



Tel: 563-886-2248

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

Tipton, Iowa 52772

December 11, 2007

**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.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

**HAPPY HOLIDAYS!!**



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

Tipton, Iowa 52772

November 5, 2007

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, November 29, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Cedar County P.C.S., L.L.C., 608 Lombard St., Clarence (Lessee) and James and Sharon Wilson, 1826 230<sup>th</sup> St., Bennett (Leasor & Owners)** – Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the NE ¼ of the SE ¼, Section 7, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 11/6/07 to the following:

1. Cedar County PCS, L.L.C. - 608 Lombard Street, Clarence, Iowa 52216 - Certified
2. C & S Iowa Land, L.L.C. - % Susan Tuax, 6316 East Monte Cristo, Scottsdale, AZ 85254
3. Richard J. & Sandra L. Tillman - 5080 45th Avenue, Bettendorf, Iowa 52722
4. Reynold L. & Bonnie Mowry - 1917 240th Street, Bennett, Iowa 52721-9654
5. Wayne Ralfs - 128 S. Locust Street, P.O. Box 268, Bennett, Iowa 52721
6. Judith A. Glaser - P.O. Box 338, Bennett, Iowa 52721-0338
7. Kevin J. & Angela R. Timmerman - 1413 Taylor Avenue, Bennett, Iowa 52721
8. Midwest Land Cattle, Inc. - 1937 Highway 130, Bennett, Iowa 52721
9. David G. & Beverly L. Dahl - 1435 Spencer Avenue, Bennett, Iowa 52721-9658
10. Patricia E. Rohlf Barglof - 1311 Taylor Avenue, Bennett, Iowa 52721-9661
11. James & Sharon Wilson - 1826 230th Street, Bennett, Iowa 52721-9662

5 Board of Adjustment members on 11/6/07

Copy to Tipton Conservative on 11/5/07

2 File Copies

Bulletin Board Copy

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

November 29, 2007

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, November 29, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Hoy, Beyer and Penningroth. Members absent were Johnson and Lenker.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on October 25, 2007, were previously sent to the members. They were approved as presented.

The Board members then considered the following petition:

- 1. Cedar County P.C.S., L.L.C., 608 Lombard St., Clarence (Lessee) and James and Sharon Wilson, 1826 230<sup>th</sup> St., Bennett (Leasor & Owners)** – Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the NE ¼ of the SE ¼, Section 7, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance. The letter received from County Engineer Rob Fangmann stated the site is located on Taylor Avenue and will not have any effect on the road system. The existing entrance is adequate to serve the tower. La Rue informed the members the Cedar County Planning and Zoning Commission, at their November meeting, made a recommendation to approve the Special Use Permit with a recommendation that the Board of Adjustment consider lighting on the tower. The soil evaluation was then discussed. The soil type is Muscatine Silt Loam with a seasonal high water table and a C.S.R. of 100 points. Limitations for building are moderate and limitations for agriculture are slight. He stated they would be enclosing only an area of 75' x 75' for the site. He informed the members the county attorney recommended that the site needs to be clearly marked for contact information.

Those present on behalf of the petition were Curt Eldred, manager of Clarence Telephone Co. & Cedar County P.C.S., Bill McNally, representing Iowa Wireless and Jim Wilson, leasor & owner of the property. Mr. McNally stated the site is located about one mile south of the intersection of Taylor and Highway 130 on the west side of the road. He stated the intention is to build a 190' self-

supporting tower. He informed the members there are no towers within the coverage area that they intend to serve. He referred to a coverage map which had been submitted. He stated this site is ideally located to service a gap in Cedar County's P.C.S. coverage area and is also an ideal location to serve the Bennett area. He also stated there will be room on the tower for co-location. La Rue stated their request does comply with the Cedar County Telecommunication Ordinance. It was also noted that only about .18 of an acre will be taken out of production. Discussion then continued regarding the lighting on the tower recommendation from the Zoning Commission members. There are no federal regulations for lighting on this height of tower. Curt Eldred inquired what color the members would want on the tower. The light on the tower by West Liberty is red. Mr. McNally informed the members that they usually have a contract with Iowa Wireless to maintain the site. A metal fence will be placed around the tower.

After further discussion, Hoy made a motion to grant the S.U.P. authorizing the placement of the tower, subject to annual review, with appropriate day and night lighting and proper maintenance, including the sign. Penningroth seconded the motion. Ayes all. It was also noted that if there is a failure to use the site, it be converted back to the original state.

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

Claudia Beyer  
Chairperson  
Claudia Beyer

Sharon Laucamp  
Secretary  
Sharon Laucamp



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 29, 2007 – 3:00 p.m.

I. Introduction

II. Review of the following request:

A. Cedar County P.C.S., L.L.C., 608 Lombard St.,  
Clarence (Leasee) and James & Sharon Wilson,  
1826 230<sup>th</sup> St., Bennett (Leasor & Owners) –  
A Special Use Permit authorizing the location of  
a 190 foot tall wireless communication tower

III. Discussion

IV. Conclusion

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

October 25, 2007

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, October 25, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Johnson, Beyer and Penningroth. Members absent were Hoy and Lenker.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on September 27, 2007, were previously sent to the members. They were approved as presented.

The Board members then considered the following petition:

**1. Kum and Go, LC, 6400 Westown Parkway, West Des Moines, IA (Owner) –**

Requesting a variance of the permitted height and square footage of permitted signs in the C-2 Highway Commercial District to allow placement of an 80 foot tall sign with an area of 860 square feet on property located at 2050 Highway 38, Tipton, Iowa. Said property is located in Lot A, in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 18, T-79N, R-2W, in Rochester Township, consisting of 5.173 acres more or less.

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

Joshua House was present and stated he was in the real estate department of Kum & Go convenience stores. He stated he has been managing this project for some time. Abby Gilroy was also present and stated she was also with the real estate department of Kum & Go. Mr. House stated they wanted the 80' pole sign which will have the Kum & Go oval advertising sign, their price sign cabinet and a sign advertising Subway. He stated a majority of their business is dependent upon pulling interstate traffic directly from the interstate to the site. This location will provide fuel service, convenience store goods and a quick service restaurant for travelers along the interstate. He stated they want to advertise their whereabouts to travelers far enough in advance of the location. Ms. Gilroy stated their pole signs are their salesperson, and with this 80 foot sign they will be able to attract and capitalize the most on the traffic along Interstate 80. Mr. House then stated these are the reasons that the maximum height of 45' for an interstate pole sign is insufficient for this particular location. They then showed the members on the diagram where the sign will be placed. It was noted there may be additional commercial businesses locating in the same area.

Mr. House stated he had contacted Sheila Lee with the I.D.O.T. and she informed him they will not need to obtain any further permits for this

80 foot pole sign from the D.O.T. He stated the sign will be on their own property and will not infringe on any D.O.T. right-of-way. Therefore, he stated this would be a Cedar County decision as opposed to a decision from the D.O.T. La Rue stated the requirements under the ordinance for the C-2 District are that they are allowed one free standing sign not to exceed 100 square feet in area or 25 feet in height and a total combined area of all signs not to exceed 200 square feet per business and or more than 2 square feet of sign area for every lineal foot of lot frontage, whichever is smaller. He then read Chapter 17.18(3) from the Zoning Ordinance pertaining to variances. He stated there are a number of signs in Cedar County over the requested height but most of them are non-conforming permitted signs. They also stated they will be required to comply with the zoning regulations when they need to be replaced. He also suggested it may be more appropriate to amend the zoning regulations rather than grant variances to the regulations. The variance request is for 750 square feet larger and an additional 55 feet in height. Chairperson Beyer asked the petitioners, if the variance were granted to them, how they would define it as required under the peculiarity of the land situation. Mr. House stated as they were coming in from the west and unto the entrance ramp, there was a line of trees and a shorter sign would not be tall enough for people to read. He stated that due to the topography and location of the actual store and canopy, in comparison to Interstate 80, potential customers would not be able to see a 45' sign in time to make a decision to pull off the interstate. It was noted the D.O.T. will also put up signs. Ms. Gilroy stated that when the interstate traffic see the 80' sign, they know that the facility is right there and not miles off the interstate. Mr. House stated the sign will be lit from within with no ground lights shining up. La Rue informed the members that a future business in the same area, wishing to place an advertising sign or billboard, would have to stay 500 feet away from the Kum & Go sign. Mr. House stated his company does not typically put up billboards as they do not weather well. He stated the pole signs do withstand to the weather very well. It was noted that, if granted, the variance would go with the land. La Rue again stated the possibility of making a recommendation for an amendment to the regulations to correct the problem. The petitioners were then again requested to state the peculiarities of the land to make this variance necessary. Mr. House stated that, because of the trees, the sign needs to be high enough for the customers to see the pricing sign for the gas and their food partner sign. He stated the company wants to accommodate the travelers on Interstate 80. Ms. Gilroy stated they want the customers to be able to see the gas prices and to let them know there is parking, a rest area and food available at the site. Mr. House stated they are maximizing their ability to advertise by incorporating two signs into one.

