



**OFFICE OF THE PLANNING AND ZONING  
ADMINISTRATOR**  
Cedar County Courthouse  
400 Cedar Street  
Tipton, IA 52772  
Phone: (563)886-2248  
Fax: (563)886-2103

December 3, 2021

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, December 23, 2021, 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. **Donovan and Sara Yoder, 2185 Atalissa Road, Atalissa, Iowa (Owners)** – Requesting a variance as permitted in accordance with the Cedar County Zoning Ordinance, Number 10, Chapter 5,C2, of the A-1 Agricultural District regulations, to allow construction of a second farm dwelling with a distance greater than 250 feet from existing farm structures at 2132 Atalissa Road, Atalissa, Iowa, on property described as Parcel G, in the SW ¼, NW ¼, Section 24, T-79N, R-3W, Iowa 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.

Philip La Rue  
Zoning Administrator

**Notice mailed 12/07/21 to:**

Ronald E. Simpson Revocable Trust  
Simpson Debra K Revocable Trust  
2151 Indian Ave  
West Liberty IA 52776

Wayne Behrens Revocable Trust  
Behrens Nanette Revoc Trust  
2114 Atalissa Rd  
Atalissa IA 52720

Donovan & Sara Yoder (CERTIFIED)  
2185 Atalissa Rd  
Atalissa IA 52720

**All Board of Adjustment Members (3)**

Joan Brown Revocable Trust  
1099 173rd St  
Stanwood IA 52337

Greg Brown (CERTIFIED)  
104 Meadow Ln  
Tipton, IA 52772

Dykstra Jeffrey & Cynthia J 3/4 &  
Dykstra Denise R 1/4  
1154 175th St  
Stanwood IA 52337-9617

Dwight Hughes LLC  
HERTZ FARM Management  
415 S 11<sup>th</sup> St  
PO Box 500  
Nevada, IA 50201

Randy & Julie Kruse  
1126 173rd St  
Stanwood IA 52337-9618

**All Zoning Commission Members**

**Emailed to Tipton Conservative on 12/03/21**

**Emailed to Rob Fangman, Engineer on 12/07/21**

STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of The Tipton Conservative and Advertiser, 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

Tipton Conservative and Advertiser once

To wit on 12-8-21

Subscribed and sworn to before me this 10

Day of Dec A.D. 2021

Darla K. Walling  
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 17.95

### Legal Notice

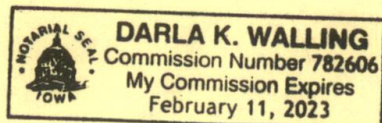
December 3, 2021

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, December 23, 2021, 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. Donovan and Sara Yoder, 2185 Atalissa Road, Atalissa, Iowa (Owners) – Requesting a variance as permitted in accordance with the Cedar County Zoning Ordinance, Number 10, Chapter 5, C2, of the A-1 Agricultural District regulations, to allow construction of a second farm dwelling with a distance greater than 250 feet from existing farm structures at 2132 Atalissa Road, Atalissa, Iowa, on property described as Parcel G, in the SW ¼, NW ¼, Section 24, T-79N, R-3W, Iowa 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.

Philip La Rue  
Zoning Administrator  
C 49







**OFFICE OF THE CEDAR COUNTY ENGINEER**  
**COURTHOUSE; 400 CEDAR ST.**  
**TIPTON, IOWA 52772-1752**

**PHONE:** (563) 886-6102

**EMAIL:** [engineer@cedarcounty.org](mailto:engineer@cedarcounty.org)

December 8, 2021

Mr. Phil La Rue  
Cedar County Zoning Administrator  
400 Cedar Street  
Tipton, IA 52772

Dear Phil:

You have requested comments on the possible road impacts caused by the proposed petitions to be considered at the Board of Adjustment Public Hearing on **Thursday, December 23<sup>rd</sup>, 2021 at 3:00 p.m.** I will address the petition as listed on the legal notice.

1. **Donovan and Sara Yoder, 2185 Atalissa Road, Atalissa, Iowa (Owners)** – Requesting a variance as permitted in accordance with the Cedar County Zoning Ordinance, Number 10, Chapter 5,C2, of the A-1 Agricultural District regulations, to allow construction of a second farm dwelling with a distance greater than 250 feet from existing farm structures at 2132 Atalissa Road, Atalissa, Iowa, on property described as Parcel G, in the SW ¼, NW ¼, Section 24, T-79N, R-3W, Iowa Township.

