



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.iowa.gov](http://www.cedarcounty.iowa.gov)

December 8, 2022

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 December because no petitions have been filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PDL/bja



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November 4, 2022

### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, November 17, 2022 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. **Allen Paustian, Paustian Construction, Inc. 1020 Ridge View Drive, Tipton, Iowa, (Owner), and Scott & Lisa Mosier, 110 Meadow Lane, Tipton, Iowa(Buyers),** - Requesting a variance of 20 feet from the required front yard setback of 50 feet and a variance of 15 feet from the required corner lot setback of 40 feet for a proposed single family dwelling to be constructed at 1017 Ridge View Drive, Tipton, Iowa, on property described as Lot 21, Secluded Ridge, Third Addition, located in the SW ¼, NW ¼, Section 11, T-80N, R-3W, Center West Township, consisting of 1.9 acres more or less. Said property is currently zoned R-1 Suburban Residential.
2. **Kayla & Dustin Burnett, 23 Oak Avenue, Clarence, Iowa (Owners),** Requesting a variance of 39 feet from the required front yard front yard setback of 50 feet for a proposed storage shed to be constructed at 23 Oak Avenue, Clarence, Iowa, on property described as Parcel B in the NE ¼, NE ¼, Section 5, T-82N, R-3W, Dayton Township, consisting of 3.29 acres more or less.
3. **Julie Aline Achenbach, 1120 Water-Cedar Bluff Street, Tipton, Iowa (Owner),** Requesting a Home Occupation Permit for the purpose of operating a hair salon in her home located on Lot 11 and 12, Block 13 in the unincorporated town of Cedar Bluff, also described as NE ¼, NE ¼, Section 33, T-81N, R-4W, Cass 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 LaRue  
Zoning Administrator

## **Paustian/Mosier**

Mailed Notices 11/08/2022 to:

Paustian Construction (certified)  
Allen Paustian Revocable Trust  
1020 Ridge View Dr  
Tipton IA 52772

Scott & Lisa Mosier (certified)  
110 Meadow Ln  
Tipton IA 52772

Darren & Lisa Lenz  
1013 Ridge View Dr  
Tipton IA 52772

Nicholas Johnson  
Jamie Lehman-Johnson  
1360 Drop Tine Ct  
Tipton IA 52772

Maury & Gail Miller  
1018 Ridge View Dr  
Tipton IA 52772

Blaine & Melissa Miller  
1021 Ridge View Dr  
Tipton IA 52772

Jason & Karra Wester  
1022 Ridge View Dr  
Tipton IA 52772

Ralph & Ann Billick  
406 E 3<sup>rd</sup> St  
Tipton IA 52772

Christel Fowler Revocable Trust  
1011 Ridge View Dr  
Tipton IA 52772

Emailed to:  
Engineer Rob Fangmann

Willard & Carol Kullbom  
1014 Ridge View Dr  
Tipton IA 52772

George & Jeanne Hein  
1386 Pleasant View Dr  
Tipton IA 52772

Mark & Carla Shaull  
1067 Oak View Ct  
Tipton IA 52772

Jeffrey & Christina Nantz  
1063 Oak View Ct  
Tipton IA 52772

Terry & Pamela Benning  
1061 Oak View Ct  
Tipton IA 52772

Timothy & Cassandra Petersen  
Revocable Trust  
1027 210<sup>th</sup> St  
Tipton IA 52772

Joshua & Abby Hein  
1359 Pleasant View Dr  
Tipton IA 52772

Matt & Amanda McCall  
1357 Pleasant View Dr  
Tipton IA 52772

Charles & Connie Sublett  
1360 Pleasant View Dr  
Tipton IA 52772

Rodney & Sharon Laucamp  
1356 Pleasant View Dr  
Tipton IA 52772

All BOA Members

**Burnett**

Mailed Notices 11/08/2022 to:

Kayla & Dustin Burnett (certified)