After further discussion, Johnson made a motion to approve the variance request to allow the 80 foot tall sign with an area of 860 square feet due to visibility and trees which obstruct the view. Penningroth seconded the motion. Ayes all.

The Board members next conducted their annual review of the Home Occupation/Industry and Special Use Permits which had been previously granted to the following:

Michelle Kennedy (Item #57) was previously granted a Special Use Permit for the purpose of operating a dog boarding kennel. It was noted she was no longer operating the kennel and was asked to appear before the Board to inform them of her future intentions regarding the kennel since no activity has been going on for quite some time. La Rue stated Ms. Kennedy no longer has a permit from the Department of Agriculture. She has a permit for her grooming shop in Iowa City but not at her residence. She stated at this time she is only taking care of her own dogs but would like to retain the S.U.P. so that she would be in a position to continue her business in the future. She stated she wants to become a master groomer. La Rue stated he had received a complaint from Ms. Kennedy's neighbors and suggested she try to keep her dogs contained on her property. It was noted there were no complaints regarding the boarding kennel. She stated she is licensed for grooming in Johnson County. She stated she will notify the Board when she again operates the kennel and will obtain a permit from the Department of Agriculture. The Board then agreed to renew her S.U.P. for another year.

La Rue then reported on the status of following:

1. Dennis and Dianna Hodgden, RR, Tipton (Owners) – A Special Use Permit authorizing the commercial extraction of limestone on property located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 22, T-80N, R-3W, in Center West Township, consisting of 5.00 acres more or less.
2. Joe and Carolyn Kilburg, RR, Lisbon (Owners) – A Home Occupation Permit 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 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 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 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 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. Galen Conrad, RR, Lowden – A permit 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.
8. Tom Spear, RR, Tipton (Owner) – A permit 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.
9. Loretta Martin, RR, Lowden (Owner) – A permit 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.
10. Donald and Scheryl Grant, RR, Bennett (Owners) – A permit 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.
11. Elaine Berry, RR, Clarence (Owner) – A Special Use Permit 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.
12. Cedar County Cooperative, Tipton (Owner) – A Special Use Permit authorizing an 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.
13. Sandra Langenberg, RR, West Branch (Owner) – A Home Occupation Permit 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.

14. Duffee Grain, Inc., Wilton (Owner) – A permit 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.
15. Debra Bedford, RFD, Stanwood (Owner) – A Special Use Permit 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.
16. United States Cellular Communications, Davenport, Iowa – A Special Use Permit 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.
17. Sherry Smahaj, RFD, Lowden (Owner) – A Home Industry Permit 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.
18. 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.
19. 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.
20. 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.
21. Mike and Gail Yates, RR, Olin (Owners) – 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.

22. 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.
23. 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  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.50 acres more or less.
24. Nextel West Corporation, Bloomingdale, 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.

30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.

36. Mike Moore, Tipton (Contract Buyer) – A Special Use Permit granted authorizing the location of a storage rental facility on property located in the NW ¼ of the NW ¼, 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.
37. 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 ¼ of the NE 1/4 and the NE ¼ of the SE ¼, 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.
38. Frankie Lovell, RFD, Tipton (Owner) – A Home Occupation Permit granted for the purpose of operating a vinyl graphics business in his 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 ¼ of the SE ¼, 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.
39. Frankie Lovell, RFD, Tipton (Owner) – 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 ¼ of the SE ¼, 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.
40. 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 ¼ of the SW ¼, 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.
41. 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.
42. 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.

43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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.

49. 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 is 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.
50. 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.
51. 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.
52. U.S. Cellular, Cedar Rapids, Iowa (Lessee) 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.
53. 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.
54. 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  $\frac{1}{4}$ ,

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.

55. 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 ¼ of the SE ¼ of the SW ¼, 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.
56. 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 ¼ of the SW ¼ and a portion of the W ½ of the SW ¼ of the NE ¼ and the NW ¼ of the SE ¼, 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.
57. 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.
58. 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 1/4 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.
59. Jordan Pettus, 61 Solon Road, Solon (Owner) – 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.
60. Christopher Doherty, RFD, Tipton – A Home Industry Permit authorizing the location of a landscaping business at 1872 3<sup>rd</sup> St., 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.

61. Deanna Schroeder, RFD, Oxford Junction (Owner) – A Special Use Permit authorizing the location of a dog grooming and boarding facility on property located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , 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.
62. Tina Keil, RFD, Clarence (Owner) – A Special Use Permit authorizing the location of a dog boarding kennel on property located in the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$ , 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.
63. Duane and Sybil Brockmeyer, RFD, Lowden (Owners) – A Home Occupation Permit for “Sybil’s General Store”, a natural food store. 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.
64. David Fulwider, 1112 235<sup>th</sup> Street, Tipton (Owner) – 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.
65. Lisa Morey, 2051 Highway 927, Wilton (Owner) – A Special Use Permit for 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.
66. Lois Massey, RFD, West Branch (Owner) – 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.
67. Benjamin and Tanya Sterner, RFD, Tipton (Owners) – A Home Occupation Permit to allow a dog grooming business 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, consisting of 10.00 acres more or less. Said property is zoned both R-1 Suburban Residential and A-1 Agricultural.

68. Amy Reif and Ron Benhart, 1772 140<sup>th</sup> Street, Lowden, Iowa (Owners) – A Home Industry Permit to allow automotive repair on property located in the NW ¼ of the NE ¼, Section 25, T-82N, R-2W, in Dayton Township, consisting of 3.97 acres more or less. Said property is currently zoned A-1 Agricultural.

69. Kent and Peggy Graham, Wilton (Owners) – A Special Use Permit to allow an Agriculture Service Business, a machine and fabrication shop, at 1888 250<sup>th</sup> Street, Bennett, Iowa, in accordance with Chapter 5, Section D(1). Said property is located in the NE ¼ of the NE ¼, Section 19, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.

70. Stacy Craig, RR, Clarence (Owner) – A Home Occupation Permit for the purpose of operating a canine massage business on property located at 1775 200<sup>th</sup> Street, Clarence, in the SE ¼ of the SW ¼ of the SE ¼, Section 24, T-81N, R-2W, in Fairfield Township, consisting of 6.70 acres more or less. Said property is currently zoned A-1 Agricultural.

71. Dawn Albertson, 2951 Highway 22, Muscatine (Owner) – A Home Occupation Permit to allow a child day care at 1338 Highway 130, Tipton, Iowa, located in Lot 5, Clark's First Addition in the NW ¼ of the NE ¼, Section 5, T-80N, R-2W, in Center East Township, consisting of 3.55 acres more or less. Said property is currently zoned R-1 Suburban Residential.

72. Curtis & Carla Friis, 44 280<sup>th</sup> Street, West Branch (Owners) – A Special Use Permit authorizing the location of a dog boarding kennel on property located in the NE ¼ of the NW ¼, Section 6, T-79N, R-4W, in Gower Township, consisting of 160 acres more or less. Said property is currently zoned A-1 Agricultural.

La Rue informed the members that Tom Spear (Item #8) notified him in writing that he no longer wishes to retain his S.U.P. for a garage and service center for equipment previously used for his Total Lawn Care business. Penningroth made a motion to rescind the S.U.P. for Mr. Spear for the service he had with Total Lawn Care. Johnson seconded the motion. Ayes all.

Mr. La Rue stated most all petitioners were in compliance and informed the members he will check on the following and report back to the members:

#5 -- Great Lakes Chemical Corporation – No reply from the letter previously sent to them. Letter was returned.

#7 -- Galen Conrad - No reply to letter previously sent to him.

#30 -- Kun Chae Bae Trust and KM Communications – Property grown up in weeds and they have not built a permanent structure

on the site. They are still residing in the manufactured structures. La Rue will look into it with their attorney.

#43 -- Patricia Juchter - La Rue is not sure if she is in operation. He will look into it.

#58 -- Kathryn Trump - It was noted that the third dwelling was never constructed. La Rue will look into it.

#59 -- Jordan Pettus – La Rue is not sure if he is in operation. A sign was never put up. He will look into it.

