



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

December 10, 2003

TO: CEDAR COUNTY BOARD OF ADJUSTMENT MEMBERS

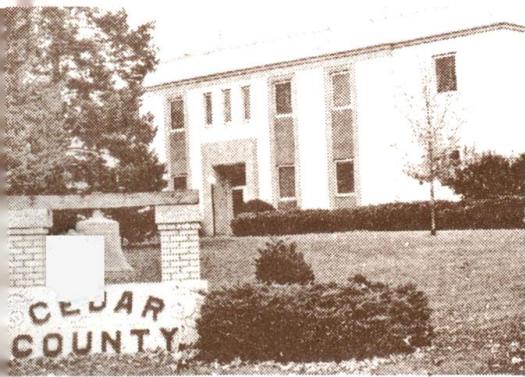
I am writing to inform you that there will not be a meeting of the Board of Adjustment during the month of December because no petitions have been received.

Happy Holidays!

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

Thursday, November 20, 2003 – 3:00 p.m.

I. Introduction

II. Review of the following requests:

- A. David and Faye Young, RFD, Atalissa (Owners) – Requesting a variance of the side yard requirement
- B. Tina Keil, RFD, Clarence (Owner) – Requesting a Special Use Permit authorizing the location of a dog boarding kennel
- C. Annual review of previously granted Special Use Permits, Home Occupation Permits and Home Industry Permits

III. Discussion

IV. Conclusion



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OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

November 10, 2003

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, November 20, 2003, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petitions:

1. **David and Faye Young, RFD, Atalissa (Owners)** - Requesting a variance of the side yard requirement to allow construction of an attached garage on the south side of their home, 4 feet from the property line. Said property is located in the NW ¼ of the NE 1/4 of the NW ¼, Section 11, T-79N, R-3W, in Iowa Township. Said property is zoned M-1 Light Industrial.
2. **Tina Keil, RFD, Clarence (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel on property located in the S ½ of the NW ¼, Section 23, T-81N, R-2W, in Fairfield Township, consisting of 5.00 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. Dennis and Dianna Hodgden, RR, Tipton (Owners) – A Special Use Permit granted authorizing the commercial extraction of limestone on property located in the NE ¼ of the NE ¼, Section 22, T-80N, R-3W, in Center West Township, consisting of 5.00 acres more or less.

Copies sent out on 11/10/03 to the following:

1. David & Faye Young - 110 West Rochester Avenue, Atalissa, IA 52720 -- Regular Mail
2. Carl & Carol Fobian - 3639 Oasis Road N.E., West Branch, Iowa 52358
3. Donald & Gloria O'Hara - 104 Cemetery Road, Lisbon, Iowa 52253
4. Catherine Isabel - 101 W. Rochester Avenue, Atalissa, Iowa 52720
5. Tina O'Quinn - 1031 290th Street, Atalissa, Iowa 52720
6. Edwin & Verna Cox - 105 W. Rochester Avenue, Atalissa, Iowa 52720
7. Helen Hohle - 2911 Stanford Avenue, Iowa City, Iowa 52245
8. Emilie McCrea - 1042 Charles, Mission, Texas 78572
9. Roger & Catherine Sloan - 108 W. Rochester Avenue, Atalissa, Iowa 52720
10. Robert & Patricia Nettleton - 106 W. Rochester Avenue, Atalissa, Iowa 52720
11. Harry Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720
12. Larry Hill - 127 W. Rochester, Atalissa, Iowa 52720

1. Tina Keil - 936 Quincy Avenue, Clarence, Iowa 52216 - Certified
2. Jerry & Jean Goldsmith - 1613 200th Street, Clarence, Iowa 52216
3. South Prairie Farm Ltd. - 1613 200th Street, Clarence, Iowa 52216
4. Steven & Mary Kline - 937 Quincy Road, Clarence, Iowa 52216
5. James K. Mente Corp. - 1589 200th Street, Tipton, Iowa 52772

5 Board of Adjustment members

1 Copy to Tipton Conservative on 11/10/03

Bulletin Board Copy

2 File Copies

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 $\frac{1}{4}$ of the NW $\frac{1}{4}$, 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 $\frac{1}{2}$ of the SW $\frac{1}{4}$, 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 14, T-80N, R-4W, in Gower Township.
5. Great Lakes Chemical Corporation, Omaha, Nebraska – A permit granted authorizing the stockpiling of corn cobs on property located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 33, T-82N, R-1W, in Massillon Township.
6. Jim Neuzil, J.W. Ranch, RR, Mechanicsville – A permit granted authorizing the location of seasonal rodeo activities on his property located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 14, T-81N, R-4W, in Linn Township, Consisting of 47.77 acres more or less.
7. Trilby Klavemann, RR, Bennett (Owner) – A permit granted authorizing the location of a commercial dog breeder kennel on her property located in Tract B, in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 6, T-80N, R-1W, in Inland Township, composed of 1.00 acres more or less.
8. Galen Conrad, RR, Lowden – A permit granted authorizing the restoration of salvaged automobiles on his property located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 1, T-81N, R-1W, in Springfield Township, composed of 0.523 acres more or less.
9. 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, in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 8, T-80N, R-2W, in Center East Township, consisting of 3.00 acres more or less.