23 Oak Ave

Clarence IA 52216

All BOA Members

Daniel & Mary Levsen

10404 Co Rd E-53

Clarence IA 52216

Shirley Speckhart Declaration of Trust

Janet Janssen

5011 Anyka Ln

Quincy IL 62305

## Achenbach

Mailed Notices 11/08/2022 to:  
Julie Aline Achenbach (certified)  
1120 Water-Cedar Bluff St  
Tipton IA 52772

Edwin Pence  
1219 Second-Cedar Bluff St  
Tipton IA 52772

David Oaks  
1128 Franklin St  
Iowa City IA 52240

Kathleen Stahle  
PO Box 5030  
Bettendorf IA 52722

Kelli Jo & Tyler Rozinek  
1201 State Cedar Bluff St  
Tipton IA 52772

David & Kay Lahr  
1602 Cedar-Cedar Bluff St  
Tipton IA 52772

Leila Cox  
1211 Second-Cedar Bluff St  
Tipton IA 52772

Dan Sexton  
1203 Second-Cedar Bluff St  
Tipton IA 52772

Michelle Nutting  
1218 Second-Cedar Bluff St  
Tipton IA 52772

Colleen Bauer  
Roland Zschiegner  
1212 Second-Cedar Bluff St  
Tipton IA 52772

Anthony & Lisa Jensen  
1200 State-Cedar Bluff St  
Tipton IA 52772

All BOA Members

Joseph & Kaylynn Lahr  
1602 Cedar-Cedar Bluff St  
Tipton IA 52772

Dianna Lemburg  
1103 First-Cedar Bluff St  
Tipton IA 52772

Lisa & Craig Burmeister  
1297 Vail Ave  
Durant IA 52747

Barb & Tucson Lemburg  
1107 First-Cedar Bluff St  
Tipton IA 52772

Jay & Vickie Meier  
409 W Sheridan Dr  
Eldridge IA 52748

Lucinda Rocha  
1202 State-Cedar Bluff St  
Tipton IA 52772

Janet Thompson  
1609 Cedar-Cedar Bluff St  
Tipton IA 52772

Daniel Shima Living Trust  
409 W Sheridan Dr  
Eldridge IA 52748

David & Marcia Rozinek  
1956 Charles Ave  
West Branch IA 5238

David Annen  
106 Lemon St  
Tipton IA 52772

Christopher Bergmann  
1103 State-Cedar Bluff St  
Tipton, IA 52772

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 11-9-22

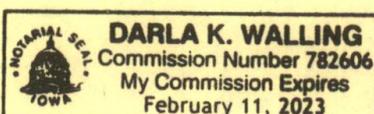
Stuart S. Clark

Subscribed and sworn to before me this 11

Day of Nov A.D. 2022

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

Printer's fee \$ 32.60



### Legal Notice

November 4, 2022

#### LEGAL NOTICE

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1. Allen Paustian, Paustian Construction, Inc. 1020 Ridge View Drive, Tipton, Iowa, (Owner), and Scott & Lisa Mosier, 110 Meadow Lane, Tipton, Iowa (Buyers), - Requesting a variance of 20 feet from the required front yard setback of 50 feet and a variance of 15 feet from the required corner lot setback of 40 feet for a proposed single family dwelling to be constructed at 1017 Ridge View Drive, Tipton, Iowa, on property described as Lot 21, Secluded Ridge, Third Addition, located in the SW 1/4, NW 1/4, Section 11, T-80N, R-3W, Center West Township, consisting of 1.9 acres more or less. Said property is currently zoned R-1 Suburban Residential.
2. Kayla & Dustin Burnett, 23 Oak Avenue, Clarence, Iowa (Owners), Requesting a variance of 39 feet from the required front yard front yard setback of 50 feet for a proposed storage shed to be constructed at 23 Oak Avenue, Clarence, Iowa, on property described as Parcel B in the NE 1/4, NE 1/4, Section 5, T-82N, R-3W, Dayton Township, consisting of 3.29 acres more or less.
3. Julie Aline Achenbach, 1120 Water-Cedar Bluff Street, Tipton, Iowa (Owner), Requesting a Home Occupation Permit for the purpose of operating a hair salon in her home located on Lot 11 and 12, Block 13 in the unincorporated town of Cedar Bluff, also described as NE 1/4, NE 1/4, Section 33, T-81N, R-4W, Cass 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 LaRue  
Zoning Administrator  
C 45



