

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

December 21, 2000

The Cedar County Board of Adjustment conducted a Public Hearing on December 21, 2000, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Hoy, Penningroth and Lenker. Members absent were Beyer and Johnson.

Penningroth presided as Chairperson and called the meeting to order at 3:00 p.m. Minutes from the last meeting held on October 26, 2000, were previously sent to the members. They were approved as written.

The members then heard the following petition:

1. Donald and Michelle Miles, RFD, Tipton (Owners) - Requesting a variance to permit the replacement of an existing home with a single family dwelling on property located in Tract C in the SE 1/4 of the SW 1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 28.28 acres more or less. Said property is currently zoned A-1 Agricultural.

Michelle Miles was present and explained that she and her husband want to place a 28' by 54' ranch home approximately 6 feet from their existing home. She explained that they are also considering leaving the existing home and converting it into a garage. She is aware that the septic system will need to be upgraded for the new home. There were no written or verbal objections on file for this petition.

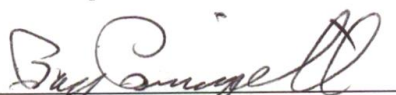
County Engineer, Don Torney, was present and stated that entrance permits will be under the Iowa Department of Transportation's control. She was informed that the new house will have to be 50 feet back from the road right-of-way.

Mrs. Miles stated that they plan to be done with the new home by the end of May 2001, and felt that 120 days after completion of the home would be ample time for them to either remove the existing house or convert it into a garage.

Zoning Administrator La Rue advised the members to make their decision in accordance with Chapter 17.18(3) of the Zoning Ordinance. Following a brief discussion, Lenker made a motion to grant the variance to permit the replacement of the existing home, subject to removal of the old house or converting it into a garage within 120 days from their occupancy date. Hoy seconded the motion. Ayes all.

The Board then discussed the status of a temporary variance previously granted to Pauline Hansen.

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

  
Chairperson Pro-tem

  
Secretary



STATE OF IOWA, CEDAR COUNTY, ss:

### Legal Notice

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, December 21, 2000, 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. Donald and Michelle Miles, RFD, Tipton (Owners) - Requesting a variance to permit the replacement of an existing home with a single family dwelling on property located in Tract C in the SE-1/4 of the SW-1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 28.28 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.

s/ Phil La Rue/sl  
Phil La Rue  
Zoning Administrator  
c49

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

The Tipton Conservative and Advertiser 1 time

to wit on Dec 6, 2000

Subscribed and sworn to before me this 2

day of Jan A.D. 20 01

Jay M Gray  
Notary Public in and for Cedar County, Iowa

Received of \_\_\_\_\_

\_\_\_\_\_ Dollars

Printer's fee \$ 11.34



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Board of Adjustment

Basement, Cedar County Courthouse, Tipton, Iowa

December 21, 2000 - 3:00 p.m.

- I. Introduction
- II. Review of the variance requested by Donald & Michelle Miles to permit the replacement of an existing home with a single family dwelling on their property.
- III. Discussion
- IV. Conclusion





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

December 4, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, December 21, 2000, 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. Donald and Michelle Miles, RFD, Tipton (Owners) - Requesting a variance to permit the replacement of an existing home with a single family dwelling on property located in Tract C in the SE 1/4 of the SW 1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 28.28 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 LaRue /SL*

Phil La Rue  
Zoning Administrator

PL:sl



Copies sent out on 12/5/00 to the following:

1. Donald & Michelle Miles - 1993 Highway 38, Tipton, Iowa 52772 - Certified
2. Duffe Brothers Ltd. - 1001 Ocean Avenue, Moscow, Iowa 52760
3. George Nopoulos - 815 East, Wilton, Iowa 52778
4. Charles Frymoyer - 1232 300th Street, Tipton, Iowa 52772
5. 5 Board of Adjustment members
6. 1 copy to Tipton Conservative on 12/4/00
7. 2 file copies
8. 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

Basement, Cedar County Courthouse, Tipton, Iowa

November 16, 2000 - 3:00 p.m.

- I. Introduction
- II. Review of the variance granted to Donovan and Leann Tranna on June 24, 1999, to allow temporary placement of a second dwelling on their property.
- III. Discussion
- IV. Conclusion





Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

November 6, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment will be conducting a Public Hearing on November 16, 2000, 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 variance previously granted to the following:

Donovan and Leann Trana, RFD, Wilton (Owners) - 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 3.20 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 11/6/00 to the following:

1. Donovan & Leann Trana - 2196 Union Avenue, Wilton, Iowa 52778 - Certified

5 Board of Adjustment members

1 copy to Tipton Conservative on 11/6/00

Faxed copy to Wilton-Durant Advocate News on 11/6/00

2 file copies

2 copies for bulletin boards



CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

October 26, 2000

The Cedar County Board of Adjustment conducted a Public Hearing on October 26, 2000, at 3:00 p.m., in the Large Meeting Room 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 at 3:00 p.m. Minutes from the last meeting held on September 28, 2000, were previously sent to the members. They were approved as presented.

The members then heard the following petition:

1. David Frederick, DBA "The Wood Haus", RFD, Clarence (Contract Buyer) - Requesting approval of a Home Industry Permit for the purpose of operating a woodworking shop on property located in the NW 1/4 of the NW 1/4, Section 12, T-79N, R-4W, in Springdale Township, consisting of 2.07 acres more or less. Said property is presently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members that the Planning and Zoning Commission recommended approval of the rezoning request for one acre in order for Mr. Frederick to construct a single family dwelling on this property. There were no written or verbal objections on file for this petition.

Mr. Frederick was present and explained that he wishes to construct a building for a shop and tool business. He stated that he makes trim and cabinets for clients. He informed the members that approximately 20% of his income is generated from the woodworking shop. He stated that he wants to locate the shop on this property since most of his business comes from the West Branch area. He does not plan to hire any employees and stated that there would not be any problem with parking. He stated that all equipment and tools will be inside the building. The letter from County Engineer, Don Torney, was reviewed which stated no objections and no visibility problems. Sign requirements were reviewed and Mr. Frederick understands that an advertisement sign is not to exceed 8 square feet and must be placed 50 feet back from the county road right-of-way if he should decide to have one.

After further discussion, Lenker made a motion to approve the Home Industry Permit after ownership of the property and meeting rezoning regulations. Penningroth seconded the motion. Ayes all. This permit will be reviewed annually.

The Board members then reviewed a variance previously granted to the following:

Donovan and Leann Trana, RFD, Wilton (Owners) - 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 3.20 acres more or less.

The Trana's were not in attendance. Sterling Benz, Assistant County Attorney was present to discuss this variance previously granted. Chairperson Beyer had requested Attorney Benz's input on this matter. Attorney Benz stated that he did not feel that special conditions and circumstances existed which are peculiar to the land when the variance was granted to the Trana's. He also stated that he did not think the Board of Adjustment had the authority to grant this variance in the first place. He felt that the language is not clear in Chapter 17.19 of the Zoning Ordinance. Attorney Benz suggested that, petitioners in the future with a similar situation of the Trana's, go through conditional rezoning with the Zoning Commission. He recommended that a resolution be prepared stating that the variance lapses upon sale, transfer of title or relative leaves or passes on. The resolution needs to be recorded so the abstractor picks it up for prospective buyers of the property. The Board members agreed to notify the Trana's again and inform them that they should attend the next meeting since the Board will be discussing revoking their variance. They will also be notified regarding the resolution. Attorney Benz stated that the Board should note findings in the future and in a recorded resolution.

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 3:35 p.m.

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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

AGENDA

Cedar County Board of Adjustment

Basement, Cedar County Courthouse, Tipton, Iowa

October 26, 2000 - 3:00 p.m.

- I. Introduction
- II. Review of petition from David & Kathleen Frederick
- III. Discussion
- IV. Review of the variance granted to Donovan and LeAnn Trana on June 24, 1999, to allow temporary placement of a second dwelling on their property. See also Board minutes from 8/24/00 and previous meeting.
- V. Discussion
- VI. Conclusion



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

October 9, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 26, 2000, 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. David Frederick, DBA "The Wood Haus", RFD, Clarence (Contract Buyer) - Requesting approval of a Home Industry Permit for the purpose of operating a woodworking shop on property located in the NW 1/4 of the NW 1/4, Section 12, T-79N, R-4W, in Springdale Township, consisting of 2.07 acres more or less. Said property is presently zoned A-1 Agricultural.

