



Tel: 563-886-2248

OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

December 7, 2010

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,

A handwritten signature in cursive script that reads "Phil LaRue /sl".

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

November 18, 2010

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, November 18, 2010, in the Large Meeting Room in the Cedar County Courthouse, Tipton, Iowa. Members present were Hoy, Beyer, Johnson and Penningroth. Member absent was Lenker.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on October 28, 2010, were previously sent to the members. They were approved as presented. The Board members then considered the following petition:

1. Dick and Linda Brennan, 755 Cedar Valley Road, Tipton, IA (Owners)- Requesting a variance in accordance with Chapter 5C(2), Agricultural District, of the Cedar County Zoning Ordinance, Number 10, for the purpose of allowing placement and construction of a secondary farm dwelling further than 250 feet from an existing farm structure. The proposed building site is located in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 17, T-80N, R-3W, in Center West Township, on a tract of land consisting of 38.00 acres more or less. Said property is currently zoned A-1 Agricultural.

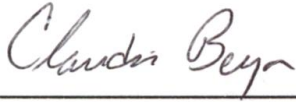
Zoning Administrator La Rue informed the members there no written or verbal objections on file and advised them to do their review in accordance with Chapter 17.18(3) of the Zoning Ordinance.

Mr. & Mrs. Brennan were present and informed the members they plan to build a new home for their retirement. Mrs. Brennan stated their daughter and son-in-law would then move into their existing home and would start taking over some of the farming operation. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route Hayes Road and should not cause any road concerns. An approved entrance permit is on file in his office. La Rue stated the Board does not have to consider the CSR on the property because the petition is for a variance request and is not a requirement of Chapter 17.18(3) of the Zoning Ordinance. La Rue explained the reason for the variance request. He stated this is a legitimate agricultural use under Chapter 5 of the Zoning Ordinance. He also stated Chapter 5, Section C-2, states one secondary farm dwelling shall be permitted without a special use permit as long as it is located within 250 feet of existing farm structures. The proposed dwelling site is estimated to be approximately 1,200 to 1,300 feet east of an existing farm structure on the property. A new well will be drilled and a new septic system will be installed for the proposed dwelling.

After a brief discussion, Penningroth made a motion to approve the variance request of the separation distance to be within 1,500 feet from existing farm structures. Hoy seconded the motion. Ayes all.

Zoning Administrator La Rue then briefly talked about a complaint he had recently received regarding Larry Siders and the variance Mr. Siders had previously been granted.

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



Chairperson
Claudia Beyer



Secretary
Sharon Laucamp



Tel: 563-886-2248

OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

November 5, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, November 18, 2010, 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. Dick and Linda Brennan, 755 Cedar Valley Road, Tipton, IA (Owners)-
Requesting a variance in accordance with Chapter 5C(2), Agricultural District, of the Cedar County Zoning Ordinance, Number 10, for the purpose of allowing placement and construction of a secondary farm dwelling further than 250 feet from an existing farm structure. The proposed building site is located in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 17, T-80N, R-3W, in Center West Township, on a tract of land consisting of 38.00 acres more or less. Said property is currently zoned A-1 Agricultural.

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

Phil LaRue
Zoning Administrator

Copies sent out on 11/9/10 to the following:

1. Dick & Linda Brennan – 755 Cedar Valley Road, Tipton, Iowa 52772 – **Certified**
 2. John & Sherrie Falkers – 990 Cedar Valley Road, Tipton, Iowa 52772
 3. Linn Farms, Inc. – 767 Green Road, Tipton, Iowa 52772
 4. Dennis & Patti Ray – 1418 Hayes Road, Tipton, Iowa 52772
 5. Kurt & Denise Schneckloth – 1420 Hayes Road, Tipton, Iowa 52772
 6. Brent & Molly Chambliss – 753 Hayes Avenue, Tipton, Iowa 52772
 7. Nathan & Jaqueline Frederick – 746 Hayes Road, Tipton, Iowa 52772
 8. Cain Family Trust – 1411 Harding Avenue, Tipton, Iowa 52772
 9. Robert L. & Richard A. Brennan & Mary Ann Kemman & Deborah Schafer – 1148 220th St.,
Tipton, Iowa 52772
 10. David Anderson – 740 Cedar Valley Road, Tipton, Iowa 52772
-

Copy e-mailed to Tipton Conservative on 11/8/10

5 Board of Adjustment members on 11/9/10

Copy e-mailed to County Engineer on 11/8/10

2 File Copies

Bulletin Board Copy

DATE 10/28/10

ORGANIZATION PLANNING & ZONING BOARD

Board of Adjustment

CONTACT PERSON _____

MEETING TIME WEDNESDAY, 6:30 P.M. 3:00 p.m.

MEETING ATTENDANCE:

JACK FESSLER

Sam Osborne

Gregory R. Norfleet

STEVE YERINGTON

Sheryl Yerington

Bernard Andrew

Lizabell Osborne

Bill SCHULTE

John Clark

GB Hays

Richard Kordik

John

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

October 28, 2010

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, October 28, 2010, in the Large Meeting Room in the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Johnson, Hoy, Lenker and Penningroth.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on September 23, 2010, were previously sent to the members. They were approved as presented. The Board members then considered the following petitions:

1. Steve and Sheryl Yerington, 1050 Stonemill Road, Tipton, IA (Owners)- Requesting a Special Use Permit authorizing the location of a commercial dog kennel on property located on Parcel D, in the NW ¼, SE1/4, Section 14, T-80N, R-3W, in Center West Township, consisting of 5.19 acres m/l. Said property is currently zoned R-1 and A-1 District.

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 Cedar County Zoning Ordinance. He also informed the members the Cedar County Planning and Zoning Commission recommended approval of the SUP request at their meeting held on October 20, 2010. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route Stonemill Road and should not cause any road concerns. As part of the Special Use Permit, he recommended that the resident be required to utilize a dust control agent as approved per Cedar County policy in both directions of the existing entrance.

Steve and Sheryl Yerington were present and informed the members the request of the County Engineer is no problem since they always have dust control applied to the road in front of their property. Steve then informed the members they contacted their neighbors and informed them of their plans. He stated they are approximately 750 feet to the nearest residentially zoned residence and 550 feet to Kevin Kelly's rental property. It was noted all animals will be housed inside of the proposed building and there will also be an outside exercise area. He stated their IDALS application is ready to be sent after the SUP is approved. There will be grass and rock around the area. Signage was briefly discussed. Steve stated they would like to put the sign on the white picket fence in the front yard. La Rue informed the Yerington's the sign could be up to 32 square feet in size, would have to be kept out of the road right-of-way and can not be lit. Steve informed the members they are working with a local contractor on the septic system. He stated they will have three compost generators to start with and can also land apply the manure. La Rue stated the Yerington's also need a variance under Chapter 5 of 200 feet to the nearest residence. The required distance is 750 feet.

After a brief discussion, Penningroth made a motion to grant a Special Use Permit allowing the location of a commercial dog and cat kennel on their property and also a variance of 200 feet on the setback requirement, subject to annual review. Lenker seconded the motion. Ayes all.

2. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners)- Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the N ½, NE ¼, SE ¼, Section 06, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.

Zoning Administrator La Rue informed the members that the Cedar County Planning and Zoning Commission did make a recommendation unanimously to approve this first petition under Cedar County Ordinance #47 at their October 20, 2010, meeting.

Erin Hazen, Project Development Manager for Acciona Windpower North America, introduced herself and then presented a power point presentation for the members and audience. She stated Acciona is based in West Branch and have been building turbines there since 2007. She stated, at full capacity, they would have 107 employees and an additional 120 employees in supply chain, administration and field operations. She also informed the members the West Branch factory will eventually assemble the AW 3,000 turbines (3 megawatt) they are proposing to erect in Cedar County. She stated this project is to complete the certification of their AW 3,000 turbines in North America. There will be two 3 megawatt turbines on the proposed site in Red Oak Township. She stated the company plans to break ground in April of 2011, and the construction period is estimated between 8 to 10 weeks, subject to weather. Ms. Hazen stated there are no plans to expand the project. They will also install 6 ½ miles of underground collection system (or cable) which will deliver the power from the turbines down to the substation. A new substation will be built adjacent to the existing one. She stated they are limited to two turbines based on the capacity of the substation. She informed the members and public that, in preparing for the meeting and application process, they have done extensive studies which included noise, environmental impact, FAA concerns, communication interference, etc. She stated they have kept their plans in compliance with every section of the ordinance. The health concerns presented at the first meeting of the Planning & Zoning Commission were investigated which concluded that the claims were not supported by evidence. She stated the sounds from the turbines are not harmful or unusual and studies showed wind farms do not have an impact on property values. She also addressed "wind turbine syndrome" which was another health concern brought up at the Planning & Zoning Commission meetings. She stated this is a hypothesis which was published by Dr. Pierpont. Ms. Hazen stated that Dr. Pierpont used a biased study method and it is not supported by science. She also stated Dr. Pierpont's article was self published, has not been peer reviewed and has not been accepted for publication. She addressed sleep disturbance complaints stating this project has an exceptionally low level of noise impact. She said it is their policy to perform careful studies and responsible sitings. She presented the isoline maps showing minimal impact in the project area. The highest level of noise, in the worst case scenario, is 39 decibels which would not be heard, based on ambient sound. She also stated Acciona has a noise complaint resolution plan submitted with their current application. She stated there is a contact number for the neighbors to call in case of any complaints and the company will respond within 24 hours to help rectify the problem. She

summarized the advantages of the wind turbines in Cedar County as a property tax benefit, it reinforces Iowa as the hub of the wind industry, the opportunity to collaborate with the universities and community colleges in Iowa, it is the closest site to West Branch, there is a potential of up to 30 new jobs at the West Branch site for maintenance, etc., additional 40 construction jobs during the construction period and a Cedar County land owners income. Ms. Hazen stated Acciona is an owner/operator who develops projects that they will own and, therefore, are in it for a long term relationship. She then informed the members that the towers and all components for this project will come from their factory in Spain. Acciona is not making this particular tower in the United States yet. Eventually, Acciona plans to manufacture these at their West Branch plant. She also stated after they receive approval, they will begin the engineering work for the roads. The final transportation route has not yet been determined and they will work with both county and state departments.

Bernard Andrew, adjoining property owner, stated Acciona has told him the turbines will affect him and he would like to know how. Ms. Hazen stated he will see the turbines and there will be times when he will hear them. She stated the maximum 39 decibel noise level is below the standard rural ambient noise. Ms. Hazen stated new data received from the operating turbines in Spain show even a lower noise impact than initially predicted. The new isoline map shows very low predicted sound pressure levels and the maximum worst case scenario is 39 decibels. Member Chuck Hoy then informed the Board and audience that he, along with several other members of the Zoning Commission and Board of Supervisors, visited a wind farm in Illinois. He informed the members that on the day of their visit, the turbines were working at almost maximum rpm's, and when they stood underneath one, all they could hear was a woosh sound. When they got about 100 yards away, he stated the sound was like a breeze going through the corn. He stated when they went around and talked to some of the home owners around the area, none of them had a problem with the noise. They stated the shadow flicker did not bother them either and stated the roads were in better condition after the construction of the turbines than they were before. Mr. Hoy stated the turbines in Illinois were 1.5 megawatts and the two proposed turbines in Cedar County would be 3 megawatts. However, with the new blade design, there should be less noise. Shadow flicker was then briefly discussed. Ms. Hazen stated shadow flicker needs several conditions to occur which are that the sun has to be shining, the wind has to be blowing and blowing in a certain direction. If all of these conditions are met, it is possible that the blades could cast a shadow. A brief discussion was held regarding the comparison of a fossil fuel plant and wind energy. Bernard Andrew then again asked if more turbines would go up in the future. Ms. Hazen stated her company's business is to construct wind farms but there are no immediate plans for any more turbines in this area at this time. She also stated, that when and if the company plans to construct any more in this area, they would have to again go through this same process. La Rue then read the letter received from County Engineer, Rob Fangmann, which stated for Petition #2 & #3 that this property is located on gravel route 160th Street and Cedar County Ordinance 47, Section 7, outlines the procedure to ensure minimal impact on existing infrastructure. An approved entrance permit is located on file in the Engineer's Office for both petitions. La Rue also stated a letter in support of the petitions is on file received from the Cedar County Economic Development. He then discussed the soil inventory. The 120B Tama soil has a CSR of 95 points but La Rue stated the imprint is quite minimal. The turbine site will be 62' x 62' feet.