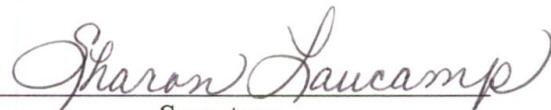
#68 -- Amy Reif and Ron Benhart – La is not sure if they are in operation. He will look into it.

After a brief discussion, Penningroth made a motion to grant continuation of all the Home Occupation/Industry and Special Use Permits with the exception of #'s 5, 7, 8, 30, 43, 58, 59 and 68. Beyer seconded the motion. Ayes all.

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



Chairperson  
Claudia Beyer



Secretary  
Sharon Laucamp



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

25  
Thursday, October ~~24~~<sup>25</sup> 2007 – 3:00 p.m.

I. Introduction

II. Review of the following requests:

- A. Kum and Go, LC, 6400 Westown Parkway, West Des Moines, IA (Owner) – A variance of the permitted height and square footage of permitted signs in the C-2 District to allow placement of an 80 foot tall sign with an area of 860 square feet
- B. Annual review of the Home Occupation/Industry and Special Use Permits previously granted by the Board

III. Discussion

IV. Conclusion



Tel: 563-886-2248

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

Tipton, Iowa 52772

October 8, 2007

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 25, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Kum and Go, LC, 6400 Westown Parkway, West Des Moines, IA (Owner) –**  
Requesting a variance of the permitted height and square footage of permitted signs in the C-2 Highway Commercial District to allow placement of an 80 foot tall sign with an area of 860 square feet on property located at 2050 Highway 38, Tipton, Iowa. Said property is located in Lot A, in the NE ¼ of the SE ¼, Section 18, T-79N, R-2W, in Rochester Township, consisting of 5.173 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 10/10/07 to the following:

1. Josh House - Kum and Go, LC, 6400 Westown Parkway, West Des Moines, Iowa 50266 - Certified
2. Iowa Dept. of Transportation - Right-Of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
3. Duffe Bros. Ltd. - 1001 Ocean Avenue, Moscow, Iowa 52760
4. Shaler LLC - 131 Ashford Place, Iowa City, Iowa 52245-9268
5. George & Thelma Nopoulos - P.O. Box 95, Wilton, Iowa 52778
6. Three Bulls LLC - 33 Hickory Heights Lane, Iowa City, Iowa 52245-9506

Copy to Tipton Conservative on 10/8/07

5 Board of Adjustment members

Bulletin Board Copy

2 File Copies



Tel: 563-886-2248

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

October 8, 2007

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 25, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Kum and Go, LC, 6400 Westown Parkway, West Des Moines, IA (Owner)** – Requesting a variance of the permitted height and square footage of permitted signs in the C-2 Highway Commercial District to allow placement of an 80 foot tall sign with an area of 860 square feet on property located at 2050 Highway 38, Tipton, Iowa. Said property is located in Lot A, in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 18, T-79N, R-2W, in Rochester Township, consisting of 5.173 acres more or less.

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 authorizing the commercial extraction of limestone on property located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 22, T-80N, R-3W, in Center West Township, consisting of 5.00 acres more or less.
2. Joe and Carolyn Kilburg, RR, Lisbon (Owners) – A Home Occupation Permit 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 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 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 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 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. Galen Conrad, RR, Lowden – A permit 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.
8. Tom Spear, RR, Tipton (Owner) – A permit 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.
9. Loretta Martin, RR, Lowden (Owner) – A permit 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.
10. Donald and Scheryl Grant, RR, Bennett (Owners) – A permit 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.
11. Elaine Berry, RR, Clarence (Owner) – A Special Use Permit 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.

12. Cedar County Cooperative, Tipton (Owner) – A Special Use Permit authorizing an 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.
13. Sandra Langenberg, RR, West Branch (Owner) – A Home Occupation Permit 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.
14. Duffee Grain, Inc., Wilton (Owner) – A permit 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.
15. Debra Bedford, RFD, Stanwood (Owner) – A Special Use Permit 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.
16. United States Cellular Communications, Davenport, Iowa – A Special Use Permit 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.
17. Sherry Smahaj, RFD, Lowden (Owner) – A Home Industry Permit 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.
18. 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.

19. 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.
20. 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.
21. Mike and Gail Yates, RR, Olin (Owners) – 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.
22. 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.
23. 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  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.50 acres more or less.
24. Nextel West Corporation, Bloomingdale, 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.
25. 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.
26. 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.

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.

34. 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 ¼ of the SE ¼, 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.
35. 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 ¼ of the NW ¼, Section 11, T-81N, R-1W, in Springfield Township. Said parcel of land consists of 6.989 acres more or less.
36. Mike Moore, Tipton (Contract Buyer) – A Special Use Permit granted authorizing the location of a storage rental facility on property located in the NW ¼ of the NW ¼, 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.
37. 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 ¼ of the NE 1/4 and the NE ¼ of the SE ¼, 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.
38. Frankie Lovell, RFD, Tipton (Owner) – A Home Occupation Permit granted for the purpose of operating a vinyl graphics business in his 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 ¼ of the SE ¼, 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.
39. Frankie Lovell, RFD, Tipton (Owner) – 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 ¼ of the SE ¼, 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.

40. 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 ¼ of the SW ¼, 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. 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.

46. 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.
47. 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.
48. 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.
49. 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 is 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.
50. 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.
51. 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.

52. 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 ¼ of the NW ¼, Section 18, T-79N, R-4W, in Springdale Township, consisting of 4.42 acres more or less. Said property is zoned A-1 Agricultural.
53. 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 ¼ of the SW ¼, 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.
54. 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 ¼ of the NE ¼ of the NE ¼, 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.
55. 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 ¼ of the SE ¼ of the SW ¼, 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.
56. 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 ¼ of the SW ¼ and a portion of the W ½ of the SW ¼ of the NE ¼ and the NW ¼ of the SE ¼, 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.
57. 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.
58. 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 1/4 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.

59. Jordan Pettus, 61 Solon Road, Solon (Owner) – 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.
60. Christopher Doherty, RFD, Tipton – A Home Industry Permit authorizing the location of a landscaping business at 1872 3<sup>rd</sup> St., 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.
61. Deanna Schroeder, RFD, Oxford Junction (Owner) – 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.
62. Tina Keil, RFD, Clarence (Owner) – 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.
63. Duane and Sybil Brockmeyer, RFD, Lowden (Owners) – A Home Occupation Permit for “Sybil’s General Store”, a natural food store. 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.
64. David Fulwider, 1112 235<sup>th</sup> Street, Tipton (Owner) – 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.

65. Lisa Morey, 2051 Highway 927, Wilton (Owner) – A Special Use Permit for 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.
66. Lois Massey, RFD, West Branch (Owner) – 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.
67. Benjamin and Tanya Sterner, RFD, Tipton (Owners) – A Home Occupation Permit to allow a dog grooming business 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, consisting of 10.00 acres more or less. Said property is zoned both R-1 Suburban Residential and A-1 Agricultural.
68. Amy Reif and Ron Benhart, 1772 140<sup>th</sup> Street, Lowden, Iowa (Owners) – A Home Industry Permit to allow automotive repair on property located in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 25, T-82N, R-2W, in Dayton Township, consisting of 3.97 acres more or less. Said property is currently zoned A-1 Agricultural.
69. Kent and Peggy Graham, Wilton (Owners) – A Special Use Permit to allow an Agriculture Service Business, a machine and fabrication shop, at 1888 250<sup>th</sup> Street, Bennett, Iowa, in accordance with Chapter 5, Section D(1). Said property is located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 19, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.
70. Stacy Craig, RR, Clarence (Owner) – A Home Occupation Permit for the purpose of operating a canine massage business on property located at 1775 200<sup>th</sup> Street, Clarence, in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 24, T-81N, R-2W, in Fairfield Township, consisting of 6.70 acres more or less. Said property is currently zoned A-1 Agricultural.
71. Dawn Albertson, 2951 Highway 22, Muscatine (Owner) – A Home Occupation Permit to allow a child day care at 1338 Highway 130, Tipton, Iowa, located in Lot 5, Clark's First Addition in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 5, T-80N, R-2W, in Center East Township, consisting of 3.55 acres more or less. Said property is currently zoned R-1 Suburban Residential.

72. Curtis & Carla Friis, 44 280<sup>th</sup> Street, West Branch (Owners) – A Special Use Permit authorizing the location of a dog boarding kennel on property located in the NE ¼ of the NW ¼, Section 6, T-79N, R-4W, in Gower Township, consisting of 160 acres more or less. Said property is currently zoned A-1 Agricultural.