10. Loretta Martin, RR, Lowden (Owner) – A permit granted authorizing the operation of a commercial dog breeder kennel on her property located in Lot A, in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 19, T-82N, R-1W, in Massillon Township, consisting of approximately 3.13 acres.
11. 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, in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 33, T-81N, R-1W, in Springfield Township, consisting of 10.00 acres more or less.
12. 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 $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 4, T-81N, R-2W, in Fairfield Township, consisting of 2.179 acres more or less.
13. 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 $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 20, T-80N, R-4W, in Gower Township, consisting of 20.00 acres more or less.
14. 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$, 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.
15. Duffee Grain, Inc., Wilton (Owner) – A permit granted authorizing the storage and drying of grain on their property located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 27, T-79N, R-4W, in Springdale Township, consisting of 8.43 acres more or less.
16. 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 21, T-82N, R-2W, in Dayton Township, consisting of 2.13 acres more or less.

17. 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 12, T-79N, R-2W, in Sugar Creek Township, consisting of 5.65 acres more or less.
18. 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 $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 10, T-81N, R-1W, in Springfield Township, consisting of 10.00 acres more or less.
19. 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 33, T-79N, R-1W, in Farmington Township. This parcel consists of 38.00 acres more or less.
20. 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 $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 22, T-82N, R-4W, in Pioneer Township.
21. 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 $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury.
22. 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 $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 11, T-82N, R-3W, in Fremont Township, consisting of 6.00 acres more or less.
23. 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 $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 23, T-79N, R-2W, in Sugar Creek Township, consisting of 29.78 acres more or less.

24. 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 ½ of the SE ¼ of the SE ¼, Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.50 acres more or less.
25. Nextel West Corporation, Bloomingdale, MN – A Special Use Permit authorizing the location of a cellular communication tower on property located in the NW ¼ of the SE ¼, Section 17, T-79N, R-2W, in Rochester Township, consisting of 2.774 acres more or less.
26. Nextel West Corporation, Bloomingdale, MN – A Special Use Permit authorizing the location of a cellular communication tower on property located in the SE ¼ of the SE ¼, Section 9, T-79N, R-4W, in Springdale Township, consisting of 2.774 acres more or less.
27. Northern Border Pipeline Company, Omaha, Nebraska – A Special Use Permit authorizing the location of a communication tower on property located in the NE ¼ of the NE 1/4 of the SW ¼, Section 30, T-79N, R-1W, in Farmington Township, consisting of 6.16 acres more or less.
28. 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 ¼ of the SW ¼, Section 31, T-80N, R-3W, in Iowa Township, on property consisting of 6.37 acres more or less.
29. 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 ¼ of the NE ¼, Section 19, T-79N, R-3W, in Iowa Township.
30. 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 ¼ of the SE ¼, Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. Said property is currently zoned R-2 Urban Residential.

31. 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 14, T-82N, R-4W, in Pioneer Township.
32. 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 $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 19, T-80N, R-4W, in Gower Township, on a parcel consisting of 68.83 acres more or less.
33. 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 19, T-82N, R-3W, in Fremont Township, consisting of 60.00 acres more or less.
34. 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 $\frac{1}{2}$ of the SW $\frac{1}{4}$, 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.
35. 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 $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 2, T-79N, R-3W, in Rochester Township, on a 90.00 acres more or less farm.
36. 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, 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.
37. 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 $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T-81N, R-1W, in Springfield Township. Said parcel of land consists of 6.989 acres more or less.

38. Mike Moore, Tipton (Contract Buyer) – A Special Use Permit granted authorizing the location of a storage rental facility on property located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, 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.
39. 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 $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, 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.
40. 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, 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.
41. 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, 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.
42. 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$, 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.

43. 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 ¼ of the NW ¼, 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.
44. 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 ¼ of the SW ¼ of the NE ¼, 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.
45. 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 ¼ of the NE ¼, Section 10, T-80N, R-1W, in Inland Township, on a tract of land consisting of 38.00 acres more or less. Said property is presently zoned A-1 Agricultural.
46. 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 ¼ of the NW ¼ of the SE ¼, 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.
47. 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 ¼ of the SW ¼ of the NW ¼, 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.
48. 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 ¼ of the NW ¼ and the SW ¼ of the NW ¼, 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.

49. 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 $\frac{1}{4}$, 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.

50. 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, 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.

51. Robert and Judy Wright, RFD, West Branch (Owners) – 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, and a variance of the front yard setback requirements in the A-1 Agricultural District. This dwelling will be located at the site of a mobile home which was removed in 1999, in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 15, T-80N, R-4W, in Gower Township.

52. UNIsite, Inc., Burr Ridge, Illinois (Leasee) and Robert and Sherry Pearson (Leaser and Owners), 575 290th Street, West Branch, Iowa – A Special Use Permit authorizing the location of a 315 foot tall wireless communication tower on property located on Lots 13, 14 and 15 in the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 1, T-79N, R-4W, in Springdale Township. Said property is zoned A-1 Agricultural.

53. UNIsite, Inc., Burr Ridge, Illinois (Leasee) and Ronald and Nancy Allmandinger (Leaser and Owners), 2196 Taylor Avenue, Wilton, Iowa – A Special Use Permit authorizing the location of a 315 foot tall wireless communication tower on property located in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 20, T-79N, R-1W, in Farmington Township. Said property is zoned A-1 Agricultural.

54. Wendling Quarries, Inc., DeWitt, Iowa – A Special Use Permit for the purpose of expanding their existing limestone quarry operation on property located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 23 and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 24, T-80N, R-3W, in Center West Township, consisting of 31.00 acres more or less. Said property is currently zoned A-1 Agricultural.