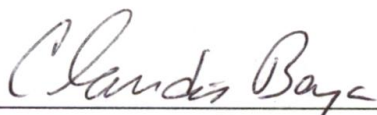
After further discussion, Hoy made a motion to grant Acciona the SUP authorizing the location of a wind turbine for Petition #2, subject to annual review. Lenker seconded the motion. Chairperson Beyer then requested a roll call vote: Hoy – Yes, because they presented the facts according to the ordinance; Penningroth – Yes, by reason of following the county ordinance and meeting the requirements; Johnson – Yes, because it is a method of generating power that is relatively harmless; Lenker – Yes, due to the tax base, there will be tax money and thinks it is good for everyone; Beyer – Yes, because the economic benefits far outweigh the somewhat nebulous health concerns and it is consistent with the ordinance. Motion carried.

3. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners) - Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the S ½, SE ¼, NE ¼, Section 06, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.

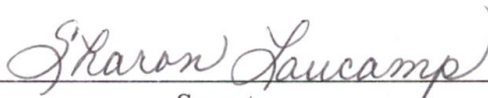
Chairperson Beyer noted discussion was previously held regarding this petition when discussing Petition #2. La Rue again informed the members they will be doing their review in accordance with Ordinance 47. The CSR is the same as Petition #1. La Rue stated this petition also complies with Ordinance 47.

Hoy then made a motion to grant the SUP request from Acciona to locate the turbine on the property stated in Petition #3, subject to annual review. Johnson seconded the motion. Ayes all.

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



Chairperson
Claudia Beyer



Secretary
Sharon Laucamp



OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

October 4, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 28, 2010, 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. Steve and Sheryl Yerington, 1050 Stonemill Road, Tipton, IA (Owners)-** Requesting a Special Use Permit authorizing the location of a commercial dog kennel on property located on Parcel D, in the NW $\frac{1}{4}$, SE1/4, Section 14, T-80N, R-3W, in Center West Township, consisting of 5.19 acres m/l. Said property is currently zoned R-1 and A-1 District.
- 2. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners)-** Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the N $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 06, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.
- 3. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners)-** Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the S $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 06, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.

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 LaRue
Zoning Administrator

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

1. Steve & Sheryl Yerington – 1050 Stonemill Road, Tipton, Iowa 52772 – **Certified**
 2. Wendling Quarries – P.O. Box 230, De Witt, Iowa 52742-0230
 3. Shawn Kleppe – 1049 Stonemill Road, Tipton, Iowa 52772
 4. Merle & Nicki Aikman – 1069 Stonemill Road, Tipton, Iowa 52772
 5. Kelly Cedar Farms LTD – 402 2nd Avenue, Apt. 8, Clarence, Iowa 52216
 6. Kevin K. Kelly – 191 Quincy Avenue, Clarence, Iowa 52216
 7. Joette McCaw – 1035 Stonemill Road, Tipton, Iowa 52772
 8. Donald & Lois Rosenow – 1104 Plum Street, Tipton, Iowa 52772
-

1. Acciona Windpower North America, LLC – Attn: Erin Hazen, 601 Fawcett Drive, West Branch, Iowa 52358 – **Certified**
 2. Steve & Teresa Weets – 612 160th Street, Mechanicsville, Iowa 52306
 3. Oldorf Farms, Inc. – JoAnn Kettman, Pres., 23107 N. 146th Ln., Sun City West, AZ 85375-2771
-

1. Acciona Windpower North America, LLC – Attn: Erin Hazen, 601 Fawcett Drive, West Branch, Iowa 52358 – **Certified**
 2. Steve & Teresa Weets – 612 160th Street, Mechanicsville, Iowa 52306
 3. John & Kathleen Sauer – 105 Cottage Drive, Mechanicsville, Iowa 52306-9714
 4. Bernard & Berneta Andrew – 697 160th Street, Mechanicsville, IA 52306-7605 (Requested notification of meetings)
-

Copy e-mailed to Tipton Conservative on 10/4/10 for T.C. & Sun News

Copies sent to Board of Adjustment members on 10/5/10

Copy e-mailed to County Engineer on 10/5/10

2 File Copies

Bulletin Board Copy

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 23, 2010

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, September 23, 2010, in the Large Meeting Room in the Cedar County Courthouse, Tipton, Iowa. Members present were Lenker, Johnson, Beyer, Penningroth and Hoy.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on September 2, 2010, were previously sent to the members. They were approved as presented. The Board members then considered the following petitions:

1. Todd and Tracy Schroeder, 1231 130th Street, Stanwood, IA (Owner) - Requesting approval of a temporary variance to allow two (2) dwellings on property described as Lot A, in the SE ¼, SW ¼, Section 18, T-82N, R-2W, in Dayton Township, consisting of 2.93 acres more or less. Said property is currently zoned A-1 Agricultural District.

There were no written or verbal objections on file for this petition. Mr. & Mrs. Schroeder were present and informed the members they are building a new house about 15 feet west of their current house. They plan on tearing the old house down as soon as possible. They stated the foundation and cement work is already done. The new home will be built by the end of the year. There are no problems with the septic system plans. The letter received from the County Engineer stated this property is located on gravel route 130th Street and should not cause any road concerns. Discussion was held regarding how much time to allow for the removal of the old house. After further discussion, Hoy made a motion to grant a temporary variance to allow the placement of two houses on the property subject to removal of the old house by 7/1/2011. Lenker seconded the motion. Ayes all.

2. Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners) - Requesting approval of a Home Occupation/Industry Permit for the purpose of allowing a photography studio on property located in the SW ¼, NW ¼, Section 7, T-79N, R-1W, in Farmington Township, consisting of 4.74 acres more or less. Said property is currently zoned R-1, Suburban Residential and A-1, Agricultural District.

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 15 of the Zoning Ordinance. The letter on file from the County Engineer stated this property is located on gravel route Spicer Avenue and should not cause any road concerns. He recommended that the driveway be raised in order to achieve a flatter slope to increase the sight distance.

Mr. Schmidt informed the members that his wife runs a photography business using a studio in their basement. They may eventually put up a secondary building on their property for the business. It was noted that no more than 2,400 square feet of an accessory building can be devoted to the home industry. The signage regulations were then discussed which allow up to an 8 square foot sign placed flat against the building or posted within 2 feet and parallel with the building, not lit and posted no closer than 50 feet of the road right-of-way.

County Engineer, Rob Fangmann, was present and stated that as soon as they come off the county road, it slopes down rather quickly. He would like the driveway built up for better visibility. He stated he looks at this as a commercial business. He stated the other alternative would be for the Schmidt's to maintain the ditches both ways and keep the vegetation out. The Schmidt's stated they normally mow the ditches but have had some problems with their tractor so they haven't mowed for a couple of months. Mr. Schmidt informed the members and Rob Fangmann that he will keep the ditches mowed. It was noted that the H.O/H.I. permit would be subject to annual review. Mrs. Schmidt stated that only about 3 cars go past their place each day. There is no through traffic on their road. La Rue stated he worded the notice so that the Board of Adjustment could grant both the Home Occupation & Home Industry Permit. Granting both would allow the Schmidt's to build an accessory structure for their business in the future without coming back to the Board. Mr. Schmidt stated they plan to wait a while before constructing another building for the business.

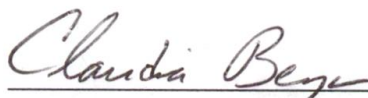
After a brief discussion, Lenker made a motion to allow the Home Occupation/Home Industry Permit subject to maintaining a clear view on each side of the Schmidt's driveway. Penningroth seconded the motion. Ayes all.

3. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners) - Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the N ½, NE ¼, SE ¼, Section 6, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.


4. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners) - Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the S ½, SE ¼, NE ¼, Section 6, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.

Petition #'s 3 & 4 filed by Acciona were not heard because the Zoning Commission tabled the requests at their meeting held on September 15, 2010. La Rue presented handouts to the members regarding wind turbines. He stated that he and the members would not discuss what the Zoning Commission did. He then gave a brief presentation on the wind ordinance #47. He stated that noise effects were not addressed in the ordinance. He also stated he can not provide documents for an ordinance that are unproven or arbitrary. He informed the members that they have been invited to go to a wind farm in Illinois in early October. Beyer and Hoy both stated they would like to attend.

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



Chairperson
Claudia Beyer



Secretary
Sharon Laucamp



OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

September 2, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 23, 2010, 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. Todd and Tracy Schroeder, 1231 130th Street, Stanwood, IA (Owner) -**
Requesting approval of a temporary variance to allow two (2) dwellings on property described as Lot A, in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 18, T-82N, R-2W, in Dayton Township, consisting of 2.93 acres more or less. Said property is currently zoned A-1 Agricultural District.
- 2. Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners) -**
Requesting approval of a Home Occupation/Industry Permit for the purpose of allowing a photography studio on property located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T-79N, R-1W, in Farmington Township, consisting of 4.74 acres more or less. Said property is currently zoned R-1, Suburban Residential and A-1, Agricultural District.
- 3. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Lessor & Owners) -** Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the N $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 6, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.
- 4. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Lessor & Owners) -** Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the S $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 6, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.

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.

A handwritten signature in black ink, appearing to read "P. D. LaRue".

Phil LaRue
Zoning Administrator

Copies sent out on 9/7/10 to the following:

1. Todd & Tracy Schroeder – 1231 130th Street, Stanwood, Iowa 52337 – **Certified**
 2. Robert & Diane Dircks – 1380 120th Street, Clarence, Iowa 52216-9330
 3. K Farms, Inc. - % Dr. Gordon Kruger, 1804 W. Hovey Avenue, Normal, IL 61761-4316
-

1. Rob & Andrea Schmidt – 1944 Spicer Avenue, Wilton, Iowa 52778 – **Certified**
 2. Murry & Renee Mente – 1309 Highway 130, Tipton, Iowa 52772
 3. Robert M. Glenney – 1860 Spicer Avenue, Wilton, Iowa 52778
 4. Barry & Melanie Langley – 314 Maple Boulevard, Wilton, Iowa 52778
-

1. Acciona Windpower North America, LLC – Attn: Erin Hazen, 601 Fawcett Drive, West Branch, Iowa 52358 – **Certified**
 2. Steve & Teresa Weets – 612 160th Street, Mechanicsville, Iowa 52306
 3. Oldorf Farms, Inc. – JoAnn Kettman, Pres., 23107 N. 146th Ln., Sun City West, AZ 85375-2771
-

1. Acciona Windpower North America, LLC – Attn: Erin Hazen, 601 Fawcett Drive, West Branch, Iowa 52358 – **Certified**
 2. Steve & Teresa Weets – 612 160th Street, Mechanicsville, Iowa 52306
 3. John & Kathleen Sauer – 105 Cottage Drive, Mechanicsville, Iowa 52306-9714
-

Copy e-mailed to Tipton Conservative on 9/2/10 for T.C. & Sun News

Copy e-mailed to Wilton-Durant Advocate News on 9/2/10

Copies given to Board of Adjustment members on 9/2/10

2 File Copies

Bulletin Board Copy

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 2, 2010

The Cedar County Board of Adjustment conducted a Public Hearing site survey on Thursday, September 2, 2010, at 2:15 p.m., at the home of Larry Siders, 143 West Rochester Avenue, Atalissa, IA. Members present were Beyer, Hoy, Johnson, Lenker, and Penningroth. Also present during this site survey was County Engineer Rob Fangmann, Zoning Administrator LaRue and property owner, Larry Siders. This petition was previously heard before the Board of Adjustment on August 12, 2010, but was tabled until this site survey could be made.