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



Phil La Rue  
Zoning Administrator

PL:sl



Tel: 563-886-2248

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

Tipton, Iowa 52772

October 12, 2007

To Whom It May Concern:

This letter is to notify you of an upcoming Cedar County Board of Adjustment hearing to be held on October 25, 2007. During this meeting, the Board of Adjustment will conduct their annual review of Home Occupation/Industry and Special Use Permits which have previously been granted.

You are receiving this notice because either you own property within 500 feet of one of the petitions scheduled for annual review or have expressed concern regarding same.

Specifically, this office has received a letter of concern regarding the Special Use Permit granted previously to Michelle Kennedy, RR, West Liberty, for the operation of a dog boarding kennel on property located in the SW ¼, SE ¼, Section 35, T-79N, R-4W, in Springdale Township, consisting of 5.25 acres more or less.

The Cedar County Board of Adjustment hearing will be conducted on Thursday, October 25, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. You are welcome to attend this hearing to express any concerns you may have or you may file a document with the Cedar County Zoning Administrator prior to the time of the hearing if you wish the document to be read for you at the time of the hearing.

If you have any questions, feel free to contact this office at your convenience.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 10/12/07 to the following:

1. Lauren & Nancy Wear - 498 Buckeye Road, West Liberty, Iowa 52776
2. Brian & Toni Crook - 1444 100th Street, West Liberty, Iowa 52776
3. Gary & Connie Nealson - 1454 100th Street, West Liberty, Iowa 52776
4. Kenneth & Linda Minor - 4847 Johnson Muscatine Road SE, West Liberty, Iowa 52776

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

September 27, 2007

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, September 27, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Hoy, Lenker, Johnson, Penningroth and Beyer.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on August 23, 2007, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

- 1. John and Sherrie Falkers, 990 Cedar Valley Road, Tipton (Owners) –**  
Requesting approval of a Home Industry Permit to allow repair of motor vehicles as Falkers Repair and Body Shop on property located in the NE ¼ of the NE ¼, Section 15, T-80N, R-3W, in Center West Township. Said property is currently zoned A-1 Agricultural.

John Falkers informed the members he has been conducting his repair business on his property for 30 years and found out he needed a permit. La Rue stated he was working toward compliance with Chapter 15, Home Occupations/Home Industry Permits of the Zoning Ordinance. La Rue informed the members there were no written or verbal objections on file. Mr. Falkers stated they work on vehicles at their convenience. No non-family members help with the business. The letter received from the County Engineer stated this petition is located on Cedar Valley Road and will not have any effect on the road system. The existing entrance is adequate for commercial access.

After a brief discussion, Hoy made a motion to approve the Home Industry Permit requested by the Falkers' to operate their repair business. Penningroth seconded the motion. Chairperson Beyer then called for a roll call vote with all five members voting aye.

- 2. Cedar County Cooperative, 1546 Baker Avenue, West Branch (Owners) –**  
Requesting an amendment to their Special Use Permit to allow for the placement of a 30,000 gallon anhydrous ammonia storage tank directly south of their two existing 12,000 gallon tanks on property located in the SW ¼ of the NW ¼, Section 20, T-79N, R-4W, in Gower Township. The property is currently zoned Ab Agricultural Business and consists of twenty (20) acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition and stated this is allowed as a special exception under agricultural regulations and is also covered under Chapter 17.18(2) of the Zoning Ordinance.

Robert Young, Cedar County Cooperative Manager, was present and stated that their business has grown and farmers capabilities to apply fertilizer exceed the supply chain and ability to get it there in a timely fashion. He stated adding storage makes sense so they can continue to serve their customers. He informed the members this is directly adjacent to existing tanks. He stated this is enhancing the business in the county. Mr. Young stated they have applied for a permit through the Department of Agriculture and they have approved it pending county approval. La Rue stated the site does meet the separation distance of 750 feet from any dwelling or place of assembly. Mr. Young informed the members that this site is inspected at least annually by the Department of Agriculture. He stated it has been an anhydrous site for many years and is in full compliance. He informed the members that as soon as the tank is installed, they are required to put concrete piers around it to prevent anything from accidentally bumping into the tank and the tanks are padlocked. It was noted the site is approximately 900 feet from the nearest residence to the north.

After further discussion, Johnson made a motion to approve the amendment to the Special Use Permit, allowing placement of the 30,000 gallon anhydrous tank. Lenker seconded the motion. Chairperson Beyer called for a roll call vote with all five members voting aye.

3. **Kent and Debbie Smith, 1116 3<sup>rd</sup> Street, Tipton (Owners)** – Requesting a variance of the street corner side setback requirements in the R-2 Urban Residential District to allow for a garage and office/bedroom addition on property located on Lots 11 and 12, Block 3, in the unincorporated town of Cedar Bluff, in the NW ¼, Section 34, T-81N, R-4W, in Cass Township.

Zoning Administrator La Rue advised the members to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance. He stated one letter of objection was received and will be read into the minutes. He also informed the members he had a letter from the County Engineer and the Assistant Cedar County Attorney.

Kent Smith was present and informed the members he needed the extra four feet for the length of the garage to be able to put a vehicle in it. He stated the letter from his wife's doctor stated she is in failing health and he stated she has to go up steps from the present garage. He stated

there is no way to build a handicap ramp. He stated he would like his wife not to have to go up and down stairs when she needs to use her vehicle.

Pat Murphy and Joe Miller, adjoining property owners, were also present. Mr. Murphy stated the members have his letter regarding his concerns. La Rue then read the letter to the members. Mr. Miller informed the members that in 1994 he wanted to add an addition unto his house and requested a variance and was denied. He stated it was only fair that everyone be treated equally. La Rue then read the letter received from Mrs. Smith's doctor. The letter received from County Engineer, Rob Fangmann, stated this property is located on Cedar Street in Cedar Bluff and will affect the road system. He stated a portion of Cedar Street was vacated by the Board of Supervisors in 2003 in order for the Smith's house to become compliant with current regulations. Under the former situation, part of the Smith's house was actually within the county right-of-way. The Board pursued closing the entire stretch of roadway but met resistance and chose to maintain the easement on the south 33' of right-of-way to serve as a potential access point to the property to the east. Therefore, in order to maintain compliance with the regulations, he recommended denying the request for a variance on the setback requirements. Ben Hull, Assistant County Engineer, was present and stated it was the feelings of the County Engineer that accommodations have already been made and is against granting the variance. County Attorney, Sterling Benz, stated that the burden of proof is that the applicant would have to show unnecessary hardship under the current zoning regulations to justify a variance. La Rue informed the members that Mr. Smith's septic system was put in under county regulations and does appear to be adequate for the number of bedrooms. He stated the septic system of the Smith's is not an issue.

The Board members then reviewed the pictures which Mr. Smith had submitted with his request. Chairperson Beyer stated there must be unusual circumstances which run with the land that require the Board to consider a variance. Mr. Smith stated that most of the houses in Cedar Bluff do not meet the setback requirements. He stated he is not going any farther towards the county but is going toward Cedar Street. Chairperson Beyer stated the burden is on Mr. Smith to make the case that there is something peculiar about his land. Mr. Smith stated he understood and would build something smaller if his request was denied and would park the car outside of the addition. Beyer stated her personal feeling is that unless Mr. Smith can cross the barrier for them, the Board is not in a position to grant the request. Assistant Attorney, Jeff Renander, then stated the burden is on the applicant to show all three of the elements he stated in his

letter. La Rue then read the letter received from the Assistant County Attorney. The letter stated that someone seeking a variance must show all 3 of the following elements: 1) That the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone; 2) The plight of the land owner is due to unique circumstances and not due to the general conditions in the neighborhood and; 3) The use to be authorized by the variance will not alter the essential character of the locality. The letter also stated the burden is on the applicant to show all three of these elements. A failure to demonstrate one of them requires the Board to deny the application for a variance. La Rue then read from the Ordinance, Chapter 17.18(3)a, subparagraphs 1-4. La Rue stated, that according to the R-2 Urban Residential regulations, the requirement on a street side corner is a 15 foot setback. He stated the Smith's are requesting a 4 foot variance to allow only an 11 foot side yard. He stated it was unfortunate that the road was not vacated equally.

After further discussion, Hoy made a motion to deny the request for a variance. Johnson seconded the motion. A roll call vote was then held with all five of the members voting nay for the variance request.

The Board members then briefly discussed a Special Use Permit previously granted to Michelle Kennedy for a dog boarding kennel. The members will discuss this item at their annual review to be held in October.