**This is located on gravel route Atalissa Road and should have minimal impact on the existing infrastructure. Due to the limits of the original lot in relation to the 100 year floodplain, I do not have any objections to the variance request.**

If you have any further questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Robert D. Fangmann".

Robert D. Fangmann, P. E.  
Cedar County Engineer

## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

December 23, 2021

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, June 24, 2021, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Bill Lenker, Bruce Barnhart, and Chairperson Laura Twing. The meeting was called to order at 3:00 p.m.

The Board members then considered the following petition:

1. **Donovan and Sara Yoder, 2185 Atalissa Road, Atalissa, Iowa (Owners)** – Requesting a variance as permitted in accordance with the Cedar County Zoning Ordinance, Number 10, Chapter 5, C2, of the A-1 Agricultural District regulations, to allow construction of a second farm dwelling with a distance greater than 250 feet from existing farm structures at 2132 Atalissa Road, Atalissa, Iowa, on property described as Parcel G, in the SW ¼, NW ¼, Section 24, T-79N, R-3W, Iowa Township.

Zoning Administrator La Rue advised there are no written or verbal objections on file, and Cedar County Engineer Fangmann had no objections to the request. The variance is allowed to be considered under the A-1 Agricultural District of Chapter 5 and asked members to consider this variance request in accordance with Chapter 17.18(3) of Cedar of Cedar County Zoning Ordinance No. 10.

General discussion about secondary dwellings, farm animal confinement buildings related to Cedar County Zoning Ordinance No. 10 occurred.

Twing questioned what the red flags were on the map that was provided to the Board. Denny Yoder explained that all the red flags on the map are areas that he probed and hit rock, rubble, concrete, etc. within a foot of the surface of the ground.

Denny and Rebecca shared that they wanted to be closer as Denny helps Donovan on the farm and they would like to be closer for medical reasons. The area on the east side of the road is not an option because it is located in the flood plain.

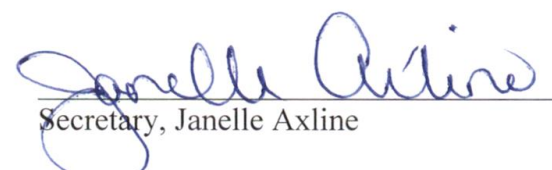
Barnhart moved to approve the request for variance. Lenker seconded it. Ayes, All. No further discussion. Motion passed.

Minutes from the last meeting held on June 24, 2021 were previously sent to the members. Barnhart made a motion to approve the minutes as presented. Lenker seconded the motion. Ayes, All. Motion passed.

General discussion about possible upcoming petitions occurred.

No additional business, the meeting adjourned.

  
Chairperson, Laura Twing

  
Secretary, Janelle Axline



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR  
Cedar County Courthouse  
400 Cedar Street  
Tipton, IA 52772  
Phone: (563)886-2248  
Fax: (563)886-2103  
[www.cedarcounty.org](http://www.cedarcounty.org)

November 10, 2021

TO: ALL 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 filed.

Have a wonderful Thanksgiving!

Sincerely,

Phil La Rue  
Zoning Administrator

PDL/bja



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR  
Cedar County Courthouse  
400 Cedar Street  
Tipton, IA 52772  
Phone: (563)886-2248  
Fax: (563)886-2103  
[www.cedarcounty.org](http://www.cedarcounty.org)

October 4, 2021

TO: ALL 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 filed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phil". The signature is stylized with a large, sweeping "P" and a smaller "L" and "R" that are connected.

Phil La Rue  
Zoning Administrator

PDL/bja





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse  
400 Cedar Street  
Tipton, IA 52772  
Phone: (563)886-2248  
Fax: (563)886-2103  
[www.cedarcounty.org](http://www.cedarcounty.org)

September 10, 2021

TO: ALL 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 September because no petitions have been filed.

Sincerely,

A handwritten signature in blue ink that reads "P.D. La Rue". The signature is stylized with a large "P" and "L".

Phil La Rue  
Zoning Administrator

PDL/bja





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse  
400 Cedar Street  
Tipton, IA 52772  
Phone: (563)886-2248  
Fax: (563)886-2103  
[www.cedarcounty.org](http://www.cedarcounty.org)

August 9, 2021

TO: ALL CEDAR COUNTY BOARD OF ADJUSTMENT MEMBERS

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

Sincerely,

A handwritten signature in blue ink that reads "Phil". The signature is stylized with a large "P" and a cursive "hil".