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55. U.S. Cellular, Cedar Rapids, Iowa (Lessee) and Weets Farms, Inc. (Leaser and Owner), 350 Franklin Avenue, Mechanicsville, Iowa – A Special Use Permit authorizing the location of a 330 foot tall wireless communication tower on property located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 23, T-82N, R-4W, in Pioneer Township, consisting of 4.34 acres more or less. Said property is zoned A-1 Agricultural.
56. U.S. Cellular, Cedar Rapids, Iowa (Lessee) and Pam Farms, Inc. (Leaser and Owner), 300th Street, West Branch, Iowa – A Special Use Permit authorizing the location of a 280 foot tall wireless communication tower on property located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 18, T-79N, R-4W, in Springdale Township, consisting of 4.42 acres more or less. Said property is zoned A-1 Agricultural.
57. Joseph and Mary Goodlove, RFD, Lowden (Owners) – A Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 12, T-82N, R-1W, in Massillon Township, consisting of 25.17 acres more or less. Said property is currently zoned A-1 Agricultural.
58. U.S. Cellular, Cedar Rapids, Iowa (Lessee) and David Litscher (Lessor and Owner) – A Special Use Permit authorizing the location of a 250 foot tall cellular communication tower on property located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 27, T-82N, R-3W, in Fremont Township, consisting of 5.74 acres more or less. Said property is currently zoned A-1 Agricultural.
59. Harry and Denice Wethington, RFD, Tipton (Owners) – A Special Use Permit authorizing the location of a yard waste composting facility on property located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 32, T-81N, R-2W, in Fairfield Township, consisting of 0.5 acres more or less. Said property is currently zoned A-1 Agricultural.
60. Wendling Quarries, Inc., DeWitt, Iowa – A Special Use Permit for the purpose of expanding their existing limestone quarry operation on property located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and a portion of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 4, T-81N, R-1W, in Springfield Township, consisting of 44.65 acres more or less. Said property is currently zoned A-1 Agricultural.

61. Michelle Kennedy, RFD, West Liberty (Owner) – A Special Use Permit for the purpose of operating a dog boarding kennel on property located in the SW ¼ of the SE ¼, Section 35, T-79N, R-4W, in Springdale Township, consisting of 5.25 acres more or less. Said property is currently zoned A-1 Agricultural.
62. Kathryn Trump, RFD, 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 ¼ of the NE ¼ of the SW ¼, Section 26, T-82N, R-4W, in Pioneer Township. Said property consists of 59.15 acres and is zoned A-1 Agricultural.

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



Phil La Rue
Zoning Administrator

PL:sl



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

October 17, 2003

TO: Cedar County Board of Adjustment Members

This is to inform you that the meeting scheduled on October 23, 2003, at 3:00 p.m., has been postponed until next month. We did not have a quorum at the Planning and Zoning Commission meeting held on October 15, 2003, for Tina Keil. I have rescheduled a meeting for the Planning and Zoning Commission on November 5, 2003.

Therefore, I am planning on the Board of Adjustment to hear this petition on November 20, 2003. This meeting date will be earlier than usual because of Thanksgiving.

If you have any questions, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Phil La Rue".

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out to the Board of Adjustment members on 10/17/03



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

Thursday, October 23, 2003 – 3:00 p.m.

I. Introduction

II. Review of the following request:

A. Tina Keil, RFD, Clarence (Owner) – Requesting a Special Use Permit authorizing the location of a dog breeding kennel

III. Discussion

IV. Conclusion



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OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

October 6, 2003

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on **Thursday October 23, 2003, 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. **Tina Keil, RFD, Clarence (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog breeding kennel on property located in the S ½ of the NW ¼, Section 23, T-81N, R-2W, in Fairfield Township, consisting of 5.00 acres more or less. Said property is currently zoned A-1 Agricultural.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any persons 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 10/9/03 to the following:

1. Tina Keil - 936 Quincy Avenue, Clarence, Iowa 52216 - Certified
2. Jerry & Jean Goldsmith - 1613 200th Street, Clarence, Iowa 52216
3. South Prairie Farm Ltd. - 1613 200th Street, Clarence, Iowa 52216
4. Steven & Mary Kline - 937 Quincy Road, Clarence, Iowa 52216
5. James K. Mente Corp. - 1589 200th Street, Tipton, Iowa 52772

1 copy to Tipton Conservative & Sun News on 10/6/03

5 Board of Adjustment members

2 File Copies

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CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 25, 2003

The Cedar County Board of Adjustment conducted a Public Hearing on September 25, 2003, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Johnson and Lenker. Members absent were Penningroth and Hoy.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the previous meeting held on July 24, 2003, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

1. **David and Faye Young, RFD, Atalissa (Owners)** – Requesting a variance of the side yard requirement to allow construction of an attached garage on the south side of their home, 4 feet from the property line. Said property is located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, of the NW $\frac{1}{4}$, Section 11, T-79N, R-3W, in Iowa Township. Said property is zoned M-1 Light Industrial.

La Rue informed the members that there were no verbal or written objections on file for this petition. He advised the members to consider this petition in accordance with Chapter 17.18(3) of the Cedar County Zoning Ordinance.

The Young's were present and explained to the members that they would like to build an attached 16' x 30' garage on the east side of their home off an existing driveway. They stated that they would need a side yard variance because the garage will be 5 feet closer to the road and would be 4 feet from the lot line on the east side of their home. The southeast corner of the existing home is 20 feet from the road right-of-way and the proposed garage would then be 5 feet closer. The letter received from the County Engineer was reviewed which stated that he could not make a recommendation until some questions were answered.

Edwin and Verna Cox, adjoining property owners, were present and stated their concern regarding having enough room for parking their boat in their garage. The Young's driveway is on the edge of Cox's property. Chairperson Beyer questioned what gives the Board of Adjustment the authority to grant a

variance in the M-1 Light Industrial zoning classification. La Rue stated that Chapter 16 of the Zoning Ordinance addresses non-conforming structures and uses. He informed the members that residential is the principal use of the property. He also informed the members that the Young's will request a change in zoning to R-1 Suburban Residential. Mrs. Young stated that they already park their vehicles there which is already closer to the road. La Rue stated that, as a rule of thumb, structures are usually lined up with existing homes. Chairperson Beyer then stated that she felt the starting point would be to get the property rezoned first. The Young's and Cox's both felt that a surveyor should be contacted and set the pins so they would both know exactly where their property lines were.

After discussion, Lenker made a motion to continue this petition at a later date after the rezoning change is completed. Johnson seconded the motion. Ayes all. The rezoning is necessary to eliminate a non-conforming use.

2. Benjamin and Tanya Sterner, Tipton (Contract Buyers) and Larry and Linda Ballenger, RFD, Bennett (Owners) –

Requesting approval of a home business/industry permit for the purpose of producing smoked meat products on property located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 6, T-79N, R-2W, in Rochester Township. Said property is zoned both R-1 Suburban Residential and A-1 Agricultural. Said business will be located on the R-1 zoned portion of the property.

La Rue informed the members that there were no written or verbal objections on file for this petition. He also informed the members that originally the Sterner's planned to have their business in their home but the Department of Agriculture will not allow this.

The Sterner's were present and explained to the members that they plan to prepare jerky, sticks, turkey and fish at their property. They plan to build a building for the business, and eventually their home will go further back in the R-1 district. It will be up to the Department of Agriculture how far the house will have to be from the business. La Rue informed the members that plans will have to be designed to cope with grease, etc., and will also need an idea of water usage for the septic system design. The access to the property will come off of Highway 38. La Rue stated that as part of the Home Business, the signage allowed for advertisement is 8 square feet. The Department of

Agriculture will deal with the smoke potential and the Cedar County Health Department will deal with the septic system. The Sterner's must have an industrial smoker for the business.

After further discussion, Johnson made a motion to grant the Home Industry permit to be located either on the R-1 or A-1 zoned property. Lenker seconded the motion. Ayes all. The Sterner's were informed that the permit will be subject to annual review.

With no further business to be discussed at this time, the meeting was adjourned at 3:45 p.m.

Clarie Beyer

Chairperson

Sharon Lancamp

Secretary



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

Thursday, September 25, 2003 – 3:00 p.m.

I. Introduction

II. Review of the following request:

- A. David and Faye Young, RFD, Atalissa (Owners) – A side yard variance in the M-1 district to allow construction of an attached garage**

- B. Benjamin and Tanya Sterner, Tipton (Contract Buyers) and Larry and Linda Ballenger, RFD, Bennett (Owners) – Requesting a Home Business/Industry Permit authorizing production of smoked meat products**

III. Discussion

IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

August 5, 2003

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 during the month of August because no petitions have been received.

Sincerely,

Phil

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

July 24, 2003

The Cedar County Board of Adjustment conducted a Public Hearing on July 24, 2003, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Lenker and Hoy. Members absent were Penningroth and Johnson.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the previous meeting held on May 22, 2003, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

1. **Deanna Schroeder, RFD, Oxford Junction (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog grooming and boarding facility on property located in the SE ¼ of the NE ¼, Section 9, T-82N, R-1W, in Massillon Township, consisting of 2.76 acres more or less. Said property is currently zoned A-1 Agricultural.

La Rue informed the members that there were no written or verbal objections on file for this petition. He also advised the members to consider this petition in accordance with Chapter 17.18, subparagraph 2 and Chapter 17.18, subparagraph 3.

The Schroeder's were present and stated that they have been operating a state inspected kennel since 1993 and would like to continue the same operation. They stated that they were not aware that they needed a Special Use Permit from Cedar County for running the facility. They informed the members that they are not a long time boarder and the largest number boarded at one time is sixteen. The nearest home is one-quarter mile away. They currently have an advertising sign (Dee's Pet Services) which is appropriate.

After a brief discussion, Lenker made a motion to approve the Special Use Permit with a 16 maximum boarding limit and would be subject to annual review. Hoy seconded the motion. Ayes all.

2. **Wayne Yarolem Jr., Tipton (Owner)** – Requesting a variance of the 50 foot front yard setback requirement on property located in Lot 23, Hidden River Heights, Part III, in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, T-79N, R-3W, in Rochester Township, consisting of 1.07 acres more or less. Said Lot 23 is currently zoned R-1 Suburban Residential.

La Rue informed the members that a variance was previously not granted because of insufficient information. He stated that he now feels the request is justified.

The Yarolem's were requesting a variance on the 50 foot front yard setback to allow room for the house to be built on the lot at an angle and allow a walkout basement. It would also leave a nicer back yard and they would not have to disturb the timber area. They can meet the 40 foot corner requirement. The members reviewed the pictures of the property. County Engineer Don Torney then commented that the road to the west already has a 25 foot setback. Moving the house to the north and east would fit in appropriately with the side street. Don Torney questioned where the driveway would be located. The Yarolem's stated that they would get access off of Hidden River Court. Mr. Torney did not foresee a problem with this. The Yarolem's can not plant anything higher than 3 $\frac{1}{2}$ ' tall in the front yard and on street corner side.

After further discussion, Hoy made a motion to grant a 25' variance on the front yard setback requirement and a 15' variance on the side yard requirement. Lenker seconded the motion. Ayes all.

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

Clare Bay

Chairperson

Sharon Lautcamp

Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

July 7, 2003

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on **Thursday, July 24, 2003, 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. **Deanna Schroeder, RFD, Oxford Junction (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog grooming and boarding facility on property located in the SE ¼ of the NE ¼, Section 9, T-82N, R-1W, in Massillon Township, consisting of 2.76 acres more or less. Said property is currently zoned A-1 Agricultural.
2. **Wayne Yarolem Jr., Tipton (Owner)** – Requesting a variance of the 50 foot front yard setback requirement on property located in Lot 23, Hidden River Heights, Part III, in the NE ¼ of the SE ¼, Section 12, T-79N, R-3W, in Rochester Township, consisting of 1.07 acres more or less. Said Lot 23 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 petitions. Any persons 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 7/9/03 to the following:

1. Deanna Schroeder - 131 Vermont Avenue, Oxford Junction, Iowa 52323 - Certified
2. Kenneth Lund - 2103 120th Street, Clarence, Iowa 52216
3. Vince Moore - 2143 Taylor Road, Oxford Junction, Iowa 52323
4. Robert & Marlene Wiedenhoff - 204 Eighth Street, Lowden, Iowa 52255
5. Allan Hasselbusch - 251 Oxford Junction Road, Clarence, Iowa 52216
6. Richard & Patricia Rausenberger - 625 Breezy Point Drive, Clinton, Iowa 52732

1. Wayne F. Yarolem Jr. - P.O. Box 14, Tipton, Iowa 52772 - Certified
2. Wilton Motors, Inc. - % Tom & Juanita Hearst, 1200 Cemetery Road, Tipton, Iowa 52772
3. Phillip & Christine Madden - P.O. Box 666, Durant, Iowa 52747
4. Marvin & Jane Jones - 123 W. 9th Street, Tipton, Iowa 52772
5. Alan & Simone Hansen - 62 Hidden River Court, Tipton, Iowa 52772
6. Daniel & Danielle Strank - 61 Hidden River Drive, Tipton, Iowa 52772
7. Donald & Brenda Stewart - 66 Hidden River Court, Tipton, Iowa 52772
8. Marvin & Carol Irwin - P.O. Box 94, Atalissa, Iowa 52720

5 Board of Adjustment Members

Bulletin Board Copy

Copy to Tipton Conservative & Sun News on 7/7/03

2 File Copies



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

July 7, 2003

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on **Thursday, July 24, 2003, 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. **Deanna Schroeder, RFD, Oxford Junction (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog grooming and boarding facility on property located in the SE ¼ of the NE ¼, Section 9, T-82N, R-1W, in Massillon Township, consisting of 2.76 acres more or less. Said property is currently zoned A-1 Agricultural.
2. **Wayne Yarolem Jr., Tipton (Owner)** – Requesting a variance of the 50 foot front yard setback requirement on property located in Lot 23, Hidden River Heights, Part III, in the NE ¼ of the SE ¼, Section 12, T-79N, R-3W, in Rochester Township, consisting of 1.07 acres more or less. Said Lot 23 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 petitions. Any persons 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 7/9/03 to the following:

1. Deanna Schroeder - 131 Vermont Avenue, Oxford Junction, Iowa 52323 - Certified
2. Kenneth Lund - 2103 120th Street, Clarence, Iowa 52216
3. Vince Moore - 2143 Taylor Road, Oxford Junction, Iowa 52323
4. Allan Hasselbusch - 251 Oxford Junction Road, Clarence, Iowa 52216
5. Richard Rausenberger - 625 Breezy Point Drive, Clinton, Iowa 52732
6. Robert & Marlene Wiedenhoff - 204 Eighth Street, Lowden, Iowa 52255

1. Wayne F. Yarolem Jr. - P.O. Box 14, Tipton, Iowa 52772 - Certified
2. Wilton Motors, Inc. - % Tom & Juanita Hearst, 1200 Cemetery Road, Tipton, Iowa 52772
3. Phillip & Christine Madden - P.O. Box 666, Durant, Iowa 52747
4. Marvin & Jane Jones - 123 W. 9th Street, Tipton, Iowa 52772
5. Alan & Simone Hansen - 62 Hidden River Court, Tipton, Iowa 52772
6. Daniel & Danielle Strank - 61 Hidden River Drive, Tipton, Iowa 52772
7. Donald & Brenda Stewart - 66 Hidden River Court, Tipton, Iowa 52772
8. Marvin & Carol Irwin - P.O. Box 94, Atalissa, Iowa 52720

5 Board of Adjustment members

Copy to Tipton Conservative and Sun News on 7/7/03

File Copies

Bulletin Board



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

Thursday, July 24, 2003 – 3:00 p.m.

I. Introduction

II. Review of the following request:

- A. Deanna Schroeder, RFD, Oxford Junction (Owner) – A Special Use Permit authorizing the location of a dog grooming and boarding facility**
- B. Wayne Yarolem Jr., Tipton (Owner) – A variance of the 50 foot front yard setback requirement in the R-1 District on Lot 23 in Hidden River Heights Part III**

III. Discussion

IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

June 11, 2003

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 during the month of June because no petitions have been received.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

May 22, 2003

The Cedar County Board of Adjustment conducted a Public Hearing on May 22, 2003, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Lenker, Penningroth, Hoy and Johnson. Member absent was Beyer.

Pro-tem Chairperson Penningroth called the meeting to order at 3:00 p.m. Minutes from the previous meeting held on March 27, 2003, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

1. **Christopher Doherty, RFD, Tipton** – Requesting approval of a Home Industry Permit authorizing the location of a landscaping business at 1872 3rd Street, Tipton, Iowa. Said property is described as Parcel “B” in the NW ¼ of the SE ¼, Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. Said Parcel “B” consists of 2.88 acres more or less. Total property is 4.00 acres more or less and is zoned both R-2 Urban Residential and A-1 Agricultural.