With no further business to be discussed at this time, Lenker made a motion for adjournment. Penningroth seconded the motion. Meeting adjourned at 3:40 p.m.

Claudia Beyer  
Chairperson  
Claudia Beyer

Sharon Laucamp  
Secretary  
Sharon Laucamp



Tel: 563-886-2248

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

Tipton, Iowa 52772

September 10, 2007

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 27, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. John and Sherrie Falkers, 990 Cedar Valley Road, Tipton (Owners) –**  
Requesting approval of a Home Industry Permit to allow repair of motor vehicles as Falkers Repair and Body Shop on property located in the NE ¼ of the NE ¼, Section 15, T-80N, R-3W, in Center West Township. Said property is currently zoned A-1 Agricultural.
- 2. Cedar County Cooperative, 1546 Baker Avenue, West Branch (Owners) –**  
Requesting an amendment to their Special Use Permit to allow for the placement of a 30,000 gallon anhydrous ammonia storage tank directly south of their two existing 12,000 gallon tanks on property located in the SW ¼ of the NW ¼, Section 20, T-79N, R-4W, in Gower Township. The property is currently zoned Ab Agricultural Business and consists of twenty (20) acres more or less.
- 3. Kent and Debbie Smith, 1116 3<sup>rd</sup> Street, Tipton (Owners) –** Requesting a variance of the street corner side setback requirements in the R-2 Urban Residential District to allow for a garage and office/bedroom addition on property located on Lots 11 and 12, Block 3, in the unincorporated town of Cedar Bluff, in the NW ¼, Section 34, T-81N, R-4W, in Cass Township.

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

Phil La Rue  
Zoning Administrator

Copies sent out on 9/12/07 to the following:

1. John & Sherrie Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772 - Certified
2. Dave & Sally Kruse - 501 Horizon Drive, Tipton, Iowa 52772
3. James Sissel - 949 Cedar Valley Road, Tipton, Iowa 52772
4. Allison Holub - 993 Cedar Valley Road, Tipton, Iowa 52772
5. Marty Moylan - 1549 King Avenue, Tipton, Iowa 52772

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1. Robert Young - Cedar County Cooperative, P.O. Box 192, Tipton, Iowa - 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 Jarvis Avenue, Skokie, IL 60076-4018
6. Robert Jindrich - 79 265th Street, West Branch, Iowa 52358

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1. Kent & Debbie Smith - 1116 3rd Street, Tipton, Iowa 52772 (Deb picked up in office)
2. Lucinda Rocha - 1202 State Street, Tipton, Iowa 52772
3. Coleen Bauer & Roland Zschiegner - 1212 2nd Street, Tipton, Iowa 52772
4. Michelle Nutting - 110 Hilltop Drive, West Branch, Iowa 52358-7900
5. Larry Thompson & Janet Pedersen - 1537 Charles Avenue, West Branch, Iowa 52358
6. Kathleen P. Kernan Stahle Et Al - 4721 Kynnelworth Drive #110, Bettendorf, Iowa 52722
7. David L. Oaks - 1128 Franklin Street, Iowa City, Iowa 52240-5705
8. Julie Achenbach - 1120 Water Street, Tipton, Iowa 52772
9. Don & Sarah Luettjahann - 1203 2nd Street, Tipton, Iowa 52772
10. Leila Cox - 1211 2nd Street, Tipton, Iowa 52772
11. Ted Pence - 1754 Cedar Johnson Road, West Branch, Iowa 52358
12. James or Evelyn Hensius - 1301 2nd Street, Tipton, Iowa 52772
13. Dianna Lemburg - 1103 1st Street, Tipton, Iowa 52772
14. Jay & Viki Meier - 1309 2nd Street, Tipton, Iowa 52772
15. David & Pamela Smith - 1300 State Street, Tipton, Iowa 52772
16. Dan & Delores Shima - 409 W. Sheridan Drive, Eldridge, Iowa 52748
17. Kathleen & Joseph Miller - 1602 Cedar Street, Tipton, Iowa 52772
18. Patrick & Sheryl Murphy - 1612 Cedar Street, Tipton, Iowa 52772

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Copy to Tipton Conservative and West Branch Times on 9/10/07

5 Board of Adjustment members on 9/10/07

2 File Copies

Bulletin Board Copy

**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 27, 2007 – 3:00 p.m.

**I. Introduction**

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

- A. John and Sherrie Falkers, 990 Cedar Valley Road, Tipton (Owners) – Requesting a Home Industry Permit to allow repair of motor vehicles as Falkers Repair & Body Shop
- B. Cedar County Cooperative, 1546 Baker Avenue, West Branch (Owners) – Requesting an amendment to their Special Use Permit to allow for the placement of a 30,000 gallon anhydrous ammonia storage tank
- C. Kent and Debbie Smith, 1116 3<sup>rd</sup> Street, Tipton (Owners) – Requesting a variance of the street corner side setback requirements in the R-2 District to allow for a garage and office/bedroom addition

**III. Discussion**

**IV. Conclusion**

DATE 9/27/07  
ORGANIZATION Board of Adjustment  
CONTACT PERSON Phil La Rue  
MEETING TIME 3:00 p.m.

MEETING ATTENDANCE:

KENT SM. TH

Sherrice Falkeas

John Rollins

Robert Young

Chuck Toy

Joe P. Miller

Ben Hull

Phil La Rue

Barry Cunningham

Claudia Bey

Loisell Johnson

Bill Denton

Chuck Toy

Sharon Daucamp



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

August 23, 2007

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, August 23, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Lenker and Penningroth. Members absent were Hoy and Johnson.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on May 24, 2007, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

1. **Curtis and Carla Friis, 44 280<sup>th</sup> Street, West Branch (Owners) –** Requesting an amendment to their Special Use Permit for Double "C" Kennels to allow for the expansion of their dog boarding facility by an additional fourteen (14) pens. Double "C" Kennels is located on property located in the NE ¼ of the NW ¼, Section 6, T-79N, R-4W, in Gower Township. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this request in accordance with Chapter 17.8(2) of the Zoning Ordinance. The letter received from the County Engineer stated this property is on gravel route 280<sup>th</sup> Street and should not cause any road concerns. He also stated, as passed by the Planning and Zoning Commission on October 18, 2006, visitors shall utilize the east drive. A sign viewable from both the east and west, designating the east entrance to be utilized, must be placed by the owner.

Mr. and Mrs. Friis were present and informed the members they plan to stop raising quails and would like to expand their dog boarding facility by 12 to 14 pens. They are currently licensed for 10 pens. Mr. Friis stated they have obtained approval from the Department of Agriculture. Mrs. Friis presented some pictures of the east entrance. She stated they have placed a 24" x 18" sign at the east entrance. She also stated if they have to meet the setback requirements from the road, it would place the sign up against their existing hog house. She stated they are requesting permission to place the sign in one of the two positions shown on the pictures.

After a brief discussion, Penningroth made a motion to grant the amendment to the Special Use Permit allowing 14 additional boarding sites and approving the current location of the sign, subject to annual review. Lenker seconded the motion. Ayes all.

**2. Robert and Judy Wright, 1434 Plato Road, West Branch (Owners) –**

Requesting an amendment to their Special Use Permit authorizing the location of a fourth dwelling on their farm located in the NW ¼ of the SW ¼, Section 15, T-80N, R-4W, in Gower Township. Said property is currently zoned A-1 Agricultural.

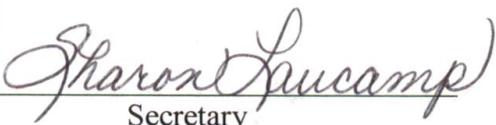
La Rue informed the members there were no verbal or written objections on file and advised them to review this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance. The letter received from the County Engineer stated the property is located on Plato Road and will not have any effect on the road system. The existing entrance is adequate for a single family dwelling.

The Board members then discussed how to deal with this request. La Rue stated the third house was allowed by special exception and suggested the members deal with this the same way. Mr. Wright was present and stated the fourth dwelling would be for his younger brother. He informed the members he would like to place a mobile home on an already existing cement pad located southeast of the buildings. The mobile home would be 400 feet from the fence line. Entrance to the mobile home would be from an existing driveway. Mr. Wright stated he has a young couple who would fix up the existing large five bedroom farm house in exchange for rent. He then showed an aerial photo of the farm and the location of the three homes and the proposed fourth residence. The special exception, allowing the placement of the third dwelling, was for Mr. Wright's son, Trent. A new septic system will be required for the mobile home. Mr. Wright stated he is aware, if granted, the S.U.P. is subject to annual review and can not be passed on to anyone else.