Phil La Rue  
Zoning Administrator

PDL/bja



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR  
Cedar County Courthouse  
400 Cedar Street  
Tipton, IA 52772  
Phone: (563)886-2248  
Fax: (563)886-2103  
[www.cedarcounty.org](http://www.cedarcounty.org)

July 8, 2021

TO: ALL CEDAR COUNTY BOARD OF ADJUSTMENT MEMBERS

I am writing to inform you that there will **not** be a meeting of the Board of Adjustment during the month of July because not petitions have been filed.

Sincerely,

A handwritten signature in blue ink that reads "Phil". The signature is stylized with a large "P" and a small "L".

Phil La Rue  
Zoning Administrator

PDL/bja



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR  
Cedar County Courthouse  
400 Cedar Street  
Tipton, IA 52772  
Phone: (563)886-2248  
Fax: (563)886-2103  
[www.cedarcounty.org](http://www.cedarcounty.org)

June 4, 2021

### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, June 24, 2021, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. At this Public Hearing, Cedar County will be following the accepted social distancing guidelines of the State of Iowa.

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

1. **Katherine Williams, 554 Ocean Avenue, Clarence, Iowa, (Buyer) and Lynne P. Treimer Revocable Trust, 1199 Timber Lane, Tipton, Iowa (Owner)** - Requesting a variance to allow a 30 foot front yard setback for a proposed single family dwelling to be constructed at 1189 Timber Run, Tipton, Iowa, on property described as Lot 7, Timber Run, Part II, located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 36, T-80N, R-3W, Rochester Township, consisting of 1.61 acres more or less. Said property is currently zoned R-1 Suburban Residential.
2. **Jennifer Kraklio, 2248 250<sup>th</sup> Street, New Liberty, Iowa (Owner)** - Requesting a variance to allow a 29 foot front yard setback for a proposed single family dwelling to be constructed at 2248 250<sup>th</sup> Street, New Liberty Iowa, on property Lot B, located in the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 23, T-80N, R-1W, Inland Township, consisting of 2.07 acres more or less. Said property is currently zoned A-1 Agricultural Rural.

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.

Philip La Rue  
Zoning Administrator

Mailed 06/08/2021 to:

Katherine Williams

KATHERINE WILLIAMS (CERTIFIED)  
554 OCEAN AVE  
CLARENCE IA 52216

LYNNE P TREIMER REVOCABLE  
TRUST  
%LYNNE P TREIMER TRUSTEE  
1199 TIMBER LN  
TIPTON IA 52772-9313

MICHAEL & STEPHANIE WEBB  
1197 TIMBER LN  
TIPTON IA 52772-9313  
TONY A & JULIE YOUNG  
1312 BROOKWOOD DR  
IOWA CITY IA 52240-6024

JOHN TRENKAMP  
AMBER HENDERSON  
1190 TIMBER LANE  
TIPTON IA 52772-9397

BRIAN & LINDSEY PAUSTIAN  
1186 TIMBER LANE  
TIPTON IA 52772

MARK & RACHEL HAGEDORN  
1181 TIMBER LANE  
TIPTON IA 52772

C & S VENTURES LLC  
PO BOX 71  
URBANA, IA 52345

GREGORY & SUSAN KRAWIEC  
3855 FOREST GROVE DRIVE  
BETTENDORF IA 52722

JASON & AMANDA KLEPPE  
608 CRESTVIEW DR  
TIPTON IA 52772-1411

Jennifer Kraklio

JENNIFER KRAKLIO (CERTIFIED)  
2248 250<sup>th</sup> STREET  
NEW LIBERTY IA 52765

DEWULF FARMS INC  
1458 WASHINGTON AVE  
BENNETT IA 52721-9623

COLIN HERMISTON  
1522 YANKEE AVE  
NEW LIBERTY IA 52765

Emailed to Engineer Rob Fangman 06/07/21  
Emailed to Tipton Conservative 06/04/21



STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of The Tipton Conservative and Advertiser, 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

Tipton Conservative and Advertiser once

To wit on 6-9-21  
[Signature]

Subscribed and sworn to before me this 11

Day of June A.D. 20 21

[Signature]  
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 27.68

### Legal Notice

June 4, 2021

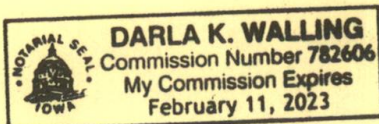
The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, June 24, 2021, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. At this Public Hearing, Cedar County will be following the accepted social distancing guidelines of the State of Iowa. At this time, the Board will consider the following petitions:

