

## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

December 23, 2004

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, December 23, 2004, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Penningroth, Hoy and Lenker. Member absent was Johnson.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on October 28, 2004, were previously sent to the members. They were approved as presented.

Since the first petitioner, Lois Massey, was not present, the Board then considered the second petition on the agenda:

- 1. Cedar County Cooperative, RFD, West Branch (Owner)** – Requesting a variance of the separation requirement for an agricultural chemical warehouse and loading facility in accordance with Chapter 5, Agricultural District, Section D(2), on property at 1546 Baker Avenue, West Branch, 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.

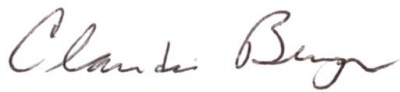
Zoning Administrator informed the members that there were no written or verbal objections on file and advised the members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance.

Bob Young, Manager of the Cedar County Cooperative, was present and explained to the members that because of how the property lies, they would preferably like to place their proposed agricultural chemical warehouse and loading facility northwest of the existing office. He explained that this location would allow for the most efficient access, business operation and security for the business. He informed the members that this site is an operational advantage for the business since it would be closer to the office. He explained that there would be a lot of activity between the months of April and August and this location would reduce steps from the office. He felt that the warehouse would be more secure and more easily observed from the office. Letters received from two adjoining property owners, Donald Murphy and KWKB TV tower, stated that they had no objection that the facility be placed within the 750 foot radius of the properties. Zoning Administrator La Rue stated that 750 feet is required between dwellings, occupied buildings and bulk chemical storage sites.

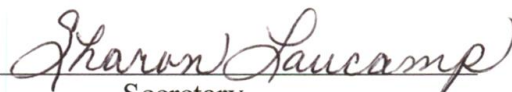
Questions were raised regarding possible leaks, spills, vapors and fire. Mr. Young addressed these concerns stating that the bulk storage of chemicals will be in containment, there will be a spill confinement and a wash pad installed. Any chemical spill will stay inside of the building. The board members questioned if the neighbors were aware of any danger or risk. Carl Fobian, adjoining property owner and Larry Regenitter, tenant, were present and expressed their concerns. Mr. Fobian questioned what impact this would have on his property. Mr. Young then showed Mr. Fobian the aerial photo showing that the proposed placement of the facility could be observed from the highway and stated that no fencing would be involved. Mr. Young informed the members that the facility will store both liquid and dry chemicals for corn and soybeans. He again reassured the members that any chemical spill will stay inside the building. The floor of the building must hold 110% of the total volume. He stated that it would take a rupture of all tanks at the same time to be more than this. The company will assume the liability if spillage on adjacent land happened. The facility will be used for loading, receiving and storage. Mr. Fobian again questioned how this impacts his ground to the north of the proposed facility without any compensation. He stated that he knew of the existing business when he bought his property but feels that it is now being brought closer. Different locations were discussed and a variance would not be required if the facility was constructed east of the buildings in the area of the tank farm. However, the petitioners feel that the requested site is the best location for purposes of accessibility, safety and security. Mr. Young stated that the building will be locked but no security system will be used. He also stated that they will comply with state regulations and the Department of Agriculture. He informed the members that the proposed building will not shade the farm ground surrounding it.

The Board felt that special circumstances, including security, justifies the placement of the facility near the existing office. After further discussion, Lenker made a motion to grant the variance separation distance of 520 feet with the stipulation that the business complies with state and Department of Agriculture's regulations pertaining to containment, safety, etc. Hoy seconded the motion. Ayes all.

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



Chairperson



Secretary





Tel: 563-886-2248

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

December 6, 2004

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, December 23, 2004, at 3:00 p.m., in the Large Meeting in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Lois Massey, RFD, West Branch (Owner)** – Requesting approval of a Home Occupation Permit for the purpose of operating a home decorating business on property located at 570 290<sup>th</sup> Street, West Branch, in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 12, T-79N, R-4W, in the unincorporated town of Springdale. Said property is currently zoned R-2 Urban Residential.
2. **Cedar County Cooperative, RFD, West Branch (Owner)** – Requesting a variance of the separation requirement for an agricultural chemical warehouse and loading facility in accordance with Chapter 5, Agricultural District, Section D(2), on property at 1546 Baker Avenue, West Branch, 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.

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 12/7/04 to the following:

1. Lois Massey - 570 290th Street, West Branch, Iowa 52358 - Certified
2. Cynthia Green & Jan Luchini - 576 290th Street, West Branch, Iowa 52358
3. Anders V Mather Trust - % Kenneth Mather, 799 290th Street, West Liberty, Iowa 52776
4. Roscoe & Helen Millett - 1722 Grant Avenue, West Branch, Iowa 52358
5. Randy & Norma Rood - 566 290th Street, West Branch, Iowa 52358
6. Ellen K. Liebergen - P.O. Box 244, West Branch, Iowa 52358
7. Robert & Reta Gruwell - 563 290th Street, West Branch, Iowa 52358
8. Christian & Renee Hogan - 558 290th Street, West Branch, Iowa 52358
9. Jim & Ruth Farmer - 556 290th Street, West Branch, Iowa 52358
10. Herman Paulsen - 569 290th Street, West Branch, Iowa 52358
11. Stephanie Knoedel - 567 290th Street, West Branch, Iowa 52358
12. Cheryl S. Turner - 3624 Terrace Hill Dr. NE, Cedar Rapids, Iowa 52402
13. Warren Hayslett - 559 290th Street, West Branch, Iowa 52358
14. Kenneth & Diane Phillips & Jennifer Lacina - 555 290th Street, West Branch, Iowa 52358
15. Robert & Barbara Helmer - 557 290th Street, West Branch, Iowa 52358
16. Larry Slocum - 5430 Fairview Cem. Rd. NE, West Branch, Iowa 52358

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1. Cedar County Cooperative - Attn: Bob Young, P.O. Box 192, Tipton, Iowa 52772 - Certified
  2. Fobian Farms, Inc. - 3639 Oasis Road NE, West Branch, Iowa 52358
  3. Donald & Kristine Murphy - 1528 Baker Avenue, West Branch, Iowa 52358
  4. Vivian & Keith Howard - 111 260th Street, West Branch, Iowa 52358
  5. Kun Chae Bae Trust - 3654 West Jarvis, Skokie, Illinois 60076
  6. Robert Jindrich - 79 265th Street, West Branch, Iowa 52358

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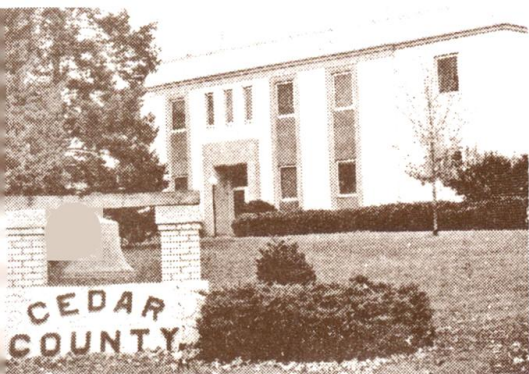
5 Board of Adjustment members

1 Copy to Tipton Conservative and West Branch Times on 12/6/04

2 File Copies

Bulletin Board Copy





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, December 23, 2004 – 3:00 p.m.