After a brief discussion, Lenker made a motion to allow the location of a fourth farm dwelling on the land zoned A-1 Agricultural. Penningroth seconded the motion. Ayes all.

With no further business to be discussed at this time, Lenker made a motion for adjournment. Penningroth seconded the motion. Meeting adjourned at 3:22 p.m.

  
Chairperson  
Claudia Beyer

  
Secretary  
Sharon Laucamp

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

August 6, 2007

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 23, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Curtis and Carla Friis, 44 280<sup>th</sup> Street, West Branch (Owners) –**  
Requesting an amendment to their Special Use Permit for Double "C" Kennels to allow for the expansion of their dog boarding facility by an additional fourteen (14) pens. Double "C" Kennels is located on property located in the NE ¼ of the NW ¼, Section 6, T-79N, R-4W, in Gower Township. Said property is currently zoned A-1 Agricultural.
- 2. Robert and Judy Wright, 1434 Plato Road, West Branch (Owners) –**  
Requesting an amendment to their Special Use Permit authorizing the location of a fourth dwelling on their farm located in the NW ¼ of the SW ¼, Section 15, T-80N, R-4W, in Gower Township. Said property is currently zoned A-1 Agricultural.

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



Phil La Rue  
Zoning Administrator

Copies sent out on 8/8/07 to the following:

1. Curtis & Carla Friis - 44 280th Street, West Branch, Iowa 52358 - Certified
2. Janet Ann Friis Revocable Trust - 26 280th Street, West Branch, Iowa 52358
3. Catherine M. Chase Trust - 1401 S. Gilbert Street, Iowa City, Iowa 52240
4. Ron & Catherine Ellyson - P.O. Box 457, West Branch, Iowa 52358
5. Fox Run, Inc. - 19 Greenvue Lane, West Branch, Iowa 52358

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1. Robert & Judy Wright - 1434 Plato Road, West Branch, Iowa 52358 - Certified
2. Randy Wright - 1446 Plato Road, West Branch, Iowa 52358
3. Brent & Deborah Donohoe - 1453 Plato Road, West Branch, Iowa 52358

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Copy to Tipton Conservative & West Branch Times on 8/6/07

5 Board of Adjustment Members

Bulletin Board

2 File Copies

**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 23, 2007 – 3:00 p.m.

I. Introduction

II. Review of the following request:

- A. Curtis and Carla Friis, 44 280<sup>th</sup> St., West Branch (Owners) – Requesting an amendment to their Special Use Permit to allow for the expansion of their dog boarding facility by an additional 14 pens
- B. Robert and Judy Wright, 1434 Plato Road, West Branch (Owners) – Requesting an amendment to their Special Use Permit authorizing the location of a fourth dwelling on their farm

III. Discussion

IV. Conclusion



Tel: 563-886-2248

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

Tipton, Iowa 52772

July 11, 2007

**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,

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 14, 2007

**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

DATE 5/24/07  
ORGANIZATION Board of Adjustment  
CONTACT PERSON Phil La Rue  
MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Linda L. Whit  
Bethany  
Sharon Lancamp  
Lorenzo Johnson  
Ray Cernyak  
Claude Berg  
Phil La Rue  
Bill Lentur  
Chuck Hoy

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

May 24, 2007

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, May 24, 2007, at 3:00 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Hoy, Lenker, Penningroth and Johnson.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on April 26, 2007, were previously sent to the members. They were approved as presented.

The Board members then considered the following petition:

**1. Bill and Linda White, 29 King Avenue, Olin, IA (Owners)** – Requesting a variance to temporarily allow a second dwelling on property described as Parcel “A” located in the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 2, T-82N, R-3W, in Fremont Township, consisting of 3.24 acres more or less. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to make their decision in accordance with Chapter 17.18(3) of the Zoning Ordinance. The letter received from the County Engineer stated this property is on gravel route King Avenue and should not cause any road concerns. The existing entrance has been evaluated and it has adequate site distance.

Mr. & Mrs. White were present and informed the members of their plan to turn the existing barn on their property into a house for them. They stated they would like to reside in the existing home on the property while working on converting their 1900 built three story barn into their residence. They stated they will remove the old house once they have moved into the barn residence. Once the barn is converted, it will include 2 levels for living area and possibly a loft on the third story in the future. They stated they want to leave the barn looking as original as possible. The White's informed the members they expect the project to take between two to three years to complete. A new septic system will be installed for the barn residence. Mr. White stated that all roughing work on the project will be contracted out but they will do all of the finish work themselves. They also informed the Board members they would like to keep part of the old basement of the existing house for use as a tornado shelter.

After a brief discussion, Penningroth made a motion to grant a variance to temporarily allow a second dwelling on the property, allowing up to a one year timetable to remove the old house after moving into the new residence and retaining the basement in the old structure. Lenker seconded the motion. Ayes all.

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

*Claudia Beyer*  
Chairperson  
Claudia Beyer

*Sharon Laucamp*  
Secretary  
Sharon Laucamp



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 24, 2007 – 3:00 p.m.

I. Introduction

II. Review of the following request:

A. Bill & Linda White, 29 King Avenue, Olin, IA (Owners) –  
A variance to temporarily allow a second dwelling on  
their property

III. Discussion

IV. Conclusion



Tel: 563-886-2248

May 7, 2007

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, May 24, 2007, at 3:00 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Bill and Linda White, 29 King Avenue, Olin, IA (Owners)** – Requesting a variance to temporarily allow a second dwelling on property described as Parcel “A” located in the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 2, T-82N, R-3W, in Fremont Township, consisting of 3.24 acres more or less. Said property is currently zoned A-1 Agricultural.

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

  
Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 5/8/07 to the following:

1. Bill & Linda White - 29 King Avenue, Olin, Iowa 52320 - Certified
2. Margaret Bradow - 1636 34th St. NE, Cedar Rapids, Iowa 52402
3. William E. Williams Trust - 912 Cedar Jones Road, Olin, Iowa 52320

5 Board of Adjustment members

1 Copy to Tipton Conservative on 5/7/07

2 File Copies

Bulletin Board

Copy e-mailed to Rob Fangmann on 5/7/07

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

April 26, 2007

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, April 26, 2006, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Penningroth, Lenker, Johnson and Hoy.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on February 22, 2007, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

- 1. Cedar County PCS, L.L.C. , 608 Lombard St., Clarence (Lessee) & Randall & Kimberly Siders, 1086 273<sup>rd</sup> St., Tipton (Leasor & Owners) –**  
Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 35, T-80N, R-3W, in Rochester Township. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to make their decision in accordance with Chapter 17.18(2) of the Zoning Ordinance. He also informed the members that the Planning and Zoning Commission recommended approval of the Special Use Permit request at their meeting held on April 18, 2007. The letter received from the County Engineer stated this property is on gravel route 273<sup>rd</sup> Street and should not cause any road concerns. An approved entrance permit is on file which includes modifications that shall be completed before a construction permit can be issued. The C.S.R. is 85 points but it was noted only a 75' x 75' square piece of ground will be utilized for the tower site and the ground is currently in CRP. Limitations for building for industrial/commercial purposes are slight.

Randy Siders, property owner, and Bill McNally, representative for Cedar County PCS, Iowa Wireless, were both present. Mr. McNally informed the members this property is located on the corner of King Avenue and 273<sup>rd</sup> Street. It is a small tract that is bound on the south and the east by trees and by the roads on the other two sides. He stated Cedar County PCS is leasing that area. He also stated the intention is to put up a 190 foot monopole and a small building for electrical equipment. He said their immediate intention is to fill any service void that lies between two other towers. He stated this is an excellent location to fill the gap. There are no close homes near the tower site. Mr. McNally stated the tower can be co-locatable. The nearest

tower is east of HWH. He also stated they are not planning on any additional towers and informed the members the permit application for this site is completed with the FAA.

After a brief discussion, Lenker made a motion to grant the Special Use Permit subject to annual review and completion of the entrance modifications requested by the County Engineer. Johnson seconded the motion. Ayes all.

**2. American Tower Corp., 1101 Perimeter Dr., 7<sup>th</sup> Floor, Schaumburg, FL (Leasee)** – Requesting that the Special Use Permit, issued originally

to UNIsite, Inc., be rescinded at property located at 575 290<sup>th</sup> Street, West Branch, IA, located on Lots 13, 14 and 15 in the SE ¼ of the SE ¼, Section 1, T-79N, R-4W, in Sprindale Township. Said property is currently zoned A-1 Agricultural.

