



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

September 9, 2002

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 26, 2002, 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. Christopher Jones and Cindy Lovetinsky, 263 260th Street, West Branch (Owners) - Requesting a temporary variance to permit the replacement of their existing home with a single family dwelling on property located in the SW 1/4 of the SE 1/4, Section 21, T-80N, R-4W, in Gower Township, consisting of 5.95 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 Special Use Permit which has been granted to the following:

1. Arnold (Bud) Paulsen, Cedar Rapids (Owner) - A Special Use Permit authorizing the location of a storage facility on property located in the NE 1/4 of the SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less. Said property is presently zoned A-1 Agricultural.

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

Phil La Rue  
Zoning Administrator

Copies sent out on 9/12/02 to the following:

1. Christopher Jones & Cindy Lovetinsky - 263 260th Street, West Branch, Iowa 52358 - Certified
2. Brent & Deb Donohoe - 1453 Plato Road, West Branch, Iowa 52358
3. Darrel & JoAnne Brothersen - 266 260th Street, West Branch, Iowa 52358
4. Julia Ann Wentz - 325 Lakeside Drive, Roselle, IL 60172

1 copy to Tipton Conservative on 9/9/02  
1 copy faxed to West Branch Times on 9/9/02  
5 Board of Adjustment Members  
2 file copies  
bulletin board

---

1. Arnold Paulsen - 2737 Teresa Drive S.W., Cedar Rapids, Iowa 52402

## **CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES**

September 26, 2002

The Cedar County Board of Adjustment conducted a Public Hearing on September 26, 2002, in the Large Meeting Room of the Courthouse, Tipton, Iowa.. Members present were Beyer, Hoy, Lenker and Penningroth. Member absent was Johnson.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the previous meeting held on March 28, 2002, were previously sent to the members. They were approved as presented.

The Board then reviewed the following petition:

1. Christopher Jones and Cindy Lovetinsky, 263 260<sup>th</sup> Street, West Branch (Owners) - Requesting a temporary variance to permit the replacement of their existing home With a single family dwelling on property located in the SW ¼ of the SE ¼, Section 21, T-80N, R-4W, in Gower Township, consisting of 5.95 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 members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance.

Mr. Jones and Ms. Lovetinsky were present and explained to the Board that they intend to start construction of their new home in approximately 3 to 4 weeks and hope to be in the new home by May 1<sup>st</sup>. They informed the members that they will then remove the existing home. The new home will be located in front of the existing residence and will be 100 feet from the road. They plan to use the existing driveway and a new septic system will be installed. Discussion was held regarding the length of time needed to remove the existing home.

After a brief discussion, Penningroth made a motion to grant the variance request, subject to removal of the existing house within 120 days after moving into the new home. Hoy seconded the motion. Ayes all.

The Board members then considered the annual review of a Special Use Permit which had previously been granted to the following:

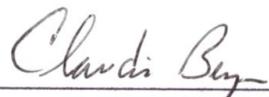
1. Arnold (Bud) Paulsen, Cedar Rapids (Owner) – A Special Use Permit authorizing the location of a storage facility on property located in the NE ¼ of the SE ¼, Section 25, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less. Said property is presently zoned A-1 Agricultural.

La Rue informed the members that Mr. Paulsen has sold the property to Steve Lyons who has also sold it. He also informed the members that he will investigate the number of vehicles on the property.

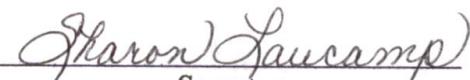
After a brief discussion, Lenker made a motion to rescind the Special Use Permit that authorized the storage facility retroactive to March 20, 2002. Hoy seconded the motion. Ayes all.

La Rue then informed the Board members that the DNR will not take any further action on the composting site owned by Gary Anderson. Therefore, the Special Use Permit previously granted to Mr. Anderson is now rescinded. La Rue also informed the members that Pauline Hansen's old house has been removed and the garage will be removed when the Hansen's purchase a new one.

With no further business to be discussed at this time, Penningroth made a motion for adjournment. Lenker seconded the motion. Meeting was adjourned at 3:15 p.m.



\_\_\_\_\_  
Chairperson



\_\_\_\_\_  
Secretary

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 26, 2002

The Cedar County Board of Adjustment conducted a Public Hearing on September 26, 2002, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Hoy, Lenker and Penningroth. Member absent was Johnson.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the previous meeting held on March 28, 2002, were previously sent to the members. They were approved as presented.

The Board then reviewed the following petition:

1. Christopher Jones and Cindy Lovetinsky, 263 260th Street, West Branch (Owners) - Requesting a temporary variance to permit the replacement of their existing home with a single family dwelling on property located in the SW 1/4 of the SE 1/4, Section 21, T-80N, R-4W, in Gower Township, consisting of 5.95 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 members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance.

Mr. Jones and Ms. Lovetinsky were present and explained to the Board that they intend to start construction of their new home in approximately 3 to 4 weeks and hope to be in the new home by May 1st. They informed the members that they will then remove the existing home. The new home will be located in front of the existing residence and will be 100 feet from the road. They plan to use the existing driveway and a new septic system will be installed. Discussion was held regarding the length of time needed to remove the existing home.

After a brief discussion, Penningroth made a motion to grant the variance request, subject to removal of the existing house within 120 days after moving into the new home. Hoy seconded the motion. Ayes all.

The Board members then considered the annual review of a Special Use Permit which had previously been granted to the following:

1. Arnold (Bud) Paulsen, Cedar Rapids (Owner) - A Special Use Permit authorizing the location of a storage facility on property located in the NE 1/4 of the SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less. Said property is presently zoned A-1 Agricultural.

La Rue informed the members that Mr. Paulsen has sold the property to Steve Lyons who has also sold it. He also informed the members that he will investigate the number of vehicles on the property.

After a brief discussion, Lenker made a motion to rescind the Special Use Permit that authorized the storage facility retroactive to March 20, 2002. Hoy seconded the motion. Ayes all.