- I. Introduction
- II. Review of the following requests:
  - A. Lois Massey, RFD, West Branch (Owner) –  
Requesting a Home Occupation Permit for the  
purpose of operating a home decorating business  
on her property
  - B. Cedar County Cooperative, RFD, West Branch  
(Owner) – Requesting a variance on the separation  
requirement for an agricultural chemical warehouse  
and loading facility
- III. Conclusion



Tel: 563-886-2248

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

November 8, 2004

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, November 18, 2004, at 3:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

1. **Doris Coiner, 1289 110<sup>th</sup> Street, Olin, Iowa (Owner)** - Requesting a variance to temporarily allow placement of a manufactured home on a farmstead where there is an existing home on property located in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 6, T-82N, R-2W, in Dayton Township, consisting of 6.10 acres. 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 11/9/04 to the following:

1. Doris Coiner - 1289 110th Street, Olin, Iowa 52320 - Certified
2. Gene McAtee - 26 National Avenue, Olin, Iowa 52320
3. Robert Dircks - 1380 120th Street, Clarence, Iowa 52216
4. Pat & Harold Goldsmith - 280 Highway 38, Stanwood, Iowa 52337
5. Dennis L. Oldorf Trustee - P.O. Box 1883, Cedar Rapids, Iowa 52406
6. Mearl C. Eilers - P.O. Box 252, Stanwood, Iowa 52337
7. Marilyn Robinson & Linda Ballou & Carol Miller - 108 Crescent Drive, Monticello, IA 52310
8. Linda Ballou - 26440 212th Avenue, Manchester, Iowa 52057
9. James & Alberta Lawson - 1316 110th Street, Olin, Iowa 52320

Copy to Tipton Conservative on 11/8/04

2 File Copies

Bulletin Board Copy

5 Board of Adjustment Members



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 18, 2004 – 3:00 p.m.

- I. Introduction
- II. Review of the following request:
  - A. Doris Coiner, 1289 110<sup>th</sup> Street, Olin (Owner) –  
Requesting a variance to temporarily allow  
placement of a manufactured home on a  
farmstead where there is an existing home
- III. Discussion on code interpretation of a required setback  
for a roofed corral
- IV. Conclusion



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

### Legal Notice

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 28, 2004, 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. **Doris Colner, 1289 110th Street, Olin, Iowa (Owner)** - Requesting a variance to temporarily allow placement of a manufactured home on a farmstead where there is a existing home on property located in the SE-1/4 of the SE-1/4, Section 6, T-82N, R-2W, in Dayton Township, consisting of 6.10 acres. Said property is currently zoned A-1 Agricultural. This petition was previously heard by the Board on September 23, 2004, but was tabled.

2. **Steve and Mary Grotzky, 1974 325th Street, Wilton (Owners)** - Requesting a temporary variance to permit the replacement of their existing home with a single family dwelling on property located in the NE-1/4 of the NE-1/4, Section 32, T-79N, R-1W, in Farmington Township, consisting of 22.54 acres more or less. Said property 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 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 LaRue  
Zoning Administrator  
SN40

The Sun-News Time to wit on

Oct 7, 2004

Pat A. Kroemer

Subscribed and sworn to before me this 28

day of Oct A.D. 2004

Joyce M Gray

Notary Public in and for Cedar County, Iowa

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

\_\_\_\_\_ Dollars

Printer's fee \$ 18.26



# PROOF OF PUBLICATION

STATE OF IOWA,  
Muscatine County } ss.

I, Paulette Theobald, being first duly sworn on oath  
depose and say; that I am the office manager of Advocate  
News, a newspaper published weekly in the City of Wilton,  
Muscatine County, State of Iowa, and that notice of Cedar  
County Board of Adjustment public hearing 10/28/2004

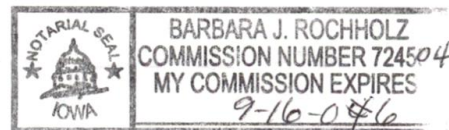
hereto attached and made a part hereof, was published  
once each week for 1 week(s) in succession, in said  
newspaper, and that the dates of publication were  
October 7, 2004

and that the copy of said printed notice, hereto attached,  
was cut from one of said publications.

*Paulette Theobald*

Subscribed and sworn to before me this 7th  
day of October 2004

*Barbara J. Rochholz*  
Notary Public



## PUBLIC NOTICE

### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, Oct. 28, 2004, 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. Doris Coirer, 1289 110<sup>th</sup> St., Olin, Iowa, (Owner) – Requesting a variance to temporarily allow placement of a manufactured home on a farmstead where there is an existing home on property located in the SE 1/4 of the SE 1/4, Section 6, T-82N, R-2W, in Dayton Township, consisting of 6.10 acres. Said property is currently zoned A-1 Agricultural. This petition was previously heard by the Board on Sept. 23, 2004, but was tabled.

2. Steve and Mary Grotzky, 1974 325<sup>th</sup> St., Wilton, (Owners) – Requesting a temporary variance to permit the replacement of their existing home with a single family dwelling on property located in the NE 1/4 of the

NE 1/4, Section 32, T-79N, R-1W, in Farmington Township, consisting of 22.54 acres more or less. Said property 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 petition. Any persons so wishing may file a



## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

October 28, 2004

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, October 28, 2004, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Hoy, Penningroth and Lenker. Member absent was Johnson.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on September 23, 2004, were previously sent to the members. They were approved as presented.

Zoning Administrator La Rue informed the members that the first petition on the agenda for Doris Coiner would not be heard due to the petitioner's request. This petition will, therefore, be continued at the next meeting.

The Board members then considered the following petition:

- 1. Steve and Mary Grotzky, 1974 325<sup>th</sup> Street, Wilton (Owners) –**  
Requesting a temporary variance to permit the replacement of their existing home with a single family dwelling on property located in the NE ¼ of the NE ¼, Section 32, T-79N, R-1W, in Farmington Township, consisting of 22.54 acres more or less. Said property is zoned A-1 Agricultural.

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

Mary Grotzky and her father, Tom Howard, were present at the meeting. Mrs. Grotzky informed the members that she and her husband would like to move a house which is currently located at 2207 Ocean Avenue to their property at 1974 325<sup>th</sup> Street. She explained that there is currently a house on their property which is not worth fixing up. Therefore, the Grotzky's would like to live in their current house until the house which they will be moving onto the property is remodeled. She stated that they would then remove the existing home. Discussion was held regarding how much time would be needed to remove the older home.