La Rue informed the members that there were no written or verbal objections on file for this petition. He also informed the members that a Home Industry business is permitted as an accessory use in the A-1 and R-1 districts.

Mr. Doherty was present and informed the board members that he is in the process of purchasing an acreage with the intention to run his landscaping business at his property. He stated that he has an owner operated landscaping business and does most of his business in the Iowa City area. He stated that he has no employees and most of his work will be performed off of the property. He would like to store landscaping materials such as aggregate, chips, topsoil and landscaping stones. This area will surround the existing buildings on the property. He stated that he will not store concrete, rubble, etc. on the property, but he will store equipment needed for his business. He also stated that he has three trucks, various small engine equipment, and hand and shop tools that are utilized by the business. He informed the members that he usually keeps on hand approximately 12 yards of black dirt and 24 yards of compost. He also stated that he will place materials on the north side of the building where no neighbors would notice. County Engineer Don Torney’s comments were then

addressed regarding retail sales at the property, expected traffic and an advertising sign for the business. Mr. Doherty stated that he has no retail sales at this point. He does not have any employees and he will perform the majority of his work off of the property.

Therefore, there would be no additional traffic besides his own. He also informed the members that he does not desire an advertising sign at this time. Discussion followed regarding limitations on home businesses and number of motor vehicles. It was noted that his property is adjacent to commercial property. Barb Wood, a neighbor, was present and stated no objection. The welding shop owner across the street recommended approval of the request. Mr. Doherty stated that he has plenty of area for customers to park without parking on the roadway.

After a brief discussion, Lenker made a motion to grant the Home Industry Permit which will be subject to annual review. Johnson seconded the motion. Ayes all.

2. **Thomas Hearst, RFD, Tipton (Owner)** – Requesting a variance on the required front yard setback of fifty (50) feet in the R-1 Suburban Residential District on proposed Lots 29, 30 and 31 of Hidden River Heights, Part Four, a proposed six (6) lot subdivision located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, T-79N, R-3W, in Rochester Township. Said property is currently zoned A-1 Agricultural with proposed Lot 29 consisting of 1.04 acres, Lot 30 consisting of 1.38 acres and Lot 31 consisting of 1.64 acres more or less. Said petition is to allow a variance of 35 feet for each of the requested lots building setback.

Mr. and Mrs. Hearst were present and explained to the members that this subdivision would finish up the 6 lots on the east side. Glen Meisner, MMS Consultants, was also present. He explained that a variance is requested on Lots 29, 30 and 31 due to topographic/slope of the ground on these lots. Mr. Meisner stated that a variance on the front yard setback would give better area for septic systems behind the homes. There is also a big ravine behind these lots. County Engineer, Don Torney, was present and informed the members that Lot 29 had previously been granted a variance of 75' instead of the standard 100' ROW radius on the cul-de-sac because of the crowded area. Torney suggested that they move the building site on Lot 29 closer to Lot 30. This would mean changing the natural drainage on the lots. Mr. Meisner stated that changing the drainage would destroy trees and would be disruptive. Phil La Rue then stated that he does not want septic systems in the drainage area so he could understand the variance request. He then read Chapter 17.18(3) of the Zoning Ordinance

and stated that the variance request seems reasonable. The road system was then discussed. It was noted that it is a private road and would never change.

After further discussion, Hoy made a motion to grant a variance to allow a 15' front yard setback on Lots 29, 30 & 31 so that the septic systems will work out. Lenker seconded the motion.
Ayes all.

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

Ray Pennington
Chairperson Pro-tem

Sharon Luecamp
Secretary



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

Thursday, May 22, 2003 – 3:00 p.m.

I. Introduction

II. Review of the following request:

- A. Christopher Doherty, RFD, Tipton – A Home Industry Permit authorizing the location of a landscaping business**
- B. Thomas Hearst, RFD, Tipton (Owner) – A variance on the required front yard setback of 50 feet in the R-1 District on proposed Lots 29, 30 and 31 of Hidden River Heights, Part Four (A proposed 6 lot subdivision)**

III. Discussion

IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

May 5, 2003

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on **Thursday, May 22, 2003, 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. **Christopher Doherty, RFD, Tipton** – Requesting approval of a Home Industry Permit authorizing the location of a landscaping business at 1872 3rd Street, Tipton, Iowa. Said property is described as Parcel "B" in the NW ¼ of the SE ¼, Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. Said Parcel "B" consists of 2.88 acres more or less. Total property is 4.00 acres more or less and is zoned both R-2 Urban Residential and A-1 Agricultural.
2. **Thomas Hearst, RFD, Tipton (Owner)** – Requesting a variance on the required front yard setback of fifty (50) feet in the R-1 Suburban Residential District on proposed Lots 29, 30 and 31 of Hidden River Heights, Part Four, a proposed six (6) lot subdivision located in the SE ¼ of the SE ¼, Section 12, T-79N, R-3W, in Rochester Township. Said property is currently zoned A-1 Agricultural with proposed Lot 29 consisting of 1.04 acres, Lot 30 consisting of 1.38 acres and Lot 31 consisting of 1.64 acres more or less. Said petition is to allow a variance of 35 feet for each of the requested lots building setback.

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 5/8/03 to the following:

1. Christopher Doherty - P.O. Box 375, Iowa City, Iowa 52244 - Certified
2. Helen & Robert Nicolaus Trust - P.O. Box 500, Nevada, Iowa 50201
3. Michael & Judy Hain - 1053 285th Street, Tipton, Iowa 52772
4. Douglas & Katherine Ford - 1865 Snaggy Ridge Road, Tipton, Iowa 52772
5. David & Suzanne Lovell - 1956 Atalissa Road, Atalissa, Iowa 52720
6. Ronald & Marcia Petersen - 1719 Madison Street, Tipton, Iowa 52772
7. Dennis & Jennifer Petersen - 1713 Madison Street, Tipton, Iowa 52772
8. Martha Freeman - 1720 Madison Street, Tipton, Iowa 52772
9. Warren Williams - 1873 2nd Street, Tipton, Iowa 52772
10. Gregory & Laura Boeding - 1711 Washington Street, Tipton, Iowa 52772
11. Norman & Gloria McQuillen - 1874 1st Street, Tipton, Iowa 52772
12. Bruce Armstrong - 1875 2nd Street, Tipton, Iowa 52772
13. Rebecca Thumma - 1873 1st Street, Tipton, Iowa 52772
14. Leland & Karen Gritton - 1881 2nd Street, Tipton, Iowa 52772
15. Herbert Ford - 1811 King Avenue, Tipton, Iowa 52772
16. Donald & Joyce Hennings - 517 E. 4th Street, Tipton, Iowa 52772
17. Laura Ford - 1887 2nd Street, Tipton, Iowa 52772
18. Francis & Geraldine Schilling - 1709 Cedar Street, Tipton, Iowa 52772
19. Clarence & Lorine Ford - 1709 Cedar Street, Tipton, Iowa 52772
20. Golden Rule Lodge - 1882 1st Street, Tipton, Iowa 52772
21. Earl & Sandi Cook - 1884 1st Street, Tipton, Iowa 52772
22. Randy Rogers - 1886 1st Street, Tipton, Iowa 52772
23. Louise Idlewine - 1728 Washington Street, Tipton, Iowa 52772
24. Michael & Beryl Rocca - 1926 4th Street, Tipton, Iowa 52772
25. Daniel & Connie Wulf - 1891 3rd Street, Tipton, Iowa 52772
26. Alva Hansen - 1726 Washington Street, Tipton, Iowa 52772
27. William Dallege - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
28. Rick Dallege - 1971 Atalissa Road, Atalissa, Iowa 52720
29. Donald & Sharon Stiff - 1903 3rd Street, Tipton, Iowa 52772
30. Terry Clarkson - 1722 Cedar Street, Tipton, Iowa 52772
31. Margaret Pierce - 1908 2nd Street, Tipton, Iowa 52772
32. Rochester Methodist Church - 1905 3rd Street, Tipton, Iowa 52772
33. Darrel & Deanna Gritton - 1162 290th Street, Tipton, Iowa 52772
34. Jerry & Barbara Wood - 1985 Atalissa Road, Atalissa, Iowa 52720
35. Herman & Sharon Voss - 1918 Monroe Street, Tipton, Iowa 52772

1. Thomas L. Hearst - 1200 Cemetery Road, Tipton, Iowa 52772 - Certified
2. Charles & Caroline Frymoyer - 1232 300th Street, Tipton, Iowa 52772
3. Marvin & Carol Irwin - P.O. Box 94, Atalissa, Iowa 52720
4. Kent & Judy Kaeser - 48 Hidden River Drive, Tipton, Iowa 52772
5. Wilton Motors, Inc. - 1200 Cemetery Road, Tipton, Iowa 52772
6. Marvin & Jane Jones - 123 W. 9th Street, Tipton, Iowa 52772
7. Thelma J. Nopoulos Rev. Trust - P.O. Box 95, Wilton, Iowa 52778
8. Robert Van Houten - P.O. Box 131, Moscow, Iowa 52760
9. Christopher & Darryl Perkins - 211 W. 8th Street, Tipton, Iowa 52772
10. Kohl and Kohl Inc. - 605 Inland Road, Tipton, Iowa 52772
11. Alan and Simone Hansen - 62 Hidden River Court, Tipton, Iowa 52772
12. William and Judith Jensen - 52 Hidden River Drive, Tipton, Iowa 52772
13. Robert and Gail Meli - 978 Pacific Street, New Milford, NJ 07646
14. Wayne Yarolem Jr. - P.O. Box 536, Wilton, Iowa 52778
15. Susan Benz - MMS Consultants, 1917 Gilbert Street, Iowa City, Iowa 52240

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

March 27, 2003

The Cedar County Board of Adjustment conducted a Public Hearing on March 27, 2003, 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 September 26, 2002, were previously sent to the members. They were approved as presented.

The Board then reviewed the following petition:

1. **Jordan Pettus, 61 Solon Road, Solon (Owner)** – Requesting approval of a Home Occupation Permit for the purpose of operating a residential design and consultation service in his home on property located in the NW ¼ of the SE ¼, Section 19, T-81N, R-4W, in Cass Township, consisting of 6.70 acres more or less. Said property is zoned R-1 Suburban Residential and A-1 Agricultural.

La Rue informed the members that a letter of concern was received from William and Paula Leonard. Their concerns were regarding the number of customers who would go to the Pettus residence, business sign placement, liability of shared access and life span of a Home Occupation Permit. La Rue advised the members to consider this petition in accordance with Chapter 15 of the Zoning Ordinance.

Mr. Pettus was present and explained his plan to run a telecommunication business out of his office in his home. He informed the members that he has a degree in computer design and architectural technology. He stated that he was previously a journeyman sheet metal worker. His business will be in line with his past work. He will design plans to produce blueprints and architectural drawings and can also provide home accessibility assessments for medical providers. He feels that his business will be a benefit to the community. He informed the members that no manufacturing or production will be done at his residence and he would move the business if it expanded. He stated that a business acquaintance may occasionally visit his office but does not feel that any more traffic will be generated. The Leonard's concern regarding liability from customers using the shared access was discussed. Mr. Pettus felt, that in all likelihood, no business customers would be visiting his home as all completed designs are delivered by mail service or himself personally.

The Board then reviewed the letter of concern received from the Leonard's. La Rue informed the Board that this request is similar to the H.O.P. granted to Richard Kordick (Petition #0300) granted in 2000. The Board informed Mr. Pettus that, if granted, the Home Occupation Permit would be only for him and non-transferable. He was also informed that the H.O.P. would be rescinded if he should move the business and that it would be subject to annual review.

Mr. Pettus was informed that he would be allowed to have an identification sign. He stated that he would like to have an appropriate sign so that customers would know where he was located. Discussion was held regarding the sign location since Mr. Pettus has access to his property via a portion of the Leonard's driveway. Mr. Pettus then presented a diagram and pointed out where his driveway was located. A sign could be placed at the "Y" of the driveway. Mr. Pettus stated that a sign would not be placed along the road but inside of the driveway. He stated that the sign would probably state his and his wife's name. The Zoning Ordinance allows identification signs, provided they are unlighted and not larger than two square feet.

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

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

Claudia Bays

Chairperson

Sharon Laucamp

Secretary



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

Thursday, March 27, 2003 – 3:00 p.m.

I. Introduction

II. Review of the following request:

A. Jordan Pettus, Solon (Owner) – A Home Occupation Permit to allow operation of a residential design and consultation service in his home

III. Discussion

IV. Conclusion

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

March 10, 2003

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 27, 2003, 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. **Jordan Pettus, 61 Solon Road, Solon (Owner)** – Requesting approval of a Home Occupation Permit for the purpose of operating a residential design and consultation service in his home on property located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 19, T-81N, R-4W, in Cass Township, consisting of 6.70 acres more or less. Said property is zoned R-1 Suburban Residential and 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 3/11/03 to the following:

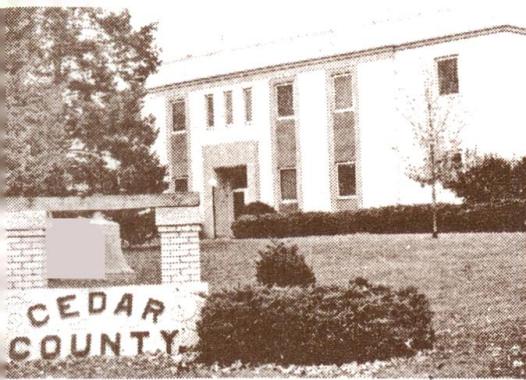
1. Jordan Pettus - 61 Solon Road, Solon, Iowa 52333 - Certified
2. Cedar Co., Inc. - % Hertz Farm Management, P.O. Box 500, Nevada, Iowa 50201-0500
3. William & Paula Leonard - 57 Solon Road, Solon, Iowa 52333
4. Juris Straumanis, DDS - 120 W. 5th Street, Tipton, Iowa 52772
5. Richard & Mary Lou Kindler - Elmer Lee Benesh Life Estate, 95 Solon Rd., Solon, IA 52333
6. James & Lois Oaks - 513 Water Street, West Branch, Iowa 52358
7. Ron & Jennifer Rohret - 85 Solon Road, Solon, Iowa 52333

1 Copy to Tipton Conservative on 3/10/03

5 Board of Adjustment members

2 File Copies

Bulletin Board Copies



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

February 11, 2003

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 during the month of February because no petitions have been received. However, there will be a meeting in March.

Sincerely,

Phil La Rue /SL

Phil La Rue
Zoning Administrator

PL:sl



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

January 9, 2003

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 during the month of January because no petitions have been received.

Reimbursement for your mileage during the year 2002 will be sent out next week.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF SUPERVISORS
Cedar County Courthouse
400 Cedar Street
Tipton, Iowa 52772-1750
Telephone: 563-886-3168
Fax: 563-886-3339
E-Mail: bos@cedarcounty.org

COPY

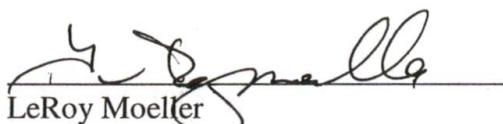
January 6, 2003

Chuck Hoy
606 E Oak Street
Mechanicsville, Iowa 52306

Dear Mr. Hoy:

Please be advised, that by motion of this Board on January 2, 2003, you were appointed to a five-year term on the Zoning Board of Adjustment. The term will expire 12-31-2007. Your willingness to serve on this Board is greatly appreciated.

Sincerely,



LeRoy Moeller

LM:bjp

CEDAR COUNTY BOARD OF SUPERVISORS
Cedar County Courthouse
400 Cedar Street
Tipton, Iowa 52772-1750
Telephone: 563-886-3168
Fax: 563-886-3339
E-Mail: bos@cedarcounty.org

COPY

January 6, 2003

Forest Johnson
503 Old Lincoln Hwy
Mechanicsville, Iowa 52306

Dear Mr. Johnson:

Please be advised, that by motion of this Board on January 2, 2003, you were appointed to a five-year term on the Zoning Board of Adjustment. The term will expire 12-31-2007. Your willingness to serve on this Board is greatly appreciated.

Sincerely,



LeRoy Moeller

LM:bjp