# OFFICE OF THE CEDAR COUNTY ENGINEER

## COURTHOUSE; 400 CEDAR ST.

## TIPTON, IOWA 52772-1752

## [www.cedarcounty.iowa.gov](http://www.cedarcounty.iowa.gov)

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

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

November 9, 2022

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, November 17, 2022 at 3:00 p.m.** I will address the petition as listed on the legal notice.

- 1. Allen Paustian, Paustian Construction, Inc. 1020 Ridge View Drive, Tipton, Iowa, (Owner), and Scott & Lisa Mosier, 110 Meadow Lane, Tipton, Iowa(Buyers),** - Requesting a variance of 20 feet from the required front yard setback of 50 feet and a variance of 15 feet from the required corner lot setback of 40 feet for a proposed single family dwelling to be constructed at 1017 Ridge View Drive, Tipton, Iowa, on property described as Lot 21, 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 1.9 acres more or less. Said property is currently zoned R-1 Suburban Residential.

**This is located on paved route Ridge View Drive and should have minimal impact on the existing infrastructure. Due to the unique geometry of the lot, I am not opposed to the request.**

- 2. Kayla & Dustin Burnett, 23 Oak Avenue, Clarence, Iowa (Owners),** Requesting a variance of 39 feet from the required front yard front yard setback of 50 feet for a proposed storage shed to be constructed at 23 Oak Avenue, Clarence, Iowa, on property described as Parcel B in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 5, T-82N, R-3W, Dayton Township, consisting of 3.29 acres more or less.

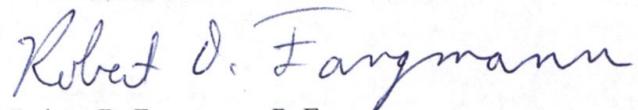
**This is located on gravel route Oak Avenue and should have minimal impact on the existing infrastructure. Due to the location of the septic field adjacent to the building site and the larger amount of right of way that exists, I am not opposed to the request under the condition that the new structure is contained within the same footprint as the original structure.**

3. **Julie Aline Achenbach, 1120 Water-Cedar Bluff Street, Tipton, Iowa (Owner)**, Requesting a Home Occupation Permit for the purpose of operating a hair salon in her home located on Lot 11 and 12, Block 13 in the unincorporated town of Cedar Bluff, also described as NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 33, T-81N, R-4W, Cass Township.

**This is located on gravel route Water-Cedar Bluff Street and should have minimal impact on the existing infrastructure. Sufficient parking must be provided to ensure clients are not parking within county right of way.**

If you have any further questions, please contact me.

Sincerely,



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

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

November 17, 2022

The Cedar County Board of Adjustment conducted a Public Hearing on November 17, 2022, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Sheila Budelier, 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. **Allen Paustian, Paustian Construction, Inc. 1020 Ridge View Drive, Tipton, Iowa, (Owner), and Scott & Lisa Mosier, 110 Meadow Lane, Tipton, Iowa(Buyers),** - Requesting a variance of 20 feet from the required front yard setback of 50 feet and a variance of 15 feet from the required corner lot setback of 40 feet for a proposed single family dwelling to be constructed at 1017 Ridge View Drive, Tipton, Iowa, on property described as Lot 21, Secluded Ridge, Third Addition, located in the SW ¼, NW ¼, Section 11, T-80N, R-3W, Center West Township, consisting of 1.9 acres more or less. Said property is currently zoned R-1 Suburban Residential.