After a brief discussion, Penningroth made a motion that the Board allow the second home on the property and the Grotzky's

could live in the existing home while they were remodeling the new home. Also, the older home would have to be removed within 90 days after the Grotzky's were moved into their remodeled home. Lenker seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned at 3:15 p.m.

Claudia Beyer  
Chairperson

Sharon Laucamp  
Secretary





Tel: 563-886-2248

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

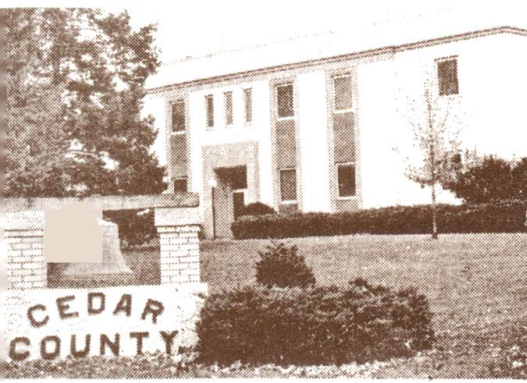
**AGENDA**

**Cedar County Board of Adjustment**

Basement, Cedar County Courthouse, Tipton, Iowa

Thursday, October 28, 2004 – 3:00 p.m.

- I. Introduction
- II. Review of the following request:
  - A. Doris Coiner, 1289 110<sup>th</sup> Street, Olin (Owner) – Requesting a variance to temporarily allow placement of a manufactured home on a farmstead where there is an existing home
  - B. Steve and Mary Grotzky, 1974 325<sup>th</sup> Street, Wilton (Owners) – Requesting a temporary variance to permit the replacement of their existing home with a single family dwelling
- III. Discussion
- IV. Conclusion



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

October 4, 2004

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 28, 2004, 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. **Doris Coiner, 1289 110<sup>th</sup> Street, Olin, Iowa (Owner)** - Requesting a variance to temporarily allow placement of a manufactured home on a farmstead where there is an existing home on property located in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 6, T-82N, R-2W, in Dayton Township, consisting of 6.10 acres. Said property is currently zoned A-1 Agricultural. This petition was previously heard by the Board on September 23, 2004, but was tabled.
2. **Steve and Mary Grotzky, 1974 325<sup>th</sup> Street, Wilton (Owners)** - Requesting a temporary variance to permit the replacement of their existing home with a single family dwelling on property located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 32, T-79N, R-1W, in Farmington Township, consisting of 22.54 acres more or less. Said property 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 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

Copies sent out on 10/5/04 to the following:

1. Doris Coiner - 1289 110th Street, Olin, Iowa 52320 - Certified
  2. Gene McAtee - 26 National Avenue, Olin, Iowa 52320
  3. Robert Dircks - 1380 120th Street, Clarence, Iowa 52216
  4. Pat & Harold Goldsmith - 280 Highway 38, Stanwood, Iowa 52337
  5. Dennis L. Oldorf Trustee - P.O. Box 1883, Cedar Rapids, Iowa 52406
  6. Mearl C. Eilers - P.O. Box 252, Stanwood, Iowa 52337
  7. Marilyn Robinson & Linda Ballou & Carol Miller - 108 Crescent Dr., Monticello, IA 52310
  8. Linda Ballou - 26440 212th Avenue, Manchester, Iowa 52057
  9. James & Alberta Lawson - 1316 110th Street, Olin, Iowa 52320
- 

1. Steve & Mary Grotzky - 1974 325th Street, Wilton, Iowa 52778 - Certified
  2. Wayne & Wilma Tank - 1945 335th Street, Wilton, Iowa 52778
  3. Leo & Betty Shuger - 1903 335th Street, Wilton, Iowa 52778
  4. George Guyford & Deborah Leith - 822 S. 14th Avenue, Washington, Iowa 52353
  5. Patricia Lopker - 822 S. 14th Avenue, Washington, Iowa 52353
  6. Jay & Katherine Brammeier - 1997 335th Street, Wilton, Iowa 52778
  7. John & Ruth Urmie - 2034 325th Street, Durant, Iowa 52747
  8. Robert & Trudy Menke - 2375 Vermont Avenue, Durant, Iowa 52747
- 

Copy to Tipton Conservative & Wilton Advocate on 10/5/04

2 File Copies

Bulletin Board Copies

5 Board of Adjustment Members



## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 23, 2004

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, September 23, 2004, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Lenker and Johnson. Members absent were Hoy and Penningroth.

Chairperson Beyer called the meeting to order at 3:05 p.m. Minutes from the last meeting held on August 26, 2004, were previously sent to the members. They were approved as presented.

The Board members then consider the following petition:

- 1. Doris Coiner, 1289 110<sup>th</sup> Street, Olin, Iowa (Owner)** - Requesting a variance to temporarily allow placement of a manufactured home on a farmstead where there is an existing home on property located in the SE ¼ of the SE ¼, Section 6, T-82N, R-2W, in Dayton Township, consisting of 6.10 acres. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members that there were no written objections on file, but he had received a verbal concern from Robert Dircks, an adjoining property owner. He advised the members to consider this petition in accordance with Chapter 17.18(3) of the Cedar County Zoning Ordinance. Mr. La Rue stated that Mrs. Coiner's petition for a rezoning request had previously been heard before the Planning and Zoning Commission as a request for a conditional zoning agreement to temporarily allow placement of a manufactured home on Mrs. Coiner's property. He stated that there was concern due to the livestock confinement close by and was tabled because the commission members felt that they wanted advice from the County Attorney. Mrs. Coiner then withdrew her petition at the next meeting of the Planning & Zoning Commission after she read the written opinion of the Assistant County Attorney, Sterling Benz. She then requested a variance from the Board of Adjustment to temporarily allow the placement of the manufactured home.

Attending the meeting were Doris Coiner, her daughter, Shelly Robertson, Robert & Diane Dircks, Sterling Benz and Jeff Renander.

Mrs. Coiner then explained to the members that she wants to place a handicap accessible home on her property to make her life easier due to her recent accident. She stated that she is currently living in the

existing home on the property and stated that her daughter, Shelly Robertson, would live in the home if she is granted the variance for the second dwelling. Chairperson Beyer questioned whether the existing house could be made handicap accessible. Mrs. Coiner stated that her washer and dryer are in the basement, her bedroom is upstairs and that the existing home is old and not set up that well.

Phil La Rue then explained the diagram which was used for the Planning and Zoning Commission. The diagram showed Mrs. Coiner's property, the Dircks farmland and the hog confinement. Mr. La Rue explained that the original request was to change the zoning on one acre of Mrs. Coiner's property north of the existing house. Mrs. Coiner's property is zoned A-1 Agricultural, and under the Zoning Ordinance, the division of a farmstead to have a home on the property is allowed in the A-1 district. He pointed out that the Dircks' hog confinement is located closer than 1,320 feet and stated that the Ordinance, under the A-1 district, requires 1,320 feet separation from a livestock operation of 500 head or more from a residential used property. The existing house is grandfathered in because it was there prior to the hog operation. Mrs. Coiner is requesting a variance for the second house which would mean expansion of the residential use. There is sufficient room for a septic system. Mr. La Rue stated that he believed the septic system would be updated to accommodate both homes and would utilize the same well.