**3. American Tower Corp., 1101 Perimeter Dr., 7<sup>th</sup> Floor, Schaumburg, FL (Leasee)** – Requesting that the Special Use Permit, issued originally

to UNIsite, Inc., be rescinded at property located at 2196 Taylor Avenue, Wilton, IA, located in the SW ¼ of the SW ¼, Section 20, T-79N, R-1W, in Farmington Township. Said property is currently zoned A-1 Agricultural.

Petitions #2 and #3 were discussed together. Penningroth made a motion to rescind American Tower Corporation's Special Use Permits at the above locations. Hoy seconded the motion. Ayes all.

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

*Claudia Beyer*  
\_\_\_\_\_  
Chairperson  
Claudia Beyer

*Sharon Laucamp*  
\_\_\_\_\_  
Secretary  
Sharon Laucamp



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 26, 2007 – 3:00 p.m.

**I. Introduction**

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

- A. Cedar County PCS, L.L.C., 608 Lombard Street, Clarence (Leasee) & Randall & Kimberly Siders, 1086 273<sup>rd</sup> St., Tipton (Leasor & Owners) – A Special Use Permit authorizing the location of a wireless communication tower.
- B. American Tower Corp., 1101 Perimeter Dr., 7<sup>th</sup> Floor, Schaumburg, FL (Leasee) – Requesting to rescind a Special Use Permit originally issued to UNIsite, Inc., on property located at 575 290<sup>th</sup> Street, West Branch, Iowa.
- C. American Tower Corp., 1101 Perimeter Dr., 7<sup>th</sup> Floor, Schaumburg, FL (Leasee) – Requesting to rescind a Special Use Permit originally issued to UNIsite, Inc., on property located at 2196 Taylor Ave., Wilton, Iowa.

**III. Discussion**

**IV. Conclusion**



Tel: 563-886-2248

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

**Tipton, Iowa 52772**

April 9, 2007

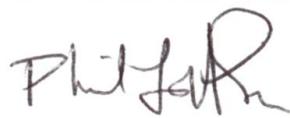
**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, April 26, 2006, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Cedar County PCS, L.L.C., 608 Lombard St., Clarence (Lessee) & Randall & Kimberly Siders, 1086 273<sup>rd</sup> St., Tipton (Leasor & Owners)** – Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the SE ¼ of the NE ¼, Section 35, T-80N, R-3W, in Rochester Township. Said property is currently zoned A-1 Agricultural.
- 2. American Tower Corp., 1101 Perimeter Dr., 7<sup>th</sup> Floor, Schaumburg, FL (Lessee)** – Requesting that the Special Use Permit, issued originally to UNIsite, Inc., be rescinded at property located at 575 290<sup>th</sup> Street, West Branch, IA, located on Lots 13, 14 and 15 in the SE ¼ of the SE ¼, Section 1, T-79N, R-4W, in Sprindale Township. Said property is currently zoned A-1 Agricultural.
- 3. American Tower Corp., 1101 Perimeter Dr., 7<sup>th</sup> Floor, Schaumburg, FL (Lessee)** – Requesting that the Special Use Permit, issued originally to UNIsite, Inc., be rescinded at property located at 2196 Taylor Avenue, Wilton, IA, located in the SW ¼ of the SW ¼, Section 20, T-79N, R-1W, in Farmington Township. Said property is currently zoned A-1 Agricultural.

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

  
Phil La Rue  
Zoning Administrator

Copies sent out on 4/10/07 to the following:

1. Cedar County PCS, L.L.C. - 608 Lombard Street, Clarence, Iowa 52216 - Certified
2. Randall L & Kimberly Siders - 1086 273rd Street, Tipton, Iowa 52772
3. Howard & Carolyn Siders - 1750 King Avenue, Tipton, Iowa 52772
4. Chris A. & Shawn M. Reynolds - 5324 580th SE, Lone Tree, Iowa 52755
5. Janet Nelson - 2408 Crestview Avenue, Iowa City, Iowa 52245
6. Michael A. Harden - 1110 273rd Street, Tipton, Iowa 52772
7. Kenneth J. & Margaret K. Vlasman - 1111 273rd Street, Tipton, Iowa 52772
8. Minnie Sharpless Trust - % Janet Nelson, Trustee, 2408 Crestview Ave., Iowa City, IA 52245

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1. American Tower Corporation - Attn. Mel Motley, 1101 Perimeter Drive, 7th Floor, Schaumburg, IL 60173
2. Bob Pearson - 575 290th Street, West Branch, Iowa 52358

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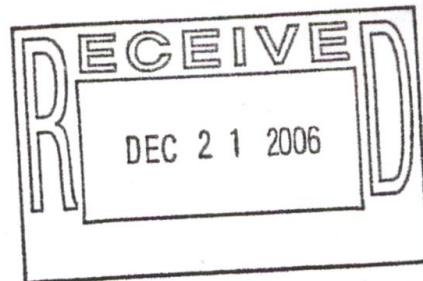
1. American Tower Corporation - Attn. Mel Motley, 1101 Perimeter Drive, 7th Floor, Schaumburg, IL 60173
2. Ron & Nancy Allmandinger - 2196 Taylor Avenue, Wilton, Iowa 52778

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Copy to Tipton Conservative, Wilton-Durant Advocate & West Branch Times on 4/9/07  
5 Board of Adjustment members  
2 File Copies  
Bulletin Board



December 18, 2006



VIA REGULAR MAIL

Mr. Phil LaRue  
Cedar County Courthouse  
Planning/Environmental Health Office  
400 Cedar Street  
Tipton, IA 52772  
563-886-2248

Re: Special Use Permits - Undeveloped Tower Sites:

- 1) 2196 Taylor Ave, Wilton, IA (Farmingdale Township)  
Ron & Nancy Allmandinger, property owner  
Deed Book 500, Page 235, July 31, 2001
  
- 2) 575 290<sup>th</sup> Street, West Branch, IA (Springdale Township)  
Bob Pearson, property owner  
Deed Book 500, Page 236, July 31, 2001

Dear Mr. LaRue,

In 2001, the Cedar County Board of Adjustments approved a special use permit to allow the construction of a telecommunications facility on the above-described properties.

Upon review of our files, we concluded a tower site would no longer be required. Therefore, the board may vacate the permits.

Should additional information be required, I can be reached at (847) 240-1508 x263.

Sincerely,

American Tower Corporation

A handwritten signature of Mel Motley.

Mel Motley  
Zoning Specialist

Cedar County, IA - 12.18.06



Tel: 563-886-2248

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

Tipton, Iowa 52772

March 5, 2007

**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 March because no petitions have been received.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

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

February 22, 2007

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, February 22, 2007, at 3:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Hoy, Beyer, Lenker and Penningroth. Member absent was Johnson.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on October 26, 2006, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

1. **Kay Bentley, 707 West 9<sup>th</sup> Street, #39, Tipton (Owner)** – Requesting approval of a Special Use Permit to allow a dog breeding kennel at 637 Rose Avenue, Clarence, Iowa, in the E ½ of the SE ¼ of the NE ¼, Section 2, T-81N, R-2W, in Fairfield Township, consisting of 2.35 acres more or less. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to make their decision in accordance with Chapter 17.18(2) of the Zoning Ordinance. He also reported to the members that the Planning & Zoning Commission made a recommendation to approve the Special Use Permit request subject to annual review.

Ms. Bentley was present and informed the members of her plan to operate a dog breeding kennel in an existing 20' x 36' livestock building on her property. She stated there will be twelve 6' x 6' indoor pens with doggie doors to the outside. There will also be 6' x 12' outdoor runs to each pen. She stated that some type of septic system will be installed. The building is currently heated and either an exhaust system or air conditioner will be installed. She informed the members she currently has 20 adult dogs and 11 pups. She stated the females will be bred once per year. She requested permission to have 30 adult dogs. It was noted that the facility is located further than 750 feet to the nearest dwelling. She explained she has received approval of a commercial dog breeder license from the Iowa Department of Agriculture. La Rue stated he would like the rest of the property to be cleaned up. The sign requirements were explained to Ms. Bentley. She stated she does not plan to put up a sign at this time.

After further discussion, Lenker made a motion to approve the S.U.P. for the operation of a dog breeding kennel with the stipulation that it is subject to annual review, she must maintain her license with the Iowa Department of Agriculture and the kennel is limited to 30 adult dogs. Penningroth seconded the motion. Ayes all.