The meeting was called to order by Chairperson Beyer. Board member Johnson requested Engineer Fangmann to please indicate the west edge of the West Rochester Avenue right of way (ROW). The Board observed a measuring tape distance of the zoning district setback for 50 feet and the petition requested variance setback of 15 feet as measured from the west ROW edge. The Board reviewed the written comments from Engineer Fangmann as they pertained to his recommendation for conditions of approval of Mr. Siders variance petition. Chairperson Beyer asked Engineer Fangmann about Cedar County's future plans for West Rochester Avenue. Engineer Fangman first reviewed the intent of Iowa Code, Chapter 318, pertaining to obstructions in the ROW. He then stated that there are no plans under the 5 year construction program to further upgrade the road. Based upon the photographs presented at the August 12, 2010, meeting, the Board noted progress toward compliance with removal of clutter, debris, stored materials, motor vehicles and parts, trailer(s) and the unapproved retaining wall. The Board also noted the particular limitations of Mr. Siders property including the limestone and steep hill side. The Board also noted the extent of the construction performed by Mr. Siders without a Zoning Permit being issued. The Board then briefly discussed Cedar County's flood plain regulations. It was unknown at the time of the site survey whether or not Mr. Siders home is in Zone "A" of the Flood Recovery Map(s). LaRue stated the proposed dwelling site probably is not, but the Iowa Department of Natural Resources (I.D.N.R.) must be consulted and a development permit issued, if required. The Board then discussed the remaining debris and materials on the property. Engineer Fangmann then stated that the retaining wall must be removed and the bank graded to be in compliance with his written comments. The Board then adjourned the site survey public hearing.

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, September 2, 2010, in the large meeting room of the Courthouse, Tipton, IA. Members present were Beyer, Hoy, Johnson, Lenker, and Penningroth. Also in attendance were County Engineer Rob Fangmann and Zoning Administrator LaRue.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the August 12, 2010, and August 26, 2010, meetings were previously sent to the members. For the August 12th meeting, Lenker moved, Hoy seconded the motion, to approve the minutes as

written. Ayes: all. For the August 26th meeting, Penningroth moved, Johnson seconded the motion, to approve the minutes as written. Ayes: all. The Board then considered the following petition:

1. Larry Siders, 143 West Rochester Avenue, Atalissa, Iowa, (Owner)- Requesting approval of a variance of the required fifty (50) foot front yard setback to allow replacement of the existing dwelling closer to the county road Right of Way on property described as Lots 9-14 of Lot D, located in the SW ¼, SW ¼, Section 2, T-79N, R-3W, in Iowa Township consisting of 0.81 acres more or less. Said property is currently zoned R-1, Suburban Residential.

Zoning Administrator LaRue stated that there were no new or additional objections on file after the Board meeting held on August 12, 2010. He advised the Board to consider this petition in accordance with Chapter 17.18(3) of the Cedar County Zoning Ordinance.

The petitioner, Larry Siders, was present for this hearing. The Board reviewed their observation from the previous Public Hearing site survey. County Engineer Rob Fangmann again stated that he wants the West Rochester Avenue right of way (R.O.W.) cleared of materials, debris and obstructions. Engineer Fangmann stated he will work with Mr. Siders on the earthwork in the R.O.W., but the retaining wall must be removed. There are no County plans for changes to the road in this area at this time. When asked about sight distance at the property, Engineer Fangmann had no objection to a variance of 35 feet on the front yard setback. There are no sight distance limitations along the roadway at this site. Because of the issue raised at the August 12, 2010, meeting concerning obstructions in the R.O.W. and the inability for traffic to get through either direction, traffic counts were discussed. An estimated 30 vehicle trips go past this property each day. The posted speed limit is 25 miles per hour, but comment was made that the speed limit isn't enforced effectively. Only an estimated 9 or 10 families reside north of this site.

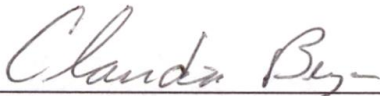
Mr. Siders neighbor, Mike Lucassen, then stated he has no objection to Mr. Siders request. Adjoining property owner, George Domer, also in attendance, agreed and commented the property is looking much better. Concerning Mr. Siders water well, which is located in the R.O.W. east of the proposed dwelling, Engineer Fangman stated this obstruction will need to be relocated out of the R.O.W. in the future. Final comments on obstruction(s) within the R.O.W. were made. Engineer Fangmann stated he wants the obstructions removed and the earthwork completed as per his letter and the Code of Iowa, Chapter 318. The Board again noted the construction work done by Mr. Siders without County approval. The retaining wall was actually the lowest floor of the dwelling. The existing manufactured home occupied by Mr. Siders must be removed within one year of the zoning permit approval. The Board agreed that the septic system will need reconstruction and must be in compliance with state and county regulations.

After further discussion and ordinance review, Hoy moved to grant the front yard variance request of 35 feet, allowing a front yard setback of 15 feet from the building to the west R.O.W. line, subject also to keeping all obstructions out of the R.O.W., finishing

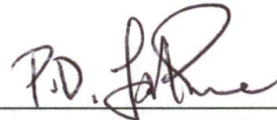
the earthwork as required by the County Engineer, removal of the manufactured home within one year of zoning permit issuance and, finally, keeping the property orderly and free of debris and clutter. Lenker seconded the motion. Ayes: all.

Zoning Administrator LaRue then provided the Board members their September petition packets, and Public hearing notice. There was brief discussion regarding Cedar County's new C-W.E.C.S. Ordinance.

With no further business to be discussed at this time, the meeting was adjourned at 4:05 p.m.



Chairperson
Claudia Beyer



Secretary Pro-tem
Phil La Rue



Tel: 563-886-2248

OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

AGENDA

Cedar County Board of Adjustment

Thursday, September 2, 2010 – 2:00 p.m., Site Visit

Review of petition number 1, tabled on August 12, 2010, 3:00 p.m.

Cedar County Courthouse, Tipton, Iowa

Attention: Board members please meet at the Courthouse at 2:00 p.m., prior to driving to the location of petition number one.

- I. Site visit at 143 West Rochester Avenue, Atalissa, IA, at 2:30 p.m.
- II. Introduction
- III. Review of petition number one, received from:

Larry Siders, 143 West Rochester Avenue, Atalissa, Iowa, (Owner)-
Requesting approval of a variance of the required fifty (50) foot front yard setback to allow replacement of the existing dwelling closer to the county road Right of Way on property described as Lots 9-14 of Lot D, located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T-79N, R-3W, in Iowa Township consisting of 0.81 acres more or less. Said property is currently zoned R-1, Suburban Residential.

- IV. Discussion
- V. Conclusion



Tel: 563-886-2248

OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

August 16, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 2, 2010, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. This petition was heard before the Board on August 12, 2010, but was tabled in order for the Board to conduct an on-site assessment prior to ruling on the petition. The Board of Adjustment will be conducting this on-site assessment at 2:30 p.m., at the location of petition number one.

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

1. Larry Siders, 143 West Rochester Avenue, Atalissa, Iowa, (Owner)- Requesting approval of a variance of the required fifty (50) foot front yard setback to allow replacement of the existing dwelling closer to the county road Right of Way on property described as Lots 9-14 of Lot D, located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T-79N, R-3W, in Iowa Township consisting of 0.81 acres more or less. Said property is currently zoned R-1, Suburban Residential.

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

A handwritten signature in black ink, appearing to read "P.D. LaRue".

Phil LaRue
Zoning Administrator

Copies sent out on 8/17/10 to the following:

1. Larry Siders – 143 W. Rochester Avenue, Atalissa, Iowa 52720 – **Certified**
2. Van A. Pierson & Karla L. Nolan – 118 W. Rochester Avenue, Atalissa, Iowa 52720
3. Max Middleton – 151 W. Rochester Avenue, Atalissa, Iowa 52720
4. George Domer – 141 W. Rochester Avenue, Atalissa, Iowa 52720
5. Kevin & Cindy Slutts – 158 Shrader Road, Iowa City, Iowa 52245-4920
6. Pamela, Jaime & Gina Lucassen – 207 Green, P.O. Box 261, West Branch, Iowa 52358
7. Jack Wonick & Carolyn Heitshusen – 257 W. Rochester Avenue, Atalissa, Iowa 52720
8. Joseph Fahrenkrug – 3704 165th Street, Blue Grass, Iowa 52726-9412
9. Helen Hohle – 2911 Stanford Avenue, Iowa City, Iowa 52245-4927
10. Harry & Susan Denny – 1376 230th Street, Tipton, Iowa 52772

Copy e-mailed to Tipton Conservative on 8/16/10

5 Board of Adjustment members on 8/17/10

Copy e-mailed to County Engineer on 8/17/10

2 File Copies

Bulletin Board Copy

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

August 26, 2010

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, August 26, 2010, in the Large Meeting Room in the Cedar County Courthouse, Tipton, Iowa. Members present were Penningroth, Lenker, Johnson & Beyer. Member absent was Hoy.

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

1. Cedar County P.C.S., LLC, 608 Lombard St., Clarence, IA (Leasee) and Ron and Daisy Wingert, 1389 Highway 130, Tipton, IA (Leaser & Owners)- Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 27, T-81N, R-4W, in Cass Township. Said property is currently zoned A-1, Agricultural District.

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 and Ordinance #30, Telecommunications. The letter on file from the County Engineer stated that this property is located on paved route State Street and should not cause any road concerns. An approved entrance permit is located on file in the Engineer's Office. The permit requires that the trees along the fence line that are reducing the sight distance to be removed. La Rue informed the members the soil on the property is Chelsea Loamy Fine Sand with a Corn Suitability Rating of 21 points. He also stated the corrections to the legal description on several of the documents were corrected from Section 28 to Section 27, which he had requested at the Planning & Zoning Commission meeting.

Pete McNally, representing Cedar County P.C.S., stated they are affiliated with Clarence Telephone Company, Iowa Wireless and T-Mobile. Their goal is for statewide network coverage. Others attending the meeting were Curt Eldred and Ron & Daisy Wingert. Mr. McNally informed the members they currently have seven towers in Cedar County but no tower in the center. He stated this location was selected in response to customer demand. He stated they are proposing a 190 foot self support tower with no guyed wires and no lighting. The site will fit into a 70' x 70' compound and will be maintained monthly. Mr. McNally informed the members they meet all the required criteria. He also stated they can not co-locate on another tower since the closest tower is 3.7 miles away. The proposed tower can accommodate other users. He stated they do have co-locators on some of their towers.

Michael and Norma Bounk, adjoining property owners to the east of the proposed cell tower, were present and stated the site is placed right up against their property line. They stated the proposed site has a ridge of high ground but that ridge continues further west. Therefore, they questioned if the site could be moved further west. Mrs. Bounk informed the members they have poultry on their property and was concerned about the birds resting on the rafters and could be impaired by the location of the tower. Their buildings are 50 to 70 feet east of the property line.

Mr. McNally stated that when you move the site location, it moves it closer to someone else and would be closer to Cedar Bluff. They want to protect the view from the river. He stated they have already invested a fair amount of money and they would incur the expense again if the site is moved. He stated their goal is to impact as few people as possible. He also stated they have a long term lease agreement. La Rue then read excerpts from Chapter 17.18(2) of the Zoning Ordinance and stated the petition does comply with the Ordinance. The Bounk's were informed that this Special Use Permit would be reviewed annually and is conditional if changes need to be made.

After further discussion, Johnson made a motion to grant the Special Use Permit, subject to the removal of trees and annual review. Lenker seconded the motion. Ayes all.

