SW 1/4 of the NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 60.00 acres more or less.

There were no verbal or written objections on file for this petition. La Rue advised the members to consider this petition in accordance to Chapter 17.18(2) of the Zoning Ordinance. He informed the members that the Planning and Zoning Commission recommended approval to the Board of Adjustment, subject to consideration of the County Engineer's recommendation and annual review. The property is currently zoned M-2.

Brenda Grubb, Iowa Wireless representative, was present and explained their plans to construct a 190 foot tower on property to be leased from Forest Johnson, RR, Mechanicsville. The tower will be constructed at the southwest corner of Grant Avenue and Old Lincoln Highway.

Ms. Grubb presented a drawing of the proposed site. The plans show that they will exceed the setback requirements and allow farming all around the guyed wires. The CSR on the property is 95 to the south and 90 to the north.

Hoy questioned about co-locating on the GTE tower south of Mechanicsville. Ms. Grubb stated that her company operates at a higher frequency and it is unfeasible because the GTE tower is too far south. She stated that they will be locating one of their antennas at the Kirkwood Communication College in Tipton. She said that their towers are also co-locatable. She also stated that there will be a 25' by 30' shelter building and there will be parking for one vehicle for maintenance.

The members were informed that the County Engineer suggested a 50 feet setback be maintained from both right-of-way lines. Access to the tower will be from Old Lincoln Highway. The site will be graveled.

After further discussion, Penningroth made a motion to approve the request for a Special Use Permit, subject to annual review. Hoy seconded the motion. Ayes all.

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

Claudia Beyer  
Chairperson

Sharon Lucombe  
Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

June 7, 1999

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, June 24, 1999, 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. Kun Chae Bae Trust, Skokie, IL - Requesting an amendment to their Special Use Permit for the purpose of allowing placement of a communication studio on property located in the SE 1/4 of the NE 1/4, Section 19, T-80N, R-4W, in Gower Township, consisting of 80.00 acres more or less.
2. Cedar County P.C.S. - Clarence, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 190 foot personal communication services (P.C.S.) tower on property located in the NE 1/4 of the SW 1/4 of the NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 60.00 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 6/9/99 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, IL 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. Howard E. & Shanna L. Seigel - 1545 Baker Avenue, West Branch, Iowa 52358

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1. Cedar County PCS, LLC - 608 Lombard, P.O. Box 246, Clarence, Iowa 52216 - Certified
2. Andy Anderson, Zoning Specialist, Iowa Wireless, 5000 Tremont Avenue, Building 100, Suite 105, Davenport, Iowa 52807
3. Jeff B. Patten, Site Development Manager, Iowa Wireless - Same as #2
4. Forest & Jeanne Ann Johnson - 503 Old Lincoln Highway, Mechanicsville, Iowa 52306
5. Montz Farms, Inc. - 736 Old Lincoln Highway, Mechanicsville, Iowa 52306
6. Chris Shields - 679 Old Lincoln Highway, Mechanicsville, Iowa 52306
7. Kenneth Sauer - 413 Lemon Avenue, Stanwood, Iowa 52337
8. Ruth Ruchotzke - 203 W. 1st Street, Mechanicsville, Iowa 52306
9. Katherine Spry & Miriam Bonner - 1723 Primrose Drive, Cedar Falls, Iowa 50613
10. Robert & Brenda Hanks - 624 Crestview Drive, Mechanicsville, Iowa 52306

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5 Board of Adjustment members  
1 copy to newspaper on 6/7/99  
2 file copies  
2 copies for bulletin boards

*Signatures*

CEDAR COUNTY BOARD OF ADJUSTMENT

May 27, 1999

The Cedar County Board of Adjustment conducted a Public Hearing on May 27, 1999, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Lenker, Johnson, Hoy and Zoning Administrator La Rue. Member absent was Penningroth.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on April 22, 1999, were previously sent to the members. They were approved as presented.