Chairperson Beyer then asked Robert and Diane Dircks to state their concerns. Mr. Dircks stated that his concern was that the Board was changing the law that protects the livestock operator. He is concerned that they want some protection if the variance is granted. He stated that he received a copy of the proposed agreement prepared by Mrs. Coiner's attorney. He stated that he feels that the agreement does offer some protection, but he has not been able, in the short period of time, to obtain some counseling. He stated that he does have some concerns and would need more time for his attorney's opinions. He stated that one of his concerns is that a family member of Mrs. Coiner's could bring suit against his livestock operation or object to any expansion of his operation. He feels that their concerns need to be clarified and they are asking that they be protected. He stated that his hog operation was constructed according to the laws and is well managed and maintained. He stated that his daughter and son-in-law are also involved in the operation and need some protection for the future. Mr. Dircks stated that he is not opposed to Mrs. Coiner's request but would like some changes. La Rue recommended that if the variance would be granted, that it would be reviewed on an annual basis.



Chairperson Beyer then asked Sterling Benz, Assistant County Attorney, for his opinion. Attorney Benz stated that the Code of Iowa makes a provision in circumstances where strict application of the zoning ordinance would work an injustice or hardship and makes provision for the Board of Adjustment to vary the terms of the ordinance to allow a use that would not otherwise be permitted. Mr. Benz stated that what the Board has to do is to decide if this is the kind of case where an injustice or unusual circumstances justify that variance. He further stated that there are two parts of the zoning ordinance that Mrs. Coiner's petition would conflict with. One, that there can't be two residences on the parcel and the second residence is after the fact of the confinement buildings being built. This second dwelling would be within 1320 feet of the confinement operation. He stated that he believed that the Board can grant a variance if they feel there is a hardship which a variance would remedy and is appropriate. He further stated that, in that context, the Board could also make the variance temporary and could condition it on Mrs. Coiner and her family members coming to an agreement with Dircks' Corporation. The Board would not have to involve themselves with the exact language of the agreement. Attorney Benz stated he had anticipated that Mrs. Coiner's attorney would have a agreement drafted which was agreeable to both parties. Since this has not been done, he stated that he wasn't sure if the Board should act now or make it conditioned on the agreement coming within an amount of time or adjourn and reconsider it at the next meeting to give both parties enough time to come up with an agreement. Chairperson Beyer then asked Mrs. Coiner how she felt about a conditional agreement. Mrs. Coiner stated that she and her immediate family felt that an agreement was the only way she would receive the variance. Mr. Dircks stated that they were in agreement with Attorney Benz if the language in the agreement was changed. Benz informed Mrs. Coiner's daughter that what the drafted agreement did not have was a signature line for her to sign, since she also could object to the hog operation since she and her family would be living on the same parcel and would be an heir to Mrs. Coiner's property. Mr. Dircks stated that he would need more time so that his attorney could review any language changes in the agreement. Attorney Benz stated that he felt that it would be better for the Board to act after there is an agreement. The Board felt that the drafted agreement was a starting point and it would be up to the attorneys to work out a final agreement. Benz stated that it is a factor that they have an agreement that everyone is satisfied with and it is up to the Board to decide whether or not to grant a variance.

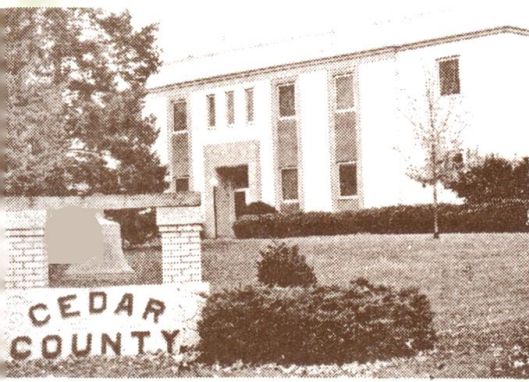


After further discussion, Johnson made a motion to table this petition until the October meeting. Lenker seconded the motion. Ayes all.

With no further business to be discussed at this time, Lenker made a motion to adjourn. Johnson seconded the motion. Meeting adjourned at 3:35 p.m.

Claudia Bey  
Chairperson

Sharon Laucamp  
Secretary



Tel: 563-886-2248

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

September 16, 2004

**TO: CEDAR COUNTY BOARD OF ADJUSTMENT MEMBERS**

Enclosed is a copy of an agreement prepared by Mrs. Coiner's attorney for your review prior to the meeting.

If you have any questions, please feel free to call. See you at the meeting on the 23<sup>rd</sup>.

Phil La Rue  
Zoning Administrator

PL:sl

Encl.

## AGREEMENT

WHEREAS, Doris Coiner ("Coiner") is the owner of real estate located in the Southeast Quarter of the Southeast Quarter of Section 6, Township 82 North, Range 2 West of the 5th P.M., in Cedar County, Iowa, and

WHEREAS, Dircks Farms, Inc. ("Dircks") owns real estate adjacent to Coiner's real estate upon which it operates a hog confinement facility with a capacity greater than 500, and

WHEREAS, Coiner wishes to place a mobile home on her property which will be the second residence on said real estate, and

WHEREAS, there will be less than 1,320 feet of separation between Dircks' hog confinement facility and the location of the mobile home on Coiner's real estate, and

WHEREAS, the Cedar County Zoning Ordinance prohibits locating a non-farm dwelling within 1,320 feet of a livestock operation, and

WHEREAS, the Cedar County Board of Adjustment is willing to grant Coiner a variance to allow her to locate the mobile home on her real estate under certain terms and conditions, including the approval of Dircks, and

WHEREAS, Dircks is willing to consent to the variance as set forth above under certain conditions,

IT IS, THEREFORE, AGREED AS FOLLOWS:

1. Consent of Dircks. Dircks, on behalf of itself, its officers, directors and shareholders and its successors and assigns, consents to the placement of a mobile home by Coiner upon the real estate described above.



2. Coiner Covenants. Coiner, for herself and her heirs, successors and assigns, agrees:

a. At such time as Coiner sells the real estate, ceases to live on the real estate or dies, the mobile home will be removed.

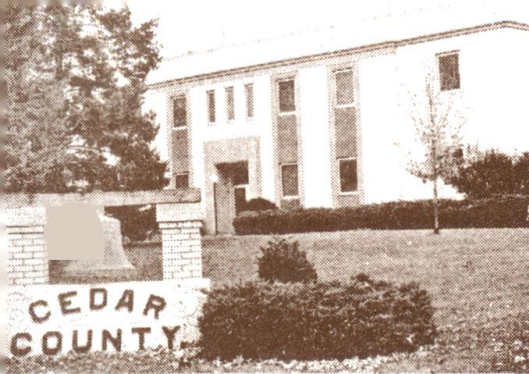
b. During the time that the mobile home is located on the real estate, neither Coiner nor her heirs, successors and assigns will object to Dircks' use of its real estate for purposes of raising hogs in confinement, including any expansion by Dircks of said use.