2. William Heister, 2186 177th St., Lowden, IA (Owner)- Requesting approval of a Home Occupation/Industry Permit for the purpose of allowing a gun shop on property located at Lot 1, Pruess Second Addition, in the NE ¼, SE ¼, Section 10, T-81N, R-1W, in Springfield Township consisting of 8.44 acres more or less. Said property is currently zoned R-1, Suburban Residential and A-1, Agricultural District.

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.

Mona Heister was present and informed the members that her husband has had a gun shop for a number of years and would like to keep it open. The business is strictly to buy and sell guns. She stated there is no firing range and her husband does not have any help. Parking is adequate. The business takes up about 24' x 30' in their shop. She stated there is adequate security. The letter from the County Engineer stated this property is located on gravel route 177th Street and should not cause any road concerns. An approved entrance permit is on file located in the Engineer's Office. The permit requires property owner to mow brush in south ditch southwest of entrance to maintain proper sight distance. Signage regulations were briefly discussed.

After a brief discussion Penningroth made a motion to approve the Home Occupation/Industry Permit for the purpose of allowing a gun shop business. Lenker seconded the motion. Ayes all.

3. Dan Gafeller, 1891 Fox Ave., West Branch, IA (Owner)- Requesting approval of a variance of the required thirty (30) foot rear yard setback requirement to allow construction of a single family dwelling on property described as Parcel C, in the SE ¼, SE ¼, SW ¼, Section 1, T-79N, R-4W, in the unincorporated town of Springdale, in Springdale Township.

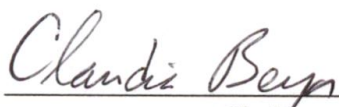
La Rue informed the members there were no written or verbal objections on file for this petition. He stated a letter had been received from Dick & Tana Sabourin stating they had no objections for the variance request. The Sabourin's property abuts Mr. Gafeller's property on the south, north and west sides. It was noted the property is zoned R-1 Suburban Residential.

Dan Gafeller was present and informed the members he currently owns Lots A, B, C & D and has a copy of the survey. He showed where he would like the house to be constructed on a copy of the aerial photo and survey. He stated there are no homes on Lots A & B. There is currently a

house on Lot C but he informed the members it will be gone some day as soon as the current renter moves out. He explained that the existing garage on Lot A of 8 will be removed. Chairperson Beyer questioned what conditions are peculiar to the land. La Rue explained that it is due to fitting the house behind the septic system. The letter from the County Engineer stated the property is located on gravel route Fox Avenue and should not cause any road concerns. The existing entrance has adequate site distance to service an additional dwelling. Mr. Gafeller informed the members he would like to build before winter. It was noted that Mr. Gafeller's home will be approximately 17 feet from the rear yard property line, thus making a variance of 13 feet of the 30 feet requirement.

After a brief discussion, Johnson made a motion to grant the variance request. Lenker seconded the motion. Ayes all.

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



Chairperson
Claudia Beyer



Secretary
Sharon Laucamp



OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

August 9, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 26, 2010, 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. Cedar County P.C.S., LLC, 608 Lombard St., Clarence, IA (Leasee) and Ron and Daisy Wingert, 1389 Highway 130, Tipton, IA (Leaser & Owners)-** Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 27, T-81N, R-4W, in Cass Township. Said property is currently zoned A-1, Agricultural District.
- 2. William Heister, 2186 177th St., Lowden, IA (Owner)-** Requesting approval of a Home Occupation/Industry Permit for the purpose of allowing a gun shop on property located at Lot 1, Pruess Second Addition, in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 10, T-81N, R-1W, in Springfield Township consisting of 8.44 acres more or less. Said property is currently zoned R-1, Suburban Residential and A-1, Agricultural District.
- 3. Dan Gafeller, 1891 Fox Ave., West Branch, IA (Owner)-** Requesting approval of a variance of the required thirty (30) foot rear yard setback requirement to allow construction of a single family dwelling on property described as Parcel C, in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 1, T-79N, R-4W, in the unincorporated town of Springdale, in Springdale Township.

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

A handwritten signature in black ink, appearing to read "P.D. LaRue".

Phil LaRue
Zoning Administrator

Copies sent out on 8/10/10 to the following:

1. Cedar County PCS, LLC – 608 Lombard St., P.O. Box 246, Clarence, Iowa 52216 – **Certified**
 2. Ron & Daisy Wingert – 1389 Highway 130, Tipton, Iowa 52772-0163
 3. Peter J. McNally – The Grinnell Group, 225 42nd Street, Des Moines, Iowa 50312
 4. Sand Woods LLC – 6 Longview Knoll, Iowa City, Iowa 52240
 5. Michael & Norma Bounk – 1315 State Street, Tipton, Iowa 52772
 6. Kathy Walter – 357 210th Street, Tipton, Iowa 52772
 7. Jean E. & Mary Jo Davidson – 42 Camborne Circle, Iowa City, Iowa 52245-1540
 8. Daniel & Delores Shima – 409 W. Sheridan Drive, Eldridge, Iowa 52748-1630
 9. Hugh & Phyllis Stumbo – 419 E. 5th Street, Tipton, Iowa 52772
 10. Kent & Debbie Smith – 1116 3rd Street, Tipton, Iowa 52772
 11. David & Pamela Smith – 1300 State Street, Tipton, Iowa 52772-9282
 12. Patrick & Sheryl Murphy – 1612 Cedar Street, Tipton, Iowa 52772
-

1. William C. Heister – 2186 177th Street, Lowden, Iowa 52255-9573 – **Certified**
 2. David & Antonette Schneider – 2190 177th Street, Lowden, Iowa 52255
 3. Darrell & Jody Yutesler – 2217 Hoover Highway, Lowden, Iowa 52255-9575
 4. Cedar Land Partnership – 118 Main Street, Wheatland, Iowa 52777-0385
 5. Todd & Debra Pruess – 717 Union Avenue, Lowden, Iowa 52255-9552
-

1. Dan & Penny Gafeller – 1885 Fox Avenue, West Branch, Iowa 52358 – **Certified**
 2. Randy & Tammy Mather – 789 290th Street, West Liberty, Iowa 52776-9036
 3. Kevin & Rebecca Knoche – 1881 Fox Avenue, West Branch, Iowa 52358-8511
 4. Joe McMath & Tana Sabourin – 541 290th Street, West Branch, Iowa 52358-8510
 5. Richard & Tana Sabourin – 541 290th Street, West Branch, Iowa 52358-8510
 6. Linnia Campbell – 1897 Fox Avenue, West Branch, Iowa 52358
 7. John & Amanda Farmer – 557 290th Street, West Branch, Iowa 52358
 8. Herman Paulsen – 569 290th Street, West Branch, Iowa 52358
 9. Clara Oleson – 1888 Fox Avenue, West Branch, Iowa 52358
 10. Lori Paul – 1890 Fox Avenue, West Branch, Iowa 52358
 11. Bryan & Donna Sparks – 551 290th Street, West Branch, Iowa 52358
 12. Melinda Myers – 553 290th Street, West Branch, Iowa 52358
 13. Kenneth & Diane Phillips – 555 290th Street, West Branch, Iowa 52358
-

Copy e-mailed to Tipton Conservative on 8/9/10 for T.C., Sun News and West Branch Times
5 Board of Adjustment members on 8/10/10
Copy e-mailed to County Engineer on 8/9/10
2 File Copies
Bulletin Board Copy

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

August 12, 2010

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, August 12, 2010, in the Jury Room in the Cedar County Courthouse, Tipton, Iowa. Members present were Penningroth, Johnson and Lenker. Members absent were Beyer and Hoy.

Chairperson Pro-tem Penningroth called the meeting to order at 3:10 p.m. Minutes from the last meeting held on April 22, 2010, were previously sent to the members. Lenker made a motion to approve the minutes as written. Johnson seconded the motion. Ayes all. The Board members then considered the following petitions:

1. Larry Siders, 143 West Rochester Avenue, Atalissa, Iowa, (Owner)- Requesting approval of a variance of the required fifty (50) foot front yard setback to allow replacement of the existing dwelling closer to the county road Right of Way on property described as Lots 9-14 of Lot D, located in the SW ¼, SW ¼, Section 2, T-79N, R-3W, in Iowa Township, consisting of 0.81 acres more or less. Said property is currently zoned R-1, Suburban Residential.

Zoning Administrator La Rue informed the members there were no written objections on file and advised them to consider this petition in accordance with Chapter 17.18(3) of the Zoning Ordinance. The letter from the County Engineer stated this property is located on gravel route West Rochester Avenue. He stated he would approve of the request of a 15 foot setback with the stipulation that all obstacles as defined in Iowa Code, Section 318, are removed prior to the issuance of a building permit. This does include the retaining wall adjacent to the road. The right-of-way does encompass both sides of the road and the stipulation pertains to all obstacles in the road right-of-way. La Rue pointed out the retaining wall on the photos. Larry Siders stated the wood that is propped up there now is not the actual wall. He informed the members the wall has been there since 1986-87. He stated there was a sloping bank when he purchased the property and to prevent erosion he walled it and backfilled it with concrete.

Richard Kordick, Assistant County Engineer, was present and informed the members that the County Engineer is very adamant that all objects located within the right-of-way need to be removed prior to issuance to any building permit. He does not recall that any permit was issued for the building of the wall. Siders stated that if the wall was removed, there would be a chance that his well would be hit. Mr. Kordick again stated that anything that is considered an obstruction, as per Iowa Code, Section 318, would need to be removed. Mr. Siders stated the point is that if he builds the building, he has a place to put 99% of the objects. The building will be put up with used material. He stated he can't build and store the material in the same spot. After reviewing the photos of the site, member Johnson stated it appears that all of the objects are junk and should be taken to the transfer station for disposal.

Bill Kofron, owner of the addition two miles north of Mr. Siders' site, stated there have been problems there for years, regarding the road being too narrow and there has been wood, boats and everything stored in that area where you can hardly get two cars side by side. He requested

years ago that the property be cleaned up and it was supposed to be taken care of. He stated the mess has to be cleaned up because there is no room there. La Rue suggested the Board look under Section 3, Subsection a(4), Page 82, of the Zoning Ordinance (That the granting of a variance request will not confer on the applicant any special privilege denied by this Ordinance of the lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.) In other words, he stated if the County Engineer wants the materials cleaned up, it would be empowered to the Board of Adjustment to discuss this with Mr. La Rue and the petitioner to figure out what would be the best way to gain compliance with the zoning district in getting the variance and permit. Mr. Siders stated if the Board requests him to clean up the area, he won't be done with his project until next year. Again, Richard Kordick stated the Engineer's Office wants to have the materials removed out of the county right-of-way prior to the issuance of a building permit. Bill Kofron again stated his concern regarding the junk and stated that most of it is not building material. Mr. Kordick stated he believes the road has a 66 foot right-of-way and the traveled portion would be between 20 and 22 feet. La Rue stated Mr. Siders is required to have a 50 foot front yard from the edge of the road right-of-way. He stated Mr. Siders can not meet that because he has a limestone cliff and a manufactured home there. Ultimately, Mr. Siders is asking for a variance of 35 feet of the 50 feet front yard requirement, which will make it 15 feet from the road right-of-way. Chairperson Pro-tem Penningroth stated he would the members to perform a site survey prior to a decision to understand what is going on. Mr. Siders stated his concern about the time frame. It was noted that September 2nd would be the earliest date that this petition could be heard again. Mr. Kordick stated the right-of-way is marked and pinned.

After further discussion, Lenker made a motion to table this petition until a site survey can be performed on September 2nd. Johnson seconded the motion. Ayes all.

2. James Lilienthal and Kraig Timmerman, 26865 1st Avenue, New Liberty, Iowa, (Contract Buyers) and Jeffrey Graves, P.O. Box 70, Durant, Iowa, (Owner)- requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located in the NW ¼, NW ¼, NW ¼, Section 24, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned C-2, Highway Commercial and A-1, Agricultural District.

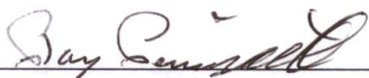
La Rue advised the members to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance. He stated the Planning and Zoning Commission did recommend approval in July for the Special Use Permit and the Board of Supervisors did approve the rezoning request on Monday, August 9th from C-2 to A-1.