The members then heard the following petitions:

1. Cecil and Joanne Williams, RFD, Tipton (Owners) - Requesting approval of a variance on the sign requirements for a Home Occupation Permit on property located in the southeasterly 14 feet of Lot 3, Lots 1 and 2, part of Lot 8, Block 33, in the SE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. The petition for a Home Occupation Permit and sign variance was previously heard by the Board at their April 29, 1999, meeting but approval of the sign location and size was tabled until this meeting date so that additional information could be presented.

La Rue advised the members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance. He then informed the members that he had received a message of objection on the answering machine from Stan Evans, Rochester. Mr. Evans voiced his objection regarding the size of the current sign on the property and parking on the roadway.

It was noted that the current sign is half in and half out of the county right-of-way. Mrs. Williams was present and stated that it would be difficult to place the sign 50 feet from the county right-of-way because it would not be easily visible. A letter received from the County Engineer was read to the members stating that he would not have any objections to this petition if the sign was relocated outside of the right-of-way. County Engineer, Don Torney, was present and suggested that the Williams' move one post of the sign back. He had no objection to the size of the sign. La Rue suggested cutting down the height of the sign. Member Johnson suggested they comply by moving out of the county right-of-way and not cut the size of the sign any more than necessary. The members did not foresee a parking problem on 4th Street.

La Rue informed the members that Chapter 15 of the Zoning Ordinance allows an advertising sign not larger than 8 square feet. County Engineer, Don Torney, then suggested raising the sign higher for better visibility and making it smaller with more legible printing.

After further discussion, Hoy made a motion that the sign not be placed any closer than 3 feet from the county right-of-way and no variance be granted on the size of the sign. Lenker seconded the motion. Ayes all. A copy of the minutes from both meetings will be sent to Mrs. Williams.

2. Donovan and Leanna Trana, RFD, Wilton (Owners) - Requesting a variance for the purpose of placing a temporary second dwelling on property located in Parcel "A" in the SW 1/4 of the SW 1/4, Section 21, T-79N, R-1W, in Farmington Township. Said property is currently zoned A-1 Agricultural and consists of 3.2 acres more or less.

La Rue informed the members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance. It was noted that a letter of support was received from Jerry and Darlene Mays regarding this petition. It was noted that Chapter 3, Section 14, of the Zoning Ordinance, states that in the agricultural district on parcels less than 35 acres, there shall not be more than 1 dwelling unit.

Mr. and Mrs. Trana were present and explained that his mother would like her own place but be close to family for assistance. His mother currently resides with them. Mr. Trana explained the drawing of his property to the members. It was noted that they have enough room for both dwellings to meet setback requirements. The Trana's stated that they have no intentions to turn the additional dwelling into a rental property after no longer needed for his mother. It was suggested that both dwellings have separate septic systems. The Trana's live on a dead end road. A letter received from the County Engineer, Don Torney, stated that he had no objection to this petition since the proposed dwelling will be used by a person who presently resides in the existing home and there would be little change in the driveway usage.

After further discussion, Hoy made a motion to allow the second dwelling to be placed on the Trana's property as long as their mother lives there, and whenever she no longer lives there, it be removed within 90 days, subject to ground conditions. Johnson seconded the motion. Ayes all. La Rue suggested a letter of agreement be drawn up and a resolution approving this agreement be filed with the County Recorder referencing their abstract.

La Rue then informed the members that Special Use Permit petitions are currently first heard by the Planning and Zoning Commission and then forwarded to the Board of Adjustment. He asked the members if they would like the Planning and Zoning Commission's hearing on these petitions be eliminated and be heard by the Board of Adjustment only. He stated that he had talked with the P & Z members and they stated that they would be willing to give up their review but suggested that the Board of Adjustment review the policy every six months. At the present time, the Special Use Permit petitions run concurrently in the same month. After a brief discussion, the members stated that they would like the policy to remain the same.

With no further business to be discussed at this time, Johnson made a motion for adjournment. Hoy seconded the motion. Ayes all. Meeting was adjourned at 3:45 p.m.