3. Compliance with Law. Dircks agrees that it will operate the confinement hog facility, including any increased use thereof, in full compliance with the requirements of federal, state and local laws. Nothing herein shall prevent Coiner, her successors or assigns from any rights that they might have in the event the operation of the confinement hog facility by Dircks violates any federal, state or local law.

\_\_\_\_\_  
DORIS COINER

DIRCKS FARMS, INC.

By \_\_\_\_\_,  
\_\_\_\_\_, President



Tel: 563-886-2248

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

September 8, 2004

**TO: CEDAR COUNTY BOARD OF ADJUSTMENT MEMBERS**

As I informed you at the last meeting, Doris Coiner has requested to appear before the Board of Adjustment members to ask for a temporary variance to place a mobile home on her farmstead. She previously had requested a change in zoning from the Planning and Zoning Commission, but withdrew her petition after being informed of Sterling Benz's written comment.

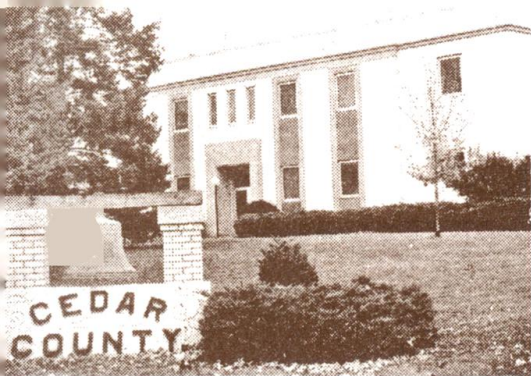
I have enclosed a copy of Attorney Benz's memo to the Zoning Commission, a copy of the minutes from the Zoning Commission's meetings, a copy of her original petition to the Zoning Commission, a copy of the letter received by this department from Robert Dircks and an aerial photo showing Mrs. Coiner's property, Mr. Dircks' farm and his hog confinement area.

If you have any questions, please feel free to call.

Phil La Rue  
Zoning Administrator

PL:sl

Encls.



Tel: 563-886-2248

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

**AGENDA**

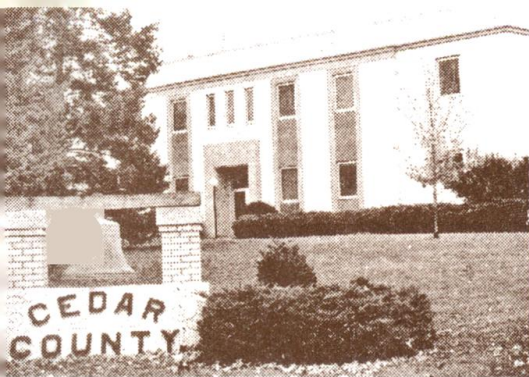
**Cedar County Board of Adjustment**

Basement, Cedar County Courthouse, Tipton, Iowa

Thursday, September 23, 2004 – 3:00 p.m.

- I. Introduction
- II. Review of the following request:
  - A. Doris Coiner, 1289 110<sup>th</sup> Street, Olin (Owner) –  
Requesting a variance to temporarily allow  
placement of a manufactured home on a  
farmstead where there is an existing home
- III. Discussion
- IV. Conclusion





Tel: 563-886-2248

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

September 7, 2004

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 23, 2004, 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. **Doris Coiner, 1289 110<sup>th</sup> Street, Olin, Iowa (Owner)** - Requesting a variance to temporarily allow placement of a manufactured home on a farmstead where there is an existing home on property located in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 6, T-82N, R-2W, in Dayton Township, consisting of 6.10 acres. 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 9/8/04 to the following:

1. Doris Coiner - 1289 110th Street, Olin, Iowa 52320 - Certified
2. Gene McAtee - 26 National Avenue, Olin, Iowa 52320
3. Robert Dircks - 1380 120th Street, Clarence, Iowa 52216
4. Pat & Harold Goldsmith - 280 Highway 38, Stanwood, Iowa 52337
5. Dennis L. Oldorf Trustee - P.O. Box 1883, Cedar Rapids, Iowa 52406
6. Mearl C. Eilers - P.O. Box 252, Stanwood, Iowa 52337
7. Marilyn Robinson & Linda Ballou & Carol Miller - 108 Crescent Drive, Monticello, IA 52310
8. Linda Ballou - 26440 212th Avenue, Manchester, Iowa 52057
9. James & Alberta Lawson - 1316 110th Street, Olin, Iowa 52320

5 Board of Adjustment members

1 Copy to Tipton Conservative & Sun News on 9/3/04

1 Copy for Bulletin Board

2 File Copies

## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

August 26, 2004

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, August 26, 2004, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Beyer, Johnson, Hoy, Lenker and Penningroth.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on April 22, 2004, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

1. **David Fulwider, 1112 235<sup>th</sup> Street, Tipton (Owner)** – Requesting approval of a Home Industry Permit for the purpose of operating a small engine repair business on his property located in the NE ¼ of the NW ¼ of the SW ¼, Section 12, T-80N, R-3W, in Center West Township, consisting of 0.78 acres more or less. Said property is currently zoned A-1 Agricultural.

Zoning Administrator 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 15 of the Cedar County Zoning Ordinance.

Mr. Fulwider was present and explained to the members that he is currently operating a small engine repair business out of his 28' x 30' two stall garage on his property. His petition is to bring his current business operation into compliance with the Ordinance. There is no large traffic flow. The letter from County Engineer, Rob Fangmann, stated that he had no objection and the existing entrance had been approved for this location. He also stated that at no time shall anyone be allowed to park their vehicles along 235<sup>th</sup> Street or in the County's right-of-way. Mr. Fulwider stated that all visitors will park within the business property. Zoning Administrator La Rue informed Mr. Fulwider that, as part of the Home Industry Permit, the signage allowed for the business advertisement is 8 square feet, according to Chapter 15 of the Zoning Ordinance.

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



2. **Lisa Morey, 2051 Highway 927, Wilton (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel on property located in the NE ¼ of the SW ¼ and the NW ¼ of the SE ¼, Section 23, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned both A-1 Agricultural and R-1 Suburban Residential.

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

Lisa Morey was present and explained her plans to operate a dog boarding kennel on her property. She stated that there is a one-half mile lane to their property and there are no neighbors close by except her parents. She informed the members that she plans to start her business with 13 kennels and possibly expand to 25 kennels in the future. The building she intends to use is already existing. She also stated that she plans to have a septic system for the operation. She is aware that she will need permits from the state but has not yet applied for them because she wanted to receive approval from the Board first. The letter from County Engineer, Rob Fangmann, stated that he had objection to this petition and, an existing entrance had been approved for this location.