Mr. Lilienthal and Mr. Timmerman were present and informed the members they are partners. Mr. Lilienthal stated they are currently selling seed corn and seed beans for Pioneer and are outgrowing their current facilities. He stated they want to get off the gravel road and onto the highway making it more accessible to their customers. The property is about one-quarter mile north of Interstate 80 on Yankee Avenue on the east side. Assistant County Engineer Kordick stated approved entrance permits are on file and the entrance is off a hard surface road. The City

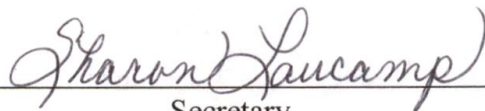
of Durant can provide emergency services to the proposed site. La Rue stated it does appear that they have adequate parking area. A NPDES Permit has been approved for stormwater retention. Mr. Lilienthal stated that no permits are needed for their chemicals since they will be under 300 gallons. He stated they will have approximately 200 gallons of chemicals. The beans are bulked and the corn will come in prepackaged bags. When asked why they chose this particular location, Mr. Timmerman stated they wanted a central location and be close to Sunbury. Farmers will pick up the product from the site but they will also deliver the beans and corn. Mr. Lilienthal stated they will have approximately 40 to 50 semis coming in during the winter months unloading the product. They stated they will obtain all proper permits as soon as they get the property purchased. A percolation test has already been done.

After further discussion, Lenker made a motion to approve the request for a Special Use Permit subject to annual review. Johnson seconded the motion. Ayes all.

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



Chairperson Pro-tem
Ray Penningroth



Secretary
Sharon Laucamp



Tel: 563-886-2248

OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

July 22, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment will be conducting a Public Hearing on Thursday, August 12, 2010, at 3:00 p.m., in the Jury Room of the Cedar County Courthouse, Tipton, Iowa. This meeting was scheduled for Thursday, July 22, but had to be rescheduled due to the lack of a quorum.

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

- 1. Larry Siders, 143 West Rochester Avenue, Atalissa, Iowa, (Owner)-** Requesting approval of a variance of the required fifty (50) foot front yard setback to allow replacement of the existing dwelling closer to the county road Right of Way on property described as Lots 9-14 of Lot D, located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T-79N, R-3W, in Iowa Township, consisting of 0.81 acres more or less. Said property is currently zoned R-1, Suburban Residential.
- 2. James Lilienthal and Kraig Timmerman, 26865 1st Avenue, New Liberty, Iowa, (Contract Buyers) and Jeffrey Graves, P.O. Box 70, Durant, Iowa, (Owner)-** requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned C-2, Highway Commercial and A-1, Agricultural District.

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 LaRue
Zoning Administrator

Copies sent out on 7/26/10 to the following:

1. Larry Siders – 143 W. Rochester Avenue, Atalissa, Iowa 52720 – **Certified**
 2. Van A. Pierson & Karla L. Nolan – 118 W. Rochester Avenue, Atalissa, Iowa 52720
 3. Max Middleton – 151 W. Rochester Avenue, Atalissa, Iowa 52720
 4. George Domer – 141 W. Rochester Avenue, Atalissa, Iowa 52720
 5. Kevin & Cindy Slutts – 158 Shrader Road, Iowa City, Iowa 52245-4920
 6. Pamela, Jaime & Gina Lucassen – 207 Green, P.O. Box 261, West Branch, Iowa 52358
 7. Jack Wonick & Carolyn Heitshusen – 257 W. Rochester Avenue, Atalissa, Iowa 52720
 8. Joseph Fahrenkrug – 3704 165th Street, Blue Grass, Iowa 52726-9412
 9. Helen Hohle – 2911 Stanford Avenue, Iowa City, Iowa 52245-4927
 10. Harry & Susan Denny – 1376 230th Street, Tipton, Iowa 52772
-

1. James Lilienthal & Kraig Timmerman – 26865 1st Avenue, New Liberty, IA 52765 – **Certified**
 2. Jeffery A. Graves Revocable Trust – P.O. Box 70, Durant, Iowa 52747
 3. Adam Budelier – 2118 Yankee Avenue, Durant, Iowa 52747
 4. Robert G. & Trudy K. Menke – 2375 Vermont Avenue, Durant, Iowa 52747
 5. I.D.O.T. – Right-Of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, IA 50010
 6. David R. Offerman Testamentary Trust Fund A - % Patricia A. Offerman, 12375 148th Street, Wapello, Iowa 52653-9457
 7. Cal & Nancy Lilienthal – 4192 Rose Bluff Circle, Iowa City, Iowa 52240-7789
-

Copy e-mailed to Tipton Conservative on 7/26/10

Copy e-mailed to Wilton-Durant Advocate News on 7/26/10

5 Board of Adjustment members on 7/26/10

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

July 2, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, July 22, 2010, 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. Larry Siders, 143 West Rochester Avenue, Atalissa, Iowa, (Owner)-** Requesting approval of a variance of the required fifty (50) foot front yard setback to allow replacement of the existing dwelling closer to the county road Right of Way on property described as Lots 9-14 of Lot D, located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T-79N, R-3W, in Iowa Township, consisting of 0.81 acres more or less. Said property is currently zoned R-1, Suburban Residential.
- 2. James Lilienthal and Kraig Timmerman, 26865 1st Avenue, New Liberty, Iowa, (Contract Buyers) and Jeffrey Graves, P.O. Box 70, Durant, Iowa, (Owner)-** requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned C-2, Highway Commercial and A-1, Agricultural District.

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 LaRue
Zoning Administrator

Copies sent out on 7/6/10 to the following:

1. Larry Siders – 143 W. Rochester Avenue, Atalissa, Iowa 52720 – **Certified**
 2. Van A. Pierson & Karla L. Nolan – 118 W. Rochester Avenue, Atalissa, Iowa 52720
 3. Max Middleton – 151 W. Rochester Avenue, Atalissa, Iowa 52720
 4. George Domer – 141 W. Rochester Avenue, Atalissa, Iowa 52720
 5. Kevin & Cindy Slutts – 158 Shrader Road, Iowa City, Iowa 52245-4920
 6. Pamela, Jaime & Gina Lucassen – 207 Green, P.O. Box 261, West Branch, Iowa 52358
 7. Jack Wonick & Carolyn Heitshusen – 257 W. Rochester Avenue, Atalissa, Iowa 52720
 8. Joseph Fahrenkrug – 3704 165th Street, Blue Grass, Iowa 52726-9412
 9. Helen Hohle – 2911 Stanford Avenue, Iowa City, Iowa 52245-4927
 10. Harry & Susan Denny – 1376 230th Street, Tipton, Iowa 52772
-

1. James Lilienthal & Kraig Timmerman – 26865 1st Avenue, New Liberty, IA 52765 – **Certified**
 2. Jeffery A. Graves Revocable Trust – P.O. Box 70, Durant, Iowa 52747
 3. Adam Budelier – 2118 Yankee Avenue, Durant, Iowa 52747
 4. Robert G. & Trudy K. Menke – 2375 Vermont Avenue, Durant, Iowa 52747
 5. I.D.O.T. – Right-Of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, IA 50010
 6. David R. Offerman Testamentary Trust Fund A - % Patricia A. Offerman, 12375 148th Street, Wapello, Iowa 52653-9457
 7. Cal & Nancy Lilienthal – 4192 Rose Bluff Circle, Iowa City, Iowa 52240-7789
-

Copy e-mailed to Tipton Conservative on 7/2/10

Copy e-mailed to Wilton-Durant Advocate News on 7/2/10

5 Board of Adjustment Members on 7/6/10

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

June 8, 2010

TO: CEDAR COUNTY BOARD OF ADJUSTMENT MEMBERS

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

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

April 22, 2010

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, April 22, 2010, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Penningroth, Lenker and Hoy. Members absent were Beyer and Johnson.

Chairperson Pro-tem Penningroth called the meeting to order at 3:00 p.m. Minutes from the last meeting held on February 25, 2010, were previously sent to the members. They were approved as written. The Board members then considered the following petitions:

- 1. Marty Moylan, 1003 Cedar Valley Road, Tipton, IA, (Owner)** - Requesting approval of a Special Use Permit authorizing the location of a private horse barn on Lot 1, Nebergall's Second Addition, located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 11, T-80N, R-3W, Center West Township, consisting of 3.62 acres more or less. Said property is currently zoned R-1, Suburban Residential.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them they will be doing their review in accordance with Chapter 17.18(2) and Chapter 7, Section D, Subsection 3, of the Cedar County Zoning Ordinance. He then informed the members that the Planning & Zoning Commission met on April 21st and recommended approval for the Special Use Permit with the restrictions of a maximum of three horses, subject to annual review and a 400 foot buffer strip to Rock Creek.

Mr. Moylan was present and informed the members that he has Arabian horses and would like to have a 30' x 40' or 30' x 50' horse barn built for the horses in the R-1 district. He stated the barn will be located near the survey line to the northwest. La Rue stated it would be 20 feet from the west boundary of Lot 1. This is due to the pie shape size of the lot. He again stated there were no objections to this request. La Rue informed the members that the requirement by the zoning ordinance states that livestock buildings in the R-1 district have to be 100 feet from property lines. Therefore, Mr. Moylan will need an 80 foot variance in order to place the building 20 feet from the property line. It was noted that there is now community water in the subdivision and Mr. Moylan will probably hook on to it. Mr. Moylan stated there will be no problem with the disposal of manure and there will be no runoff to the creek.

After a brief discussion, Lenker made a motion to approve an 80 foot variance on the west side of the lot with a restriction of three horses and subject to annual review. Hoy seconded the motion. Ayes all.

- 2. River Valley Cooperative, 2223 290th Street, Wilton (Owner)** – Requesting an amendment to their Special Use Permit authorizing the location of a livestock feed mill on property located on Parcel “A” in the SW ¼, SW ¼, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury. 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), as well as 17.18(3) in making their decision.

Chad Petersen, Regional Manager, and Mike Wagner, River Valley Cooperative, were present and explained to the members that their company recently purchased approximately 4 ½ acres directly west of their current property in Sunbury with the intention of expanding their business and constructing a feed mill. The proposed feed mill will be 90' x 200' and will have a concrete basement. There will be two driveways. Mr. Petersen stated it will all be under one roof and there will be a concrete dike. They anticipate to have four mill employees with two eight hour shifts. They also anticipate there will be 10 to 11 trucks daily. They also plan to vacate and demolish the current residence on the property. An office area is already on the site. La Rue questioned how they plan to manage the fugitive dust from the feed mill. Mr. Petersen stated they are required by law to limit and control the dust. He stated they are regulated by IDOLS. He also informed the members that the grinding room will be in a solid enclosed room. Animal fat will be added to the feeds which helps to reduce the dust. Access was next discussed. The letter from the County Engineer stated this property is located on paved route 290th Street (F44) and should not cause any road concerns. River Valley is proposing utilizing an existing drive. He would like to require that River Valley Coop. create an access management plan for the entire site for approval of Secondary Roads. The purpose of this is to create and maintain a safe and efficient means of ingress and egress to the entire property. Mr. Petersen and Mr. Wagner stated they would like a driveway on the west side of the property line making it a circular drive.

Barb Budelier, a future adjoining neighbor, was present and expressed her concern regarding dust and traffic. Mr. Petersen then showed her the aerial maps and her location. He stated they will have tree sap applied in the spring and fall to cut down on the dust. Discussion was held regarding possibly moving the building back further from the road. Mr. Petersen then stated that if the feed mill is moved back, it would prohibit future expansion of the business. He stated again that they will be governed by ag regulations. La Rue then read excerpts from Chapter 17 of the Zoning Ordinance regarding the Board's powers and duties in making a decision. The feed mill will be located approximately 180 feet from the highway. Therefore, there is ample space to put in a buffer such as trees and grass. Mr. Petersen stated they are not opposed to putting in a buffer. La Rue then questioned why there was not a Time of Transfer disclosure. River Valley Coop. will get an answer. They will only have one well on the property and they will not use the existing septic system.

After further discussion, Hoy made a motion to approve the amendment to the existing S.U.P. with conditions of appropriate buffer of green area, trees planted, dust control, an access management plan for the entire site to be approved by Secondary Roads and subject to annual review. Lenker seconded the motion. Ayes all.

At this time, the Board also considered the annual review of the following Home Occupation/Industry and Special Use Permits which have been granted to the following: La Rue first informed the members that an e-mail was received from Sara Sinard requesting that her S.U.P. be rescinded for her bed and breakfast home because she has sold the property and will not be needing the S.U.P. Lenker then made a motion, with Hoy seconding, to rescind the Special Use Permit. Ayes all.

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.

La Rue reported that there is still nothing there. He informed the members he is considering an amendment to the Zoning Ordinance stating that if a Home Occupation/Industry or Special Use Permit has not been used within so much time, the Board of Adjustment has the right to rescind it.

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. 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.

La Rue reported there have been no rodeo activities for over five years at the property.

6. 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.
7. 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.
8. 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.
9. 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. An amendment to their S.U.P. was granted on September 27, 2007, to allow for the placement of a 30,000 gallon anhydrous ammonia storage tank directly south of their two existing 12,000 gallon tanks. The property is currently zoned Ab Agricultural Business.

La Rue informed the members the county may consider an amendment to county rules pertaining to separation distance (750') to follow state regulations for separation distance because of new legislation under IDALS. The new legislation prohibits local jurisdiction pertaining to bulk ag chemicals (storage, warehousing, etc.) LP bulk storage is still under county regulations as it is under the jurisdiction of the State Fire Marshall's Office.
10. 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.
11. Duffee Grain, Inc., Wilton (Owner) – A permit authorizing the storage and drying of grain on their

property located in the SW ¼ of the NW ¼, Section 27, T-79N, R-4W, in Springdale Township, consisting of 8.43 acres more or less.

12. 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 ¼ of the SW ¼, Section 21, T-82N, R-2W, in Dayton Township, consisting of 2.13 acres more or less.
13. United States Cellular Communications, Davenport, Iowa –
A Special Use Permit authorizing the location of a cellular communication tower on property located in the SE ¼ of the SW ¼, Section 12, T-79N, R-2W, in Sugar Creek Township, consisting of 5.65 acres more or less.
14. 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 ¼ of the NE ¼, Section 10, T-81N, R-1W, in Springfield Township, consisting of 10.00 acres more or less.

La Rue stated Mrs. Smahaj has not operated her floral business for over five years. However, she would like to keep it.
15. Robert Menke, RFD, Wilton (Owner) – A Special Use Permit authorizing the location of an agricultural trailer sales and display area on property located in the NE ¼ of the SE ¼, Section 33, T-79N, R-1W, in Farmington Township. This parcel consists of 38.00 acres more or less.
16. River Valley Cooperative, 2223 290th St., Wilton (Owner) - A Special Use Permit authorizing the location of a bulk anhydrous ammonia storage site and chemical mixing site on property located in the S ½ of the SW ¼, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury. An amendment to their S.U.P. was granted on February 26, 2009, to allow the conversion of a 30,000 gallon storage tank containing liquid propane to contain anhydrous ammonia. Also, with this chemical storage conversion, the Cooperative requested and was granted the continuance of the 250 foot setback variance approved by the Board on April 23, 1998.

An amendment to their S.U.P. was approved on April 22, 2010, authorizing the location of a livestock feed mill on their property.

17. 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.
18. 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.
19. 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.
20. Nextel West Corporation, Bloomington, MN – A Special Use Permit authorizing the location of a cellular communication tower on property located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 17, T-79N, R-2W, in Rochester Township, consisting of 2.774 acres more or less.
21. Nextel West Corporation, Bloomington, 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.

La Rue stated he has not yet checked on the status of this SUP but will be doing so and report back to the members.
27. 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.
28. 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.
29. Lois Hanser, RFD, Tipton (Owner) – A Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This manufactured home 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.
30. 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.

It was noted that Don has passed away. La Rue stated there is still a sign in the window so he assumes she is still open. He will check on the current status with Sharon.

31. 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.
32. 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.
33. 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 ¼ 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.
34. 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.
35. 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.

La Rue reported he had visited Mr. Lovell recently and stated the place looked like a junk yard. He informed Mr. Lovell that he wanted it cleaned up and he will report back to the

members.

36. Donovan and LeAnn Trana, RFD, Wilton (Owners) – A Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 21, T-79N, R-1W, in Farmington Township, consisting of 3.20 acres more or less. Said property is presently zoned A-1 Agricultural.

La Rue stated he believes the bed and breakfast is in business but not under their operation. He informed the members he has not contacted them to have the permits transferred.

37. David Frederick, DBA “The Wood Haus”, RFD, West Branch – A Home Industry Permit for the purpose of operating a woodworking shop on property located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 12, T-79N, R-4W, in Springdale Township, consisting of 2.07 acres more or less. Said property is presently zoned A-1 Agricultural.

38. 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.

39. 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.

La Rue will look into this petition. He stated Mrs. Juchter has not returned his calls.

40. 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.

41. 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.
42. 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.
43. 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.
44. 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.
45. 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. An amendment was granted to their S.U.P. on August 23, 2007, authorizing the location of a fourth dwelling on their farm.

La Rue stated the third house is there but the fourth dwelling has never been placed on the property.

46. 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.

47. 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.
48. U.S. Cellular, Cedar Rapids, Iowa (Leasee) and Pam Farms, Inc. (Leaser and Owner), 300th Street, West Branch, Iowa – A Special Use Permit authorizing the location of a 280 foot tall wireless communication tower on property located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 18, T-79N, R-4W, in Springdale Township, consisting of 4.42 acres more or less. Said property is zoned A-1 Agricultural.
49. 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.
50. U.S. Cellular, Cedar Rapids, Iowa (Leasee) and David Litscher (Lessor and Owner) – A Special Use Permit authorizing the location of a 250 foot tall cellular communication tower on property located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 27, T-82N, R-3W, in Fremont Township, consisting of 5.74 acres more or less. Said property is currently zoned A-1 Agricultural.
51. Harry and Denice Wethington, RFD, Tipton (Owners) – A Special Use Permit authorizing the location of a yard waste composting facility on property located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 32, T-81N, R-2W, in Fairfield Township, consisting of 0.5 acres more or less. Said property is currently zoned A-1 Agricultural.
52. Wendling Quarries, Inc., DeWitt, Iowa – A Special Use Permit for the purpose of expanding their existing limestone quarry operation on property located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and a portion of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and

the NW 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.

53. 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.

La Rue stated there is no evidence of a business going on and he will check on it.

54. Christopher Doherty, RFD, Tipton – A Home Industry Permit authorizing the location of a landscaping business at 1872 3rd 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.
55. 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.
56. 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.
57. 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.
58. David Fulwider, 1112 235th 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.

59. 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.

60. Lois Massey, RFD, West Branch (Owner) – A Home Occupation Permit for the purpose of operating a home decorating business on property located at 570 290th 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.

La Rue informed the members that the Massey's have their place for sale and were closing the mercantile. He will check on this permit.

61. 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.

62. Amy Reif and Ron Benhart, 1772 140th 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.

La Rue informed the members he plans to check on this permit.

63. Kent and Peggy Graham, Wilton (Owners) – A Special Use Permit to allow an Agriculture Service Business, a machine and fabrication shop, at 1888 250th 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.

La Rue informed the members that the Graham's lost their property in foreclosure. He will check on this permit.

64. Stacy Craig, RR, Clarence (Owner) – A Home Occupation Permit for the purpose of operating a canine massage business on property located at 1775 200th 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.

La Rue stated he has not made contact with her regarding her business but stated he plans on checking on this permit.

65. 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.

La Rue stated she has never started her child day care because they have not built the house. He will check on this permit.

66. Curtis & Carla Friis, 44 280th 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. An amendment was granted on August 23, 2007, to allow for the expansion of their dog boarding facility by an additional fourteen (14) pens.
67. Kay Bentley, 707 West 9th Street #39, Tipton (Owner) – 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.
68. Dennis Ricke, 743 Adams Avenue, Lisbon (Owner) – 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-81, R-4W, in Linn Township, consisting of 47.90 acres more or less. Said Property is currently zoned A-1 Agricultural.
69. Cedar County PCS, L.L.C., 608 Lombard St., Clarence (Leasee) & Randall & Kimberly Siders, 1086 273rd St., Tipton (Leasor & Owners) – 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.
70. John and Sherrie Falkers, 990 Cedar Valley Road, Tipton (Owners) – 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.

La Rue informed the members that the sign the Falkers' put up is too big

and they did not obtain a permit to place the sign. A variance may be needed. He will check on this.

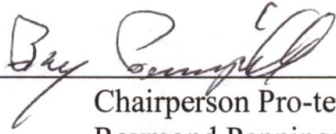
71. Cedar County P.C.S., L.L.C., 608 Lombard St., Clarence (Leasee) and James and Sharon Wilson, 1826 230th St., Bennett (Leasor & Owners) – A Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 7, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.
72. Al and Melany Reinboldt, 809 Hill Ridge Dr., Lisbon (Owners) – A Special Use Permit authorizing a private horse barn on Lot 11, Buffalo Ridge Second Addition, located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 20.52 acres more or less. Said property is currently zoned R-1 Suburban Residential.
73. Jason Smith, 1051 Garfield Avenue, Tipton (Owner) – A Special Use Permit authorizing an Agricultural Service Business, a communication cable installation business at 1051 Garfield Avenue, Tipton, on property located in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 25, T-81N, R-4W, in Cass Township, consisting of 5.9 acres more or less. Said property is currently zoned A-1 Agricultural.
74. Michael S. Moore, 1110 Cedar Valley Road, Tipton (Owner) – A Home Industry Permit allowing a lawn mowing, small engine and snow removal business on property located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 1, T-80N, R-3W, in Center West Township. Said property is currently zoned A-1 Agricultural.
75. Michael and Brandi King, 2352 Old Lincoln Highway, Lowden (Owners) – A Special Use Permit authorizing a dog breeding kennel at 2352 Old Lincoln Highway, Lowden, located in Parcel A, SW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 1, T-81N, R-1W, in Springfield Township, consisting of 3.02 acres more or less. Said property is currently zoned A-1 Agricultural.

After comments were made by Zoning Administrator La Rue on all of the previous petitions, Hoy made a motion to approve the continuation of all the Home Occupation/Industry and Special Use Permits with the exception of the following which La Rue will provide notification regarding their current status: #1 (Dennis and Dianna Hodgden); #5 (Jim Neuzil); #14 (Sherry Smahaj); #26 (Kun Chae Bae Trust and KM Communications); #30 (Sharon Stiff); #35 (Frankie Lovell); #36 (Donovan and LeAnn Trana); #39 (Patricia Juchter); #45 (Robert and Judy Wright); #53 (Jordan Pettus); #60 (Lois Massey); #62 (Amy Reif and Ron Benhart); #63 (Kent and Peggy Graham); #64 (Stacy Craig); #65 (Dawn Albertson); & #70 (John and Sherrie Falkers).

La Rue then requested the Board members to review the proposed Ordinance #47 (an ordinance regulating the placement of wind energy conversion systems (WECS)). He informed the members that the Zoning Commission recommended approval of the ordinance at their meeting held on April 21st to the Board of Supervisors. La Rue stated this ordinance will be the Board of Adjustment's tool in making their decisions in the future regarding the WECS. He

informed the members he would like them to read over the proposed ordinance and get back to him with any comments or suggestions before the Board of Supervisors meeting.

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

A handwritten signature in cursive script, appearing to read "Ray Penningroth", written over a horizontal line.

Chairperson Pro-tem
Raymond Penningroth

A handwritten signature in cursive script, appearing to read "Sharon Laucamp", written over a horizontal line.

Secretary
Sharon Laucamp



Book 993 Page 339

Document 2010 1191 Pages 1
Date 4/23/2010 Time 2:16:09PM
Rec Amt \$.00

No Fee County

CHARLINE L THUMM, RECORDER
CEDAR COUNTY IOWA

Prepared By: Phil La Rue, Cedar Co. Zoning Dept., 400 Cedar St., Tipton, IA 52772

Return To: Phil La Rue

*SARA SINNARD - BOOK 957 PAGE 211

RESOLUTION RESCINDING SPECIAL USE PERMIT

WHEREAS, a petition for a Special Use Permit to allow a Bed and Breakfast Home on property located in the N1/2, NE1/4, SE1/4, Section 26, T-80N, R-3W, in Rochester Township, for said Petition Number 3309, had been approved by the Cedar County Board of Adjustment in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance, Number 10, and a Resolution granting said Special Use Permit recorded in Book N/A, Page N/A, on N/A.

WHEREAS, a request to rescind said Special Use Permit has been received by Cedar County Zoning, on April 21, 2010, the person for whom the Special Use Permit was issued, has requested that the Special Use Permit be rescinded and the property thereafter used only in conformity with all the district regulations established by the Cedar County Zoning Ordinance, Number 10, for the district in which the property is located.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of Cedar County, Iowa, that the Special Use Permit, Petition #3309, to allow a Bed and Breakfast Home be rescinded on the part of Cedar County, Iowa, this 23rd day of April, 2010.

4-23-10 Date *Ray Penningroth* Chairperson of the Cedar County Board of Adjustment

STATE OF IOWA :
: ss.
COUNTY OF CEDAR :

On this 23 day of April, A.D. 20 10, before me, *Ray Penningroth*, personally appeared as Chairperson of the Cedar County Board of Adjustment.

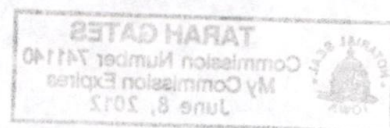
Tarah Gates
Notary Public in the State of Iowa



June 8, 2012
Expiration Date
BOOK 993 PAGE 339

SCANNED ✓
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Book 993 Page 322

Document 2010 1183 Pages 1

Date 4/22/2010 Time 3:23:50PM

Rec Amt \$9.00 *pd*

CHARLINE L THUMM, RECORDER
CEDAR COUNTY IOWA

Prepared By: Phil La Rue, Cedar Co. Zoning Dept., 400 Cedar St., Tipton, IA 52772
Return To: Phil La Rue

RESOLUTION GRANTING SPECIAL USE PERMIT

WHEREAS, a petition for a Special Use Permit to allow the location of a private horse barn on Lot 1, Nebergall's Second Addition,
on property located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 11, T-80N, R-3W, Center West Township, consisting of 3.62 acres more or less
has been filed by Marty Moylan, with the
Cedar County Zoning Administrator, and said petition, Number 1310, 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 1310,
for a private horse barn, be granted and approved on the part of Cedar
County, Iowa, this 22nd day of April, 20 10.

4-22-10

Date

Ray Penningroth

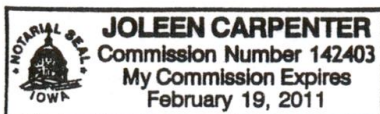
Chairperson of the Cedar County Board of Adjustment

STATE OF IOWA :

ss.

COUNTY OF CEDAR :

On this 22nd day of April, A.D. 20 10, before me,
~~Phil La Rue~~ Ray Penningroth, personally appeared as Chairperson of the
Cedar County Board of Adjustment.



Joleen Carpenter
Notary Public in the State of Iowa
02-19-2011

Expiration Date

BOOK 993 PAGE 322



Tel: 563-886-2248

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

April 5, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, April 22, 2010, 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. **Marty Moylan, 1003 Cedar Valley Road, Tipton, IA, (Owner)** - Requesting approval of a Special Use Permit authorizing the location of a private horse barn on Lot 1, Nebergall's Second Addition, located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 11, T-80N, R-3W, Center West Township, consisting of 3.62 acres more or less. Said property is currently zoned R-1, Suburban Residential. Mr. Moylan is also requesting a variance to allow placement of the horse barn closer than 100' to the property line.
2. **River Valley Cooperative, 2223 290th Street, Wilton (Owner)** - Requesting an amendment to their Special Use Permit authorizing the location of a livestock feed mill on property located on Parcel "A" in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury. Said property is currently zoned A-1 Agricultural.

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

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 4/6/10 to the following:

1. Marty Moylan – P.O. Box 106, Tipton, Iowa 52772 – **Certified**
 2. Allison Holub – P.O. Box 302, Tipton, Iowa 52772
 3. Jeff & Melissa Falkers – 993 Cedar Valley Road, Tipton, Iowa 52772-9240
 4. Richard & Jane Wahlstrand – 4622 Amesburg Drive, Davenport, Iowa 52807-3439
 5. Will & Julie Williams – 103 Pleasant View Drive, Tipton, Iowa 52772
 6. Wilma Belitz – 323 Westburg Court, Iowa City, Iowa 52245-2717
 7. Doug & Donna Moore – 573 SE 80th Avenue, Ellinwood, KS 67526-9225
-

1. River Valley Cooperative – 2223 290th Street, Wilton, Iowa 52778 – **Certified**
 2. Richard & Shirley Toyne – 2213 290th Street, Wilton, Iowa 52778
 3. Steven & Ann Ralfs – 1851 270th Street, Bennett, Iowa 52721
 4. Evergreen Property Management LLC – P.O. Box 335, Stockton, Iowa 52769-0335
 5. Jon & Theresa Czarnetzki – 2228 290th Street, Wilton, Iowa 52778
 6. S & A Real Estate LP – 1851 270th Street, Bennett, Iowa 52721
 7. Ronald & Joyce Weih – 2176 270th Street, Bennett, Iowa 52721
 8. Wilbert & Shirley Spengler – 2231 290th Street, Wilton, Iowa 52778
 9. Keith & Deanna Petersen – 108 Herman Street, Wilton, Iowa 52778
 10. Roger Meier – 2245 290th Street, Wilton, Iowa 52778
 11. Clay Hollenbach & Tracey Littrell – 2230 290th Street, Wilton, Iowa 52778
-

Copy e-mailed to Tipton Conservative on 4/5/10

Copy e-mailed to Wilton Durant Advocate News on 4/5/10

Copies sent to Board of Adjustment Members on 4/6/10

Copy e-mailed to Engineer on 4/5/10

2 File Copies

Bulletin Board Copy

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 3. Jeff & Melissa Falkers – 993 Cedar Valley Road, Tipton, Iowa 52772-9240
 4. Richard & Jane Wahlstrand – 4622 Amesburg Drive, Davenport, Iowa 52807-3439
 5. Will & Julie Williams – 103 Pleasant View Drive, Tipton, Iowa 52772
 6. Wilma Belitz – 323 Westburg Court, Iowa City, Iowa 52245-2717
 7. Doug & Donna Moore – 573 SE 80th Avenue, Ellinwood, KS 67526-9225
-

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2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

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

April 5, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, April 22, 2010, 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. **Marty Moylan, 1003 Cedar Valley Road, Tipton, IA, (Owner)** - Requesting approval of a Special Use Permit authorizing the location of a private horse barn on Lot 1, Nebergall's Second Addition, located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 11, T-80N, R-3W, Center West Township, consisting of 3.62 acres more or less. Said property is currently zoned R-1, Suburban Residential.
2. **River Valley Cooperative, 2223 290th Street, Wilton (Owner)** – Requesting an amendment to their Special Use Permit authorizing the location of a livestock feed mill on property located on Parcel "A" in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury. Said property is currently zoned A-1 Agricultural.

At this time, the Board will 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. 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.
6. 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.
7. 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.
8. 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.
9. 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. An amendment to their S.U.P. was granted on September 27, 2007, to allow for the placement of a 30,000 gallon anhydrous ammonia storage tank directly south of their two existing 12,000 gallon tanks. The property is currently zoned Ab Agricultural Business.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. River Valley Cooperative, 2223 290th St., 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. An amendment to their S.U.P. was granted on February 26, 2009, to allow the conversion of a 30,000 gallon storage tank containing liquid propane to contain anhydrous

ammonia. Also, with this chemical storage conversion, the Cooperative requested and was granted the continuance of the 250 foot setback variance approved by the Board on April 23, 1998.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. Lois Hanser, RFD, Tipton (Owner) – A Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This manufactured home 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.
30. 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.

31. 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.
32. Mike Moore, Tipton (Contract Buyer) – A Special Use Permit granted authorizing the location of a storage rental facility on property located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 12, T-80N, R-3W, in Center West Township, consisting of 1.00 acres more or less. Said property is currently zoned A-1 Agricultural.
33. Richard Kordick, Kordick Surveying and Engineering, RFD, Tipton (Owner) – A Home Occupation Permit granted for the purpose of operating a surveying and civil engineering business in his home on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 18, T-81N, R-3W, in Red Oak Township, consisting of 11.87 acres more or less. Said property is currently zoned A-1 Agricultural.
34. 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 2, T-79N, R-3W, in Rochester Township, consisting of 0.39 acres more or less. Said property is presently zoned R-2 Urban Residential.
35. 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 2, T-79N, R-3W, in Rochester Township, consisting of 0.19 acres more or less. Said property is currently zoned R-2 Urban Residential.
36. Donovan and LeAnn Trana, RFD, Wilton (Owners) – A Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the SW $\frac{1}{4}$ of the

SW 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.

37. 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.
38. 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.
39. 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.
40. 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.
41. 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.
42. Vicki Reynolds, RFD, West Branch (Owner) – A Special Use Permit for the purpose of operating a dog grooming

shop and kennel on property located in the NW ¼ of the NW ¼ and the SW ¼ of the NW ¼, Section 32, T-79N, R-4W, in Springdale Township, consisting of 0.71 acres more or less. Said property is currently zoned A-1 Agricultural.

43. 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 ¼, 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.
44. 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 ¼ of the SE ¼, 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.
45. 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 ½ of the NW ¼ of the SW ¼, Section 15, T-80N, R-4W, in Gower Township. An amendment was granted to their S.U.P. on August 23, 2007, authorizing the location of a fourth dwelling on their farm.
46. 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 NE ¼, Section 23 and the NW ¼ of the NW ¼, 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.
47. 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 ¼ of the NE ¼, Section 23, T-82N, R-4W, in Pioneer Township, consisting of 4.34 acres more or less. Said property is zoned A-1 Agricultural.

48. U.S. Cellular, Cedar Rapids, Iowa (Leasee) and Pam Farms, Inc. (Leaser and Owner), 300th Street, West Branch, Iowa – A Special Use Permit authorizing the location of a 280 foot tall wireless communication tower on property located in the NW 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. Christopher Doherty, RFD, Tipton – A Home Industry Permit authorizing the location of a landscaping business at 1872 3rd 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.

55. 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.
56. 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.
57. 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.
58. David Fulwider, 1112 235th 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.
59. Lisa Morey, 2051 Highway 927, Wilton (Owner) – A Special Use Permit for a dog boarding kennel on property located in the NE ¼ of the SW ¼ and the NW ¼ of the SE ¼, Section 23, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned both A-1 Agricultural and R-1 Suburban Residential.
60. Lois Massey, RFD, West Branch (Owner) – A Home Occupation Permit for the purpose of operating a home decorating business on property located at 570 290th Street, West Branch, in the NW ¼ of the NE ¼, Section 12, T-79N, R-4W, in the unincorporated town of Springdale. Said property is currently zoned R-2 Urban Residential.
61. 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.

62. Amy Reif and Ron Benhart, 1772 140th 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.
63. Kent and Peggy Graham, Wilton (Owners) – A Special Use Permit to allow an Agriculture Service Business, a machine and fabrication shop, at 1888 250th 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.
64. Stacy Craig, RR, Clarence (Owner) – A Home Occupation Permit for the purpose of operating a canine massage business on property located at 1775 200th 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.
65. 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.
66. Curtis & Carla Friis, 44 280th Street, West Branch (Owners) – A Special Use Permit authorizing the location of a dog boarding kennel on property located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 6, T-79N, R-4W, in Gower Township, consisting of 160 acres more or less. Said property is currently zoned A-1 Agricultural. An amendment was granted on August 23, 2007, to allow for the expansion of their dog boarding facility by an additional fourteen (14) pens.
67. Kay Bentley, 707 West 9th Street #39, Tipton (Owner) – A Special Use Permit to allow a dog breeding kennel at 637 Rose Avenue, Clarence, Iowa, in the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, of the NE $\frac{1}{4}$, 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.

68. Dennis Ricke, 743 Adams Avenue, Lisbon (Owner) – 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-81, R-4W, in Linn Township, consisting of 47.90 acres more or less. Said Property is currently zoned A-1 Agricultural.
69. Cedar County PCS, L.L.C., 608 Lombard St., Clarence (Leasee) & Randall & Kimberly Siders, 1086 273rd St., Tipton (Leasor & Owners) – 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.
70. John and Sherrie Falkers, 990 Cedar Valley Road, Tipton (Owners) – A Home Industry Permit to allow repair of motor vehicles as Falkers Repair and Body Shop on property located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 15, T-80N, R-3W, in Center West Township. Said property is currently zoned A-1 Agricultural.
71. Cedar County P.C.S., L.L.C., 608 Lombard St., Clarence (Leasee) and James and Sharon Wilson, 1826 230th St., Bennett (Leasor & Owners) – A Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 7, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.
72. Al and Melany Reinboldt, 809 Hill Ridge Dr., Lisbon (Owners) – A Special Use Permit authorizing a private horse barn on Lot 11, Buffalo Ridge Second Addition, located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 20.52 acres more or less. Said property is currently zoned R-1 Suburban Residential.
73. Jason Smith, 1051 Garfield Avenue, Tipton (Owner) – A Special Use Permit authorizing an Agricultural Service Business, a communication cable installation business at 1051 Garfield Avenue, Tipton, on property located in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 25, T-81N, R-4W, in Cass Township, consisting of 5.9 acres more or less. Said property is currently zoned A-1 Agricultural.
74. Michael S. Moore, 1110 Cedar Valley Road, Tipton (Owner) – A Home Industry Permit allowing a lawn mowing, small engine and snow removal business on property located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 1, T-80N, R-3W, in Center West Township. Said property is currently zoned A-1 Agricultural.
75. Michael and Brandi King, 2352 Old Lincoln Highway, Lowden (Owners) – A Special Use Permit authorizing a dog breeding kennel at 2352 Old Lincoln Highway, Lowden, located in Parcel A, SW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 1,

T-81N, R-1W, in Springfield Township, consisting of 3.02 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.

A handwritten signature in dark ink, appearing to read "P.D. La Rue". The signature is stylized with a large, looped "P" and "D".

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 4/6/10 to the following:

1. Marty Moylan – P.O. Box 106, Tipton, Iowa 52772 – **Certified**
2. Allison Holub – P.O. Box 302, Tipton, Iowa 52772
3. Jeff & Melissa Falkers – 993 Cedar Valley Road, Tipton, Iowa 52772-9240
4. Richard & Jane Wahlstrand – 4622 Amesburg Drive, Davenport, Iowa 52807-3439
5. Will & Julie Williams – 103 Pleasant View Drive, Tipton, Iowa 52772
6. Wilma Belitz – 323 Westburg Court, Iowa City, Iowa 52245-2717
7. Doug & Donna Moore – 573 SE 80th Avenue, Ellinwood, KS 67526-9225

-
1. River Valley Cooperative – 2223 290th Street, Wilton, Iowa 52778 – **Certified**
 2. Richard & Shirley Toyne – 2213 290th Street, Wilton, Iowa 52778
 3. Steven & Ann Ralfs – 1851 270th Street, Bennett, Iowa 52721
 4. Evergreen Property Management LLC – P.O. Box 335, Stockton, Iowa 52769-0335
 5. Jon & Theresa Czarnetzki – 2228 290th Street, Wilton, Iowa 52778
 6. S & A Real Estate LP – 1851 270th Street, Bennett, Iowa 52721
 7. Ronald & Joyce Weih – 2176 270th Street, Bennett, Iowa 52721
 8. Wilbert & Shirley Spengler – 2231 290th Street, Wilton, Iowa 52778
 9. Keith & Deanna Petersen – 108 Herman Street, Wilton, Iowa 52778
 10. Roger Meier – 2245 290th Street, Wilton, Iowa 52778
 11. Clay Hollenbach & Tracey Littrell – 2230 290th Street, Wilton, Iowa 52778

Copy e-mailed to Tipton Conservative on 4/5/10

Copy e-mailed to Wilton Durant Advocate News on 4/5/10

Copies sent to Board of Adjustment Members on 4/6/10

Copy e-mailed to Engineer on 4/5/10

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

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

March 9, 2010

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 25, 2010

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, February 25, 2010, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Hoy, Penningroth and Lenker. Members absent were Beyer and Johnson.

Chairperson Pro-tem Penningroth called the meeting to order at 3:00 p.m. Minutes from the last meeting held on August 27, 2009, were previously sent to the members. They were approved as presented. The Board members then considered the following petition:

1. Michael and Elaine Moes, 945 King Avenue, Tipton (Owners) – Requesting a variance in accordance with Chapter 5C(2), Agricultural District, of the Cedar County Zoning Ordinance, Number 10, for the purpose of allowing placement and construction of a secondary farm dwelling further than 250 feet from an existing farm structure. The proposed building site is located in the NE1/4 of the SE1/4, of the NE1/4, Section 24, T-81N, R-3W, in Red Oak Township, consisting of 39.37 acres more or less. Said property is currently zoned A-1 Agricultural.

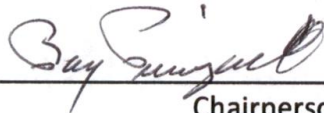
Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition. The letter received from the County Engineer stated this property is located on State Highway 38 and the access is under the jurisdiction of the Iowa Department of Transportation. Therefore, he does not have jurisdiction for this petition. The letter received from Sheila Lee, IDOT, stated the entrance, as previously permitted, may be used for a farm field entrance or a single family residential entrance. The entrance was permitted for 30 feet in width, 15 foot return radii, and a granular surface. Any changes will require a new permit application. La Rue then stated that according to the Zoning Ordinance, the regulations state that secondary farm dwellings owned by the farm owner shall be located within 250 feet of the existing farm structures. If they wish to have a further distance, they must ask for a variance. He stated the purpose of this is to discourage scattered residential development. The soils inventory was then discussed. The soils are Tama Silt Loam (120, 120B & 120C2). Limitations are moderate for building sites. Septic system limitations are somewhat limited with slow water movement. La Rue stated the soil is prime ag land. The CSR on the 120B soil is 95 and 78 on the 120C2 soil. However, it is part of a farm.

Mike and Elaine Moes were present and informed the members they would like to build a new house in the area because it does have direct access off the highway and they would still like to be in the country area. Mrs. Moes stated that they would like to build their retirement house further away than 250 feet of the current house because their future plans are for their son to take over the farm. Their son and his family will move into the existing house. The railroad

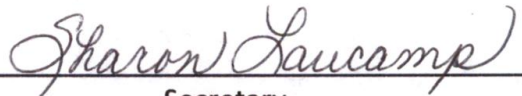
right-of-way was then briefly discussed. Mr. Moes stated that in the right-of-way area there are a lot of cinders, limestone and clay mixed in with the soil. Mrs. Moes stated they would like to build the house closer to the highway than back in the field. La Rue stated the county would have the jurisdiction outside of the right-of-way. He stated they would have to be at least 50 feet back from the Highway 38 right-of-way. La Rue then read excerpts from the Zoning Ordinance regarding conditions governing application and procedures for variances. La Rue stated the Moes' are subject to obtaining well and septic permits, a 911 address will need to be obtained and the existing driveway will be utilized for the new home.

After a brief discussion, Hoy made a motion to approve the variance request because it appears to be in accordance with the parameters of the zoning regulations under Chapter 5 & 17 of the Zoning Ordinance. Lenker seconded the motion. Ayes all.

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



Chairperson Pro-tem
Raymond Penningroth



Secretary
Sharon Laucamp



Tel: 563-886-2248

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

February 5, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 25, 2010, 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. Michael and Elaine Moes, 945 King Avenue, Tipton (Owners) – Requesting a variance in accordance with Chapter 5C(2), Agricultural District, of the Cedar County Zoning Ordinance, Number 10, for the purpose of allowing placement and construction of a secondary farm dwelling further than 250 feet from an existing farm structure. The proposed building site is located in the NE1/4 of the SE1/4, of the NE1/4, Section 24, T-81N, R-3W, in Red Oak Township, consisting of 39.37 acres more or less. Said property is currently zoned A-1 Agricultural.

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

Phil LaRue
Zoning Administrator

Copies sent out on 2/9/10 to the following:

1. Mike & Elaine Moes – 945 King Avenue, Tipton, Iowa 52772 – Certified
 2. Honey Grove Ltd. – 1745 Charles Avenue, West Branch, Iowa 52358
 3. Helen B. King Trust - % James E. King, P.O. Box 244, Tipton, Iowa 52772
 4. Donnie Bond – 940 Monroe Avenue, Tipton, Iowa 52772
 5. Martin Fay – 964 Monroe Avenue, Tipton, Iowa 52772
-

Copy to Tipton Conservative on 2/8/10

5 Board of Adjustment Members on 2/9/10

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Copy e-mailed to Rob Fangmann on 2/8/10

CEDAR COUNTY BOARD OF SUPERVISORS

Cedar County Courthouse

400 Cedar Street

Tipton, Iowa 52772-1750

Telephone: 563-886-3168

Fax: 563-886-3339

E-Mail: bos@cedarcounty.org

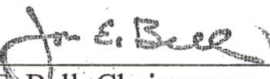
January 4, 2010

Claudia Beyer
547 N Oliphant
West Branch, Iowa 52358

Dear Mrs. Beyer:

Please be advised, that by motion of this Board on January 4, 2010, you were appointed to another five-year term on the Zoning Board of Adjustment. The term will expire 12-31-2014. Your willingness to serve on this Board is greatly appreciated.

Sincerely,



Jon E. Bell, Chairperson



Tel: 563-886-2248

OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse
Tipton, Iowa 52772

January 4, 2010

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 28, 2010, 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. **AgVantage Farm Service, P.O. Box 828, Waverly, IA (Contract Buyer) and Jeff Graves, P.O. Box 70, Durant, IA (Owner)** – Requesting a Special Use Permit authorizing an Agricultural Service Business and bulk farm chemical station on property located in the W $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 25, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned A-1 Agricultural.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 1/4/10 to the following:

1. Gaylan Brunssen – AgVantage FS, 1600 8th St. SW, P.O. Box 828, Waverly, IA 50677 –
Certified
2. Jeffrey A. Graves – P.O. Box 70, Durant, Iowa 52747
3. Glen L. & Judith A. Swanson – 800 6th Avenue, Durant, Iowa 52747-9522
4. George W. Bruhn – 2281 325th Street, Durant, Iowa 52747-9548
5. Michael H. Hogan – 2163 332nd Street, Durant, Iowa 52747-9555
6. Pioneer Hi-Bred – Attn: Ryan White, 2008 Yankee Avenue, Durant, Iowa 52747

Copy e-mailed to Tipton Conservative and Advocate News on 1/4/10

5 Board of Adjustment Members on 1/4/10

2 File Copies

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Copy e-mailed to Rob Fangmann on 1/4/10