Claudia Reyer  
Chairperson

Sharon Saucamp  
Secretary

## OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 10, 1999

### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, May 27, 1999, 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. Cecil and Joanne Williams, RFD, Tipton (Owners) - Requesting approval of a variance on the sign requirements for a Home Occupation Permit on property located in the southeasterly 14 feet of Lot 3, Lots 1 and 2, part of Lot 8, Block 33, in the SE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. The petition for a Home Occupation Permit and sign variance was previously heard by the Board at their April 29, 1999, meeting but approval of the sign location and size was tabled until the May hearing so that additional information could be presented.
2. Donovan and Leanna Trana, RFD, Wilton (Owners) - Requesting a variance for the purpose of placing a temporary second dwelling on property located in Parcel "A" in the SW 1/4 of the SW 1/4, Section 21, T-79N, R-1W, in Farmington Township. Said property is currently zoned A-1 Agricultural and consists of 3.2 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said 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 5/12/99 to the following:

1. Cecil & Joanne Williams - 1931 4th Street, Tipton, Iowa 52772 - Certified
2. Frankie & Patricia Lovell - 1929 4th Street, Tipton, Iowa 52772
3. Stanley & Cathy Evans - 1935 4th Street, Tipton, Iowa 52772
4. James Emerson - 1911 3rd Street, Tipton, Iowa 52772
5. Herb Ford - 1811 King Avenue, Tipton, Iowa 52772
6. Leo Ford - 1257 270th Street, Tipton, Iowa 52772
7. Dorothy Ford - 1811 King Avenue, Tipton, Iowa 52772
8. Lori Nelson & James D. Fuller - 1939 4th Street, Tipton, Iowa 52772
9. Michael & Beryl Rocca - 1926 4th Street, Tipton, Iowa 52772
10. Jerry & Barbara Wood - 1985 Atalissa Road, Atalissa, Iowa 52720
11. Herman & Sharon Voss - 1918 Monroe Street, Tipton, Iowa 52772
12. Donald & Anna Proctor - 1936 4th Street, Tipton, Iowa 52772

1. Donovan & Leann Trana - 2196 Union Avenue, Wilton, Iowa 52778 - Certified
2. Dorothy Stueben - 3711 Wilkes Avenue, Davenport, Iowa 52806
3. Donald & Janet Guttenfelder Trust - 108 7th Street, Durant, Iowa 52747
4. Jerry & Darlene Mays - 2043 325th Street, Durant, Iowa 52747

5 Board of Adjustment members  
1 copy to newspaper on 5/10/99  
2 file copies  
2 copies for bulletin boards



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

Agenda For:

Cedar County Board of Adjustment

May 27, 1999 - 3:00 p.m.

I. Introduction: Review of the policy where by the Cedar County Planning and Zoning Commission reviews Special Use Permits and makes recommendations to the Board of Adjustment.

II. Discussion

III. Conclusion

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

April 22, 1999

The Cedar County Board of Adjustment conducted a Public Hearing on April 22, 1999, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Lenker, Penningroth, Hoy, Johnson and Zoning Administrator La Rue.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on March 25, 1999, were previously sent to the members. They were approved as presented.

The members then heard the following petitions:

1. Cecil and Joanne Williams, RR, Tipton (Owners) - Requesting approval of a Home Occupation Permit for the purpose of operating a bait shop in their attached garage and variance on the sign requirements on property located in the south-easterly 14 feet of Lot 3, Lots 1 and 2, part of Lot 8, Block 33, in the SE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. Said property is currently zoned R-2 Urban Residential.

A letter of objection received from Lori Nelson was read to the members. A letter from the County Engineer, Don Torney, was also read stating that he did not have any objection to the request as long as the advertising sign was relocated outside of the county road right-of-way. La Rue advised the members to consider this petition in accordance with Chapter 15 and Chapter 17.18, Subsection 3 of the Zoning Ordinance.

Mrs. Williams was present and explained her request to the members. She informed the Board that the business is conducted completely inside their garage and is carried on by immediate family members. There is a long lane to the residence which allows sufficient parking spaces. She estimated that 5 to 6 vehicles are there during a day's business. The appearance and character of the property has not changed due to the business. She also informed the members that they freeze the dead bait.