Zoning Administrator La Rue advised there are no written or verbal objections on file, and he asked members to review according to 17.18(3) Cedar County Zoning Ordinance No. 10. Letter on file from Cedar County Engineer. Rob Fangmann was present and explained it is a private road and did not see that there would be any impacts to the existing road. It is a unique lot and feels we need to do better in the future when forming subdivisions and has no objections to this request. Allen Paustian explained they would like to get closer to the road due to topography of the lot and to save on costs and construction challenges. La Rue explained that the east side of the lot did not look to be a problem, but on the cul de sac side definitely a setback issue/too close. La Rue would like to see the house move further southwest so there are not additional challenges when developing the lot to the northwest of this lot. Was wondering if the house could be rotated to allow for further set back and avoid future development issues. Twing shared while it was not the topic at hand she wanted to note that she is worried about the lot next to this one due to its narrowness and feels it will require a specially designed home. She questioned if Mosiers would consider buying that lot as well and build in the middle of the two lots. Paustian shared that the lot was already sold. Barnhart questioned if the purchaser was aware of this meeting and Budelier asked if they would need a variance as well. Paustian stated the purchaser is aware and no variance will be needed as they plan to have a long driveway and build in the back of the lot. Twing questioned if Paustian designed the lots. He said he had not, it was before he purchased and was done by former developer/owner Dean Wood and his surveyor. Engineer Fangmann shared challenges they have encountered with subdivisions and this has led to ideas for improved subdividing and lot formation going forward. Barnhart agreed stating subdivisions are typically formed using 2D maps and building occurs in 3D so problems come up. Budelier moved to approve the variance as requested due to no objections. Barnhart seconded adding he may have approved either way, but supported approval of the variance due to no objections as well. He just did not like to see needing to approve for several lots in the same subdivision as one had been done across the street just last year. Twing questioned Paustian about people building homes larger than he anticipated when developing and he replied that is certainly a factor as well. Barnhart added that he has run into similar issues with his subdivision and understands how it can happen. Ayes: All. Motion passed.

2. **Kayla & Dustin Burnett, 23 Oak Avenue, Clarence, Iowa (Owners)**, Requesting a variance of 39 feet from the required front yard front yard setback of 50 feet for a proposed storage shed to be constructed at 23 Oak Avenue, Clarence, Iowa, on property described as Parcel B in the NE ¼, NE ¼, Section 5, T-82N, R-3W, Dayton Township, consisting of 3.29 acres more or less.

Dustin Burnett shared that they purchased the property in July of 2020 and then the derecho occurred changing the entire look of the property by damaging and destroying several structures. They are looking to rebuild several buildings, but this one in particular is requested to be rebuilt in the same place due to challenges with interference with the existing septic system. Zoning Administrator La Rue advised there are no written or verbal objections on file, and that there were originally concerns due to the snow track that it created in relation to the road. Fangmann added that this was originally a concern he discussed with Burnetts along with electrical issues that are being working through. He now knew they were tied to this location though due to the septic. It was also discovered the road ROW there is 80 feet instead of the normal 66 feet which technically puts them closer yet, but provided justification in Fangmann's mind for the allowance. Twing questioned if very little traffic in this area. Fangmann advised yes, little traffic. La Rue questioned what the setback, if approved, would be. Burnett stated they are asking for about 8 feet off the ROW in their request. Barnhart questioned if this was due to them not being ag. Advised yes, ag neighbors, but once this property was split from the farm they no longer have some of the exemptions farmers have. Barnhart moved to approve the variance as requested due to the Engineer being okay with the replacement/ buildings placement. Budelier seconded. Ayes: All. Neighbor Dan Levsen was present and wanted to voice his support and that he had no issues with Burnett's proposed location of building replacement. No further discussion. Motion passed.