Johnson then made a motion to grant the Special Use Permit authorizing the dog boarding kennels, subject to annual review. Lenker seconded the motion. Ayes all.

3. **Luke Oberbreckling Jr., 745 125<sup>th</sup> Street, Mechanicsville (Owner)** – Requesting a setback variance on the side and rear yard for an attached garage on a dwelling in the A-1 Agricultural district on property located in Lot A in the SE ¼ of the SE ¼ of the NW ¼, Section 17, T-82N, R-3W, in Fremont Township, consisting of 0.18 acres more or less.

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

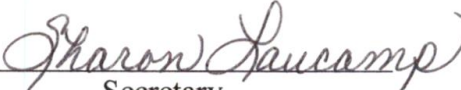
Mr. Oberbreckling was present and explained to the members that he would like to make his current garage into a bedroom and build a new attached garage unto his house. His property is only .18 acres in size and he has no room to build the garage without a variance. The current home does not meet the setback requirements. He informed

the members that should the existing septic system fail, he could obtain an easement from an adjoining neighbor for a new system. Chester Eales, adjoining property owner, stated that he had no objections to Mr. Oberbreckling's request. Mr. Oberbreckling stated that he would remove the existing entrance and a new entrance would be constructed. The letter from County Engineer, Rob Fangmann, stated that he had no objections to this petition and that a new entrance had been approved for the new garage. He also stated that the existing entrance must be removed prior to final approval by the County of the new entrance. La Rue then stated that this hardship was not caused by Mr. Oberbreckling.

After further discussion, Hoy made a motion to grant a rear yard setback variance of 10' and a side yard variance of 6'. Penningroth seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned at 3:20 p.m.

  
Chairperson

  
Secretary



Tel: 563-886-2248

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

August 9, 2004

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 26, 2004, 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 Fulwider, 1112 235<sup>th</sup> Street, Tipton (Owner)** – Requesting approval of a Home Industry Permit for the purpose of operating a small engine repair business on his property located in the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 12, T-80N, R-3W, in Center West Township, consisting of 0.78 acres more or less. Said property is currently zoned A-1 Agricultural.
2. **Lisa Morey, 2051 Highway 927, Wilton (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel on property located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 23, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned both A-1 Agricultural and R-1 Suburban Residential.
3. **Luke Oberbreckling Jr., 745 125<sup>th</sup> Street, Mechanicsville (Owner)** – Requesting a setback variance on the side and rear yard for an attached garage on a dwelling in the A-1 Agricultural district on property located in Lot A in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 17, T-82N, R-3W, in Fremont Township, consisting of 0.18 acres more or less.

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



Copies sent out on 8/12/04 to the following:

1. David Fulwider - 1112 235th Street, Tipton, Iowa 52772 - Certified
2. Norman & Janet Ford - 111 235th Street, Tipton, Iowa 52772
3. Chancey & Delores Moore Life Estate - 1110 Cedar Valley Road, Tipton, Iowa 52772

- 
1. Lisa Morey - 2051 Highway 927, Wilton, Iowa 52778 - Certified
  2. Robert & Trudy Menke - 2375 Vermont Avenue, Durant, Iowa 52747

- 
1. Luke Oberbreckling Jr. - 714 E. 1st Street, Mechanicsville, Iowa 52306 - Certified
  2. Chester & Ferne Eales - 735 125th Street, Mechanicsville, Iowa 52306
  3. Helen Farrington - 76 Jackson Avenue, Olin, Iowa 52320
  4. Melvin Lehrman - 970 120th Street, Mechanicsville, Iowa 52306
- 

- 1 Copy to Tipton Conservative, Sun News & Wilton Advocate on 8/9/04
  - 2 File Copies
  - 5 Board of Adjustment members on 8/12/04
- Bulletin Board copies
- Copy e-mailed to Rob Fangmann on 8/9/04



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, August 26, 2004 – 3:00 p.m.

I. Introduction

II. Review of the following requests:

- A. David Fulwider, 1112 235<sup>th</sup> Street, Tipton (Owner) –  
Requesting approval of a Home Industry Permit  
for the purpose of operating a small engine repair  
business on his property
- B. Lisa Morey, 2051 Highway 927, Wilton (Owner) –  
Requesting approval of a Special Use Permit  
authorizing the location of a dog boarding kennel  
on her property
- C. Luke Oberbrecking Jr., 745 125<sup>th</sup> Street,  
Mechanicsville (Owner) – Requesting a setback  
variance on the side and rear yard for an attached  
garage on a dwelling

III. Discussion

IV. Conclusion



Tel: 563-886-2248

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

July 6, 2004

**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 July because no petitions have been received.

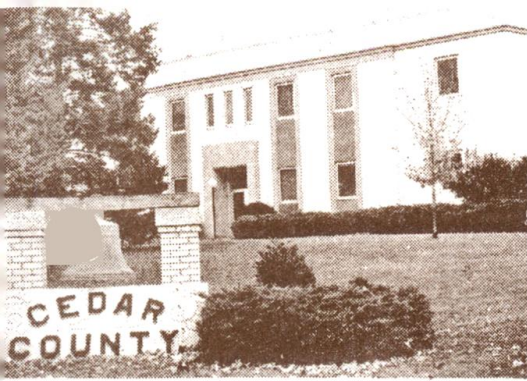
Sincerely,

A handwritten signature in dark ink that reads "Phil La Rue". The signature is written in a cursive style.

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 8, 2004

**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



Tel: 563-886-2248

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

May 11, 2004

**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 May because no petitions have been received.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

April 22, 2004

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, April 22, 2004, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Hoy, Lenker and Johnson. Members absent were Beyer and Penningroth.

Chairperson Pro-tem Hoy called the meeting to order at 3:00 p.m. Minutes from the last meeting held on March 25, 2004, were previously sent to the members. They were approved as presented.

The Board members then considered the following petition:

1. **Jerry and Tammy Sexton, 1696 Franklin Avenue, West Branch (Owners)** – Requesting a variance of Chapter 5,C,2 of the A-1 Agricultural District regulations to allow a second dwelling on a farm further than 250 feet of an existing farm structure on property located in the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 25, T-80N, R-4W, in Gower Township.

Zoning Administrator 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(3) of the Cedar County Zoning Ordinance.

Jerry Sexton was present and explained his plan to build a second home on his property. The Board noted that the previous owner kept the original farm home. The proposed building site is 700 to 800 feet from the home that Mr. and Mrs. Sexton built in 1997. Mr. Sexton explained that they would like to sell the bulk of the farm in the future and would like to keep a smaller tract of about 20 acres. Discussion was held on the agricultural exemption and the variance request. La Rue explained that if the farm land had been sold off, and the Sexton's retained less than 35 acres, a rezoning would be required. Rob Fangman, Cedar County Engineer, was present and explained that the driveway has been approved. The Board reminded Mr. Sexton of the County's well and septic system requirements.