2. **Dennis Ricke, 743 Adams Avenue, Lisbon (Owner)** – Requesting approval of a Home Occupation Permit to allow for the manufacture of custom firearms on his property located in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 7, T-81N, R-4W, in Linn Township, consisting of 47.90 acres more or less. Said property is currently zoned A-1 Agricultural.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 15 of the Zoning Ordinance.

Mr. Ricke was present and explained that he plans to operate a small part time firearm manufacturing business. He stated this will consist of the manufacture of frames and small parts for firearms and small scale building of a complete firearm from the frames. He informed the members there will be no signs posted advertising the business as most of the business will consist of mail ordering to other licensed dealers. He stated the business will be owned and operated by him at his residence and he will not have any employees. The shop will occupy a 25' x 20' area in the basement of his residence. He stated 99 percent of the work will be done inside. He informed the members test firing of the built firearms on his property will only be done when the items require significant and frequent adjustment for reliable operation. Any shooting will be strictly for functioning testing only. Most testing will be done at a public range. Mr. Ricke stated he has informed his neighbors and they have been provided with his phone numbers to notify him if his testing is at an inconvenient time for them. Testing will be done on the western edge of his property, putting it over a mile from the nearest dwelling. He informed the members he has applied for a license with the Bureau of Alcohol, Tobacco and Firearms. He stated his business will be conducted in strict accordance with all federal and state laws and will be inspected by the federal authorities.

After further discussion, Hoy made a motion to grant the Home Occupation Permit, subject to annual review. Penningroth seconded the motion. Ayes all. The members suggested Zoning Administrator La Rue perform a site review of the property and the testing site.

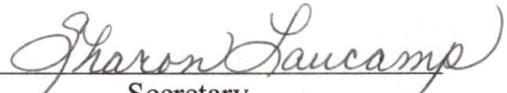
La Rue reported to the members that the American Tower Corporation has informed him they are not planning to install towers on the sites in Farmington or Springdale Townships. A brief discussion was also held regarding wind generators. It was noted the Zoning Ordinance may need to be amended to allow for larger wind generators. La Rue stated if the owner would sell kilowatt hours, it will be considered a commercial use.

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



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Chairperson  
Claudia Beyer



Secretary  
Sharon Laucamp

FYI

Barcode:   
Book 831 Page 96

Document 2007 660 Pages 1  
Date 2/23/2007 Time 8:06:19AM  
Rec Amt \$7.00 *pd*

CHARLINE L THUMM, RECORDER  
CEDAR COUNTY IOWA

Prepared By: Cedar County Zoning Department, 400 Cedar Street, Tipton, Iowa 52772  
Return to: Kay Bentley - 107 W 9th St, Lot 39, Tipton, Iowa 52772

RESOLUTION GRANTING SPECIAL USE PERMIT

WHEREAS, a petition for a Special Use Permit to allow a dog breeding kennel, on property located in the E½ of the SE¼ of the NE¼, Section 2, T-81N, R-2W, in Fairfield Township, has been filed by Kay Bentley, with the Cedar County Zoning Administrator, and said petition, Number 0207, reviewed by the Cedar County Planning and Zoning Commission of Cedar County, Iowa, and recommended to the Cedar County Board of Adjustment, Cedar County, Iowa, and after consideration of the same in accordance with Chapter 17, Section 17.18(2), Special Exceptions, of the Zoning Ordinance of Cedar County, Number 10, have found the petition to be in harmony with the purpose and intent of the Zoning Ordinance of Cedar County, Iowa, and Chapter 335.10 of the Code of Iowa, 1995, in relation to special exceptions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of Cedar County, Iowa, that the petition for a Special Use Permit, Petition Number 0207, for a dog breeding kennel, be granted and approved on the part of Cedar County, Iowa, this 22nd day of February, 20 07.

2/22/07

Date

*Claudia Beyer*

Chairperson of the Cedar County Board of Adjustment

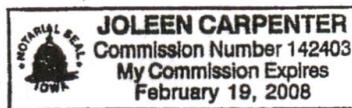
Claudia Beyer

STATE OF IOWA :

: ss.

COUNTY OF CEDAR :

On this 22nd day of February, A.D. 20 07, before me, Claudia Beyer, personally appeared as Chairperson of the Cedar County Board of Adjustment.



*Joleen Carpenter*  
Notary Public in the State of Iowa

02-19-2008

Expiration Date

BOOK 831 PAGE 96

DATE 2/22/07  
ORGANIZATION Cedar Co. Board of Adjustment  
CONTACT PERSON Phil DaQue  
MEETING TIME 3:00 p.m.

MEETING ATTENDANCE:

Sharon Langamp  
Chuck Gray  
Donna

Kay Bentley  
P.D. Johnson  
Clarie Bay

Bill Lentz  
Ray Cunningham



Tel: 563-886-2248

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

Tipton, Iowa 52772

February 5, 2007

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 22, 2007, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Kay Bentley, 707 West 9<sup>th</sup> Street, #39, Tipton (Owner)** – Requesting approval of a Special Use Permit to allow a dog breeding kennel at 637 Rose Avenue, Clarence, Iowa, in the E ½ of the SE ¼ of the NE ¼, Section 2, T-81N, R-2W, in Fairfield Township, consisting of 2.35 acres more or less. Said property is currently zoned A-1 Agricultural.
2. **Dennis Ricke, 743 Adams Avenue, Lisbon (Owner)** – Requesting approval of a Home Occupation Permit to allow for the manufacture of custom firearms on his property located in the SW ¼ of the NW ¼ and the S ½ of the NW ¼ of the NW ¼, Section 7, T-81N, R-4W, in Linn Township, consisting of 47.90 acres more or less. Said property is currently zoned A-1 Agricultural.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 2/6/07 to the following:

1. Kay Bentley - 707 W. 9th Street, Lot 39, Tipton, Iowa 52772-1459 - Certified
2. Ronald & Kathryn Robinson - 574 Rose Avenue, Clarence, Iowa 52216
3. Marilyn Heimdal - 8659 Rusty Lane, Lancaster, WI 53813
4. J D B Investments, LLC - 1629 140th Street, Clarence, Iowa 52216
5. Donald & Rosalie Ortner - 1711 165th Street, Clarence, Iowa 52216

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1. Dennis Ricke - 743 Adams Avenue, Lisbon, Iowa 52253 - Certified
2. Robert & Christine Clark - 5651 Clear Creek Rd. NE, Lisbon, Iowa 52253
3. Steven & Terri Nielsen - 717 Adams Avenue, Lisbon, Iowa 52253
4. Marvin & Donna Albaugh - 42 175th Street, Lisbon, Iowa 52253-8512
5. Carl Achey - 5781 130th St. NE, Lisbon, Iowa 52253
6. Harry Phelps - 1224 Yellow Pine Ave. NE, Lisbon, Iowa 52253
7. Phillip McCoy - 1275 Yellow Pine Ave. NE, Lisbon, Iowa 52253
8. Bourgeois Family Revocable Trust - 14122 N. 161 E. Avenue, Collinsville, OK 74021

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Copy to Tipton Conservative and Sun News on 2/5/07

5 Board of Adjustment Members

Bulletin Board Copy

2 File Copies

Copy e-mailed to County Engineer Fangmann



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, February 22, 2007 – 3:00 p.m.

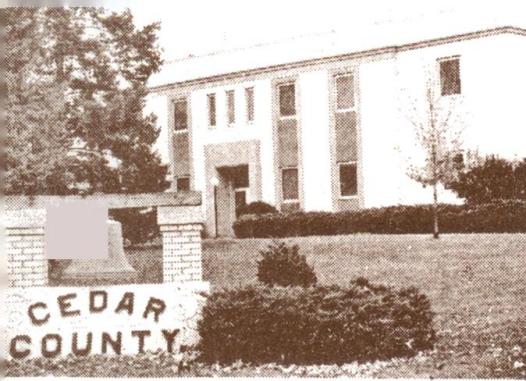
**I. Introduction**

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

- A. Kay Bentley, 707 West 9<sup>th</sup> Street, #39, Tipton (Owner) – A Special Use Permit authorizing a dog breeding kennel**
  
- B. Dennis Ricke, 743 Adams Avenue, Lisbon (Owner) – A Home Occupation Permit to allow for the manufacture of custom firearms on his property**

**III. Discussion**

**IV. Conclusion**



Tel: 563-886-2248

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

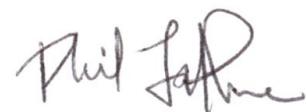
Tipton, Iowa 52772

January 9, 2007

**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,

A handwritten signature in black ink that appears to read "Phil La Rue".

Phil La Rue  
Zoning Administrator

PL:sl