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

A brief discussion was then held regarding the size and location of the advertising sign. The current sign is located on the west side of 4th Street on Lot 8. It was noted that the sign is bigger than what is allowed for Home Occupation Permits and the zoning district. Hoy suggested that Mr. La Rue and the County Engineer perform a site survey at the location. The sign will be addressed at the next meeting of the Board of Adjustment.

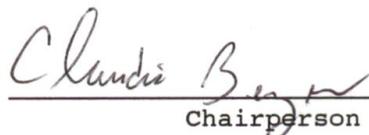
2. John Moffit, RR, Mechanicsville (Owner) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located in the NW 1/4 of the SE 1/4, Section 14, T-82N, R-4W, in Pioneer Township.

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

Mr. Moffit was present and explained the request for the third dwelling. He will be placing a manufactured home on the property where his son will reside. This dwelling will be located within 250' of his other son's dwelling. He explained that his sons assist him in the farming operation. The members were informed that the Planning and Zoning Commission were not concerned about the CSR on the property. Letters were reviewed from the Cedar County Engineer and Mechanicsville Fire and Ambulance Service. Both letters stated no objections to this petition. The driveway access will be off the gravel road and will meet the county engineer's specifications. Mr. Moffit explained that the two residences plan to share the well but each will have their own septic system.

After further discussion, Hoy made a motion to approve the Special Use Permit, subject to use by family member only. Johnson seconded the motion. Motion carried.

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

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Secretary



Tel. 319-886-2248

## OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

April 5, 1999

### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, April 22, 1999, 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. Cecil and Joanne Williams, RR, Tipton (Owners) - Requesting approval of a Home Occupation Permit for the purpose of operating a bait shop in their attached garage and variance on the sign requirements on property located in the south-easterly 14 feet of Lot 3, Lots 1 and 2, part of Lot 8, Block 33, in the SE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. Said property is currently zoned R-2 Urban Residential.
2. John Moffit, RR, Mechanicsville (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 SE 1/4, Section 14, T-82N, R-4W, in Pioneer Township.

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

Phil La Rue  
Zoning Administrator

Copies sent out on 4/7/99 to the following:

1. Cecil & Joanne Williams - 1931 4th Street, Tipton, Iowa 52772 - Certified
2. Frankie & Patricia Lovell - 1929 4th Street, Tipton, Iowa 52772
3. Stanley & Cathy Evans - 1935 4th Street, Tipton, Iowa 52772
4. James Emerson - 1911 3rd Street, Tipton, Iowa 52772
5. Herb Ford - 1811 King Avenue, Tipton, Iowa 52772
6. Leo Ford - 1257 270th Street, Tipton, Iowa 52772
7. Dorothy Ford - 1811 King Avenue, Tipton, Iowa 52772
8. Lori Nelson - James D. Fuller - 1939 4th Street, Tipton, Iowa 52772
9. Michael & Beryl Rocca - 1926 4th Street, Tipton, Iowa 52772
10. Jerry & Barbara Wood - 1985 Atalissa Road, Atalissa, Iowa 52720
11. Herman & Sharon Voss - 1918 Monroe Street, Tipton, Iowa 52772
12. Donald & Anna Proctor - 1936 4th Street, Tipton, Iowa 52772

1. John Moffit - 0299 Echo Avenue, Mechanicsville, Iowa 52306 - Certified
2. Keith & Cleo Conner - 479 Old Lincoln Highway, Mechanicsville, Iowa 52306
3. Howard B. Secor - % Hertz Farm Management, Box 500, Nevada, Iowa 50201
4. Helen Evans - 2115 1st Avenue SE, Apt. 1311A, Cedar Rapids, Iowa 52402

7 Zoning Commission members

file copies

copy to newspaper on 4/2/99

bulletin board copies

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

March 25, 1999

The Cedar County Board of Adjustment conducted a Public Hearing on March 25, 1999, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Penningroth, Johnson, Lenker, Hoy and Zoning Administrator La Rue.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on January 28, 1999, were previously sent to the members. They were approved as written.

The members then heard the following petition:

1. Sally Miller, RR, West Branch (Owner) - Requesting a variance on the front yard setback requirement in the A-1 Agricultural District for the purpose of constructing a room addition and porch on property located in the SW 1/4 of the SE 1/4, Section 24, T-80N, R-4W, in Gower Township, consisting of 12 acres more or less.

There were no written or verbal objections on file for this petition. Sally Miller was present and informed the Board of her plan to build an addition on her existing house. She stated that she wishes to build the addition on the south side of the house because the area to the east, west and north are not conducive to building on due to the lay of the land. The addition on the south side of her house would project approximately 15 feet into the 50 feet setback requirement.

Ms. Miller informed the members that she had previously contacted Mark Nahra, former Cedar County Engineer, and stated that she received a letter from him stating that he did not have an objection to her request. Mr. Nahra's letter was then read to the members. Mark Nahra recommended approval to the Board of Adjustment under the following conditions:

1. No other buildings or additions to existing will be allowed to encroach within the 50 foot setback on this property.
2. That care is taken by the property owner to avoid shrubbery and other plantings between the house and the road.

Ms. Miller stated that she has no future building plans. La Rue informed the members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance. The members stated that granting a variance was justifiable due to special conditions and circumstances relating to Ms. Miller's situation.

Hoy then made a motion to approve a variance granting a 35 foot setback from the county road right-of-way and in accordance to the conditions recommended by the previous county engineer. Lenker seconded the motion. Ayes all.

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

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Chairperson

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Secretary



Tel. 319-886-2248

## OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 8, 1999

### LEGAL NOTICE

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

1. Sally A. Miller, RR, West Branch (Owner) - Requesting a variance on the front yard setback requirement in the A-1 Agricultural District for the purpose of constructing a room addition and porch on property located in the SW 1/4 of the SE 1/4, Section 24, T-80N, R-4W, in Gower Township, consisting of 12 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 3/10/99 to the following:

1. Sally Miller - 560 260th Street, West Branch, Iowa 52358 - Certified
2. Beverly Brown - 576 260th Street, West Branch, Iowa 52358
3. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358
4. Harold & Donna Tucker - 1651 Franklin Avenue, West Branch, Iowa 52358
5. 5 Board of Adjustment members
6. 2 copies for bulletin boards
7. 2 file copies
8. 1 copy to newspaper on 3/8/99



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

February 9, 1999

TO: Cedar County Board of Adjustment Members

This note is to notify you that there will not be a meeting of the Board of Adjustment during the month of February because no petitions have been filed in this office.

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out, along with minutes from 1/28/99 meeting, on 2/9/99

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

January 28, 1999

The Cedar County Board of Adjustment conducted a Public Hearing on January 28, 1999, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Johnson, Lenker, Hoy, Penningroth and Zoning Administrator La Rue.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on November 19, 1998, were previously sent to the members. They were approved as written.

The members then heard the following petition:

1. Larry Hansen and Dennis Hansen, RFD, Tipton (Owners) - Requesting a variance of the minimum lot size permitted in the M-1 Light Industrial District, as required in the Cedar County Zoning Ordinance, Chapter 12, Section G1, Special Requirements, on property located in Lot B, in the SE 1/4 of the SE 1/4, Section 33, T-81N, R-2W, in Fairfield Township, consisting of 1.17 acres more or less.

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

Larry Hansen was present and explained his and his brother's plan to divide their property into two portions: one consisting of 1.32 acres and the other consisting of 0.674 acres. A portion of Lot A has been purchased from Liquid Grow, Twin State Engineering & Chemical Company. There are two driveways presently on the two lots onto Highway 130. One is between the two proposed lots and the other is a shared easement between the Hansen's and Twin State Engineering & Chemical Company. A final description of the lots was shown as petitioner's Exhibit G. Mr. Hansen explained that presently there are seven grain bins on Lot B and two additional pad sites on what would be his portion of the lot. He continued to explain that he plans to place grain bins on those two pads and construct a grain dump pit. The plan is to divide the lot as presented to preserve free access to his portion of the lot rather than to be required to get an easement from his brother to get to the proposed grain dump.

La Rue then explained the purpose of the 1.00 acre lot size required for the M-1 District as per Chapter 12, Section G1 of the Zoning Ordinance. He explained that this was to allow adequate placement of a septic system, water well and structure. He recommended that if the

Board was to approve the variance, that it be understood that no occupied structure requiring water and septic system could be placed on the property because of it's small size.

After further discussion, Lenker made a motion to grant the variance requested in accordance with Chapter 17.18(3) of the Zoning Ordinance. Johnson seconded the motion. Ayes all.

The Board then conducted the annual review of the Special Use Permit which had been previously granted to the following in accordance with Chapter 17.18(2) of the Zoning Ordinance:

1. 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 of the SW 1/4, Section 36, T-82N, R-1W, in Springfield Township, consisting of 5.75 acres more or less.

There were no objections on file for this petition. Janita Fisher was not present for the hearing. La Rue advised the Board that Ms. Fisher sent him a letter which was received on December 4, 1998, stating that she will no longer be requiring the Special Use Permit.

After a brief discussion, Penningroth made a motion to remove the Special Use Permit granted on June 26, 1997, as per Ms. Fisher's request dated December 4, 1998. A resolution removing the Special Use Permit will be signed at the next regular meeting.

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

Claudia Beyer  
Chairperson

P.D. Fisher  
Secretary Pro-tem

## OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 11, 1999

### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 28, 1999, at 3:00 p.m., in the Large Meeting Room in the Basement of the Courthouse, Tipton, Iowa.

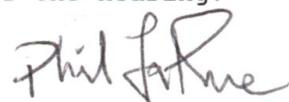
At this time the Board will consider the following petition:

1. Larry Hansen and Dennis Hansen, RFD, Tipton (Owners) - Requesting a variance of the minimum lot size permitted in the M-1 Light Industrial District, as required in the Cedar County Zoning Ordinance, Chapter 12, Section G1, Special Requirements, on property located in Lot B, in the SE 1/4 of the SE 1/4, Section 33, T-81N, R-2W, in Fairfield Township, consisting of 1.17 acres more or less.

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

1. 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 of the 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.



Phil La Rue  
Zoning Administrator

Copies sent out on 1/14/99 to the following:

1. Larry Hansen - 1453 Quincy Avenue, Tipton, Iowa 52772 - Certified
2. Dennis Hansen - 1941 120th Street, Clarence, Iowa 52216
3. Attorney Jay Willins - P.O. Box 228, Anamosa, Iowa 52205
4. Twin State Engineering & Chemical Co. - 3541 E. Kimberly, Davenport, Iowa 52802
5. Alvin & Mary Wright - 1545 Highway 130, Tipton, Iowa 52772
6. Keith E. Bell Trust - 1494 Highway 130, Tipton, Iowa 52772
7. George & Pauline Cary - 1418 Highway 130, Tipton, Iowa 52772
8. Ruth E. Bell Trust - 1494 Highway 130, Tipton, Iowa 52772
9. 5 Board of Adjustment members
10. 1 copy to newspaper on 1/11/99
11. 2 file copies
12. 2 copies for bulletin boards

1. Janita Fisher - 2309 Country Club Lane, Lowden, Iowa 52255 - Certified



Cedar County  
**BOARD OF SUPERVISORS**  
TIPTON, IOWA 52772  
TELEPHONE (319) 886-3168

January 11, 1999

**COPY**

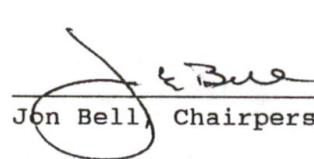
Bill Lenker  
2053 - 280th Street  
Wilton, Iowa 52778

Dear Mr. Lenker:

Please be advised that by motion of this Board, January 4, 1999, you were reappointed for a five-year term on the Zoning Board of Adjustment. Your term will expire on 12-31-2003.

Your willingness to serve in the past has been very much appreciated. If you have any questions, please contact us.

Sincerely,

  
Jon Bell, Chairperson

JB:bjp