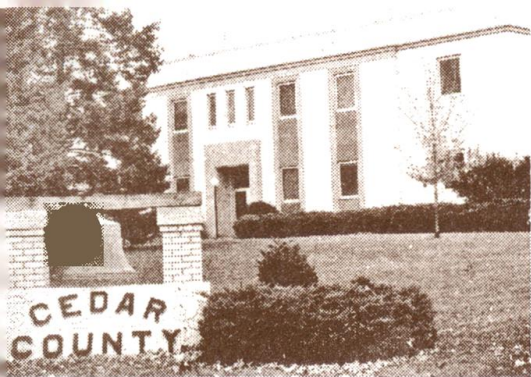
Following discussion, Lenker made a motion to allow the separation distance of 800 feet for the Sexton's proposed home from their existing home. Ayes all.



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

  
Chairperson Pro-tem

  
Secretary Pro-tem



Tel: 563-886-2248

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

April 5, 2004

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, April 22, 2004, 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. **Jerry and Tammy Sexton, 1696 Franklin Avenue, West Branch (Owners)** – Requesting a variance of Chapter 5,C,2 of the A-1 Agricultural District regulations to allow a second dwelling on a farm further than 250 feet of an existing farm structure on property located in the NW ¼, SW ¼, Section 25, T-80N, R-4W, in Gower Township.

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 4/8/04 to the following:

1. Jerry & Tammy Sexton - 1696 Franklin Avenue, West Branch, Iowa 52358 - Certified
2. George & Roberta Bowie - 756 Garfield Avenue, West Branch, Iowa 52358
3. Hahn-Mary Kathryn Sexton - 1674 Franklin Avenue, West Branch, Iowa 52358
4. Dean & Evelyn Oakes - P.O. Box 1456, Iowa City, Iowa 52240
5. Harold & Donna Tucker - 1651 Franklin Avenue, West Branch, Iowa 52358
6. Duston & Anne Anderson - 1660 Charles Avenue, West Branch, Iowa 52358

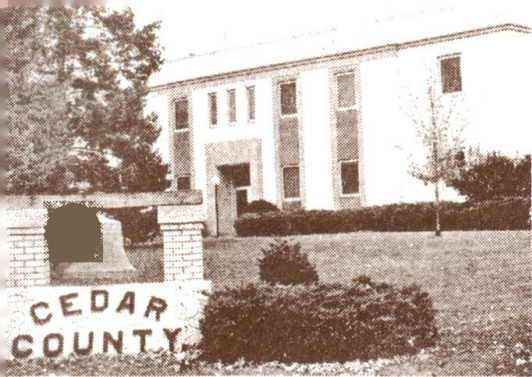
Copy to Tipton Conservative & West Branch Times on 4/5/04

2 File Copies

Bulletin Board

5 Board of Adjustment members





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, April 22, 2004 – 3:00 p.m.

- I. Introduction
- II. Review of the following request:
  - A. Jerry & Tammy Sexton, 1696 Franklin Avenue, West Branch (Owners) – Requesting a variance of the A-1 District regulations to allow a second dwelling on a farm further than 250 feet of an existing farm structure
- III. Discussion
- IV. Conclusion

## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

March 25, 2004

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, March 25, 2004, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Lenker, Johnson, Beyer, Penningroth and Hoy.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on November 20, 2003, were previously sent to the members. They were approved as presented.

The Board members then considered the following petition:

1. **Duane and Sybil Brockmeyer, RFD, Lowden (Owners)** – Requesting approval of a Home Occupation Permit to allow the establishment of “Sybil’s General Store”, a natural food store, and a variance of the square footage limitation for a retail sign. The establishment is located on Lot 3, Block 7, town of Massillon, in the SE ¼ of the NE ¼, Section 14, T-82N, R-1W, consisting of 0.27 acres. Said property is presently zoned R-2 Urban Residential.

Zoning Administrator La Rue informed the members that there were no written or verbal objections on file for this petition. He also informed the members to consider this petition in accordance with Chapter 15 of the Cedar County Zoning Ordinance.

Duane and Sybil Brockmeyer were present and explained to the Board that they previously operated their natural foods business for 14 years. Also in attendance were Oliver Brockmeyer and Lorresa Flattem. Mr. Brockmeyer stated that they closed their store in 1997, but have now decided to re-open it. They previously had a Food Establishment License and are aware that they will need to obtain a new license for the business after their remodeling is done. They informed the members that they previously had a 2’ x 20’ sign on the front of their store which they would like to leave up and repaint it. Therefore, they will need a variance on the 8 square feet limitation for the retail sign. The Brockmeyer’s would also like to keep their sign located on the Hoover Highway. The size of the sign would be 4’ x 8’. Zoning Administrator La Rue stated that he had no objections as long as it was not in the county road right-of-way. Mr. Brockmeyer stated that there would be plenty of parking area and there would probably be one to three cars at any one time.

After a brief discussion, Johnson made a motion to grant the Home Occupation Permit and the sign size variance subject to regulations of signs on the highway and obtaining a retail food establishment license. Penningroth seconded the motion. Ayes all. The Brockmeyer's were informed that their H.O.P. is subject to annual review.

With no further business to be discussed at this time, Penningroth made a motion for adjournment. Hoy seconded the motion. Meeting was adjourned at 3:20 p.m.

  
Chairperson

  
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 25, 2004 – 3:00 p.m.

- I. Introduction
- II. Review of the following request:
  - A. Duane and Sybil Brockmeyer, RFD, Lowden (Owners) – Requesting approval of a Home Occupation Permit and a variance for a retail sign
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

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

March 8, 2004

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 25, 2004, 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. **Duane and Sybil Brockmeyer, RFD, Lowden (Owners)** – Requesting approval of a Home Occupation Permit to allow the establishment of “Sybil’s General Store”, a natural food store, and a variance of the square footage limitation for a retail sign. The establishment is located on Lot 3, Block 7, town of Massillon, in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 14, T-82N, R-1W, consisting of 0.27 acres. Said property is presently zoned R-2 Urban Residential.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said 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 3/9/04 to the following:

1. Duane & Sybil Brockmeyer - 101 2nd Street, Lowden, Iowa 52255 - Certified
2. Jamie & Kelly Nabb - 276 Hoover Highway, Lowden, Iowa 52255
3. Virgil & Bonnie Hamdorf - 111 2nd Street, Lowden, Iowa 52255
4. Oliver Brockmeyer & Lorresa Flattem - 3747 H Avenue, Cedar Rapids, Iowa 52402
5. William & Barbara Ihns - 112 1st Street, Lowden, Iowa 52255
6. Mary E. Noskowiak - N6405 Neva Lake Road, Deerbrook, WI 54424
7. Raymond F. Ihns - 112 2nd Street, Lowden, Iowa 52255
8. Amy Brockmeyer - 243 Hoover Highway, Lowden, Iowa 52255
9. Arthur & Lana Barkley - 101 West Street, Wheatland, Iowa 52777-8801
10. Richard Hansen - P.O. Box 272, Lowden, Iowa 52255-2072
11. Barry & Denise Roberts - 231 Hoover Highway, Lowden, Iowa 52255
12. Larry & Janice Behne - 266 Hoover Highway, Lowden, Iowa 52255
13. Eugene & Judy Bowman - 239 Hoover Highway, Lowden, Iowa 52255
14. Neal Mess - 2284 122nd Street, Lowden, Iowa 52255
15. Michael Pentland - 230 Hoover Highway, Lowden, Iowa 52255
16. Bruce Bright - 228 Hoover Highway, Lowden, Iowa 52255