Also at this time, the Board will review the variance previously granted to the following:

Donovan and Leanna Trana, RFD, Wilton (Owners) - 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 3.20 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 10/10/00 to the following:

\*\* David & Kathleen Frederick - 7224 County Road X64, Clarence, Iowa 52216 - Certified

1. Wayne & Barbara Frederick - 522 290th Street, West Branch, Iowa 52358
  2. Laurie Jewell - 504 290th Street, West Branch, Iowa 52358
  3. Joseph & Faye Grobin - P.O. Box 638, West Branch, Iowa 52358
  4. Floyd & Mary Helen Fawcett - P.O. Box 837, West Branch, Iowa 52358
  5. Randy & Tammy Mather - 789 290th Street, West Liberty, Iowa 52776
  6. Susan & Gary Faith - 525 290th Street, West Branch, Iowa 52358
  7. Cedar County Secondary Road Dept. - Cedar County Courthouse, Tipton, Iowa 52772
  8. K. J. Mather Corp. - 799 290th Street, West Liberty, Iowa 52776
  9. 5 Board of Adjustment members
  10. 1 copy to Tipton Conservative on 10/9/00
  11. 1 copy faxed to West Branch Times on 10/10/00
  12. 1 copy faxed to Advocate News on 10/9/00
  13. 2 file copies
  14. 2 copies for bulletin boards
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Letter, Legal Notice & Agenda mailed to Trana's on 10/10/00

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 28, 2000

The Cedar County Board of Adjustment conducted a Public Hearing on September 28, 2000, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Johnson, Beyer, Penningroth and Lenker. Member absent was Hoy.

Minutes from the last meeting held on August 24, 2000, were previously sent to the members. They were approved as presented.

The members then heard the following petition:

1. Wireless Facilities, Inc., Urbandale, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 195 foot tall Personal Communication Services (PCS) tower on property located in the SW 1/4 of the SW 1/4 of the NE 1/4, Section 22, T-79N, R-1W, in Farmington Township, on a tract of land consisting of 35.59 acres more or less. Said property will be leased and is currently zoned A-1 Agricultural.

There were no written or verbal objections on file for this petition. Leroy Steffen was present to represent Kevin Barker who is the property owner. Bruce Gates was also present representing Wireless Facilities, Inc.

Mr. Gates then explained the request for a Special Use Permit at this site. He informed the members that his company plans to erect a 195 foot tall monopole tower on Kevin Barker's property on the north side of Interstate 80. His company will lease a 100' x 100' parcel but only a 50' x 50' area will be fenced and can be farmed up to the fence. There will be no guyed wires and the tower will be designed for co-location. He informed the members that they are currently co-locating on three other towers in Cedar County. He also explained that they can not co-locate in this particular area. He also presented diagrams to the Board members. He stated that the tower site has plenty of clearance from I-80 and the road right-of-way. The closest property line is 230 feet and there is less than 2% slope. The tower will be located on the high point of ground and explained about the fall zone for the tower. There will not be a light on the tower since it will be less than 200 feet tall.

La Rue advised the members to make their decision in accordance with Chapter 17.18(2) of the Zoning Ordinance. After further discussion, Lenker made a motion to grant the Special Use Permit subject to annual review. Penningroth 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. Ayes all. Meeting adjourned at 3:30 p.m.

Claudia Bey  
Chairperson

Sharon Laukamp  
Secretary



STATE OF IOWA, CEDAR COUNTY, ss:

### Legal Notice

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 28, 2000, at 3:00 p.m. in the Large Meeting Room in the basement of the Courthouse, Tipton.

At this time the board will consider the following petition:

1) Wireless Facilities, Inc., Urbandale, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 195 foot tall Personal Communication Services (PCS) tower on property located in the SW 1/4 of the SW 1/4 of the NE 1/4, Section 22, T-79N, R-1W, in Farmington Township, on a tract of land consisting of 35.59 acres more or less. Said property will be leased and 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  
c36

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

The Tipton Conservative and Advertiser

to wit on

Subscribed and sworn to before me this

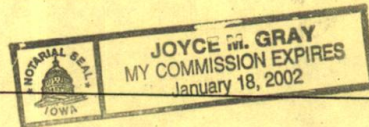
day of

Notary Public in and for Cedar County, Iowa

Received of

Dollars

Printer's fee \$





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

September 1, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 28, 2000, 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. Wireless Facilities, Inc., Urbandale, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 195 foot tall Personal Communication Services (PCS) tower on property located in the SW 1/4 of the SW 1/4 of the NE 1/4, Section 22, T-79N, R-1W, in Farmington Township, on a tract of land consisting of 35.59 acres more or less. Said property will be leased and 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 9/5/00 to the following:

1. Bruce Gates - Wireless Facilities, Inc., 11346 Aurora Avenue, Urbandale, Iowa 50322 - Cert.
2. Allen D. May - Wireless Facilities, Inc., 11346 Aurora Avenue, Urbandale, Iowa 50322
3. Kevin Barker - 2160 310th Street, Wilton, Iowa 52778
4. Warren Thede - 3106 Jersey Ridge Road, Davenport, Iowa 52807
5. Francis & Marguerite Friedli Ltd. - P.O. Box 203072, Austin, Texas 78720
6. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
7. Herchal & Bernadine Fitzer - 106 6th Street, Durant, Iowa 52747
8. Jim & IMP Lightner Co. - 5905 Steuben Court, Dallas, Texas 75248
9. Jeffrey Graves Revocable Trust - P.O. Box 70, Durant, Iowa 52747

- 1 copy to Tipton Conservative on 9/1/00
- 1 copy faxed to Wilton-Durant Advocate News on 9/1/00
- 2 file copies
- 2 copies for bulletin boards
- 5 Board of Adjustment members



CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

August 24, 2000

The Cedar County Board of Adjustment conducted a Public Hearing on August 24, 2000, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Lenker, Johnson, Penningroth and Hoy.

Minutes from the last meeting held on July 27, 2000, were previously sent to the members. They were approved as presented.

The members then heard the following petitions:

1. Patricia Juchter, RFD, Bennett (Owner) - Requesting approval of a Home Occupation Permit for the purpose of operating a massage therapy business in her home on property located in the NW 1/4 of the NE 1/4, Section 10, T-80N, R-1W, in Inland Township, on a tract consisting of 38.00 acres more or less. Said property is presently 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 15 of the Zoning Ordinance.

Patricia and her husband were present and explained to the members that she would like to operate a massage therapy business in her home. Mr. & Mrs. Juchter informed the members that they do not have 38 acres and stated that they own closer to 3.8 acres. Patricia stated that she currently works full time at Wal-Mart and would like to operate her massage therapy business on a part time basis. She will be the only person in the business. The Board informed her of the sign requirements. She stated that she would comply with the requirements if they decide to put up a sign.

After a brief discussion, Penningroth made a motion to grant approval of the Home Occupation Permit if she meets the County Engineer's parking regulations and the sign requirements. This permit will be subject to annual review. Lenker seconded the motion. Ayes all.

2. IPCS Wireless, Inc., 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 SW 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less. Said property will be leased and 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(2) of the Zoning Ordinance and Cedar County Ordinance #30.

David Cunningham, IPCS Wireless representative, and Rolland Meixner, land owner, were present. Mr. Cunningham informed the members that his company was proposing to build a 190' self support type telecommunications tower. He stated that the tower will be structurally built to accomodate co-location. He stated that his company now has one site in Cedar County which is co-located. He informed the members that his company needs location in this area and there are no structures available within a 1/2 mile radius. He told the members that they moved about 1,300' away to the west from the home which had been denied by the Board last year. He stated that there will be very little impact since they will be taking very little land out of production and the tower will be placed near a fence line and will be well out of the road right-of-way. Access to the tower will be from 297th Street off Inca Avenue and will use the existing driveway. Mr. Cunningham also informed the members that no lighting will be needed since the tower will be under 200 feet.

After further discussion, Johnson made a motion to grant the Special Use Permit subject to Ordinance #30 and annual review. Penningroth seconded the motion. Ayes all.

3. IPCS Wireless, Inc., 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 NW 1/4 of the SW 1/4 of the NW 1/4, Section 7, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less. Said property will be leased and is currently zoned A-1 Agricultural.



There were no written or verbal objections on file for this petition. David Cunningham, IPCS Wireless representative and property owner, Donald Thompson, and Mr. Thompson's daughter, Deanna Weisman, who is the tenant on the property, were present.

Mr. Cunningham informed the members that this tower will hook up with the tower on Rolland Meixner's property and at their site in Johnson County. He stated that there were no other towers available to co-locate. He stated that his company has minimized the impact and will permit co-location on their tower. The C.S.R. on the property is 87 or 90 but only .123 acres will be taken out of production. The letter from County Engineer, Don Torney, was reviewed. Mr. Torney's concern was that this tower site will be located at the end of a dead end level B road and is not maintained by any one. He had no problem with an entrance permit being issued. Don Torney was present at the hearing and stated that IPCS Wireless should take into consideration of possible road right-of-way changes in the future. Mr. Thompson's access will remain the same. Mr. Cunningham stated that his company will rock the driveway to the tower site and an entrance permit will be obtained from the County Engineer's Office. Ms. Weisman presented a revised site sketch to the members. Don Torney reviewed the sketch and saw no problems. Mr. Cunningham stated that the tower site will be 100' from the road right-of-way and school property. The tower site will be located within a leased parcel measuring 210' x 210'. Mr. Cunningham informed the members that his company is part of Sprint PCS. They have a total of 56 sites of which 40 sites are co-located. He stated that these two towers will complete their network in Cedar County.

After further discussion, Hoy made a motion to grant the Special Use Permit subject to annual review and staying out of the county road right-of-way and West Branch school property. Lenker seconded the motion. Ayes all.

The last item on the agenda was to review a letter received from Donovan and LeAnn Trana, Wilton, concerning their variance granted by the Board on 5/27/99, Petition #2299, to allow the placement of a second home on their property. This second home was granted for Mr. Trana's mother to reside. The letter received from the Trana's was to inform the members that they will be moving and would like permission to sell



their property with both homes to a buyer who has a similar situation with parents or family. The Board members stated that when they granted the variance in 1999 that it was a temporary variance until Mr. Trana's mother no longer resided in the mobile home. They felt that to allow this variance would be in violation of the Zoning Ordinance and suggested that the County Attorney's Office be contacted for their comments. Chairperson Beyer recommended that the Board deny the request. After further discussion, Penningroth made a motion to deny the request received from the Trana's. Hoy seconded the motion. Ayes all.

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

AGENDA

Cedar County Board of Adjustment

August 24, 2000 - 3:00 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of petitions
- III. Discussion
- IV. Review of letter from Donovan and LeAnn Trana,  
2196 Union Avenue, Wilton, concerning their  
variance granted by the Board on 5/27/99,  
Petition #2299 to allow the placement of a  
second home on their property.
- V. Discussion
- VI. Conclusion

PROOF OF PUBLICATION

NOTICE

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 24, 2000, 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. Patricia Juchter, RFD, Bennett (Owner) - Requesting approval of a Home Occupation Permit for the purpose of operating a massage therapy business in her home on property located in the NW 1/4 of the NE 1/4, Section 10, T-80N, R-1W, in Inland Township, on a tract consisting of 38.00 acres more or less. Said property is presently zoned A-1 Agricultural.

2. IPCS Wireless, Inc., 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 SW 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less. Said property will be leased and is currently zoned A-1 Agricultural.

3. IPCS Wireless, Inc., 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 NW 1/4 of the SW 1/4 of the NW 1/4, Section 7, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less. Said property will be leased and 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 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

State of Iowa, Cedar County, ss:

I, Debbie Owen,

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

August 10, 2000

Debbie Owen

Fee: \$ 18<sup>30</sup>

Sworn to by the said

before me and signed by her in my presence, this \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_,

Notary Public

Received of

\_\_\_\_\_ Dollars

in full on above publication.





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

August 7, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 24, 2000, 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. Patricia Juchter, RFD, Bennett (Owner) - Requesting approval of a Home Occupation Permit for the purpose of operating a massage therapy business in her home on property located in the NW 1/4 of the NE 1/4, Section 10, T-80N, R-1W, in Inland Township, on a tract consisting of 38.00 acres more or less. Said property is presently zoned A-1 Agribultural.
2. IPCS Wireless, Inc., 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 SW 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less. Said property will be leased and is currently zoned A-1 Agricultural.
3. IPCS Wireless, Inc., 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 NW 1/4 of the SW 1/4 of the NW 1/4, Section 7, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less. Said property will be leased and is currently zoned A-1 Agricultural.

Copies sent out on 8/9/00 to the following:

1. Patricia Juchter - 2164 230th Street, Bennett, Iowa 52721 - Certified
2. James & Nancy Schneckloth - 2162 230th Street, Bennett, Iowa 52721
3. Stanley M. Wright - 2157 Highway 130, Bennett, Iowa 52721
4. William & Patricia Urmie - 2169 220th Street, Bennett, Iowa 52721
5. John Prew - 316 Rochester Road, Poplar Grove, Illinois 61065
6. Angela & Devin Moeller - 2181 230th Street, Bennett, Iowa 52721
7. Brett Moeller - 2187 230th Street, Bennett, Iowa 52721
8. Roger & Jean Wiese - 2111 230th Street, Bennett, Iowa 52721
9. Donald Juchter - 2166 230th Street, Bennett, Iowa 52721

- 
1. David Cunningham - IPCS Wireless, Inc., 11 Hawkeye Lane, Geneseo, IL 61254 - Certified
  2. Dorothy & Ronald Voss & Rosemary Jane Voss Trust - 2423 Walden Road, Apt. 305, Iowa City 52246
  3. Rolland Meixner - 1930 Inca Avenue, Atalissa, Iowa 52720
  4. Rodney & Ileen Hanson - 875 297th Street, Atalissa, Iowa 52720
  5. James & Evelyn Buol - 1969 Inca Avenue, Atalissa, Iowa 52720
  6. Hilbert & Karl Nebergall & Ileen Hanson - 2365 Atalissa Road, Atalissa, Iowa 52720

- 
1. David Cunningham - IPCS Wireless, Inc., 11 Hawkeye Lane, Geneseo, IL 61254 - Certified
  2. Donald & Fern Thompson - 142 Wetherell, Box 35, West Branch, Iowa 52358
  3. West Branch Community School - 148 N. Oliphant, West Branch, Iowa 52358
  4. John Beecher Jr. - 123 Oliphant Street, West Branch, Iowa 52358
  5. Gary A. Milder - 21 300th Street, West Branch, Iowa 52358
  6. City of West Branch - Attn: Ty Doermann, 304 E. Main Street, West Branch, Iowa 52358
  7. Dan Banta - P.O. Box 607, West Branch, Iowa 52358

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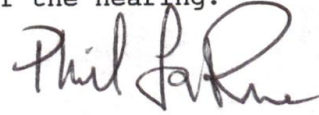
7 Board of Adjustment members

Copies to Tipton Conservative, Sun News, Wilton Advocate & West Branch Times

2 file copies

2 copies for bulletin boards

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



CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

July 27, 2000

The Cedar County Board of Adjustment conducted a Public Hearing on July 27, 2000, 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 Hoy.

Minutes from the last meeting held on June 22, 2000, were previously sent to the members. They were approved as presented.

The members then heard the following petitions:

1. Kent and Jennifer Klinkkammer, RFD, Mechanicsville (Owners) - Requesting a variance on the setback requirements for a dwelling addition in the A-1 Agricultural District, on property located in the NW 1/4 of the NE 1/4 of the NW 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 3.00 acres more or less.

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. and Mrs. Klinkkammer were present and explained that one-half of their existing house is a mobile home. They informed the members that they plan to remove the mobile home and replace with a new structure and want to put a 12' x 24' addition to the south. They explained that it is unfeasible to build to the north of the house due to power lines, etc. Their request was for a variance of 17 feet on the side yard requirement of 30 feet. They would need a setback of 13 feet on the south side.

After a brief discussion, Penningroth made a motion to grant a variance of 17 feet on the side yard setback. Lenker seconded the motion. Ayes all.

2. Vicki Reynolds, RFD, West Branch (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog grooming shop and kennel on property located in the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4, Section 32, T-79N, R-4W, in Springdale Township, consisting of 0.71 acres more or less. 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(2) of the Zoning Ordinance.

Ms. Reynolds was present and explained that she would like to operate a dog grooming shop out of her existing 3 stall garage located east of her house. She stated that the dogs would not be kenneled overnight. She stated that she needs a kennel license in order to do grooming. She informed the members that this is a part-time job for her and informed the Board that there is adequate parking on her property. She was informed of the sign requirements and she stated that she would abide by the requirement.

After a brief discussion, Johnson made a motion to grant the Special Use Permit to Ms. Reynolds to allow her to operate a dog grooming shop and kennel, subject to annual review. Lenker seconded the motion. Ayes all.

3. Wendling Quarries, Inc., DeWitt, Iowa - Requesting approval of a Special Use Permit for the purpose of expanding their existing limestone quarry operation on property located in Lot 1 of Lot B, in the NE 1/4, Section 23, T-80N, R-3W, in Center West Township, consisting of 27.105 acres more or less. Said property is presently zoned A-1 Agricultural.

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

John Tuthill and Marc Whitman, representatives for Wendling Quarries, were present and explained that their company wishes to expand their existing quarry operation to the south of the existing active pit. They informed the members that they plan to move the reserve area. They presented aeriels and photos of the existing quarry. They also stated that they will continue to use the north side entrance to the quarry and will only use the south end entrance on the property for ag use. The amount of land involved in this request is approximately 27.105 acres. Adjoining property owner, Millie Eiler, was present and stated that she had no objection as the quarry had been a good neighbor. Her major concern was regarding the access to the additional land. She was informed by Mr. Tuthill and Mr. Whitman that access will continue to be off Stone Mill Road and not King Avenue.

La Rue read the letter received from County Engineer Don Torney in which he stated that entrance off the Stone Mill Road will be adequate. He did have concerns regarding entrance onto King Avenue if there should be an increase in truck traffic. John Tuthill stated that he does not foresee an increase in truck traffic.



Mr. Tuthill then read a history of the quarry to the members. The members acknowledged that the quarry operation is a legal conforming use in the A-1 District and that a Special Use Permit was required because Wendling Quarries is enlarging the facility.

After further discussion, Hoy made a motion to grant the Special Use Permit for the purpose of expanding their existing limestone quarry operation. Penningroth seconded the motion. Ayes all. This S.U.P. will be subject to annual review.

4. Joanna Reichert, RFD, Tipton (Owner) - Requesting approval of a Home Occupation Permit for the purpose of operating a massage therapy business in her home on property located in the SW 1/4 of the SE 1/4, Section 16, T-80N, R-3W, in Center West Township, consisting of 365 acres more or less. Said property is currently zoned A-1 Agricultural.

There were no written or verbal objections on file for this petition. La Rue informed the members to consider this request in accordance with Chapter 15 of the Zoning Ordinance.

Ms. Reichert was present and explained to the members that she like to operate a massage therapy business in her home and has an existing office in her home to do so. She stated that she will usually go to the client's home but there will be times when the clients will go to her. She plans to install a handicap ramp on the property and stated that she has adequate parking on the property. She also informed the members that her daughter will also work for her and will be a licensed therapist. The sign requirements were explained to Ms. Reichert.

After a brief discussion, Hoy made a motion to grant approval of the Home Occupation Permit, subject to annual review. Lenker seconded the motion. Ayes all.

The members next reviewed campground regulations in the C-2 Highway Commercial District. La Rue stated that campground regulations in the C-2 District are not adequately defined in the Zoning Ordinance. Sterling Benz, Assistant County Attorney, was contacted for his comment. Attorney Benz stated that the mobile home park and campground at Minifarm Acres is currently considered a legal non-conforming use. The business can be sold as is but if the business was to cease for twelve months or if the area was expanded, a Special Use Permit would then be required..

The Board of Adjustment members then held a discussion regarding telecommunication tower placement in Cedar County. The members



discussed co-location on towers if possible. The changes made in the original draft of the telecommunications ordinance were discussed. The company must show that they can not co-locate on an existing tower in order to erect a new tower. Enclosure requirements were revised for fencing and screening is not required. If a telecommunication tower site is abandoned, the tower must be removed by the tower owner. The land owner is not responsible. The tower must be signed with an emergency contact phone number and the tower owner's name. Setback requirement to property lines were dropped. Tower fall distance to dwelling or place of public assembly remained. Proposed tower developers must show why co-location is not possible and why this specific area is selected for the tower site. La Rue informed the members that two new tower sites will be going before the Board next month. One site is located on the west edge of Roland Meixner's property, about one-quarter mile from the site which was denied. The other proposed site is located just south of the West Branch High School property.

With no further business to be conducted at this time, the meeting was adjourned at 4:20 p.m.

Claudia Bay  
Chairperson

Sharon Laucomp  
Secretary



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Board of Adjustment

July 27, 2000 - 3:00 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of petitions
- III. Discussion
- IV. Review of Campground Regulations in C-2 Highway Commercial District
- V. Discussion
- VI. Review of Ordinance #30 Regulating Telecommunication Tower Placement in Cedar County
- VII. Discussion
- VIII. Future Petitions: Illinois P.C.S. (August?)
- IX. Conclusion



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

July 10, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, July 27, 2000, 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. Kent and Jennifer Klinkkammer, RFD, Mechanicsville (Owners) - Requesting a variance on the setback requirements for a dwelling addition in the A-1 Agricultural District, on property located in the NW 1/4 of the NE 1/4 of the NW 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 3.00 acres more or less.
2. Vicki Reynolds, RFD, West Branch (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog grooming shop and kennel on property located in the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4, Section 32, T-79N, R-4W, in Springdale Township, consisting of 0.71 acres more or less. Said property is currently zoned A-1 Agricultural.
3. Wendling Quarries, Inc., DeWitt, Iowa - Requesting approval of a Special Use Permit for the purpose of expanding their existing limestone quarry operation on property located in Lot 1 of Lot B, in the NE 1/4, Section 23, T-80N, R-3W, in Center West Township, consisting of 27.105 acres more or less. Said property is presently zoned A-1 Agricultural.
4. Joanna Reichert, RFD, Tipton (Owner) - Requesting approval of a Home Occupation Permit for the purpose of operating a massage therapy business in her home on property located in the SW 1/4 of the SE 1/4, Section 16, T-80N, R-3W, in Center West Township, consisting of 365 acres more or less. Said property is currently zoned A-1 Agricultural.



Copies sent out on 7/12/00 to the following:

1. Kent & Jennifer Klinkkammer - 200 N. Oak Street, Mechanicsville, Iowa 52306 - Certified
2. Mary Juhl - 210 N. Oak Street, Mechanicsville, Iowa 52306
3. Randy & Brenda Rouse - 104 N. Oak Street, Mechanicsville, Iowa 52306
4. Michael & Linda Gesling - 717 Jackson Avenue, Mechanicsville, Iowa 52306
5. Clifford & Debra Ann Taylor - 629 Old Lincoln Highway, Mechanicsville, Iowa 52306
6. Forest & Jeanne Ann Johnson - 503 Old Lincoln Highway, Mechanicsville, Iowa 52306
7. City of Mechanicsville - 100 E. First Street, Mechanicsville, Iowa 52306
8. Luke & Mary Oberbreckling - 714 E. 1st Street, Mechanicsville, Iowa 52306
9. Michael & Melinda Felske - 713 E. 2nd Street, Mechanicsville, Iowa 52306-9534
10. Wayne & Doris Carney - 5503 Lower West Branch Road S.E., West Branch, Iowa 52358

- 
1. Vicki Reynolds - 2328 Baker Avenue, West Branch, Iowa 52358 - Certified
  2. Eleanor Secrest - 52 330th Street, West Branch, Iowa 52358
  3. Patricia, William & Eleanor Secrest - 52 330th Street, West Branch, Iowa 52358
  4. Dorothy Spencer - 2000 N. Dubuque Street, Iowa City, Iowa 52245
  5. Jerry Lawrence - 2306 Baker Avenue, West Branch, Iowa 52358
  6. Greg & Cheryl Edwards - 2316 Baker Avenue, West Branch, Iowa 52358
  7. Karen J. Streets Trust - % Larry Streets, 2394 Baker Avenue, West Branch, Iowa 52358

- 
1. Wendling Quarries, Inc. - Attn: John Tuthill, P.O. Box 120, DeWitt, Iowa 52742 - Certified
  2. Richard Martin Moylan - 1549 King Avenue, Tipton, Iowa 52772
  3. Mildred Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772
  4. Kirk Sissel & Cindy Beverlin - 1526 King Avenue, Tipton, Iowa 52772
  5. Donald & Lois Rosenow - 1104 Plum Street, Tipton, Iowa 52772

- 
1. Joanna Reichert - 876 247th Street, Tipton, Iowa 52772 - Certified
  2. Reggie Farms, Inc. - 938 305th Street, Atalissa, Iowa 52720
  3. Gary & Robin Helmold - 1358 Highway 130, Tipton, Iowa 52772
  4. James McNutt - P.O. Box 368, Tipton, Iowa 52772
  5. Frederick & Arlene Kaefting - 410 E. 10th Street, Tipton, Iowa 52772
  6. Larry Badtram - 1978 270th Street, Bennett, Iowa 52721

- 
- 5 Board of Adjustment members  
1 copy to Tipton Conservative on 7/10/00  
1 copy to West Branch Times on 7/10/00  
1 copy to Sun News on 7/10/00  
2 file copies  
2 copies for bulletin boards
-

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

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

Phil La Rue  
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

June 22, 2000

The Cedar County Board of Adjustment conducted a Public Hearing on June 22, 2000, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Johnson and Lenker. Members absent were Beyer and Hoy.

Chairperson Pro-tem Penningroth called the meeting to order at 3:00 p.m. Minutes from the last meeting held on May 25, 2000, were previously sent to the members. They were approved as presented.

The members then heard the following petition:

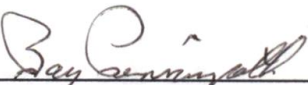
1. Kenneth and Kathleen Meyer, RFD, Stanwood (Owners) - Requesting a variance to permit the replacement of an existing home with a single family dwelling on property located in the NE 1/4 of the NE 1/4, Section 14, T-82N, R-3W, in Fremont Township, consisting of 6.50 acres more or less. Said property 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. and Mrs. Meyer were present and explained to the members that they plan to build a new house in August and will tear down the existing house after the new one is constructed. A new septic system will be installed on the property.

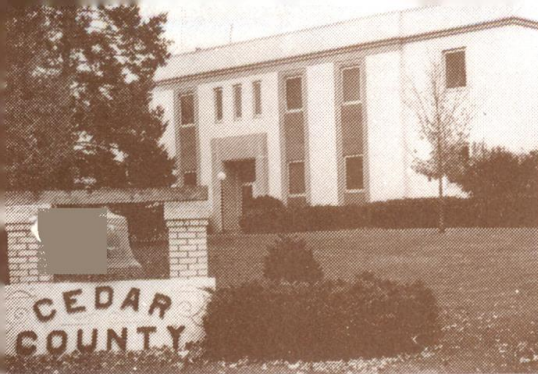
After a brief discussion, Lenker made a motion to grant the request subject to removal of the old house after the new house is built. Johnson seconded the motion. Ayes all.

With no further business to be conducted at this time, the meeting was adjourned at 3:25 p.m.

  
\_\_\_\_\_  
Chairperson, Pro-tem

  
\_\_\_\_\_  
Secretary





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

June 5, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, June 22, 2000, 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. Kenneth and Kathleen Meyer, RFD, Stanwood (Owners) - Requesting a variance to permit the replacement of an existing home with a single family dwelling on property located in the NE 1/4 of the NE 1/4, Section 14, T-82N, R-3W, in Fremont Township, consisting of 6.50 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 6/6/00 to the following:

1. Kenneth & Kathleen Meyer - 205 Highway 38, Stanwood, Iowa 52337 - Certified
2. Ken & Cindy Meyer - 211 Highway 38, Stanwood, Iowa 52337
3. Dennis L. Oldorf Revocable Trust & Oldorf Limited Partnership - P.O. Box 1883,  
Cedar Rapids, Iowa 52406
4. K Farms, Inc. - C/O Dr. Gordon Kruger, RR 15, Box 5, Normal, Illinois 61761
5. 1 copy to newspaper on 6/5/00
6. 2 file copies
7. 2 copies for bulletin boards
8. 5 Board of Adjustment members

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

May 25, 2000

The Cedar County Board of Adjustment conducted a Public Hearing on May 25, 2000, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Beyer, Johnson, Lenker and Penningroth. Member absent was Hoy.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on April 20, 2000, were previously sent to the members. They were approved as presented. The members then heard the following petition:

1. Michael and Jennifer Rodgers, 604 255th Street, West Branch (Owners) - Requesting a variance to permit the replacement of one (1) manufactured home with a single family dwelling on a lot where there are currently two (2) manufactured homes. Said property is located in the W 1/2 of the NW 1/4 of the NW 1/4, Section 19, T-80N, R-3W, Gower Township, consisting of 4.31 acres more or less in the unincorporated town of Cedar Valley. 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. Rodgers was present and explained that he wishes to replace his existing mobile home with a new house on his property. He showed the Board on a diagram where he plans to place the house. He plans to build a two bedroom home and use the current septic system which was installed for his mobile home. He explained that he will use the existing driveway. The Board granted Mr. Rodgers a variance five years ago to place a second mobile home on the property for a nonconforming use. The nonconforming use will continue for the new house. He informed the members that his parents mobile home will be removed when they are deceased. County Engineer Don Torney was present and informed the members that he has no problem with the request after reviewing the survey and where Mr. Rodgers plans to build his home. Mr. Rodgers stated that he can meet the setback requirements and will not build any closer to the county road. The County Engineer stated that his department will place a pin so Mr. Rodgers can measure his setback measurement from the county road right-of-way. Mr. Rodgers informed the members that he plans to complete the construction of the new home no later than June of 2001. He also stated that he will have the existing mobile home removed by August of 2001.



After a brief discussion, Lenker made a motion to grant the request subject to removal of Mr. Rodgers parents mobile home when they no longer reside in it. Johnson seconded the motion. Ayes all.

The Board members then considered the annual review of the Home Industry Permit which was previously granted to the following:

1. Eugene Eiselstein, RFD, Tipton (Owner) - 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 he conducted a site survey on May 22, 2000, of the property and noted that the number of vehicles outside of the building had been decreased from 12 to 4. He informed the members that he had not received any complaints and recommended that the Home Industry Permit be continued. He stated that there are not to be more than 5 vehicles parked outside of the building.

Penningroth then made a motion to grant continuation of the Home Industry Permit. Johnson seconded the motion. Ayes all.

The next item on the agenda was review of campground regulations in the C-2 Highway Commercial District, Chapter 11, Section D(3), pg. 57 of the Zoning Ordinance as they pertain to existing non-conforming permitted uses (Chapter 16 of the Zoning Ordinance). Zoning Administrator La Rue requested assistance in interpretation of the Zoning Ordinance pertaining to campgrounds and mobile homes in a C-2 District. La Rue informed the members that Terry Tygrett, owner of Minifarm Acres, RR, Tipton, is attempting to sell his business and the prospective buyer wishes to continue the current use of the property. There is no definition in the current Zoning Ordinance for campgrounds. La Rue stated that he feels the campground should obtain a Special Use Permit at the change of ownership of the property and would like the number of mobile homes not to exceed six. In the 1959 Zoning Ordinance, campgrounds was listed as a permitted use in the C-2 District. In the 1976 Zoning Ordinance, the district did not list campgrounds or mobile home parks as principal permitted uses. After considerable discussion, Chairperson Beyer suggested that La Rue obtain an opinion from the County Attorney's Office and then discuss again at the next meeting.

With no further business to be conducted at this time, the meeting was adjourned at 3:50 p.m.

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Chairperson

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Secretary



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

May 8, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, May 25, 2000, 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. Michael and Jennifer Rodgers, 604 255th Street, West Branch (Owners) - Requesting a variance to permit the replacement of one (1) manufactured home with a single family dwelling on a lot where there are currently two (2) manufactured homes. Said property is located in the W 1/2 of the NW 1/4 of the NW 1/4, Section 19, T-80N, R-3W, consisting of .4.31 acres more or less in the unincorporated town of Cedar Valley. Said property is currently zoned A-1 Agricultural.

At this time the Board shall also consider the annual review of the following Home Industry Permit which was previously granted to the following:

1. Eugene Eiselstein, RFD, Tipton (Owner) - 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 5/10/00 to the following:

1. Michael & Jennifer Rodgers - 610 255th Street, West Branch, Iowa 52358 - Certified
2. Dean Frauenholtz & Jean Koviach - 109 Valley Road-CV, West Branch, Iowa 52358
3. Darrell & Deeda Hubler - 102 Valley Road, West Branch, Iowa 52358
4. Brian & Joan Donovan - 92 Park Road, West Branch, Iowa 52358
5. Donald & Anna Paul - 1546 Garfield Avenue, 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 & Velva Ann Zousel - 599 255th Street, West Branch, Iowa 52358
10. Mi-Dee, Inc. - 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. Fennell Trust Agreement - 413 Skyview Drive, Clemson, SC 29631
14. William & Barbara Wallace - 55 Plum, Apt. 5, Tipton, Iowa 52772
15. Steven Wildman & Dessa Slaughter - 916 Stone Mill Road, Tipton, Iowa 52772
16. Keith & Donna Young - 596 Cedar Valley Road, West Branch, Iowa 52358
17. Eugene & Margaret Chastain - 102 Valley Road, West Branch, Iowa 52358
18. Marc & Jerrelyn Weaver - 570 250th Street, West Branch, Iowa 52358
19. Steve & Karen Hamer - 597 255th Street, West Branch, Iowa 52358
20. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358

- 
1. Eugene Eiselstein - 1154 290th Street, Tipton, Iowa 52772 - Certified
- 

5 Board of Adjustment members

2 file copies

2 copies for bulletin boards

Copy to Tipton Conservative and West Branch Times on 5/8/00





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

April 10, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, April 20, 2000, 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. Martha Freeman, RFD, Tipton (Owner) - Requesting a variance on the setback requirements for a dwelling in the R-2, Urban Residential District, on property located in Lot 6, Block 9, in the unincorporated town of Rochester, in the NW 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 0.193 acres more or less.
2. Roger and Jonelle Waller, RFD, Bennett (Owners) - Requesting a variance of the Cedar County Zoning Ordinance, Chapter 5, Agricultural District, Section C, Subsection 2, to permit the location of a second farm dwelling with a separation distance greater than 250 feet from the existing farm structures on property located in the SE 1/4 of the NE 1/4, Section 28, T-80N, R-1W, in Inland Township.
3. Frankie and Patricia Lovell, RFD, Tipton (Owners) - Requesting approval of a Home Occupation Permit for the purpose of operating a vinyl graphics business in their home on property located in the northwesterly 46 feet of Lot 3 and Lot 4, Block 33, in the unincorporated town of Rochester, in the SE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 0.39 acres more or less. Said property is presently zoned R-2 Urban Residential.

4. Frankie and Patricia Lovell, RFD, Tipton (Owners) - Requesting approval of a Home Industry Permit for the purpose of operating a snowmobile parts and repair service in an accessory structure located on Lot 5, Block 33, in the unincorporated town of Rochester, in the SE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 0.19 acres more or less. Said property is presently 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

PL:sl



Copies sent out on 4/12/00 to the following:

1. Martha Freeman - 1871 2nd Street, Tipton, Iowa 52772 - Certified
  2. Warren Williams - 1873 2nd Street, Box 411, Tipton, Iowa 52772
  3. Gregory & Laura Boeding - 1711 Washington Street, Tipton, Iowa 52772
  4. Norman & Gloria McQuillen - 1874 1st Street, Tipton, Iowa 52772
  5. Roger & Carolyn Gritton - 1876 1st Street, Tipton, Iowa 52772
  6. Herb Ford - 1811 King Avenue, Tipton, Iowa 52772
  7. Janet Nelson - 1901 2nd Street, Tipton, Iowa 52772
  8. Merle & Diana Waltz - 1899 1st Street, Tipton, Iowa 52772
  9. John & Rebecca Thumma - 1873 1st Street, Tipton, Iowa 52772
  10. Kurt & Denise Schneckloth - 1875 1st Street, Tipton, Iowa 52772
  11. Gracie, Norman & Lonnie Gritton - 260 W. Rochester Avenue, Atalissa, Iowa 52720
  12. Douglas & Catherine Ford - 1865 Snaggy Ridge Road, Tipton, Iowa 52772
  13. David & Suzanne Lovell - 1956 Atalissa Road, Atalissa, Iowa 52720
  14. Ronald & Marcia Petersen - 1719 Madison Street, Tipton, Iowa 52772
  15. Dennis & Jennifer Petersen - 1713 Madison Street, Tipton, Iowa 52772
  16. Jerry & Barbara Wood - 1985 Atalissa Road, Atalissa, Iowa 52720
  17. Gary Anderson - KCRI, Box 4194, Shell Knob, MO 65747
  18. Ellis & Marjorie Stonerook - 122 W. 11th Street, Tipton, Iowa 52772
  19. Louise Ann Idlewine - 1728 Washington Street, Tipton, Iowa 52772
  20. Daniel & Connie Wulf - 1723 Washington Street, Tipton, Iowa 52772
  21. Alva Hansen - 1726 Washington Street, Tipton, Iowa 52772
  22. William Dallege - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
  23. Donald & Sharon Stiff - 1903 3rd Street, Tipton, Iowa 52772
  24. William & Mamie Lovell - 1722 Cedar Street, Tipton, Iowa 52772
- 

1. Roger & Jonelle Waller - 1446 Union Avenue, Bennett, Iowa 52721 - Certified
  2. Thomas & Mary Ann Burmeister - 2057 260th Street, Bennett, Iowa 52721
  3. James & Joyce Brus Et Ali - % Jolene L. Whyte, 403 West 31st Street, Davenport, IA 52803
  4. Rekemeyer Farms, Inc. FJPK - 414 W. 3rd Street, Tipton, Iowa 52772
  5. Elma Larson - 2726 LeClaire Avenue, Davenport, Iowa 52803
  6. Edward & Marion Spengler - Box 42, 530 Main Street, New Liberty, Iowa 52765
  7. Voss Farms, Inc. - % Warren Voss, 1797 Yankee Avenue, New Liberty, Iowa 52765
- 

1. Frankie & Patricia Lovell - 1929 4th Street, Tipton, Iowa 52772 - Certified
  2. Cecil & Joanne Williams - 1931 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 - 1257 270th Street, 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
  13. James & Jane Bryant - 1921 4th Street, Tipton, Iowa 52772
  14. David Fay & Ruth Jane Eden - 1923 4th Street, Tipton, Iowa 52772
  15. Patrick Dean Ralston - 1925 4th Street, Tipton, Iowa 52772
  16. Russell Timm - 1919 3rd Street, Tipton, Iowa 52772
  17. Eldon & Norma Ford - 1730 Adams Drive, Tipton, Iowa 52772
-



CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

April 20, 2000

The Cedar County Board of Adjustment conducted a Public Hearing on April 20, 2000, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Hoy, Lenker, Beyer and Johnson. Member absent was Penningroth.

Chairperson Beyer called the meeting to order at 3:00 p.m. The members then heard the following petitions:

1. Martha Freeman, RFD, Tipton (Owner) - Requesting a variance on the setback requirements for a dwelling in the R-2, Urban Residential District, on property located in Lot 6, Block 9, in the unincorporated town of Rochester, in the NW 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 0.193 acres more or less.

There was one written objection on file for this petition. Zoning Administrator La Rue read the setback requirements for the R-2 district which are 25' front yard, 30' rear yard, 10' side yard and 15' corner yard.

Mrs. Freeman was present and stated that she had a fire and her house was a total loss. Therefore, she is wanting to rebuild on the same lot in Rochester but will need a variance on the front and rear yard in order to place her home. She informed the Board members that the proposed house will face Madison Street and would need a variance granted on the front yard setback requirement of 25 feet to 17 feet. She also would need a variance granted on the back yard setback requirement of 30 feet to 17 feet. A letter received from County Engineer, Don Torney, stated that he had no objection. La Rue informed the members that a variance for the septic system will be needed. Ms. Freeman then addressed the complaint on file received from Janet Nelson regarding the number of vehicles on her property. She stated that she is in the process of contacting the owners to remove them and stated that one car is currently being restored and will remain on the property. The Board noted that Ms. Freeman is addressing the complaint.

After a brief discussion, Johnson made a motion to grant the front and rear yard variance. Lenker seconded the motion. Ayes all.

2. Roger and Jonelle Waller, RFD, Bennett (Owners) - Requesting a variance of the Cedar County Zoning Ordinance, Chapter 5, Agricultural District, Section C, Subsection 2, to permit the location of a second farm dwelling with a separation distance greater than 250 feet from the existing farm

structures on property located in the SE 1/4 of the NE 1/4, Section 28, T-80N, R-1W, in Inland Township.

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(3) of the Zoning Ordinance.

Mr. Waller was present and explained his plan to build a second dwelling on his farm more than 250 feet from the existing farm buildings. He stated that he had obtained a driveway permit from the Secondary Road Department. Chairperson Beyer stated that the Board of Adjustment has the authority to grant a variance but that special conditions and circumstances must exist which are peculiar to the land, structure or building involved in order to grant the request. Mr. Waller stated that the ground next to the existing farm dwellings looks good but holds water. He also stated that there is a severe sloping problem and prohibited visibility. He plans to place the house on top of the hill and this area is the best area for a perc test. It will be located approximately 1,300 feet from the existing buildings.

After further discussion, Lenker made a motion to grant the requested variance of greater than 250 feet from the existing farm buildings. Hoy seconded the motion. Ayes all.

3. Frankie and Patricia Lovell, RFD, Tipton (Owners) - Requesting approval of a Home Occupation Permit for the purpose of operating a vinyl graphics business in their home on property located in the northwesterly 46 feet of Lot 3 and Lot 4, Block 33, in the unincorporated town of Rochester, in the SE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 0.39 acres more or less. Said property is presently zoned R-2 Urban Residential.

There were no written or verbal objections on file for this petition. Mrs. Lovell was present and explained that they would like to run a small vinyl graphics business out of their home. They have a bonographic machine to make decals for boats, snowmobiles, race cars, dump trucks and window signs. She explained that they have adequate off-street parking and she will be the only person involved in the business. La Rue read from the Zoning Ordinance, Chapter 15, Section B., Subsection 8, regarding advertising sign requirements.

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

4. Frankie and Patricia Lovell, RFD, Tipton (Owners) - Requesting approval of a Home Industry Permit for the



purpose of operating a snowmobile parts and repair service in an accessory structure located on Lot 5, Block 33, in the unincorporated town of Rochester, in Rochester Township, consisting of 0.19 acres more or less. Said property is presently zoned R-2 Urban Residential.

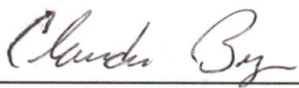
There was one letter of objection from Janet Nelson on file. Mrs. Lovell was present and explained to the Board members that they were requesting a permit to run a snowmobile parts business out of their shop. She stated that the business will be approximately 90% parts and 10% repair. She informed the members that all of the business will be conducted within the building. County Engineer, Don Torney, was present and stated that he had no objection to this petition as long as there is no parking in the county road right-of-way.

A neighbor, Lori Nelson, was present and stated that she can hear test running of the machines and feels that the noise is very disruptive. She stated that she only objects to the noise and not the business. Another neighbor, Jo Ann Williams, was present and stated that she does not have a problem with the noise. Ms. Nelson stated her concern about the noise when the snowmobiles are test driven on her property. County Engineer, stated that there is a policy for snowmobile routes. Mrs. Lovell stated that the garage door is shut when they are working on the snowmobiles.

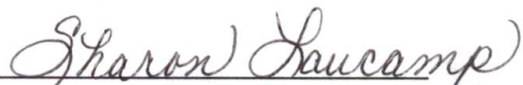
Chairperson Beyer stated that there was no way for the Board of Adjustment to address the noise problem. They can only deal with this petition request as a business. The Board members felt that they could approve this permit, conditionally, since it will be up for annual review. After further discussion, Lenker made a motion to grant the request, subject to annual review, with the following stipulations: All work is to be done inside the building; no testing of the machines outside of the building (all snowmobiles must be taken away from the shop to be test driven); there is to be no noise after 8:00 p.m. Hoy seconded the motion. Ayes all.