La Rue then informed the Board members that the DNR will not take any further action on the composting site owned by Gary Anderson. Therefore, the Special Use Permit previously granted to Mr. Anderson is now rescinded. La Rue also informed the members that Pauline Hansen's old house has been removed and the garage will be removed when the Hansen's purchase a new one.

With no further business to be discussed at this time, Penningroth made a motion for adjournment. Lenker seconded the motion. Meeting was adjourned at 3:15 p.m.

---

Chairperson

---

Secretary



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

October 9, 2002

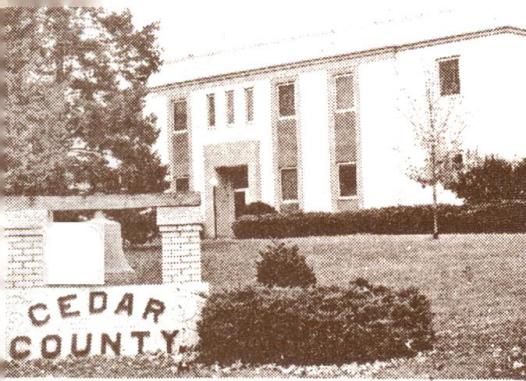
TO: Cedar County Board of Adjustment Members

I am writing to inform you that there will not be a meeting of the Board of Adjustment on October 24, 2002, because no petitions have been received.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl



Tel: 563-886-2248

**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

September 26, 2002 - 3:00 p.m.

**I. Introduction**

**II. Review of the following requests:**

**A. Christopher Jones & Cindy Lovetinsky -**  
A variance to temporarily allow two dwellings on a tract of land less than 35 acres

**B. Annual review of the following Special Use Permit:**

**1. Arnold (Bud) Paulsen - A request to rescind the Special Use Permit granted for a storage facility**

**III. Discussion**

**IV. Conclusion**

following Home Occupation/Industry and Special Use Permits which have been granted to the following:

1. Brown Farms, Inc., RR, Mechanicsville (Owner) - A Special Use Permit authorizing the location of a third dwelling on a farm on property located in the NW-1/4 of the NW-1/4, Section 22, T-82N, R-4W, in Pioneer Township.

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

3. Mike and Gail Yates, RR, Olin (Owners) - A Home Occupation Permit authorizing the operation of a used book store and a Home Industry Permit authorizing a welding and fabrication shop on their property located in Parcel A in the E-1/2 of the SW-1/4, Section 11, T-82N, R-3W, in Fremont Township, consisting of 6.00 acres more or less.

4. 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.

5. Frankie and Patricia Lovell, Tipton (Owners) - A Home Occupation Permit granted 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.

6. John Moffit, RR, Mechanicsville (Owner) - A Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, C(2) of the Cedar County Zoning Ordinance. The building site is located in the SE-1/4 of the NE-1/4 of the SW-1/4, Section 26, T-82N, R-4W, in Pioneer Township. Said property consists of 59.15 acres and is zoned A-1 Agricultural.

## Legal Notice

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 28, 2002, 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. Kathryn Trump, RFD, Mechanicsville (Owner) - Requesting approval of a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, C(2) of the Cedar County Zoning Ordinance. The building site is located in the SE-1/4 of the NE-1/4 of the SW-1/4, Section 26, T-82N, R-4W, in Pioneer Township. Said property consists of 59.15 acres and is zoned A-1 Agricultural.

2. Eric Nielson and Theresa Hegmann, RFD, West Branch (Owners) - Requesting a variance to permit the replacement of their existing home with a single family dwelling on property located in the SW-1/4 of the SW-1/4, Section 10, T-80N, R-4W, in Gower Township, consisting of 4.54 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

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.

s/ Phil La Rue  
Phil La Rue  
Zoning Administrator  
SN10

STATE OF IOWA, CEDAR COUNTY, ss:

I, Pat A. Kroemer, editor of the **SUN-NEWS**, 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 Sun-News 1 time to wit on

March 7, 2002  
Pat A. Kroemer

Subscribed and sworn to before me this 28

day of March A.D. 2002

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

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

\_\_\_\_\_ Dollars

Printer's fee \$ 39.00





Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse  
Tipton, Iowa 52772

July 10, 2002

TO: Cedar County Board of Adjustment Members

I am writing to inform you that there will not be a meeting of the Board of Adjustment on July 25, 2002, because no petitions have been received.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

June 11, 2002

TO: Cedar County Board of Adjustment Members

I am writing to inform you that there will not be a meeting of the Board of Adjustment on June 27, 2002, because no petitions have been received.

Sincerely,

A handwritten signature in cursive ink that reads "Phil La Rue/sr".

Phil La Rue  
Zoning Administrator

PL:s1



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

May 13, 2002

TO: Cedar County Board of Adjustment Members

I am writing to inform you that there will not be a meeting of the Board on May 23, 2002, because no petitions were received.

Enclosed is a copy of the minutes from the March 28, 2002, meeting for your review.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

April 11, 2002

TO: Cedar County Board of Adjustment Members

I am writing to inform you that there will not be a meeting of the Board on April 25, 2002, because no petitions were received.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

March 28, 2002

The Cedar County Board of Adjustment conducted a Public Hearing on March 28, 2002, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Lenker and Hoy. Members absent were Johnson and Penningroth.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the previous meeting held on February 28, 2002, were previously sent to the members. They were approved as presented.

At the request of Petitioner #1, the order of petitions to be reviewed by the Board was reversed. The Board then reviewed the following:

2. Eric Nielson and Theresa Hegmann, RFD, West Branch (Owners) - Requesting a variance to permit the replacement of their existing home with a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 10, T-80N, R-4W, in Gower Township, consisting of 4.54 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 members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance. La Rue then read the letter received from the County Engineer which stated that no entrance permit is required if the usage will remain residential with only their family. He also stated that if the future usage changes (such as a Bed & Breakfast type use), a new permit would be required and the necessary corrections to meet sight distance requirements must be done at that time.

Mr. Nielson was present and showed the Board members on a sketch where they plan to build their new home. He stated that the new house would be 150 feet back from the road. La Rue stated that there is no problem with the septic system. There already is a well on the property. Mr. Nielson informed the members that he has changed the driveway so it would come out at the crest of the hill. He also stated that the existing house is not economical to live in but they would like to keep it as a shop/storage building once the new home is built. They plan to live in the existing home until the new one is built and should be able to have everything moved into the new home within 3 months. The new home will be approximately 200 feet from the existing home. Mr. Nielson stated that he will act as the sub-contractor in building the home.

After a brief discussion, Hoy made a motion to approve the variance request to allow the existing home until the new one is built and allow the existing home to be utilized as a storage and shop area, but no longer to be used as a dwelling, once the new home is built. Lenker seconded the motion. Ayes all.

Mr. Nielson informed the Board members that they will use composting toilets instead of a conventional septic system. He will provide the information regarding same to the Environmental Office. He will also inform the Health Department what will be done with the compost.

1. Kathryn Trump, RFD, Mechanicsville (Owner) - Requesting approval of a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5,C(2) of the Cedar County Zoning Ordinance. The building site is located in the SE 1/4 of the NE 1/4 of the SW 1/4, Section 26, T-82N, R-4W, in Pioneer Township. Said property consists of 59.15 acres and is zoned A-1 Agricultural.

La Rue reported to the Board members that the Planning & Zoning Commission recommended approval of the Special Use Permit request at their meeting held on March 24, 2002. Ms. Trump was present at the hearing and presented a diagram showing where she would like to build a home to the Board members. She informed the members that the existing home on the property will be utilized by her son, a mobile home will be occupied by her brother and she would build a new home. She stated that no tillable acres will be taken out of production. The letter received from the County Engineer stated that the existing entrance has adequate sight distance and is adequate for this use. He also stated that no entrance permit is required since the usage will remain the same and had no objections to the Special Use Permit.

After a brief discussion, Lenker made a motion to approve the S.U.P., subject to annual review. Hoy seconded the motion. Ayes all.

The Board members then considered the annual review of the following tabled Home Occupation/Industry and Special Use Permits discussed at the last meeting held on February 28, 2002:

1. Brown Farms, Inc., RR, Mechanicsville (Owner) - A Special Use Permit authorizing the location of a third dwelling on a farm on property located in the NW 1/4, NW 1/4, Section 22, T-82N, R-4W, in Pioneer Township.

La Rue informed the members that Brown Farms, Inc., have requested to retain their S.U.P. for the third dwelling on the farm. La Rue was informed that the continued use of the S.U.P. would be by an immediate family member.

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

March 28, 2002

The Cedar County Board of Adjustment conducted a Public Hearing on March 28, 2002, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Lenker and Hoy. Members absent were Johnson and Penningroth.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the previous meeting held on February 28, 2002, were previously sent to the members. They were approved as presented.

At the request of Petitioner #1, the order of petitions to be reviewed by the Board was reversed. The Board then reviewed the following:

2. Eric Nielson and Theresa Hegmann, RFD, West Branch (Owners) - Requesting a variance to permit the replacement of their existing home with a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 10, T-80N, R-4W, in Gower Township, consisting of 4.54 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 members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance. La Rue then read the letter received from the County Engineer which stated that no entrance permit is required if the usage will remain residential with only their family. He also stated that if the future usage changes (such as a Bed & Breakfast type use), a new permit would be required and the necessary corrections to meet sight distance requirements must be done at that time.

Mr. Nielson was present and showed the Board members on a sketch where they plan to build their new home. He stated that the new house would be 150 feet back from the road. La Rue stated that there is no problem with the septic system. There already is a well on the property. Mr. Nielson informed the members that he has changed the driveway so it would come out at the crest of the hill. He also stated that the existing house is not economical to live in but they would like to keep it as a shop/storage building once the new home is built. They plan to live in the existing home until the new one is built and should be able to have everything moved into the new home within 3 months. The new home will be approximately 200 feet from the existing home. Mr. Nielson stated that he will act as the sub-contractor in building the home.

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

La Rue presented pictures he had taken at the composting site. He also informed the members that he had received a letter from Russell Anderson on March 18, 2002, requesting that the Special Use Permit be rescinded. La Rue then read a letter received from the Department of Natural Resources on March 11, 2002. The letter stated that the D.N.R. considers the composting facility closed and is not considering any enforcement action in spite of the berm on the property which might be compost material. However, the D.N.R. stated that if Cedar County determines that Mr. Anderson is in violation of the County ordinance, they recommended that the County proceed with any enforcement action they considered necessary to resolve the matter. La Rue stated that he had no problems with the vacated composting site and recommended that the Board accept Mr. Anderson's request to rescind the S.U.P.

3. Mike and Gail Yates, RR, Olin (Owners) - A Home Occupation Permit authorizing the operation of a used book store and a Home Industry Permit authorizing a welding and fabrication shop on their property located in Parcel A in the E 1/2, SW 1/4, Section 11, T-82N, R-3W, in Fremont Township, consisting of 6.00 acres more or less.

The Board members were informed at their last meeting held on February 28, 2002, that the Yates had requested the Board to rescind the Home Occupation Permit issued for the bookstore. At that time, La Rue informed the members that Mr. Yates was not in compliance with the H.I.P granted for the welding and fabrication shop on their property. At that time, the Board requested that La Rue write Mr. Yates a letter inquiring about his intentions and time table to move the business to the Stanwood Industrial Park. A letter of response was received from Mr. Yates on March 15, 2002, which stated that they have started a full time trailer manufacturing business and currently have two full time employees. Mr. Yates stated that the land and building have been purchased for relocating the business to the Stanwood Industrial Park and anticipate moving the business by the middle to end of this summer. In Mr. Yates' letter, he requested that the Board allow the business to continue on the property under the H.I.P. until the business is relocated. The Board feels that Zoning Administrator La Rue needs to inform Mr. Yates that he is operating outside of the code.

4. 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, 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 the last meeting, the Board requested that La Rue make a site visit to determine if Mr. Eiselstein was in compliance with his agreement. La Rue presented pictures he had taken at the site and then read the letter he had sent to Mr. Eiselstein. A letter was received back from Mr. Eiselstein on March 27, 2002, in which he requested that his H.I.P. be rescinded due to the fact that he will no longer be conducting his business. He also stated that he is slowly getting rid of the cars and parts not needed.

5. Frankie and Patricia Lovell, RFD, Tipton (Owners) - A Home Occupation Permit granted 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, 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.

At the last meeting, the Board was informed that there had been a complaint about the Lovell's burning plastic from their vinyl graphics business. La Rue informed the members that he had visited with Mrs. Lovell and she agreed to no longer burn the plastic from her business.

6. John Moffit, RR, Mechanicsville (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 dwelling is located in the NW 1/4, SE 1/4, Section 14, T-82N, R-4W, in Pioneer Township.

At the request of the Board at the last meeting, La Rue was to investigate a business possibly being conducted at the property. It was discussed that this business did not pertain to the S.U.P. for the third dwelling, but a possible zoning violation at the second dwelling on the farm.

La Rue then informed the Board members that he had met with John and Scott Moffit regarding the business being conducted on the property. Mr. Moffit was informed that he will need to change the zoning on the property or petition the Board of Adjustment for a Home Industry Permit in order to continue his business on the property.

After discussion on the above S.U.P., H.O.P. & H.I.P.'s, the Board made the following decisions:

1. Gary Anderson (Special Use Permit) and Eugene Eiselstein (Home Industry Permit) - Hoy made a motion to accept the requests from Mr. Anderson and Mr. Eiselstein to rescind the S.U.P. and H.I.P. previously granted. Lenker seconded the motion. Ayes all. Zoning Administrator La Rue will prepare the documentation needed to formally accept the rescinded permits.
2. Brown Farms, Inc. (Special Use Permit to allow the third dwelling on the farm) - Lenker made a motion to approve the continued use of the S.U.P. previously granted. Hoy seconded the motion. Ayes all.
3. Mike and Gail Yates (Home Industry Permit) - Hoy made a motion to temporarily allow the Yates' to retain their H.I.P. until their trailer manufacturing business is relocated to the Stanwood Industrial Park and granting them 6 months in which to move the business. Lenker seconded the motion. Ayes all. Zoning Administrator La Rue will notify the Yates' that they are not in compliance with the Zoning Ordinance and if they do not abide by the H.I.P. agreement, enforcement action will be taken.
4. Frankie and Patricia Lovell (Home Occupation Permit) - Hoy made a motion to recommend renewal of the H.O.P., subject to annual review. Lenker seconded the motion. Ayes all.
5. John Moffit (Special Use Permit authorizing a third dwelling on a farm) - Hoy made a motion to renew the S.U.P. Lenker seconded the motion. Ayes all.

The Board then discussed the zoning violation on Scott Moffit's property. La Rue will again notify Mr. Moffit of the violation and advise him to abate the business being conducted on the property, petition the Zoning Commission for a change in zoning, or petition the Board of Adjustment for a Home Industry Permit in order to continue his current operation. Continuance of his business, as it was currently operating, will result in a county infraction being filed.

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

Claudia Hoy  
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

Basement, Cedar County Courthouse, Tipton, Iowa

March 28, 2002 - 3:00 p.m.

I. Introduction

II. Review of the following requests:

- A. Kathryn Trump - Special Use Permit for a third dwelling on a farm
- B. Eric Nielson & Theresa Hegmann - A variance to temporarily allow two dwellings on a tract of land less than 35 acres
- C. Annual review of the following Special Use Permits, Home Occupation Permits and Home Industry Permits:
  - 1. Brown Farms
  - 2. Gary Anderson
  - 3. Mike & Gail Yates
  - 4. Eugene Eiselstein
  - 5. Frankie & Patricia Lovell
  - 6. John Moffit

III. Discussion

IV. Conclusion



Tel. 319-886-2248

## OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 4, 2002

### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 28, 2002, 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. Kathryn Trump, RFD, Mechanicsville (Owner) - Requesting approval of a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5,C(2) of the Cedar County Zoning Ordinance. The building site is located in the SE 1/4 of the NE 1/4 of the SW 1/4, Section 26, T-82N, R-4W, in Pioneer Township. Said property consists of 59.15 acres and is zoned A-1 Agricultural.
2. Eric Nielson and Theresa Hegmann, RFD, West Branch (Owners) - Requesting a variance to permit the replacement of their existing home with a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 10, T-80N, R-4W, in Gower Township, consisting of 4.54 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 granted to the following:

1. Brown Farms, Inc., RR, Mechanicsville (Owner) - A Special Use Permit authorizing the location of a third dwelling on a farm on property located in the NW 1/4 of the NW 1/4, Section 22, T-82N, R-4W, in Pioneer Township.
2. Gary Anderson, RR, Tipton - A permit granted authorizing the operation of a yard waste composting business on property located in the SW 1/4 of the SE 1/4, Section 28, T-80N, R-2W, in Center East Township.

3. Mike and Gail Yates, RR, Olin (Owners) - A Home Occupation Permit authorizing the operation of a used book store and a Home Industry Permit authorizing a welding and fabrication shop on their property located in Parcel A in the E 1/2 of the SW 1/4, Section 11, T-82N, R-3W, in Fremont Township, consisting of 6.00 acres more or less.
4. 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.
5. Frankie and Patricia Lovell, RFD, Tipton (Owners) - A Home Occupation Permit granted 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.
6. John Moffit, RR, Mechanicsville (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 dwelling is located in the NW 1/4 of the SE 1/4, Section 14, T-82N, R-4W, in Pioneer Township.

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



Phil La Rue  
Zoning Administrator

PL:s1

Copies sent out on 3/6/02 to the following:

1. Kathryn J. Trump - 14293 County Shop Road, Darlington, Wisconsin 53530
  2. Kathryn J. Trump - 471 Echo Avenue, Mechanicsville, Iowa 52306 - Certified
  3. Herbert L. Townsend - 2372 Plum Avenue, Wilton, Iowa 52778
  4. Carolyn Trump - 232 E. Main, Box 97, Solon, Iowa 52333
  5. Adam & Susan Robinson - 454 145th Street, Mechanicsville, Iowa 52306
  6. Sharon Timm - 315 150th Street, Mechanicsville, Iowa 52306
  7. Hertz Farm Management - P.O. Box 500, Nevada, Iowa 50201-0500
  8. Francis Thomson - 382 140th Street, Mechanicsville, Iowa 52306
  9. Terry Jane Karsen Revocable Trust - Terry & Craig Karsen, Trustees, % Hertz Farm Management, P.O. Box 500, Nevada, Iowa 50201-0500
- 

1. Eric Nielsen & Theresa Hegmann - 1396 Plato Road, West Branch, Iowa 52358 - Certified
  2. Karen Suchomel - 22 Greenview Drive, West Branch, Iowa 52358
  3. Hodge Development Co. - 711 S. Gilbert Street, Iowa City, Iowa 52240
  4. John & Judy Maske - Box 572, West Branch, Iowa 52358
  5. Robert & Judy Wright - 1434 Plato Road, West Branch, Iowa 52358
- 

Copy to Tipton Conservative, Sun News & West Branch Times on 3/4/02

5 Board of Adjustment Members

2 File Copies

2 Copies for Bulletin Boards



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

**Cedar County Courthouse**

**Tipton, Iowa 52772**

**AGENDA**

Cedar County Board of Adjustment

Basement, Cedar County Courthouse, Tipton, Iowa

February 28, 2002 - 3:00 p.m.

**I. Introduction**

**II. Review of the following request:**

- A. Michelle Kennedy - Special Use Permit for a Dog Boarding Kennel**
- B. Annual review of previously granted Special Use Permits, Home Occupation Permits and Home Industry Permits**

**III. Discussion**

**IV. Conclusion**

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

February 28, 2002

The Cedar County Board of Adjustment conducted a Public Hearing on February 28, 2002, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Lenker, Beyer, Johnson, Hoy and Penningroth.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the previous meeting held on January 24, 2002, were previously sent to the members. They were approved as presented. The Board then heard the following petition:

1. Michelle Kennedy, RFD, West Liberty (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog boarding kennel on property located in the SW 1/4 of the SE 1/4, Section 35, T-79N, R-4W, in Springdale Township, consisting of 5.25 acres more or less. Said property is presently zoned A-1 Agricultural. This petition was previously to have been heard on January 24, 2002, but was continued.

There were no written or verbal objections on file for this petition. La Rue advised the Board members to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance. He also informed the members that the Planning and Zoning Commission recommended approval of this request at their meeting held on January 16, 2002.

Michelle Kennedy and Mike Jones were present at the hearing. Ms. Kennedy explained her intention to have 20 kennels with the ability to board up to 20 dogs. She informed the Board that she currently has a grooming facility in her pet store in Iowa City and has 18 years of experience. Chapter 5, D11 of the A-1 Agricultural District requires at least 750 feet of separation between the kennel and neighboring dwellings. It was noted that Ms. Kennedy's proposed location is almost 1,000 feet from the nearest residence. Chairperson Beyer inquired if an advertising sign is desired by Ms. Kennedy. She was informed that a 32 square foot sign is allowed for a Special Use Permit. The sign can not be lighted and would have to be set back 50 feet from the road ditch or roughly 83 feet from the center of the road.

Discussion continued regarding waste disposal. Mr. Jones stated that Ms. Kennedy has contracted with a waste company to remove the waste from the property. A dumpster will be used for the business. She may consider a septic system for the facility in the future.

After further discussion, Penningroth made a motion to grant the Special Use Permit with a limitation of 20 dogs and subject to the licensing requirements by the Department of Agriculture and annual review. Johnson seconded the motion. Ayes all. Mr. Jones then inquired what would be needed if Ms. Kennedy would desire to do grooming or breeding at the facility in the future. Ms. Kennedy was informed that an amendment can be made to the S.U.P. at that time. La Rue then stated that under the S.U.P., employees can be hired for the operation of the business.

Zoning Administrator La Rue reported to the Board that he had finally contacted Pauline Hansen advising her that she was in violation of her agreement with the Board. La Rue stated that the Hansen's informed him that they have hired Luke Oberbreckling to clean up the site. The debris will be burned and buried on site with permission from the local fire department and the Department of Natural Resources. The old cars will be removed. La Rue informed the Board that he had told the Hansen's he wanted the work completed this Spring.

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 Dianna Hodgden, RR, Tipton (Owners) - A Special Use Permit granted authorizing the commercial extraction of limestone on property located in the NE 1/4 of the 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 of the 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 of the 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 of the 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 of the 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 Martin, RR, Lowden (Owner) - A permit granted authorizing the operation of a commercial dog breeder kennel on her 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, SE 1/4, Section 33, T-79N, R-1W, in Farmington Township. This parcel consists of 38.00 acres more or less.
21. Brown Farms, Inc., RR, Mechanicsville (Owner) - A Special Use Permit authorizing the location of a third dwelling on a farm on property located in the NW 1/4, NW 1/4, Section 22, T-82N, R-4W, in Pioneer Township.
22. River Valley Cooperative, RR, Wilton (Owner) - A Special Use Permit authorizing the location of a bulk anhydrous ammonia storage site and chemical mixing site on property located in the S 1/2, SW 1/4, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury.
23. Mike and Gail Yates, RR, Olin (Owners) - A Home Occupation Permit authorizing the operation of a used book store and a Home Industry Permit authorizing a welding and fabrication shop on their property located in Parcel A in the E 1/2, SW 1/4, Section 11, T-82N, R-3W, in Fremont Township, consisting of 6.00 acres more or less.

24. Randy and Julie Kruse, RR, Stanwood (Owners) - A Home Occupation/Industry Permit authorized for the operation of a retail food store on their property located in the SW 1/4, NW 1/4, Section 12, T-81N, R-3W, in Red Oak Township. This property is currently zoned A-1 Agricultural.
25. 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, NE 1/4, Section 23, T-79N, R-2W, in Sugar Creek Township, consisting of 29.78 acres more or less.
26. 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, SE 1/4, SE 1/4, Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.5 acres more or less.
27. 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, SE 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 2.774 acres more or less.
28. Nextel West Corporation, Bloomingdale, MN - A Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4, SE 1/4, Section 9, T-79N, R-4W, in Springdale Township, consisting of 2.774 acres more or less.
29. 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, NE 1/4, SW 1/4, Section 30, T-79N, R-1W, in Farmington Township, consisting of 6.16 acres more or less.
30. 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, SW 1/4, Section 31, T-80N, R-3W, in Iowa Township, on property consisting of 6.37 acres more or less.
31. 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 is located in the NW 1/4, NE 1/4, Section 19, T-79N, R-3W, in Iowa Township.

32. Cecil and Joanne Williams, RR, Tipton (Owners) - A Home Occupation Permit authorizing the operation of a bait shop in their attached garage and variance on the sign requirements on property located in the southeasterly 14 feet of Lot 3, Lots 1 and 2, part of Lot 8, Block 33, in the SE 1/4, SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. Said property is currently zoned R-2 Urban Residential.
33. John Moffit, RR, Mechanicsville (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 dwelling is located in the NW 1/4, SE 1/4, Section 14, T-82N, R-4W, in Pioneer Township.
34. Kun Chae Bae Trust and KM Communications, Skokie, IL (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, NE 1/4, Section 19, T-80N, R-4W, in Gower Township, on a parcel consisting of 68.83 acres more or less.
35. Cedar County P.C.S. - Clarence, Iowa - A Special Use Permit authorizing the location of a 190 foot personal communication services (P.C.S.) tower on property located in the NE 1/4, SW 1/4, NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 60.00 acres more or less.
36. James and Adrienne Mills, RFD, Tipton - A Special Use Permit authorizing the location of a dog kennel on property located in Lot 1 in the N 1/2, SW 1/4, Section 26, T-81N, R-2W, in Fairfield Township, consisting of 4.12 acres more or less. Said Lot 1 is presently zoned A-1 Agricultural.
37. 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 is located in the SW 1/4, NW 1/4, Section 2, T-79N, R-3W, in Rochester Township, on a 90.00 acre more or less farm.
38. Donald and Sharon Stiff, RFD, Tipton (Owners) - A Home Occupation Permit authorizing the operation of a wood crafts shop in their home on property located in Lots 6, 7 and 8, Block 19, in the SW 1/4, 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.

39. 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, 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.
40. Eastern Iowa Drainage Services, RFD, Lowden (Owner) - A Special Use Permit granted for the purpose of conducting a farm service and tiling business 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, NW 1/4, Section 11, T-81N, R-1W, in Springfield Township. Said parcel of land consists of 6.989 acres more or less.
41. Mike Moore, Tipton (Contract Buyer) - A Special Use Permit granted authorizing the location of a storage rental facility on property located in the NW 1/4, NW 1/4, Section 12, T-80N, R-3W, in Center West Township, consisting of 1.00 acres more or less. Said property is currently zoned A-1 Agricultural.
42. Richard Kordick, Kordick Surveying and Engineering, RFD, Tipton (Owner) - A Home Occupation Permit granted for the purpose of operating a surveying and civil engineering business in his home on property located in the SE 1/4, NE 1/4 and the NE 1/4, 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.
43. Frankie and Patricia Lovell, RFD, Tipton (Owners) - A Home Occupation Permit granted 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, 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.
44. Frankie and Patricia Lovell, RFD, Tipton (Owners) - A Home Industry Permit granted 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, SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 0.19 acres more or less. Said property is currently zoned R-2 Urban Residential.

45. Donovan and LeAnn Trana, RFD, Wilton (Owners) - A Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the SW 1/4 of the SW 1/4, Section 21, T-79N, R-1W, in Farmington Township, consisting of 3.20 acres more or less. Said property is presently zoned A-1 Agricultural.
46. David Frederick, DBA "The Wood Haus", RFD, West Branch - 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.
47. Wireless Facilities, Inc., Urbandale, Iowa - 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.
48. Patricia Juchter, RFD, Bennett (Owner) - 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.
49. Trinity Wireless Towers, Inc., Irving Texas (Previously IPCS Wireless, Inc.) - 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.
50. Trinity Wireless Towers, Inc., Irving Texas (Previously IPCS Wireless, Inc.) - 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.
51. Vicki Reynolds, RFD, West Branch (Owner) - 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.

52. Wendling Quarries, Inc., DeWitt, Iowa - 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.

53. Joanna Reichert, RFD, Tipton (Owner) - 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.

La Rue informed the members that no complaints had been received regarding any of the above Home Occupation/Industry and Special Use Permits with the exception of Petition #43 & #44. He then stated that he wanted to inform the members of his concerns regarding the following:

#5 -- Gary Anderson -- La Rue informed the members that Mr. Anderson is no longer operating his yard waste composting business but no letter has been received yet. The remainder of the compost has been land applied. La Rue has requested Russ Anderson, father of Gary Anderson, and owner of the site, that he write a letter informing the Board that he is no longer operating the business and request that the Board rescind the S.U.P. if permanently closed.

#21 -- Brown Farms, Inc. -- La Rue stated that he had been informed that the mobile home will be removed this year. Therefore, the S.U.P. allowing the third dwelling on the farm will be rescinded at that time.

#23 -- Mike and Gail Yates -- La Rue stated that he had received a letter dated 2/7/02 from the Yates requesting the Board to remove the Home Occupation permit issued for the bookstore. La Rue then informed the Board that Mr. Yates is not in compliance with the H.I.P. granted for the welding and fabrication shop on Mr. Yates property. He reported that Mr. Yates is operating a trailer business and doing manufacturing at the site. Mr. Yates has also added two employees. La Rue informed the Board that he had talked to Mr. Yates who stated that he intends to move his business to the Stanwood Industrial Park this summer. La Rue inquired if the Board would like him to pursue this matter. The Board suggested to allow Mr. Yates to continue his operation for a short time but requested that La Rue write him a letter inquiring about his intentions and time table to move the business to the Stanwood Industrial Park.

#33 -- John Moffit -- Board member Hoy questioned whether Scott Moffit is conducting a business at the residence. La Rue will look into this matter.

#39 -- Eugene Eiselstein -- La Rue informed the Board that he had observed a number of vehicles west of Mr. Eiselstein's buildings. It appeared that there were vehicles in excess of the number allowed by the Home Industry Permit granted. The Board requested that La Rue make another site visit to determine if Mr. Eiselstein was in compliance with his agreement.

#43 & 44 -- Frankie and Patricia Lovell -- La Rue reported to the members that he had received a complaint about snowmobiles crossing Lori Nelson's property. The Board did not feel that this did not relate to the Home Industry Permit issued to the Lovell's. Ms. Nelson also complained that the Lovell's are burning plastic from their vinyl graphics business. La Rue will look into this matter and report back to the Board members.

#49 & 50 -- Trinity Wireless Towers, Inc. -- La Rue informed the Board members that he found out that there had been a change in ownership from Illinois P.C.S. to Trinity Wireless. He informed Illinois P.C.S. representatives of the requirement that the county be notified of change in ownership. An attorney from Illinois P.C.S. then provided him the required notification of the change in ownership.

After further discussion, Penningroth made a motion to approve renewal of all the Home Occupation/Industry and Special Use Permits with the exception of #5, #23, #33, #39 and #43. These five will be discussed at the next meeting. Lenker seconded the motion. Ayes all.

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

Claudia Bayn  
Chairperson

Sharon Laucamp  
Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

February 4, 2002

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 28, 2002, 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. Michelle Kennedy, RFD, West Liberty (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog boarding kennel on property located in the SW 1/4 of the SE 1/4, Section 35, T-79N, R-4W, in Springdale Township, consisting of 5.25 acres more or less. Said property is presently zoned A-1 Agricultural. This petition was previously to have been heard on January 24, 2002, but was continued.

At this time, the Board shall also consider the annual review of the following Home Occupation/Industry and Special Use Permits which have been 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.

Copies sent out on 2/4/02 to the following:

1. Michelle Kennedy - 467 Buckeye Road, West Liberty, Iowa 52776 - Certified
2. Wear Family Trust - 498 Buckeye Road, West Liberty, Iowa 52776
3. Occupant - 1454 100th Street, West Liberty, Iowa 52776

5 Board of Adjustment members  
1 Copy to Tipton Conservative on 2/4/02  
2 File Copies  
2 Copies for Bulletin Boards

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 Martin, RR, Lowden (Owner) - A permit granted authorizing the operation of a commercial dog breeder kennel on her 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, SE 1/4, Section 33, T-79N, R-1W, in Farmington Township. This parcel consists of 38.00 acres more or less.
21. Brown Farms, Inc., RR, Mechanicsville (Owner) - A Special Use Permit authorizing the location of a third dwelling on a farm on property located in the NW 1/4, NW 1/4, Section 22, T-82N, R-4W, in Pioneer Township.
22. River Valley Cooperative, RR, Wilton (Owner) - A Special Use Permit authorizing the location of a bulk anhydrous ammonia storage site and chemical mixing site on property located in the S 1/2, SW 1/4, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury.
23. Mike and Gail Yates, RR, Olin (Owners) - A Home Occupation Permit authorizing the operation of a used book store and a Home Industry Permit authorizing a welding and fabrication shop on their property located in Parcel A in the E 1/2, SW 1/4, Section 11, T-82N, R-3W, in Fremont Township, consisting of 6.00 acres more or less.
24. Randy and Julie Kruse, RR, Stanwood (Owners) - A Home Occupation/Industry Permit authorized for the operation of a retail food store on their property located in the SW 1/4, NW 1/4, Section 12, T-81N, R-3W, in Red Oak Township. This property is currently zoned A-1 Agricultural.
25. 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, NE 1/4, Section 23, T-79N, R-2W, in Sugar Creek Township, consisting of 29.78 acres more or less.
26. 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, SE 1/4, SE 1/4, Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.5 acres more or less.
27. 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, SE 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 2.774 acres more or less.
28. Nextel West Corporation, Bloomingdale, MN - A Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4, SE 1/4, Section 9, T-79N, R-4W, in Springdale Township, consisting of 2.774 acres more or less.

29. 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, NE 1/4, SW 1/4, Section 30, T-79N, R-1W, in Farmington Township, consisting of 6.16 acres more or less.
30. 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, SW 1/4, Section 31, T-80N, R-3W, in Iowa Township, on property consisting of 6.37 acres more or less.
31. 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 is located in the NW 1/4, NE 1/4, Section 19, T-79N, R-3W, in Iowa Township.
32. Cecil and Joanne Williams, RR, Tipton (Owners) - A Home Occupation Permit authorizing the operation of a bait shop in their attached garage and variance on the sign requirements on property located in the southeasterly 14 feet of Lot 3, Lots 1 and 2, part of Lot 8, Block 33, in the SE 1/4, SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. Said property is currently zoned R-2 Urban Residential.
33. John Moffit, RR, Mechanicsville (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 dwelling is located in the NW 1/4, SE 1/4, Section 14, T-82N, R-4W, in Pioneer Township.
34. Kun Chae Bae Trust and KM Communications, Skokie, IL (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, NE 1/4, Section 19, T-80N, R-4W, in Gower Township, on a parcel consisting of 68.83 acres more or less.
35. Cedar County P.C.S. - Clarence, Iowa - A Special Use Permit authorizing the location of a 190 foot personal communication services (P.C.S.) tower on property located in the NE 1/4, SW 1/4, NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 60.00 acres more or less.
36. James and Adrienne Mills, RFD, Tipton - A Special Use Permit authorizing the location of a dog kennel on property located in Lot 1 in the N 1/2, SW 1/4, Section 26, T-81N, R-2W, in Fairfield Township, consisting of 4.12 acres more or less. Said Lot 1 is presently zoned A-1 Agricultural.

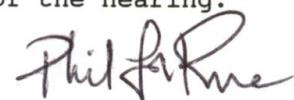
37. Lois Hanser, RFD, Tipton (Owner) - A Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This manufactured home is located in the SW 1/4, NW 1/4, Section 2, T-79N, R-3W, in Rochester Township, on a 90.00 acre more or less farm.
38. Donald and Sharon Stiff, RFD, Tipton (Owners) - A Home Occupation Permit authorizing the operation of a wood crafts shop in their home on property located in Lots 6, 7 and 8, Block 19, in the SW 1/4, 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.
39. 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, 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.
40. Eastern Iowa Drainage Services, RFD, Lowden (Owner) - A Special Use Permit granted for the purpose of conducting a farm service and tiling business 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, NW 1/4, Section 11, T-81N, R-1W, in Springfield Township. Said parcel of land consists of 6.989 acres more or less.
41. Mike Moore, Tipton (Contract Buyer) - A Special Use Permit granted authorizing the location of a storage rental facility on property located in the NW 1/4, NW 1/4, Section 12, T-80N, R-3W, in Center West Township, consisting of 1.00 acres more or less. Said property is currently zoned A-1 Agricultural.
42. Richard Kordick, Kordick Surveying and Engineering, RFD, Tipton (Owner) - A Home Occupation Permit granted for the purpose of operating a surveying and civil engineering business in his home on property located in the SE 1/4, NE 1/4 and the NE 1/4, 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.

43. Frankie and Patricia Lovell, RFD, Tipton (Owners) - A Home Occupation Permit granted 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, 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.
44. Frankie and Patricia Lovell, RFD, Tipton (Owners) - A Home Industry Permit granted 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, SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 0.19 acres more or less. Said property is currently zoned R-2 Urban Residential.
45. Donovan and LeAnn Trana, RFD, Wilton (Owners) - A Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the SW 1/4 of the SW 1/4, Section 21, T-79N, R-1W, in Farmington Township, consisting of 3.20 acres more or less. Said property is presently zoned A-1 Agricultural.
46. David Frederick, DBA "The Wood Haus", RFD, West Branch - 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.
47. Wireless Facilities, Inc., Urbandale, Iowa - 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.
48. Patricia Juchter, RFD, Bennett (Owner) - 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.
49. Trinity Wireless Towers, Inc., Irving Texas (Previously IPCS Wireless, Inc.) - 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.

50. Trinity Wireless Towers, Inc., Irving Texas (Previously IPCS Wireless, Inc.) - 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.
51. Vicki Reynolds, RFD, West Branch (Owner) - 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.
52. Wendling Quarries, Inc., DeWitt, Iowa - 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.
53. Joanna Reichert, RFD, Tipton (Owner) - 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.

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

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

January 24, 2002

The Cedar County Board of Adjustment conducted a Public Hearing on January 24, 2002, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Johnson, Lenker and Hoy. Member absent was Penningroth. Minutes from the previous meetings held on October 25th, November 29th and December 27, 2001, were previously sent to the members. The minutes were approved as written.

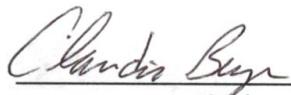
Chairperson Beyer called the meeting to order at 3:13 p.m. The Board was scheduled to hear the following petition:

1. Michelle Kennedy, RFD, West Liberty (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog boarding kennel on property located in the SW 1/4 of the SE 1/4, Section 35, T-79N, R-4W, in Springdale Township, consisting of 5.25 acres more or less. Said property is presently zoned A-1 Agricultural.

The petitioner or a representative was not present at the hearing. Therefore, the Board will continue this petition at their next meeting to be held on February 28, 2002.

Phil La Rue then informed the members that several past petitioners are in violation of their agreements. At the meeting held on April 23, 1998, Pauline Hansen was granted a variance to permit two dwellings and a mobile home on her property until a new home was built. The Hansen's agreed to remove the old house and mobile home within 180 days after they moved into the new home. They also agreed to remove a collapsed shed and junk on the property within a year. It was noted that they have not complied with their agreement. The Board members felt that the Hansen's need to be notified that they are in violation of the variance granted to them. Zoning Administrator La Rue will make a visit to inform them of the same. La Rue also informed the Board that Mike Yates is in violation of the Home Industry Permit granted to him on November 21, 1996, for a welding and fabrication shop. Mr. Yates stated at the meeting that he would be the only person working in the shop. La Rue informed the members that Mr. Yates has more employees at this time and stated that Mr. Yates will either need a change in zoning to continue the operation or re-locate the business. The members suggested that Mr. La Rue touch bases with Mr. Yates and inform him that his Home Industry Permit is up for annual review.

With no further business to be discussed by the members at this time, Johnson made a motion, with Lenker seconding, to adjourn the meeting. Meeting adjourned at 3:20 p.m.

  
Chairperson

  
Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

January 7, 2002

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 24, 2002, 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. Michelle Kennedy, RFD, West Liberty (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog boarding kennel on property located in the SW 1/4 of the SE 1/4, Section 35, T-79N, R-4W, in Springdale Township, consisting of 5.25 acres more or less. Said property is presently zoned A-1 Agricultural.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 1/11/02 to the following:

1. Michelle Kennedy - 467 Buckeye Road, West Liberty, Iowa 52776 - Certified
2. Wear Family Trust - 498 Buckeye Road, West Liberty, Iowa 52776
3. Occupant - 1454 100th Street, West Liberty, Iowa 52776

5 Board of Adjustment members  
1 Copy to Tipton Conservative on 1/7/02  
2 file copies  
2 copies for bulletin boards



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

**Cedar County Courthouse**

**Tipton, Iowa 52772**

**AGENDA**

Cedar County Board of Adjustment

Basement, Cedar County Courthouse, Tipton, Iowa

January 24, 2002 - 3:00 p.m.

I. Introduction

II. Review of the following request:

A. Michelle Kennedy - Special Use Permit for a  
Dog Boarding Kennel

III. Discussion

IV. Conclusion