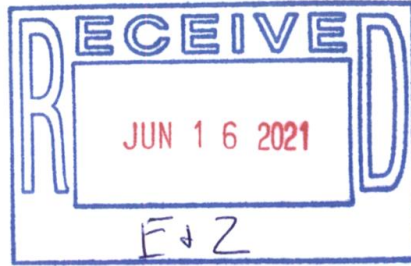
1. Katherine Williams, 554 Ocean Avenue, Clarence, Iowa, (Buyer) and Lynne P. Treimer Revocable Trust, 1199 Timber Lane, Tipton, Iowa (Owner) - Requesting a variance to allow a 30 foot front yard setback for a proposed single family dwelling to be constructed at 1189 Timber Run, Tipton, Iowa, on property described as Lot 7, Timber Run, Part II, located in the SE ¼, SE ¼, Section 36, T-80N, R-3W, Rochester Township, consisting of 1.61 acres more or less. Said property is currently zoned R-1 Suburban Residential.

2. Jennifer Kraklio, 2248 250th Street, New Liberty, Iowa (Owner) - Requesting a variance to allow a 29 foot front yard setback for a proposed single family dwelling to be constructed at 2248 250th Street, New Liberty Iowa, on property Lot B, located in the NE ¼, NW ¼, Section 23, T-80N, R-1W, Inland Township, consisting of 2.07 acres more or less. Said property is currently zoned A-1 Agricultural Rural.

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.

Philip La Rue  
Zoning Administrator  
C 32





547 Oliphant Street  
West Branch, IA 52358  
*June 14, 2021*

Phil La Rue  
Board of Adjustment Administrator  
400 Cedar Street  
Tipton, IA 52772

Dear Phil,

The arrival of the legal notice for this month's Board of Adjustment meeting made me realize that it is time for me to confront the reality of serving on a board which I am no longer qualified to serve on. The decision of the state legislature last year to prohibit urban dwellers from serving on the Board of Adjustment was a decision I do not agree with but which I will comply with.

Consequently, I hereby resign from the Cedar County Board of Adjustment, effective June 30, 2021. I thank you for the opportunity to serve for approximately 30 years, and I wish you success going forward.

Sincerely,

Claudia Beyer







**OFFICE OF THE CEDAR COUNTY ENGINEER**  
**COURTHOUSE; 400 CEDAR ST.**  
**TIPTON, IOWA 52772-1752**

---

**PHONE:** (563) 886-6102

**EMAIL:** [engineer@cedarcounty.org](mailto:engineer@cedarcounty.org)

---

June 9, 2021

Mr. Phil La Rue  
Cedar County Zoning Administrator  
400 Cedar Street  
Tipton, IA 52772

Dear Phil:

You have requested comments on the possible road impacts caused by the proposed petitions to be considered at the Board of Adjustment Public Hearing on **Thursday, June 24<sup>th</sup>, 2021 at 3:00 p.m.** I will address the petition as listed on the legal notice.

1. **Katherine Williams, 554 Ocean Avenue, Clarence, Iowa, (Buyer) and Lynne P. Treimer Revocable Trust, 1199 Timber Lane, Tipton, Iowa (Owner)** - Requesting a variance to allow a 30 foot front yard setback for a proposed single family dwelling to be constructed at 1189 Timber Run, Tipton, Iowa, on property described as Lot 7, Timber Run, Part II, located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 36, T-80N, R-3W, Rochester Township, consisting of 1.61 acres more or less. Said property is currently zoned R-1 Suburban Residential.

**This is located on seal coated route Timber Lane in a private subdivision. I do not have jurisdiction on a private roadway. Due to the limits of the topography of the lot and the location of the 100 year floodplain, I do not have any objections to the variance request.**

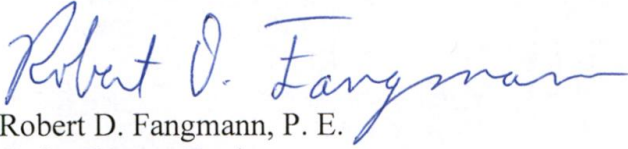
2. **Jennifer Kraklio, 2248 250<sup>th</sup> Street, New Liberty, Iowa (Owner)** - Requesting a variance to allow a 29 foot front yard setback for a proposed single family dwelling to be constructed at 2248 250<sup>th</sup> Street, New Liberty Iowa, on property Lot B, located in the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 23, T-80N, R-1W, Inland Township, consisting of 2.07 acres more or less. Said property is currently zoned A-1 Agricultural Rural.

**This is located on gravel route 250<sup>th</sup> Street and should have minimal impacts to the existing infrastructure. Due to the limits of the lot in regard to the location of the 100 year floodplain, the past removal of the barn that was approximately 10 feet from the right of way, and that a 29 foot setback on the south side of the roadway shouldn't contribute to a snow drifting situation, I do not have any objections to the variance request.**



If you have any further questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Robert D. Fangmann". The signature is written in a cursive style with a long horizontal flourish at the end.

Robert D. Fangmann, P. E.  
Cedar County Engineer

## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

June 24, 2021

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, June 24, 2021, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Claudia Beyer, Bill Lenker, Bruce Barnhart, and Chairperson Laura Twing.

The meeting was called to order at 3:00 p.m.

The Board members then considered the following petitions:

1. **Katherine Williams, 554 Ocean Avenue, Clarence, Iowa, (Buyer) and Lynne P. Treimer Revocable Trust, 1199 Timber Lane, Tipton, Iowa (Owner)** - Requesting a variance of 30 feet from the required front yard setback of 50 feet for a proposed single family dwelling to be constructed at 1189 Timber Run, Tipton, Iowa, on property described as Lot 7, Timber Run, Part II, located in the SE ¼, SE ¼, Section 36, T-80N, R-3W, Rochester Township, consisting of 1.61 acres more or less. Said property is currently zoned R-1 Suburban Residential.

Zoning Administrator La Rue advised the members to consider this variance request in accordance with Chapter 17.18(3) of Cedar County Zoning Ordinance No. 10. A letter received from County Engineer Rob Fangmann stated that the lot was located on a seal coated route in a private subdivision. It indicated that his office did not have jurisdiction on a private roadway and that due to limits of lot topography and the 100 year floodplain he did not have any objections.

General discussion about the lot, its limitations and the flood plain occurred. Ms. Williams explained to those present how she came to the requested variance to the set back, and the various measurements taken with family member who is an architect. She stated she feels what she has presented is a reasonable request. She would like to be able to walk out the back of the house and not step off/fall into the large drop off/ravine that will be her back yard. Barnhart questioned if she was working with the builder. Williams advised she was, as well as her architect family member and septic contractor. Williams will have to have an alternate septic system. Restrictive covenants indicate that she has to be 20 feet off the side yards/property lines as well. Barnhart questioned if there were options for alternate house plans and house placement on the lot and inquired why she had closed on the property before knowing she could build as she would like. Williams shared that she felt she had made modifications to make things work and she did not realize how involved this review process was or that there would be any questioning/"push back". Williams felt she was being modest in her planning and design. Barnhart shared that he felt there are additional options, house designs that should be visited possibly before the Board would make a decision. Beyers agreed that she did not want to make a decision if there were alternate options. General discussion occurred about duties/findings of the Board, restrictive covenants, past decisions on similar lots, and the understanding that lot limitations were no fault of Ms. Williams. Discussion about flood plain, fill dirt, tree removal, steepness of the slope, angle of the home occurred. Chairperson Twing questioned going against the HOA requirements. Administrator La Rue explained that he would not issue a building permit against the HOA requirements/restrictive covenants, and that the front set back for the HOA was vaguely written and indicates that they use

the road as their guide not the road right-of-way that Cedar County requires as a guide. A copy of the house floor plan was offered to the Board.

After brief discussion and no further questions, Beyer made a motion to grant the variance of 20 feet to allow a 30 foot front yard as measured from the road right-of-way for the reasons of the drop off in the back of the property and flood plain that that is a reasonable adaptation of the lot. Lenker seconded the motion. No further discussion. Ayes: Beyer, Lenker, Twing Nays: Barnhart Motion passes.

2. **Jennifer Kraklio, 2248 250<sup>th</sup> Street, New Liberty, Iowa (Owner)** - Requesting a variance of 21 feet from the required front yard setback of 50 feet for a proposed single family dwelling to be constructed at 2248 250<sup>th</sup> Street, New Liberty Iowa, on property Lot B, located in the NE ¼, NW ¼, Section 23, T-80N, R-1W, Inland Township, consisting of 2.07 acres more or less. Said property is currently zoned A-1 Agricultural Rural.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition. He advised the members to consider this variance request in accordance with Chapter 17.18(3) of Cedar of Cedar County Zoning Ordinance No. 10.

The letter received from County Engineer Rob Fangmann stated that the property is located on a gravel road and this request will have minimal impacts to existing infrastructure and snow drifting.

Zoning Administrator La Rue confirmed that all members had a map indicating where the flood plain lies in relation to the proposed replacement dwelling that was destroyed in a house fire. A professional engineer visited the site to determine if the flood plain was accurate or if a map amendment petition would need to be filed with FEMA. Keeping all of the house out of the flood plain was the preference so that there were no challenges with obtaining flood elevation permits and flood insurance. The lot also has challenges with the soil and an alternate septic system will be required. A map was shared indicating placement of the new home will be completely out of the flood plain, but will need a 29 foot set back from the required 50 foot setback. Administrator LaRue explained there was a very high water table and a Bennett Creek nearby, CSR is 95 but the water table is less than 24 inches down. Top 10 inches of soil are compacted. Original house plans and placement had them into the flood plain. Current plan gets them completely out of the flood plain and is no closer to the road than the old home that was destroyed, and further off the road than nearby agricultural buildings.

Barnhart moved to approve the petition to allow a 29 foot setback from the road right of way. Beyer seconded the request. Ayes, All.

General discussion was held about what Kraklios need to do to move forward with their requests and Administrator La Rue advised to follow up with our office when permits were ready to go.



Minutes from the last meeting held on February 25, 2021 were previously sent to the members. Beyer made a motion to approve the minutes as presented. Lenker seconded the motion. Ayes, All.

Administrator La Rue thanked Beyer for her decades of service to the Board.

No additional business, the meeting was adjourned at 4:20 p.m.

  
Chairperson, Laura Twing

  
Secretary, Janelle Axline





Tel: 563-886-2248

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

May 10, 2021

TO: ALL 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 not petitions have been filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PDL/bja



Tel: 563-886-2248

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

April 6, 2021

TO: ALL 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 not petitions have been filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PDL/bja



Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse

Tipton, Iowa 52772

March 10, 2021

TO: ALL 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 not petitions have been filed.

Sincerely,

A handwritten signature in blue ink that reads "Phil".

Phil La Rue  
Zoning Administrator

PDL/bja



Tel: 563-886-2248

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

February 5, 2021

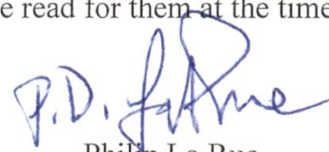
**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 25, 2021, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. At this Public Hearing, Cedar County will be following the accepted social distancing guidelines of the State of Iowa.

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

1. **Maurice and Gail Miller, 1304 Plum Street, Tipton, Iowa, (Buyers) and Paustian Construction, Inc., 1020 Ridge View Drive, Tipton, Iowa (Owner) –** Requesting a variance of 25 feet from the required front yard setback of 50 feet for a proposed single family dwelling to be constructed at 1018 Ridge View Drive, Tipton, Iowa, on property described as Lot 26, Secluded Ridge, Third Addition, located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 11, T-80N, R-3W, Center West Township, consisting of 1.17 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.

  
Philip La Rue  
Zoning Administrator



Copy emailed to Tipton Conservative on 02/05/2021. Email confirmation received from TC on 02/08/2021.

Copies sent out on 02/09/2021 to the following:

1. Maurice and Gail Miller – 1304 Plum St. Tipton, IA 52772
2. Ann Billick – 406 E. 3<sup>rd</sup> St. Tipton, IA 52772
3. Paustian Construction – 1020 Ridge View Dr. Tipton, IA 52772
4. Allen Paustian – 1020 Ridge View Dr. Tipton, IA 52772
5. Jason & Karra Wester – 1022 Ridge View Dr. Tipton, IA 52772
6. George & Jeanne Hein – 1386 Pleasant View Dr. Tipton, IA 52772
7. Blaine & Melissa Miller – 1021 Ridge View Dr. Tipton, IA 52772
8. William & Lauren Hansen – 1013 Ridge View Dr. Tipton IA 52772
9. Christel E Fowler Revocable Trust – 1011 Ridge View Dr. Tipton IA 52772
10. Willard & Carold Kullbom – 1014 Ridge View Dr. Tipton, IA 52772
11. Connie & Charlie Sublett – 1360 Pleasant View Dr. Tipton IA 52772
12. Nicholas Johnson & Jamie Lehman-Johnson – 1360 Drop Tine Ct. Tipton, IA 52772

Copy mailed to BA members along with minutes & application on 02/09/2021

Copy emailed to County Engineer on 02/08/2021

STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of The Tipton Conservative and Advertiser, 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

Tipton Conservative and Advertiser once

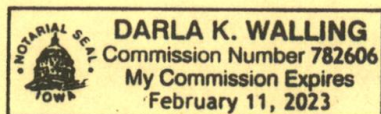
To wit on 2-10-21  
Stuart S. Clark

Subscribed and sworn to before me this 12

Day of Feb A.D. 2021

Darla K. Walling  
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 23.37



## 14 THE TIPTON CONSERVATIVE

### Legal Notice

February 1, 2021

#### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, February 25, 2021, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. At this Public Hearing, Cedar County will be following the accepted social distancing guidelines of the State of Iowa.

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

1. Maurice and Gail Miller, 1304 Plum Street, Tipton, Iowa, (Buyers) and Paustian Construction, Inc., 1020 Ridge View Drive, Tipton, Iowa (Owner) - Requesting a variance of 25 feet from the required front yard setback of 50 feet for a proposed single family dwelling to be constructed at 1018 Ridge View Drive, Tipton, Iowa, on property described as Lot 26, Secluded Ridge, Third Addition, located in the SW ¼, NW ¼, Section 11, T-80N, R-3W, Center West Township, consisting of 1.17 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.

Philip La Rue  
Zoning Administrator  
C 6





**OFFICE OF THE CEDAR COUNTY ENGINEER  
COURTHOUSE; 400 CEDAR ST.  
TIPTON, IOWA 52772-1752**

---

**PHONE:** (563) 886-6102

**EMAIL:** [engineer@cedarcounty.org](mailto:engineer@cedarcounty.org)

---

December 7, 2020

Mr. Phil La Rue  
Cedar County Zoning Administrator  
400 Cedar Street  
Tipton, IA 52772

Dear Phil:

You have requested comments on the possible road impacts caused by the proposed petitions to be considered at the Board of Adjustment Public Hearing on **Thursday, December 17<sup>th</sup>, 2020 at 3:00 p.m.** I will address the petition as listed on the legal notice.

- 1. Maurice and Gail Miller, 1304 Plum Street, Tipton, Iowa, (Buyers) and Paustian Construction, Inc., 1020 Ridge View Drive, Tipton, Iowa (Owner)** - Requesting a variance of 25 feet from the required front yard setback of 50 feet for a proposed single family dwelling to be constructed at 1018 Ridge View Drive, Tipton, Iowa, on property described as Lot 26, Secluded Ridge, Third Addition, located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 11, T-80N, R-3W, Center West Township, consisting of 1.17 acres more or less. Said property is currently zoned R-1 Suburban Residential.

**This is located on paved route Ridge View Drive in a private subdivision. I do not have jurisdiction on a private roadway. Due to the limits of the topography of the lot, I do not have any objections to the variance request.**

If you have any further questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Robert D. Fangmann". The signature is fluid and cursive, with the first name "Robert" and last name "Fangmann" clearly legible.

Robert D. Fangmann, P. E.  
Cedar County Engineer

## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

February 25, 2021

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, February 25, 2021, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Claudia Beyer, Bill Lenker, Bruce Barnhart, Laura Twing (telephonically). Also present were Phil La Rue, Zoning Administrator and Janelle Axline.

The meeting was called to order at 3:00 p.m.

Beyer made a motion to appoint Laura Twing as Chairperson. Barnhart seconded the motion. Ayes, all.

The Board members then considered the following petition:

- 1. Maurice and Gail Miller, 1304 Plum Street, Tipton, Iowa, (Buyers) and Paustian Construction, Inc., 1020 Ridge View Drive, Tipton, Iowa (Owner)** - Requesting a variance of 25 feet from the required front yard setback of 50 feet for a proposed single family dwelling to be constructed at 1018 Ridge View Drive, Tipton, Iowa, on property described as Lot 26, Secluded Ridge, Third Addition, located in the SW ¼, NW ¼, Section 11, T-80N, R-3W, Center West Township, consisting of 1.17 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 for this petition. He advised the members to consider this variance request in accordance with Chapter 17.18(3) of Cedar of Cedar County Zoning Ordinance No. 10.

Al Paustian, representing the buyers, explained the lot limitations that led to the variance request that include topography issues of a large drainage ditch in the back.

The letter received from County Engineer Rob Fangmann stated that the lot was located on a paved route in a private subdivision. It indicated that his office did not have jurisdiction on a private roadway and that due to limits of lot topography he did not have objections.

Twing questioned the topography of the lot, if granting the variance would affect utility easements and questioned location of the main road. Paustian and La Rue explained that the large drainage ditch and the types of soil present led to the need for an alternative septic system and that it would not affect neighbors or utility easements.

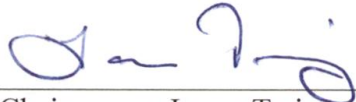
Beyer questioned if this would cause detrimental affects to the property or public welfare. La Rue told her it would not and Paustian explained that it is possible the same request may be needed for the lot next to this lot in the future and did not see it causing a problem for other properties.



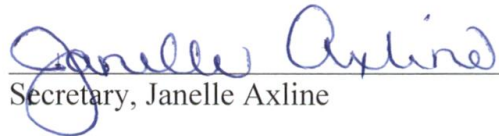
After brief discussion and no further questions, Beyer made a motion to grant the variance of 25 feet from the required front yard setback of 50 feet for a proposed single family dwelling home. Lenker seconded the motion. Ayes all.

Minutes from the last meeting held on December 17, 2020 were previously sent to the members. Barnhart made a motion to approve the minutes as presented. Beyer seconded the motion. Ayes all.

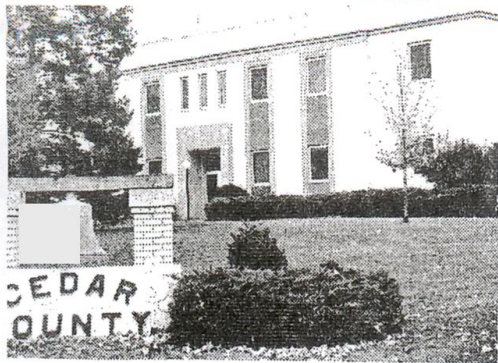
No additional business, the meeting was adjourned at 3:18 p.m.



Chairperson, Laura Twing



Secretary, Janelle Axline



Tel: 563-886-2248

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

February 18, 2021

Bruce Barnhart  
184 290<sup>th</sup> St.  
West Branch, IA 52358

Dear Bruce:

I am writing this letter to welcome you to the Cedar County Board of Adjustment. Enclosed please find informational documents prepared by Iowa State University pertaining to the comprehensive nature of zoning in Cedar County and the State of Iowa. Copies of all Ordinances and the Cedar County Land Use Plan can be found at [www.cedarcounty.org](http://www.cedarcounty.org) under the Zoning Office. I have also included a list of contacts for you that include the other Board of Adjustment members, Zoning Commission members, and the Board of Health.

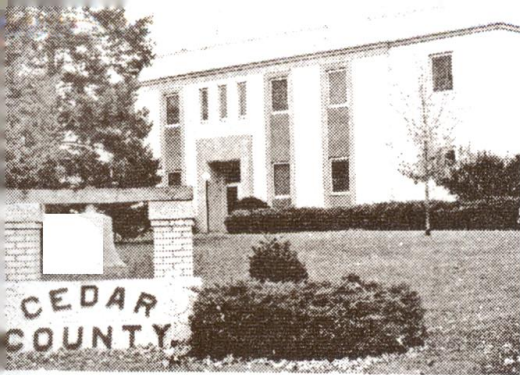
As your zoning staff, Janelle Axline and I will assist you with any questions you may have. We will prepare all applicable documentation that the Board will need for the Public Hearings. Please feel free to contact me with any questions you may have, and if you would like to meet with me prior to any Public Hearings I would be happy to do so.

Thank you for your willingness to serve on the Zoning Commission, and I look forward to working with you.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:bj  
Enclosures



Tel: 563-886-2248

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

January 7, 2021

TO: ALL CEDAR COUNTY BOARD OF ADJUSTMENT MEMBERS

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

Sincerely,

Phil La Rue  
Zoning Administrator

PDL/bja

Bill Lenker  
2053 280th St.  
Wilton, IA 52778

Tammi Goerdt  
1313 Plum St.  
Tipton, IA 52772

Laura Twing  
467 210th St.  
Tipton, IA 52772

Claudia Beyer  
547 N oliphant St.  
West Branch, IA 52358

Chuck Hoy  
606 E Oak St.  
Mechanicsville, IA 52306