The Board members then reviewed the minutes from the last meeting held on March 23, 2000. They were approved as presented.

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



Chairperson



Secretary





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Board of Adjustment

May 25, 2000

- I. Introduction
- II. Consideration of the variance request from Michael Rodgers.
- III. Discussion
- IV. Annual review of a Home Industry Permit for Gene Eiselstein to permit automotive repairs.
- V. Discussion
- VI. Review of campground regulations in the C-2 Highway Commercial District, Chapter 11, Section D(3), pg. 57 of the Zoning Ordinance as they pertain to existing non-conforming permitted uses (Chapter 16 of the Zoning Ordinance).
- VII. Discussion
- VIII. Conclusion

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

March 23, 2000

The Cedar County Board of Adjustment conducted a site survey on March 23, 2000, at 1:45 p.m., prior to the regularly scheduled Public Hearing with the following members present: Beyer, Lenker, Hoy, Penningroth, Johnson and Zoning Administrator La Rue.

The purpose of this site survey was for the consideration of the variance request of Tom and Juanita Hearst on setback requirements in the R-1 Suburban Residential District, Lots 11, 12, 15, 16, 18, 20, 21, 22 and 23 of a proposed sixteen lot subdivision. The Board visited each lot individually, while reviewing the diagram for the subdivision provided by the Hearst's consulting firm. Also reviewed was a letter from County Engineer, Don Torney, who was not in attendance. In reviewing each lot included in the proposed variance request, the particular features of each lot was considered which included access, proposed dwelling location as indicated by the blue flags in relationship to property lines, roads and visual clearance, dwelling site limitations due to degree of slope, location of proposed wells and septic systems, and finally, the relationship between all of these factors and the Mid-America natural gas pipelines as marked by yellow flags. Mr. Hearst arrived part way through the site survey and explained the details of his request. A representative from MMS Consultants arrived just prior to the conclusion of the site survey.

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, Penningroth and Johnson.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on February 24, 2000, were previously sent to the members. They were approved as presented.

The members then heard the following petition:

1. Tom and Juanita Hearst, RFD, Tipton (Owners) - Requesting a variance on the front yard setback requirements for Lots 11, 12, 15, 16, 18, 20, 21, 22 and 23 of a proposed sixteen lot subeivision, Hidden River Heights, Part III. Said property is located in Government Lot 3, in the N 1/2 of the SE 1/4, Section 12, T-79N, R-3W, in Rochester Township and consists of a total acreage of 35.29 acres more or less. Said property was approved for rezoning to R-1 Suburban Residential by the Cedar County Board of Supervisors on December 30, 1999.



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. He then stated the setback requirements of 50 feet front yard, 50 feet rear yard, 15 feet side yard and 40 feet street corner side for the R-1 district. La Rue then read a letter received from County Engineer Don Torney.

Mr. and Mrs. Hearst were present and explained their variance request. They stated that if they had to be 50 feet off of the easement lines, the houses would be hanging on the bluffs. They also stated that if the variances were granted, it would give the homeowners more flexibility to place their homes. The easements for electricity, telephone and water were shown on the blueprint. The members acknowledged that they had noticed the flags for the easements during their site survey of the property. La Rue advised the members that when they consider this request, that they do so according to page 82 of the Zoning Ordinance. Chairperson Beyer then requested that Mr. La Rue read the relevant points. The members questioned if the gas line is sufficient reason to grant a variance. Rob Fangmann, Assistant County Engineer, was present and asked how much cover would be over the pipeline in the cul-de-sac. He was informed that it is currently four feet down to the pipeline.

The Board members then considered the variance requests on the following lots:

Lot #11 - The petitioner requested a 25' front yard setback. Johnson made a motion to grant a 25' variance from the pipeline. Hoy seconded the motion. Ayes all.

Lot #12 - The petitioner requested a 25' front yard setback. Penningroth made a motion to grant a 10' variance. Lenker seconded the motion. Ayes all.

Lot #18 & 20 - The petitioner requested a zero feet front yard setback. Hoy made a motion to grant the zero feet setback. Penningroth seconded the motion. Ayes all.

Lot #15, 21 & 22 - The petitioner requested a 25' front yard setback. Hoy made a motion to grant the 25' setback request. Lenker seconded the motion. Ayes all.



Lot #16 - The petitioner requested a zero feet front yard setback. They stated that they were asking for this variance due to the steepness of the lot, not the pipeline. After considerable discussion, Penningroth made a motion to grant a 15' front yard setback. Lenker seconded the motion. Ayes all.

Lot #23 - The petitioner requested a 25' front yard setback. Mr. Musser, MMS Consultants, showed the members an illustration of this corner lot on the map. Page 18A of the Zoning Ordinance regarding visual clearance on a corner lot was also reviewed. La Rue explained the required front and street side corner lot setback requirement for 50' and 40' respectively. He explained that he felt the request to be unneeded. After further discussion, Penningroth made a motion to deny the 25' setback request. Hoy seconded the motion. Ayes all.

Assistant County Engineer, Rob Fangmann, informed the petitioner that his office still needed a road profile and cross sections.

With no further business to be discussed at this time, Johnson made a motion for adjournment. Hoy seconded the motion. Meeting was adjourned at 4:00 p.m.

Claudia Beyer  
Chairperson

Sharon Laucamp  
Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

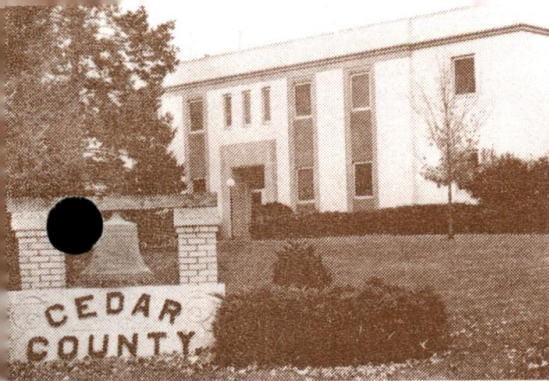
Tipton, Iowa 52772

AGENDA

Cedar County Board of Adjustment

March 23, 2000

- I. 1:30 p.m. -- Leave from the Courthouse to perform a site survey of Tom & Juanita Hearst's property for a variance on the front yard setback for certain lots in the proposed subdivision, Hidden River Heights, Part III, RR, Tipton, Iowa.
- II. 3:00 p.m. -- Public Hearing on the requested variance in the basement of the Courthouse, Tipton, Iowa.
- III. Discussion
- IV. Conclusion



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

March 6, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 23, 2000, 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. Tom and Juanita Hearst, RFD, Tipton (Owners) - Requesting a variance on the front yard setback requirements for Lots 11, 12, 15, 16, 18, 20, 21, 22 and 23 of a proposed sixteen lot subdivision, Hidden River Heights, Part III. Said property is located in Government Lot 3, in the N 1/2 of the SE 1/4, Section 12, T-79N, R-3W, in Rochester Township and consists of a total acreage of 35.29 acres more or less. Said property was approved for rezoning to R-1 Suburban Residential by the Cedar County Board of Supervisors on December 30, 1999.

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 3/6/00 to the following:

1. Tom & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772 - Certified
2. Lester & Ellen Proctor - 1190 Cemetery Road, Tipton, Iowa 52772
3. Sharpless Trust - C/O Janet Nelson, 1901 2nd Street, Tipton, Iowa 52772
4. Bruce Lovell - 1185 Cemetery Road, Tipton, Iowa 52772
5. Alan & Simone Hansen - 12 Hearst Drive, Tipton, Iowa 52772
6. Wilton Motors, Inc. - C/O Tom & Juanita Hearst, 630 W. 5th Street, Wilton, Iowa 52778
7. Donald & Melissa Roth - 605 W. 3rd Street, Tipton, Iowa 52772
8. Jerry & Rita Sloan - 2359 Spicer, Wilton, Iowa 52778
9. James & Anne Schneider - 128 N. 6th Street, West Branch, Iowa 52358
10. Robert & Gail Meli - 978 Pacific Street, New Milford, New Jersey 07646
11. Mid-America Pipeline Co. - 613 Green Acres Drive, Solon, Iowa 52333
12. 5 Board of Adjustment members
13. 1 copy to newspaper on 3/6/00
14. 2 file copies
15. 2 copies for bulletin boards

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

February 24, 2000

The Cedar County Board of Adjustment conducted a Public Hearing on February 24, 2000, 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 October 28, 1999, were previously sent to the members. They were approved as presented.

The members then heard the following petition:

1. Richard Kordick, Kordick Surveying and Engineering, RFD, Tipton (Owner) - Requesting approval of a Home Occupation Permit for the purpose of operating a surveying and civil engineering business in his home on property located in the SE 1/4 of the NE 1/4 and the NE 1/4 of the SE 1/4, Section 18, T-81N, R-3W, in Red Oak Township, consisting of 11.87 acres more or less. Said property is currently zoned A-1 Agricultural.

There were no written or verbal objections on file for this petition. Mr. Kordick was present and explained to the members that he operates a land surveying and engineering services business. He takes calls for his business at his residence and currently has one part-time employee. He stated that he has no intention of hiring additional help at this time. La Rue read the sign requirements from the Zoning Ordinance. The advertising sign can not be any larger than 8 square feet in size, can not be illuminated and must be 50 feet back from the county road right-of-way. Mr. Kordick stated that there is plenty of off road parking. He also informed the members that no surveying equipment will be visible.

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

The Board next conducted their 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. La Rue reported that there is no extraction going on at this time, but the Hodgden's want to keep their permit.



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. La Rue reported that sand and gravel is being extracted as needed and that dust control is being provided.
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. La Rue stated that he would like to see the area fenced in better. It was noted, however, that no complaints have been received and it is a non-profit business.
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. La Rue stated that the property is in use but there is no large accumulation of corn cobs.
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.
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 reported that Mrs. Klavemann has reduced the number of dogs and wants to retain her permit.
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 have been 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. It was noted that Mr. Spear has sold his business. Therefore, an inquiry letter will be sent to Mr. Spear by Zoning Administrator La Rue.
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 have been 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 have been 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 have been 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 have been observed.
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.
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 have been 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. The Bedford's have requested to retain their permit.

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. Robert Menke, RFD, Wilton (Owner) - A Special Use Permit authorizing the location of an agricultural trailer sales and display area on property located in the NE 1/4 of the SE 1/4, Section 33, T-79N, R-1W, in Farmington Township. This parcel consists of 38.00 acres more or less. It was noted that a rail fence has been constructed around the area. No complaints have been received.
21. Iowa Wireless, Des Moines, Iowa - 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 of the NE 1/4, Section 23, T-79N, R-2W, in Sugar Creek Township, consisting of 29.78 acres more or less. This tower is next to the GTE tower north of Wilton. No complaints have been received.
22. Iowa Wireless, Des Moines, Iowa - 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 of the SE 1/4 of the SE 1/4, Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.5 acres more or less. No complaints have been received.
23. Nextel West Corporation, Bloomingdale, MN - A Special Use Permit authorizing the location of a cellular communication tower on property located in the NW 1/4 of the SE 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 2.774 acres more or less. It was noted that Nextel West Corporation is now Nextel Partners.
24. Nextel Partners, Bloomingdale, MN - 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 tower is located south of the Scattergood School.
25. Northern Border Pipeline Company, Omaha, Nebraska - 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. No complaints have been received.



26. Debra Nash, RFD, West Branch - 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 complaints have been received.
27. Larry and Evelyn Beaver, RFD, West Liberty - 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.
28. Kun Chae Bae Trust and KM Communications, Skokie, Illinois (Contract Buyer) - A Special Use Permit authorizing the location of a 1,459 foot communication tower and broadcast station on property located in the S 1/2 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 no building permit has been issued for the satellite array and they are still in the temporary buildings. La Rue will contact their attorney.
29. Lois Hanser, RFD, Tipton (Owner) - 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.
30. Donald and Sharon Stiff, RFD, Tipton (Owners) - 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. No complaints have been received.
31. Eugene Eiselstein, RFD, Tipton (Owner) - 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. La Rue presented photos of the property which were recently taken. He stated that he counted 12 vehicles located on the property and informed the members that the permit allowed no more than 5 vehicles. Therefore, Mr. Eiselstein does not appear to be in compliance with what was agreed upon. La Rue informed the members that he had contacted Mr. Eiselstein who stated that he recently had back surgery.

Mr. Eiselstein requested that the Board allow him some time to come into compliance due to his medical condition. The Board felt that he should be able to be in compliance by the end of April 2000.

32. Eastern Iowa Drainage Services, RFD, Lowden (Owner) -  
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.  
No complaints were on file.

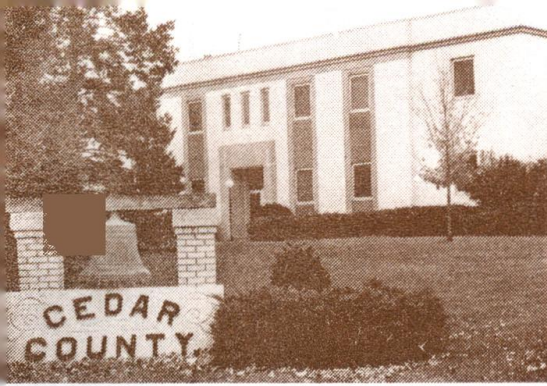
After a brief discussion, Johnson made a motion to approve renewal of the Home Occupation/Industry and Special Use Permits for #1 through #30 and #32. Penningroth seconded the motion. Ayes all. A motion was then made by Lenker to delay the annual review of #31, a Home Industry Permit for Eugene Eiselstein, until the May 2000 meeting to allow him time to come into compliance. Penningroth seconded the motion. Ayes all.

With no further business to be discussed at this time, Johnson made a motion for adjournment. Penningroth seconded the motion. Meeting adjourned at 4:00 p.m.

Claudia Benz  
Chairperson

Sharon Laucamp  
Secretary





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

February 7, 2000

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 24, 2000, 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. Richard Kordick, Kordick Surveying and Engineering, RFD, Tipton (Owner) - Requesting approval of a Home Occupation Permit for the purpose of operating a surveying and civil engineering business in his home on property located in the SE 1/4 of the NE 1/4 and the NE 1/4 of the SE 1/4, Section 18, T-81N, R-3W, in Red Oak Township, consisting of 11.87 acres more or less. Said property is currently zoned A-1 Agricultural.

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.

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.
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.
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.
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.
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.
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.
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.



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

21. Iowa Wireless, Des Moines, Iowa - 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 of the NE 1/4, Section 23, T-79N, R-2W, in Sugar Creek Township, consisting of 29.78 acres more or less.
22. Iowa Wireless, Des Moines, Iowa - 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 of the SE 1/4 of the SE 1/4, Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.5 acres more or less.
23. Nextel West Corporation, Bloomington, MN - A Special Use Permit authorizing the location of a cellular communication tower on property located in the NW 1/4 of the SE 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 2.774 acres more or less.
24. Nextel West Corporation, Bloomington, MN - 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.
25. Northern Border Pipeline Company, Omaha, Nebraska - 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.
26. Debra Nash, RFD, West Branch - 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.
27. Larry and Evelyn Beaver, RFD, West Liberty - 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.
28. Kun Chae Bae Trust and KM Communications, Skokie, Illinois (Contract Buyer) - A Special Use Permit authorizing the location of a 1,459 foot communication tower and broadcast station on property located in the S 1/2 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.



29. Lois Hanser, RFD, Tipton (Owner) - 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.
30. Donald and Sharon Stiff, RFD, Tipton (Owners) - 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.
31. Eugene Eiselstein, RFD, Tipton (Owner) - 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.
32. Eastern Iowa Drainage Services, RFD, Lowden (Owner) - 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 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.



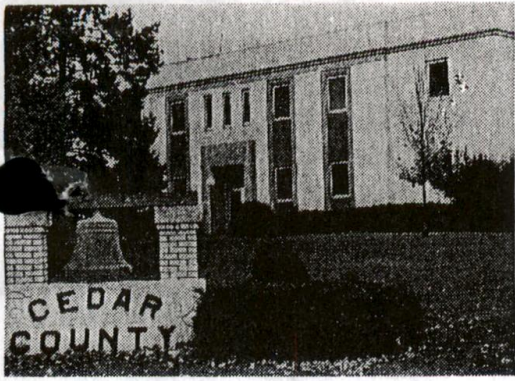
Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 2/8/00 to the following:

1. Richard Kordick - 689 185th Street, Tipton, Iowa 52772 - Certified
2. Marty & Ann Mente - 709 185th Street, Tipton, Iowa 52772
3. Teri Jo & Joseph Griebat - 836 Garfield Avenue, Mechanicsville, Iowa 52306
4. Harold John Dane Jr. - 4082 Dane Road S.E., Iowa City, Iowa 52240
5. Hertz Farm Management - P.O. Box 500, Nevada, Iowa 50201
6. Robert & Evelyn Wethington - 644 185th Street, Tipton, Iowa 52772
7. 5 Board of Adjustment Members
8. 1 copy to newspaper on 2/7/00
9. 2 file copies
10. 2 copies for bulletin boards





Phil

Cedar County  
**BOARD OF SUPERVISORS**  
400 CEDAR ST., TIPTON, IOWA 52772-1752  
TELEPHONE (319) 886-3168

**COPY**

January 6, 2000

Claudia Beyer  
547 Oliphant  
West Branch, IA 52358

Dear Ms. Beyer:

Please be advised that by motion of this Board on January 3, 2000, you have been reappointed to a five (5) year term on the Zoning Board of Adjustment. Your term will expire on December 31, 2004.

Your willingness to serve is greatly appreciated.

Sincerely,

---

Jon E. Bell, Chairperson

JEB:bjp