5 Board of Adjustment members

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Tel: 563-886-2248

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

February 10, 2004

**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.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

November 20, 2003

The Cedar County Board of Adjustment conducted a Public Hearing on November 20, 2003, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Lenker, Penningroth and Hoy. Members absent were Johnson and Beyer.

Chairperson Pro-tem Penningroth called the meeting to order at 3:00 p.m. The members read the minutes from the previous meeting held on September 25, 2003, prior to the meeting. 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.

Zoning Administrator La Rue informed the members that there no written or verbal objections on file for this petition. He also informed the members that the zoning classification had been changed from M-1 Light Industrial to R-1 Suburban Residential at the Planning and Zoning Commission meeting held on November 19, 2003.

Dave and Faye Young were present and explained to the Board that they would like to build an attached 14' x 30' garage on the south side of their home. The proposed garage would then be 3  $\frac{1}{2}$ ' and 5' from the side yard property line. It would also be 48' and 51' from the center of the road on the east side of the property. The Young's would need a 33' variance on the east side and 11  $\frac{1}{2}$ ' variance on the south side of their property in order to build the garage. At the meeting held on September 25, 2003, the Young's and adjoining property owners, Edwin & Verna Cox, agreed to have each of their properties surveyed. The Young's and Cox's are both in agreement with the surveys.

After a brief discussion, Lenker made a motion to grant the variance request of 33' and 11  $\frac{1}{2}$ '. Hoy seconded the motion. Ayes all.

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.

Zoning Administrator 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 at their meeting held on November 5, 2003.

Tina Keil was present and stated that she would like a Special Use Permit for her proposed dog boarding kennel. She stated that she would like to increase the number of dogs from 4 to 10. There were no objections. Mrs. Keil is aware that the kennel will need to be licensed by the Iowa Department of Agriculture. It was noted that there are no neighbors nearby.

After discussion, Hoy made a motion to grant the Special Use Permit authorizing the dog boarding kennel for up to 10 dogs, with the stipulation that she obtains a license from the Iowa Department of Agriculture. Lenker seconded the motion. Ayes all.

Mrs. Keil was informed that the permit will be subject to annual review.

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 ¼ of the NE ¼, Section 22, T-80N, R-3W, in Center West Township, consisting of 5.00 acres more or less. La Rue informed the members that no extraction of limestone is being performed at this time but will be in the future.
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 ¼ of the NW ¼, 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 ½ of the SW ¼, 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. La Rue informed the members that no rodeo activities are being held at this time, but Mr. Neuzil wishes to retain the permit.
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 ¼ of the NE ¼, 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 ¼ of the SE ¼, 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 ¼ of the NW ¼, 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 ½ of the SW ¼, 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 ½ of the SW ¼, Section 11, T-82N, R-3W, in Fremont Township, consisting of 6.00 acres more or less.  
  
La Rue stated that there there is no book store at this time but the Yates' are operating the welding and fabrication business.
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 ¼ of the NE ¼, 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, Bloomington, MN – A Special Use Permit authorizing the location of a cellular communication



tower on property located in the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , 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  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , 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  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , 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  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , 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  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , 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  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 2, T-79N, R-3W, in Rochester Township, in the unincorporated town of Rochester. Said property is currently zoned R-2 Urban Residential.
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.

La Rue informed the members that he had received a letter from Frankie Lovell stating that the graphics business is continuing at 1929 4<sup>th</sup> Street, Tipton, but is currently being operated by Glenda Pitlik. His letter stated that the business is no longer being operated by Patricia Lovell, due to a divorce settlement. La Rue, therefore, suggested dropping Patricia's name on the H.O.P. and leave only Frankie's name. There were no objections from the Board.

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.

La Rue informed the members that Mr. Lovell is continuing operation of the H.I.P. for the snowmobile parts and repair service. Again, due to Mr. Lovell's divorce settlement, Patricia's name will be removed from the H.I.P.



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.

La Rue stated there were no problems with this S.U.P.

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  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , 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.
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  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , 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.
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  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , 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  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 9, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less. Said property will be leased and is currently zoned A-1 Agricultural.

La Rue informed the members about an ownership change.

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  $\frac{1}{4}$

of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , 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.

La Rue informed the members about an ownership change.

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  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , 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.
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), 575 290<sup>th</sup> 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.



La Rue informed the members that no tower has yet been built at this site. The members felt that La Rue should consult the County Attorney's Office, regarding this and report back to the members at the next meeting.

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.

It was noted that no tower has been built at this site. Therefore, La Rue will investigate and report back to the members at the next meeting as per #52 also.

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.
55. U.S. Cellular, Cedar Rapids, Iowa (Leasee) 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 (Leasee) and Pam Farms, Inc. (Leaser and Owner), 300<sup>th</sup> 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 (Leasee) 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 Denise 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.

La Rue reported no problems with this S.U.P.

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.

La Rue informed the members of a possible legal problem for this S.U.P. but it is of no concern for the B of A members. He stated that it is a matter between Wendling Quarries and the owner.

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  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , 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  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 26, T-82N, R-4W, in Pioneer Township. Said property consists of 59.15 acres and is zoned A-1 Agricultural.

La Rue recommended not rescinding this S.U.P. at this time, even though the third dwelling has not yet been built.

La Rue then recommended approval of all 62 Special Use Permits, Home Occupation Permits and Home Industry Permits to the board members. Hoy then made a motion for approval of all permits in the annual review. Lenker seconded the motion. Ayes all.

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

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Secretary

**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@cedarcountry.org

**COPY**

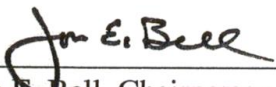
January 5, 2004

Bill Lenker  
2053 – 280<sup>th</sup> ST  
Wilton, Iowa 52778

Dear Mr. Lenker:

Please be advised, that by motion of this Board on January 2, 2004, you were appointed to another five-year term on the Zoning Board of Adjustment. The term will expire 12-31-2008. Your willingness to serve on this Board is greatly appreciated.

Sincerely,

  
\_\_\_\_\_  
Jon E. Bell, Chairperson

JEB:bjp





Tel: 563-886-2248

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

January 6, 2004

**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.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl