

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

December 18, 2014

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, December 18, 2014, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Twing, Penningroth, Hoy and Lenker.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on September 25, 2014, were read by the members prior to the meeting being called to order. They were approved as presented.

The Board members then considered the following petition:

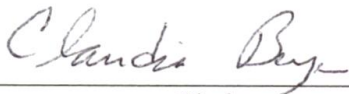
1. **Dalene Johnson, 2366 Garfield Ave., West Liberty, IA (Owner)** - Requesting approval of a Home Occupation Permit authorizing the location of an antique and collectables shop in an accessory building on property located on Parcel B in the NW ¼, SW ¼, Section 31, T-79N, R-3W, in Iowa Township. Said property is currently zoned A-1 Agricultural District.

Zoning Administrator La Rue informed the members that there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 15 of the Cedar County Zoning Ordinance #10. The letter received from County Engineer, Rob Fangmann, was read which stated this property is located on paved route Garfield Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office. He also stated that private signs are not allowed within the county right-of-way.

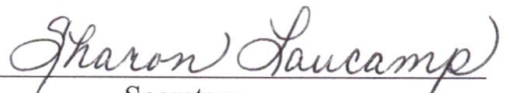
Roger and Dalene Johnson were present and informed the members she would like to open an antique shop for furniture resale, collectables and crafts. They stated the building they plan to use for the business is already on the property. Chairperson Beyer stated this request is for a Home Industry Permit and not for a Home Occupation Permit since the business will be conducted in a separate building on the Johnson's property. Mrs. Johnson stated they do not plan on having a lot of people there at one time and there is plenty of parking space for the customers. They do plan on putting up an advertising sign in time and agreed to contact the Zoning Administrator regarding the requirements for the sign.

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

With no further business to be discussed at this time, Penningroth made a motion to adjourn. Twing seconded the motion. 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

December 8, 2014

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, December 18, 2014, 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. **Dalene Johnson, 2366 Garfield Ave., West Liberty, IA (Owner)** - Requesting approval of a Home Occupation Permit authorizing the location of an antique and collectables shop in an accessory building on property located on Parcel B in the NW ¼, SW ¼, Section 31, T-79N, R-3W, in Iowa 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.

Phil La Rue
Zoning Administrator

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Copy e-mailed to West Liberty Index on 12/8/14

Copy e-mailed to County Engineer on 12/5/14

1 Bulletin Board Copy

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Tel: 563-886-2248

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

November 12, 2014

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 November because no petitions have been received.

HAPPY THANKSGIVING!!

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl



Tel: 563-886-2248

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

October 9, 2014

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 October because no petitions have been received.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

September 25, 2014

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, September 25, 2014, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse Courthouse, Tipton, Iowa. Members present were Beyer, Hoy and Lenker. Members absent were Twing and Penningroth.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on August 28, 2014, were previously sent to the members. They were approved as presented.

The Board members then considered the following petition:

1. **Devin & Laura Schroeder, 1647 180th St., Clarence, IA (Owners)** – Requesting approval of a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located in Lot 1 in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 11, T-81N, R-2W, in Fairfield Township.

Zoning Administrator La Rue informed the members that there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 5, Section D, 1 and Chapter 17.18(2) of the Zoning Ordinance #10 in making their decision.

Devin Schroeder was present and explained his proposal for a seed grain business. The property is near Quincy Avenue and he has always wanted to run his own business. He plans to use one of the existing structures and construct another structure with an office. They will be chemically treating the grain before being transported to the field.

The letter received from County Engineer, Rob Fangmann, was read which stated the property is located on gravel route 180th Street and should have minimal impact on the existing infrastructure and the petitioner shall be responsible for having dust control applied to county roads if thresholds are exceeded as per Iowa DNR guidelines.

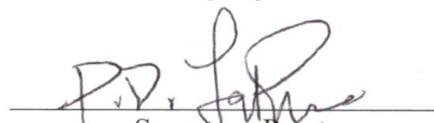
After a brief discussion, Hoy made a motion to grant the Special Use Permit subject to annual review. Lenker seconded the motion. Ayes all.

Zoning Administrator La Rue then informed the Board members of the two upcoming sessions of open meeting training on September 30th in the Cedar County Courthouse.

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



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

September 8, 2014

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, September 25, 2014, 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. **Devin & Laura Schroeder, 1647 180th St., Clarence, IA (Owners)** – Requesting approval of a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 11, T-81N, R-2W, in Fairfield 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.

Phil La Rue
Zoning Administrator

Copies sent out on 9/9/14 to the following:

1. Devin & Laura Schroeder – 1785 180th St., Lowden, IA 52255 – **Certified letter sent 9/8/14**
 2. Nikolic Family Trust – 13080 Mindanao Way #74, Marina Del Rey, CA 90292-8723
 3. Duane & Karen Stonerook – 1663 180th Street, Clarence, Iowa 52216
 4. Robert & Cheryl Schmidt – 826 Quincy Avenue, Clarence, Iowa 52216
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Copy e-mailed to Tipton Conservative on 9/8/14 for T.C. and Sun News

Copies sent to 5 Board of Adjustment Members on 9/9/14

Copy e-mailed to County Engineer on 9/5/14

2 File Copies

1 Bulletin Board Copy

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

August 28, 2014

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, August 28, 2014, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Twing, Penningroth, Hoy and Lenker.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on July 24, 2014, were previously sent to the members. They were approved as presented.

The Board members then considered the following petition:

- 1. SBA Towers IV, LLC 5900 Broken Sound Parkway NW, Boca Raton, FL (Verizon Wireless, Lessee) and David Shinker, 1276 Hwy 30, Stanwood, IA (Owner) -** Requesting approval of a Special Use Permit authorizing the location of a wireless communication tower on property located in Parcel A, in the NW ¼, NE ¼, NE ¼, Section 30, T-82N, R-2W, in Dayton Township. Said property is currently zoned A-1 Agricultural District.

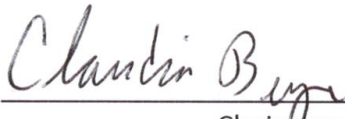
Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Section D, Chapter 5, Subsection 12, Chapter 17.18(2) of the Zoning Ordinance and Cedar County Telecommunications Ordinance #30 in making their decision.

Nathan Ward, representing SBA Towers IV and Verizon Wireless, was present and informed the members that this tower is to provide additional service along the highway. He stated they had looked at and exhausted any opportunity to utilize any existing towers. They are proposing a 260' overall height self-supporting tower utilizing an existing access off the highway in a location that meets the one-half tower height setback distance requirement. He stated the tower is proposed to initially accommodate the equipment of Verizon Wireless and will then be actively marketed to other carriers. He also stated that prior to the advent of the smart phone there was a coverage radius of 7 to 10 miles on a tower. He stated this is diminishing because there is so much more traffic through the network due to using cell phones for more things. There will be a 90' x 90' fence compound, traditional chain link, around the tower. They will maintain the compound with graded gravel and a weed barrier will be put down. Member Twing questioned if the tower should fall, what it would fall on. Mr. Ward then stated it would take a catastrophic event for the tower to come down because of the way it is designed. La Rue then informed the members he received a letter from Mr. Shinker stating he wanted the tower on his property which is required by the ordinance. A letter was also received agreeing that the tower would be removed if abandoned and notification provided of any change of ownership. La Rue informed the members the Planning & Zoning Commission did recommend approval at their meeting subject to the requirements he mentioned. The I.D.O.T. letter stated that a permit was not needed for the driveway because the current entrance will be utilized. It

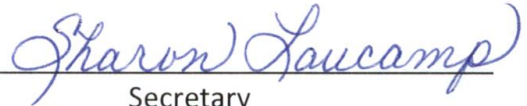
was not sure at this time if a different 911 address will be needed for the tower site. Mr. Ward will check into this. Lighting of the tower was discussed. Mr. Ward stated the FAA requires lighting on any tower above 200 feet. He informed the members that in the daytime there will be a white strobe light and a red incandescent light at night.

After further discussion, Lenker made a motion to grant the S.U.P. subject to annual review, proper maintenance and the requirement regarding removal or change of ownership. Twing 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. 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

August 4, 2014

PUBLIC NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 28, 2014, 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. SBA Towers IV, LLC 5900 Broken Sound Parkway NW, Boca Raton, FL (Verizon Wireless, Lessee) and David Shinker, 1276 Hwy 30, Stanwood, IA (Owner) -** Requesting approval of a Special Use Permit authorizing the location of a wireless communication tower on property located in Parcel A, in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 30, T-82N, R-2W, in Dayton 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.

Phil La Rue
Zoning Administrator

Copies sent out on 8/5/14 to the following:

1. SBA Towers IV, LLC – Attn: Zoning, 5900 Broken Sound Pkwy. NW, Boca Raton, FL 33487 – **Certified**
 2. David Shinker – 1276 Highway 30, Stanwood, IA 52337 – **Certified**
 3. Dow Farms – P.O. Box 500, Nevada, IA 50201
 4. Dows Real Estate Co. – P.O. Box 500, Nevada, IA 50201
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Copy e-mailed to Tipton Conservative on 8/4/14 for T.C. and Sun News

Copies sent to 5 Board of Adjustment members on 8/5/14

Copy e-mailed to County Engineer on 8/5/14

2 File Copies

1 Bulletin Board Copy

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

July 24, 2014

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, July 24, 2014, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Lenker, Twing & Penningroth. Member absent was Hoy.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on June 26, 2014, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

1. **Randall and Linda Weaver, 726 Green Road, Tipton, IA (Owners)** – Requesting approval of a Special Use Permit for the purpose of authorizing a winery with exposition grounds on property located on Lot 1, Buchanan House Addition and Parcel B, in the NW ¼, NW ¼, and the NE ¼, NW ¼, Section 8, T-80N, R-3W, in Center West Township, consisting of 25.01 acres more or less. Said property is currently zoned A-1 Agricultural District and R-1 Suburban Residential District.

Zoning Administrator La Rue informed the members there were no written objections on file for this petition. However, one verbal objection from an adjoining property owner was presented at the Planning & Zoning meeting held on July 16, 2014.

Tamra Roberts, Attorney for the Weaver family, was present and informed the members that Mr. & Mrs. Weaver own Buchanan House Winery & Vineyard which they have started on their property in rural Buchanan. She stated they are already growing the grapes, are in the process of making wine and would like a Special Use Permit so they can build an event barn and begin having wine tasting from the tasting room and also have certain celebrations like weddings, etc. that would help compliment the winery. The Special Use Permit request is for the exposition grounds. She stated the grapes are considered a crop and commodity and, therefore, is an agricultural use in the A-1 district on the property. She stated the Weaver's have been working with several different government entities and are highly regulated. La Rue stated the area where the Buchanan house was placed was previously rezoned to R-1 (approximately 1.99 acres). The wine tasting will be on both the R-1 and A-1 Zoning Districts. Attorney Roberts stated they would like the S.U.P. to cover the whole 25 acres. La Rue informed the members to consider this request in accordance with Chapter 17.18(2) of the Zoning Ordinance in making their decision. Member Penningroth questioned the site clearance. Mr. Weaver stated that when they put in the driveway, he worked with the county engineer and installed a commercial driveway which has good site distance both ways. Attorney Roberts stated they have an estimate on the amount of traffic and the Weaver's plan on using dust litigation. She also stated the property will be readily accessible for emergency services. Chairperson Beyer then read the letter received from County Engineer, Rob Fangmann, which stated this property is located on gravel route

Green Road and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. The letter also stated the petitioner shall also be responsible for having dust control applied to county roads if thresholds are exceeded as per Iowa DNR guidelines. Member Twing inquired what the verbal objection was about. Attorney Roberts stated she felt his main concern was the wastewater. She then stated the Weaver's are already working on the wastewater and again informed the members that they are heavily regulated. Mrs. Weaver stated they want to have a nice setting and already have a formal garden to the west which they are developing. They will also put up tents and the event barn will be located across the driveway. She stated the event barn could handle up to 300 people. She also informed the members they are trying to be good neighbors. Roberts stated the Weaver's are preserving the agricultural use of the land. The grape vines which are located between the Weaver's and the objector's property are about 8 feet high and will provide a buffer. La Rue then read from Chapter 17.18(2) of the Zoning Ordinance pertaining to special exceptions.

After a brief discussion, Lenker made a motion to grant the S.U.P. authorizing a winery with exposition grounds on the property as described subject to annual review and dust litigation as required. Twing seconded the motion. Ayes all.

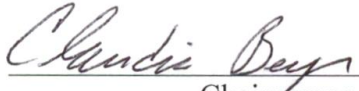
2. **Lori Walsh, 1767 275th Street, West Branch, IA (Owner)-** Requesting approval of a Home Industry Permit for the purpose of operating a retail, second hand and consignment store in an existing building on her property located in the NE ¼, SE ¼, Section 36, T-80N, R-4W, in Gower Township, consisting of 32.00 acres more or less. 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 for this petition and advised them to do their review in accordance with Chapter 15 of the Cedar County Ordinance. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route 275th Street and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. The petitioner shall also be responsible for having dust control applied to county roads if thresholds are exceeded as per Iowa DNR guidelines. His letter also stated the petitioner requested a sign to be placed by Garfield Avenue. It is against county policy to allow private signs within county right-of-way. The petitioner stated the sign would be placed on her property and not in the county right-of-way. She was informed that the sign could not be larger than 8 square feet and not lighted.

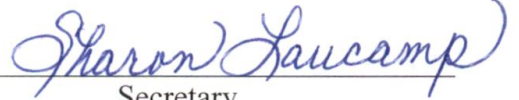
Lori Walsh then explained to the members that she had been running her store (West Branch Treasures) in West Branch. She stated the landlord was not taking care of the building and there were a lot of problems. She informed the members that she has a pole barn on her property and wants to move her business there. La Rue stated she would have to have some sort of septic system so customers would have a bathroom to use. Ms. Walsh stated she will have a percolation test performed and will put a system in. She stated her business will be operated by only her and her children.

After a brief discussion, Penningroth made a motion to approve the Home Industry Permit, subject to annual review and appropriate signage. Twing seconded the motion. Ayes all.

With no further business to be discussed at this time, Twing made a motion to adjourn the meeting. Penningroth seconded the motion. Meeting adjourned at 3:30 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

July 7, 2014

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, July 24, 2014, 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. **Randall and Linda Weaver, 726 Green Road, Tipton, IA (Owners)** – Requesting approval of a Special Use Permit for the purpose of authorizing a winery with exposition grounds on property located on Lot 1, Buchanan House Addition and Parcel B, in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, and the NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 8, T-80N, R-3W, in Center West Township, consisting of 25.01 acres more or less. Said property is currently zoned A-1 Agricultural District and R-1 Suburban Residential District.
2. **Lori Walsh, 1767 275th Street, West Branch, IA (Owner)**- Requesting approval of a Home Industry Permit for the purpose of operating a retail, second hand and consignment store in an existing building on her property located in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 36, T-80N, R-4W, in Gower Township, consisting of 32.00 acres more or less. 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 La Rue
Zoning Administrator

Copies sent out on 7/9/14 to the following:

1. Randall & Linda Weaver – 1524 Highway 130, Tipton, Iowa 52358 – **Certified on 7/8/14**
 2. Carey & Lori Howard – P.O. Box 630, Walcott, Iowa 52773
 3. Robert Lorenz & Coleen Chapleau – 740 Green Road, Tipton, Iowa 52772
 4. Richard & Linda Brennan – 742 Cedar Valley Road, Tipton, Iowa 52772
 5. Ronald Wiechert – 710 Green Road, Tipton, Iowa 52772
 6. Laverne Fogg – P.O. Box 207, Tipton, Iowa 52772
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1. Lori Walsh – 1767 275th Street, West Branch, Iowa 52358 – **Certified on 7/9/14**
 2. Herbert A. Sondergard Family – 128 W. Main Street, Unit 3, West Branch, Iowa 52358
 3. Dean G. Oakes – P.O. Box 1456, Iowa City, IA 52244-1456
 4. Thomas Lee Barnhart – 1751 275th Street, West Branch, Iowa 52358
 5. Mildred Mather Rev. Trust – 1655 Jordan Street, North Liberty, Iowa 52317
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Copy e-mailed to Tipton Conservative on 7/7/14 for T.C. and West Branch Times

Copies to Board of Adjustment Members on 7/8/14

Copy e-mailed to County Engineer on 7/7/14

2 File Copies

1 Bulletin Board Copy

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

June 26, 2014

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, June 26, 2014, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Hoy, Lenker, Penningroth and Twing.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on February 27, 2014, were previously sent to the members. They were approved as presented.

The Board members then considered the following petitions:

1. **Cedar County Cooperative, 1546 Baker Avenue, West Branch (Owners)** – Requesting an amendment to their Special Use Permit to allow for the placement of a 30,000 gallon liquid propane (LP) tank south of their existing LP tanks on property located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 20, T-80N, R-4W, in Gower Township consisting of 20.00 acres more or less. Said property is currently zoned A-1, Agricultural and Ab-1 Agricultural Business.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition and advised them to do their review in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance in making their decision. He explained to the members that the Cedar County Cooperative is requesting to have their Special Use Permit #62-95 amended to allow placement of a 30,000 gallon LP gas storage tank to be set at their facility located at 1546 Baker Ave., West Branch, IA.

David Summers and Bob Young, Managers of the Cooperative, were present and informed the members of the intent to add a 30,000 gallon LP tank at the West Branch site due to a growing propane business. They explained the need for additional storage to be able to provide their residential and agricultural users adequate supply of LP in times of high demands or product shortages. They stated they meet the 750' setback requirement. Mr. Summers stated this will be the first large LP tank on this property. They have a 30,000 gallon LP tank at their Tipton site and needed additional storage on the west side of Cedar County.

After a brief discussion, Hoy made a motion to approve the Special Use Permit amendment to allow placement of a 30,000 gallon LP tank at the West Branch site. Twing seconded the motion. Ayes all.

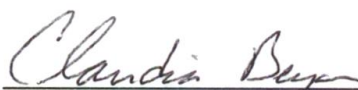
2. **Darrick and Kate Hagen, 625 Main Street, Tipton (Owners)** – Requesting approval of a variance of the required front yard setback of 25 feet for a proposed front porch addition to a dwelling on property located at 1266 Garfield Avenue, Tipton, IA, located on Lots 10 and 11, Block 4, in the unincorporated Town of Buchanan, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 6, T-80N, R-3W, in Cass Township consisting of 0.495 acres more or less. Said property is currently zoned R-2 Urban Residential.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file from the public and advised them to do their review in accordance with Chapter 17.18(3) of the Cedar County Zoning Ordinance. The property is zoned R-2 Urban Residential which requires a front yard setback of 25 feet from the county road right-of-way.

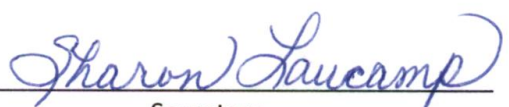
Kate Hagen was present and informed the members they bought the property out of foreclosure. Since then they have graded down the motor cross jumps and removed a trailer house which had been on the property. She stated they are wanting to upgrade and modernize the house which was built in the 1970's in order to increase the overall property value. She also stated that they would eventually like to build a new house. She then informed the members that in order to modernize this house they will need to move all of the walls inside and stated it would look better to have an overhang on the front. They are asking that the front porch goes out six feet. The addition will not stick out further than the trees. It was noted that the house is closer than the allowed setback. The road was modified after the house was built. La Rue listed the permitted obstructions from Chapter 3, Section 12 pertaining to overhangs. Mrs. Hagen then explained her drawings to the members and their plans for the remodeling project. Zoning Administrator La Rue stated the southwest corner of the proposed addition would project about 8 feet into the setback requirement. The setbacks run at an angle. He then made a drawing on the chalkboard showing the inside horizontal curve on the road and the setbacks. County Engineer, Rob Fangmann, was present and stated that the Secondary Road Department realigned the road in Buchanan in the 1990's which narrowed up the right-of-ways when they went passed the houses. Fangmann explained that due to the encroachment, the site distance is reduced on the inside of the curve, which is why he recommended denial of the request in his letter. Mrs. Hagen stated that they are willing to remove more trees if needed to improve sight distance. Member Hoy questioned what future owners may want to do with the porch addition. Mrs. Hagen stated that it would not structurally be feasible to enclose the porch addition due to the layout of the inside of the house. Hoy disagreed. County Engineer Fangmann then stated he would be willing to amend his letter if the trees were to be removed back to 25 feet from the right-of-way line on the north fence line. He stated that removal of the trees would improve the sight distance on the curve.

Member Penningroth then made a motion to grant the 18 ½' setback if the trees in front of the house and along the fence line to the north were removed. Motion died due to the lack of a second. Mrs. Hagen stated that removal of the trees in the front yard would take away any shade for the house. Engineer Fangmann stated removal of the trees in the fence line is more important. Member Twing then made a motion to grant the requested variance of the front yard setback requirement to 18 ½ feet and requiring removal of the trees in the north fence line to improve site distance. Motion carried with Hoy voting nay because of his concern that future owners might enclose the porch addition.

With no other business to be discussed at this time, Penningroth made a motion, with Twing seconding, to adjourn the meeting. Meeting adjourned at 3:45 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

June 6, 2014

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, June 26, 2014, 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 Cooperative, 1546 Baker Avenue, West Branch (Owners)** – Requesting an amendment to their Special Use Permit to allow for the placement of a 30,000 gallon liquid propane (LP) tank south of their existing LP tanks on property located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 20, T-80N, R-4W, in Gower Township consisting of 20.00 acres more or less. Said property is currently zoned A-1, Agricultural and Ab-1 Agricultural Business.
2. **Darrick and Kate Hagen, 625 Main Street, Tipton (Owners)** – Requesting approval of a variance of the required front yard setback of 25 feet for a proposed front porch addition to a dwelling on property located at 1266 Garfield Avenue, Tipton, IA, located on Lots 10 and 11, Block 4, in the unincorporated Town of Buchanan, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 6, T-80N, R-3W, in Cass Township consisting of 0.495 acres more or less. Said property is currently zoned R-2, Urban Residential.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any 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 6/11/14 to the following:

1. Copy given to David Summers representing Cedar County Cooperative on 6/9/14
2. Fobian Farms, Inc. – 3939 Oasis Rd. NE, West Branch, IA 52358
3. Don & Kristine Murphy – 1528 Baker Ave., West Branch, IA 52358
4. Vivian & Keith Howard – 111 260th Street, West Branch, IA 52358
5. ECC, LLC - % Burwell Mgmt. Co., P.O. Box 430, Burwell Drive, Lincoln, IL 62656
6. Robert Jindrich – 79 265th Street, West Branch, IA 52358

-
1. Darrick Hagen – 625 Main Street, Tipton, IA – **Certified**
 2. Darold King – 577 225th Street, Tipton, Iowa 52772
 3. Steve & Mary Allen – 1271 Garfield Avenue, Tipton, IA 52772
 4. David Swan & Jeanne Santa Cruz – 622 220th Street, Tipton, Iowa 52772
 5. Gary Ohrt – 209 Lemon Street, Tipton, Iowa 52772
 6. Darrick & Katherine Hagen – 625 Main Street, Tipton, Iowa 52772
 7. Robert & Joan Reinhardt – 635 Main Street, Tipton, Iowa 52772
 8. Monte & Alan Ohrt – 5106 Lackender Ave. SW, Riverside, Iowa 52327
 9. Gary & Betty Hubler – 1283 Green Road, Tipton, Iowa 52772
 10. Lloyd Erboe – 610 Main Street, Tipton, Iowa 52772

Copy e-mailed to Tipton Conservative on 6/9/14 for T.C. and West Branch Times

Copies to Board of Adjustment Members on 6/10/14

Copy e-mailed to County Engineer on 6/6/14

2 File Copies

1 Bulletin Board Copy



Tel: 563-886-2248

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

May 7, 2014

TO: CEDAR COUNTY BOARD OF ADJUSTMENT MEMBERS

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

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl



Tel: 563-886-2248

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

April 14, 2014

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 April because no petitions have been received.

Sincerely,

Phil LaRue /sl

Phil La Rue
Zoning Administrator

PL:sl



Tel: 563-886-2248

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

March 18, 2014

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,

A handwritten signature in blue ink that reads "Phil La Rue/sl".

Phil La Rue
Zoning Administrator

PL:sl



Book 1211 Page 126

Document 2014 498 Pages 1

Date 2/28/2014 Time 8:10:19AM

Rec Amt \$7.00

pa.

MELISSA HELMOLD, 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 use of an existing gun range, firearms training, firearms sales and repair business, on property located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 1, T-80N, R-3W, in Center West Township at 1110 Cedar Valley Rd., Tipton, IA has been filed by Mike Moore, with the Cedar County Zoning Administrator, and said petition, Number 02-14, 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 02-14, for a gun range and business, be granted and approved on the part of Cedar County, Iowa, this 27th day of February, 2014.

2-2-2014

Date

Claudia Beyer

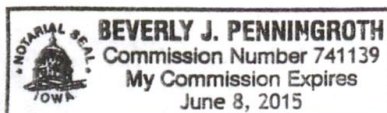
Chairperson of the Cedar County Board of Adjustment

STATE OF IOWA :

ss.

COUNTY OF CEDAR :

On this 27th day of February, A.D. 2014, before me, Claudia Beyer, personally appeared as Chairperson of the Cedar County Board of Adjustment.



Beverly J. Penningroth
Notary Public in the State of Iowa
June 8, 2015
Expiration Date

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

February 27, 2014

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, February 27, 2014, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Beyer, Hoy, Penningroth and Twing. Member absent was Lenker.

Chairperson Beyer called the meeting to order at 3:00 p.m. Minutes from the last meeting held on January 23, 2014, were previously sent to the members. They were approved as presented.

The Board members then considered the following petition:

1. **Mike Moore, 1110 Cedar Valley Rd., Tipton, IA (Owner)** – Requesting approval of a Special Use Permit for the purpose of authorizing the use of an existing gun range for the purpose of providing specialized firearms training, and the use of an adjoining building for both classroom instruction, and a firearms sales and firearms repair business at the above address. The petitioner is also requesting approval of a variance of the required separation distance between the gun range boundary and a non residential building on an adjoining property to the north as part of the Special Use Permit request. Said property is located in the SE ¼, SW ¼, Section 1, T-80N, R-3W, in Center West Township, and is zoned A-1 Agricultural District.

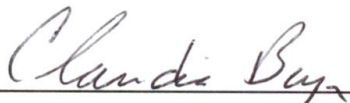
Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition. He stated Special Exception Uses for the A-1 District are listed in Section D (9), Chapter 5 of the Zoning Ordinance. He advised the members to also consider this petition in accordance with Chapter 17.18(2) and Chapter 17.18(3) of the Cedar County Zoning Ordinance in making their decision. The letter received from County Engineer, Rob Fangmann, stated this property is located on paved route Cedar Valley Road (F36) and should have minimal impact on the existing infrastructure. The existing entrance was upgraded as part of a prior zoning request and has adequate sight distance. It was noted there is plenty of off road parking area for the customers. La Rue explained the reason for the variance request is because there is a small building on the Masonic Cemetery property which is within the 750 feet separation distance requirement. The letter received from the Masonic Cemetery Board of Directors stated the building is a small garage and it is their intent to remove this structure from the property and put up another in the future in the northwest corner of the cemetery. It was noted that when the building is removed or relocated, a variance would not be needed as the proposed new location of the building would be further than the 750 feet separation distance requirement.

Petitioner Mike Moore and business partner, Heath Holub, were present and explained they have started a firearms training business. Mr. Moore stated he built a private range about four years ago for his own use which is also used by the Tipton Police Department. He also stated they use the firing range approximately two to three times a month. He informed the members they are looking to expand the business through trainers around the United States. He stated they look at

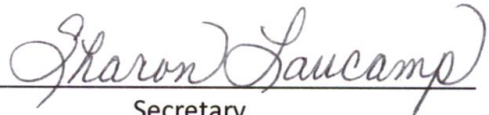
probably using the range for classes one or two times a month. He also stated it is not open to the public and is only used by him and other instructors. Mr. Moore then presented a larger diagram of the property and explained the layout of the plan. He also presented pictures showing the berm and explained the shooting would be to the east of the business. He stated the berm is currently 12 feet high and will be extended to 15 feet. The base of the berm is 30 feet thick. It was noted that the Masonic Cemetery property line is 456 feet away and the Catholic Cemetery property line is 980 feet to the southwest. Mr. Moore stated there is 1,790 feet down range to the property line from the firing line. Mr. Moore was then asked what kind of firearms would be used during live-fire shooting. He stated they will occasionally will use rifles but mostly pistols will be fired. The use of rifles is more for law enforcement training. They explained to the members that the EPA will get involved only for cleanup of the area if the firing range is decommissioned. Mr. Moore stated the range time for live fire is between two to three hours and there could be six people shooting at one time. As of this time they do not use any silencers on their guns but could in the future if allowed. Mr. Moore stated that the embankment currently calms the noises. There will be no shooting during holidays and funeral processions and there will also be no night shooting. The proposed aspect of firearms sales was discussed including the permit requirements of the A.T.F. Mr. Moore stated that all background checks have been done and the A.T.F. is waiting for the Board of Adjustment's approval letter. When asked how they will utilize the firing range as part of their business, Mr. Moore stated that unfortunately, in the State of Iowa, you can get a concealed to carry permit without ever having to touch a gun. Their concealed to carry permit classes will involve actual training on knowledge of how to hold the gun, strip the gun, fire, load, unload and store safely. All customers will be supervised by the N.R.A. instructors. Mr. Moore also stated they will have adequate lockups of the firearms. They will also install security measures. Chairperson Beyer suggested the variance be a temporary variance. La Rue stated the requirements for a variance must be met as stated in Chapter 17.18(2). He stated he feels they have looked down range and have worked around both cemeteries. Chairperson Beyer then explained the annual review process.

After further discussion, Penningroth made a motion to grant approval of a temporary variance of the required separation distance subject to continuance of the Special Use Permit and grant the requested Special Use Permit subject to annual review and A.T.F. approval. Hoy seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting adjourned at 3:30 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

February 7, 2014

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 27, 2014, 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. **Mike Moore, 1110 Cedar Valley Rd., Tipton, IA (Owner)** – Requesting approval of a Special Use Permit for the purpose of authorizing the use of an existing gun range for the purpose of providing specialized firearms training, and the use of an adjoining building for both classroom instruction, and a firearms sales and firearms repair business at the above address. The petitioner is also requesting approval of a variance of the required separation distance between the gun range boundary and a non residential building on an adjoining property to the north as part of the Special Use Permit request. Said property is located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 1, T-80N, R-3W, in Center West Township, and is 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.


Phil La Rue
Zoning Administrator

Copies sent out on 2/11/14 to the following:

1. Mike Moore – 1110 Cedar Valley Road, Tipton, Iowa 52772 – **Certified**
2. Michael & Janet Moore – 604 Meridian Street, Tipton, Iowa 52772
3. Masonic Cemetery – Tipton City Hall, 407 Lynn Street, Tipton, Iowa 52772
4. Larry Martens – 1091 230th Street, Tipton, Iowa 52772
5. Norman & Janet Ford – 1126 235th Street, Tipton, Iowa 52772

Copy e-mailed to Tipton Conservative on 2/10/14

Copy e-mailed to County Engineer, Rob Fangmann, on 2/7/14

5 Board of Adjustment members on 2/12/14

2 File Copies

1 Bulletin Board Copy

CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

January 23, 2014

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, January 23, 2014, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Lenker, Hoy and Twing. Members absent were Beyer and Penningroth.

In the absence of Chairperson Beyer, Lenker acted as Chairperson Pro-tem. The meeting was called to order at 3:00 p.m. Minutes from the last meeting held on November 21, 2013, were previously sent to the members. Twing made a motion and Hoy seconded to approve the minutes as presented.

The Board members then considered the following petition:

1. **Susan Wiederhoeft, 756 Grant Avenue, Mechanicsville** – Requesting approval of a Home Occupation Permit for the purpose of operating a dog grooming business on property located in the NE ¼, SE ¼, Section 7, T-81N, R-3W, in Red Oak Township, consisting of 35 acres more or less. 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 for this petition and advised them to do their review in accordance with Chapter 15 of the Cedar County Zoning Ordinance in making their decision. The letter received from County Engineer, Rob Fangmann, stated this property is located less than a mile from a paved road on Grant Avenue and should have minimal impact on the existing infrastructure.

Susan Wiederhoeft was present and informed the members she would like to open a dog grooming business out of an existing garage and shop area north of their house. She stated the dimensions of the building are 18' by 36'. She explained the drawing which was provided to each of the members. She stated she would like to use the current shop area for the business. She informed the members she has contacted Bob Cummings who will perform the percolation test for the septic system to service the business. There are two existing floor drains in the building. She stated the nearest resident is about a half mile away. She also stated she has been working with Sheryl Yerington who also has a dog grooming and boarding business. She informed the members she has been grooming her own dogs for over 20 years. She stated she has applied for a license through IDALS. She also stated she will have a small flat advertising sign on the side of the building. She has no plans regarding grooming cats. She stated she also has no plans to board any dogs and is only interested in grooming. La Rue stated his recommendation is this permit will always be reviewed annually and subject to approval by IDALS dog grooming license.

After a brief discussion, Hoy made a motion to approve the Home Occupation Permit request subject to annual review and license issued by IDALS. Twing seconded the motion. Ayes all.

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

Chairperson Pro-tem
Bill Lenker

Secretary
Sharon Laucamp

Legal Notice

January 6, 2014

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 23, 2014, 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. **Susan Wiederhoeft, 756 Grant Avenue, Mechanicsville** - Requesting approval of a Home Occupation Permit for the purpose of

operating a dog grooming business on property located in the NE 1/4, SE 1/4, Section 7, T-81N, R-3W, in Red Oak Township, consisting of 35 acres more or less. 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.

Phil La Rue
Zoning Administrator
SN2

STATE OF IOWA, CEDAR COUNTY, ss:

I, Pat A. Kroemer, editor of the **SUN-NEWS**, a weekly newspaper of general circulation, published in said county, being duly sworn do declare and say that a notice, of which one hereto attached is a copy, was published in the said

The Sun-News one time to wit on

01-09-14

Pat A. Kroemer

Subscribed and sworn to before me this 09

day of January A.D. 20 14

Kayla Dawson

Notary Public in and for Cedar County, Iowa

Received of _____

_____ Dollars

Printer's fee \$ 18.08



STATE OF IOWA, CEDAR COUNTY, ss:

Tel: 563-886-2248

I, Stuart S. Clark, publisher of The Tipton Conservative and Advertiser, a weekly newspaper of general circulation, published in Tipton, Iowa, being duly sworn do declare and say that a notice, the first of which one hereto attached is a copy, was published in the said

DAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT

house

Tipton, Iowa 52772

The Tipton Conservative and Advertiser one time

to wit on 01-08-14

January 6, 2014

NOTICE

been petitioned to conduct a Public Hearing on the Large Meeting Room in the basement of the

following petition:

ue, Mechanicsville – Requesting approval of a lease of operating a dog grooming business on Section 7, T-81N, R-3W, in Red Oak Township, said property is currently zoned A-1 Agricultural

and so wishing, will be given the opportunity to person so wishing may file a document with the the time of the hearing should the person wish the hearing.

Phil La Rue
Zoning Administrator

Subscribed and sworn to before me this 08

day of January A.D. 20 14

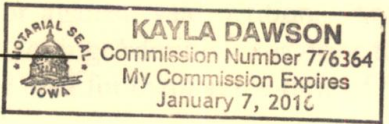
Kayla Dawson

Notary Public in and for Cedar County, Iowa

Received of _____

_____ Dollars

Printer's fee \$ 15.26





Tel: 563-886-2248

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

January 6, 2014

LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 23, 2014, 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. **Susan Wiederhoeft, 756 Grant Avenue, Mechanicsville** – Requesting approval of a Home Occupation Permit for the purpose of operating a dog grooming business on property located in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 7, T-81N, R-3W, in Red Oak Township, consisting of 35 acres more or less. 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.

Phil La Rue
Zoning Administrator

Copies sent out on 1/8/14 to the following:

1. Susan Wiederhoeft – 756 Grant Avenue, Mechanicsville, IA 52306 – **Certified**
2. Robert Herring – 516 185th Street, Mechanicsville, Iowa 52306
3. William Carr & Ruth Carthey – 781 Grant Avenue, Mechanicsville, Iowa 52306
4. Virginia Woods – 310 W. 1st Street, Mechanicsville, Iowa 52306
5. Janet Dierks – 400 Barr Street, Olin, Iowa 52320

Copy e-mailed to Tipton Conservative on 1/6/14 for Conservative & Sun News

Copy e-mailed to County Engineer, Rob Fangmann, on 1/8/14

5 Board of Adjustment members on 1/9/14

2 File Copies

1 Bulletin Board Copy