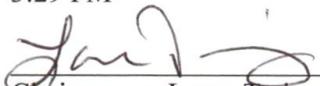
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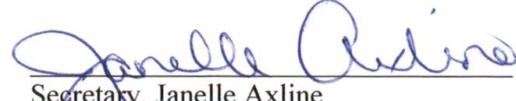
Twing questioned if Achenbach currently worked at a salon. Achenbach shared that she currently works in Tipton at Trends and Traditions and rents a chair for the last 10 years. She has a new grandchild and wants to be more available to family. She feels she has several more years of this ahead of her, but she wants to transition to her home and maintain some of her clients. Richard Achenbach added, she is not expanding, simply wants to be home for their grandson. Zoning Administrator La Rue advised there are no written or verbal objections on file, and questioned Achenbach would have appropriate permitting for her location. She stated she would and is required to take photos and submit to them. No one comes onsite. Off street parking, one chair and one client at a time. Plans to only have a sign in a window to tell her clients they are in the right place. Rob Fangmann was present and said he would stop out to look at proposed driveway changes but could not think of any concerns. Budelier moved to approve the HOP subject to annual review and Achenbach maintaining her license. Barnhart seconded. Ayes: All. No further discussion. Motion passed.

General discussion of the subdivision process occurred.

Minutes from the last meeting held on October 27, 2022, were previously sent to the members. Barnhart made a motion to approve the minutes as presented. Budelier seconded. Ayes: All. Motion passed.

No additional business. Barnhart moved to adjourn the meeting. Budelier seconded. Meeting adjourned at 3:29 PM

  
Chairperson, Laura Twing

  
Secretary, Janelle Axline



Tel: 563-886-2248

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

Tipton, Iowa 52772

October 7, 2022

**LEGAL NOTICE**

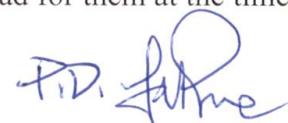
The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, October 27, 2022, at 3:00 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Wayne & Patty Laing, 451 250<sup>th</sup> St., West Branch, Iowa (Owners) –**

Requesting approval of a variance to allow construction of a second farm dwelling at a location further than 250 feet from existing farm structures on property located in the SE ¼, SW ¼, Section 14, T-80N, R-4W, Gower Township, consisting of 35.28 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.



Philip La Rue  
Zoning Administrator

Letters mailed 10/11/22 to:

Wayne Laing (certified)  
451 250<sup>th</sup> St  
West Branch IA 52358

Jason Laing  
449 250<sup>th</sup> St  
West Branch IA 52358

Ron Zousel  
1479 Echo Ave  
West Branch IA 52358

Larry Lynch  
1437 Echo Ave  
West Branch IA 52358

Robert Zimmerman  
482 250<sup>th</sup> St  
West Branch IA 52358

Stephen Lacina  
4821 American Legion Rd SE  
Iowa City, IA 52240

Reichert Trust  
Attn: Christina Peterson  
555 150<sup>th</sup> St  
Seaton IL 61476

All BOA members on 10/12/22

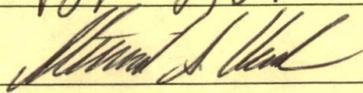
Email to Rob Fangmann 10/12/22

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 10-12-22



Subscribed and sworn to before me this 14

Day of Oct A.D. 2022

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

Printer's fee \$ 21.15

**Legal Notice**

October 7, 2022  
LEGAL NOTICE

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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 41

STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of the West Branch Times, 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

West Branch Times Once

To wit on 10-13-22

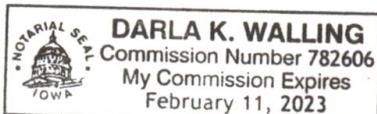
Stuart S. Clark

Subscribed and sworn to before me this 18

Day of Oct A.D. 2022

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

Printer's fee \$ 21.15



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Philip La Rue  
Zoning Administrator  
C 41



**OFFICE OF THE CEDAR COUNTY ENGINEER**  
**COURTHOUSE; 400 CEDAR ST.**  
**TIPTON, IOWA 52772-1752**  
**[www.cedarcounty.iowa.gov](http://www.cedarcounty.iowa.gov)**

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

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

October 7, 2022

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, October 27<sup>th</sup>, 2022 at 3:00 p.m.** I will address the petition as listed on the legal notice.

1. **Wayne & Patty Laing, 451 250<sup>th</sup> St., West Branch, Iowa (Owners)** – Requesting approval of a variance to allow construction of a second farm dwelling at a location further than 250 feet from existing farm structures on property located in the SE ¼, SW ¼, Section 14, T-80N, R-4W, Gower Township, consisting of 35.28 acres more or less. Said property is currently zoned A-1 Agricultural District.

**This is located on gravel route Echo Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with my office.**

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**

October 27, 2022

The Cedar County Board of Adjustment conducted a Public Hearing on October 27, 2022, 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 petitions:

1. **Wayne & Patty Laing, 451 250<sup>th</sup> St., West Branch, Iowa (Owners)** – Requesting approval of a variance to allow construction of a second farm dwelling at a location further than 250 feet from existing farm structures on property located in the SE ¼, SW ¼, Section 14, T-80N, R-4W, Gower Township, consisting of 35.28 acres more or less. Said property is currently zoned A-1 Agricultural District.

Zoning Administrator La Rue advised there are no written or verbal objections on file, and he asked members to review according to 17.18(3) Cedar County Zoning Ordinance No. 10 and Chapter 5(c) (2) as it pertains to secondary dwellings. Letter on file from Cedar County Engineer. Rob Fangmann was present and explained that there was a shared driveway in the past, but due to site distance issues Laings must install a new driveway, and shared with the board the approved location. Patty Laing explained that they plan to build a home that both them and one of their children can live in. Their existing home is not handicap accessible and was recently very problematic after a surgical procedure she had done. When they inquired about the cost of renovating their current home to meet their needs for the future it did not make sense. That, along with their daughters plans to retire in the next several years and care for her parents as they age so that they do not have to go to a care center or leave home were the reasons for the request for variance. The old home will be kept in the family and handed down to one of their children or grandchildren. He will ensure it stays in the family and will be working with an attorney to ensure it all stays together. Wayne shared that the land should not and really cannot be row cropped due to run off issues. He has planted many trees and built a pond. They have talked with the neighbors about driveway and where they plan to build. They did not feel that having a third home accessed from the existing drive was reasonable and that is why they decided to have access off of Echo Avenue. Barnhart questioned if they were going to drill a new well. Laings advised they would. General discussion occurred about next steps they need to take to move forward.

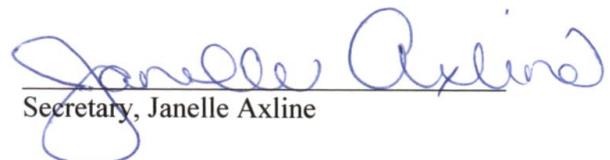
Lenker moved to approve the variance as requested. Barnhart seconded. Ayes: All. No further discussion. Motion passed.

Minutes from the last meeting held on August 25, 2022 were previously sent to the members. Barnhart made a motion to approve the minutes as presented. Lenker seconded. Ayes: All. Motion passed.

No additional business. Twing declared the meeting adjourned at 3:24 PM.



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.iowa.gov](http://www.cedarcounty.iowa.gov)

September 2, 2022

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,

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

August 5, 2022

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, August 25, 2022, 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. **Edward Clark, 57 Solon Rd, Solon, Iowa (Owner)** – Requesting approval of a Home Industry Permit to allow for the transfer of firearms on property described as an Irregular Tract in the Northwest corner of Lot 2 of Government Lot 6, located in the NW ¼, NE ¼, Section 19, T-81N, R-4W, Cass Township, consisting of 5.45 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.



Philip La Rue  
Zoning Administrator

**Emailed to:**

Tipton Conservative (08/05/22)

Engineer Rob Fangmann (08/08/22)

**Mailed on 08/09/22 to:**

Edward Clark (requested it not be mailed certified)  
57 Solon Rd.  
Solon, IA 52333

Fobian Farms, Inc.  
3639 Oasis Rd Ne  
West Branch IA 52358-9545

Jordan & Jeanette Pettus  
61 Solon Rd  
Solon IA 52333-8604

Shelley Walkner & Lou Ann Rickley  
23832 Matador Way  
Murietta CA 92562

Cal & Nancy Lilenthal  
68 Solon Rd  
Solon IA 52333-8604

STATE OF IOWA, CEDAR COUNTY, ss:

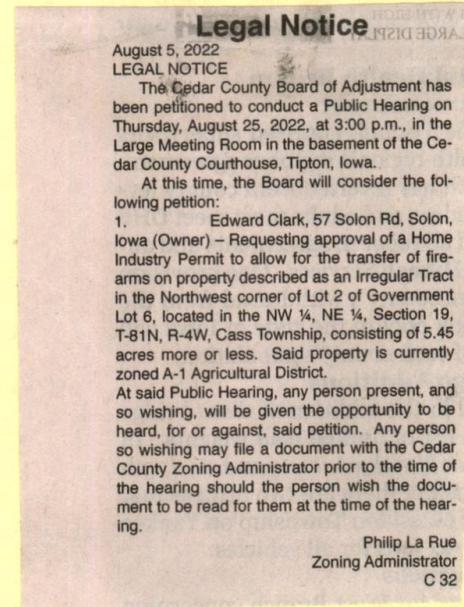
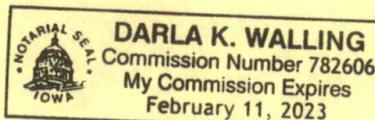
I, Stuart S. Clark, publisher of The Tipton Conservative and Advertiser, a weekly newspaper of general circulation, published in said county, being duly sworn do declare and say that a notice, of which one hereto attached is a copy, was published in the said

Tipton Conservative and Advertiser once

To wit on 8-10-22  
Stuart S. Clark

Subscribed and sworn to before me this 10  
Day of August A.D. 20 22  
Darla K. Walling  
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 18.59





**OFFICE OF THE CEDAR COUNTY ENGINEER**  
**COURTHOUSE; 400 CEDAR ST.**  
**TIPTON, IOWA 52772-1752**  
**[www.cedarcounty.iowa.gov](http://www.cedarcounty.iowa.gov)**

---

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

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

---

August 12, 2022

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, August 25<sup>th</sup>, 2022 at 3:00 p.m.** I will address the petition as listed on the legal notice.

1. **Edward Clark, 57 Solon Rd, Solon, Iowa (Owner)** – Requesting approval of a Home Industry Permit to allow for the transfer of firearms on property described as an Irregular Tract in the Northwest corner of Lot 2 of Government Lot 6, located in the NW ¼, NE ¼, Section 19, T-81N, R-4W, Cass Township, consisting of 5.45 acres more or less. Said property is currently zoned A-1 Agricultural District.

**This is located on gravel route Solon Road and should have minimal impact on the existing infrastructure. Since petitioner owns a mobile business, he will not have any clients come to the address so there won't be any additional traffic generated on Solon Road due to the approval of the Home Occupation Permit.**

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**

August 25, 2022

The Cedar County Board of Adjustment conducted a Public Hearing on August 25, 2022, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Bill Lenker, Bruce Barnhart, Chuck Hoy, Sheila Budelier and Chairperson Laura Twing. The meeting was called to order at 3:00 p.m.

The Board members then considered the following petitions:

1. **Edward Clark, 57 Solon Rd, Solon, Iowa (Owner)** – Requesting approval of a Home Industry Permit to allow for the transfer of firearms on property described as an Irregular Tract in the Northwest corner of Lot 2 of Government Lot 6, located in the NW ¼, NE ¼, Section 19, T-81N, R-4W, Cass Township, consisting of 5.45 acres more or less. Said property is currently zoned A-1 Agricultural District.

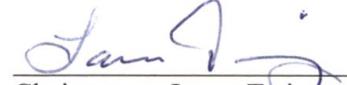
Zoning Administrator La Rue advised there are no written or verbal objections on file, and he asked members to consider this variance request in accordance with Chapter 15 of Cedar of Cedar County Zoning Ordinance No. 10. Letter on file from Cedar County Engineer, Rob Fangmann indicating it is on a gravel route and should have minimal impacts to existing infrastructure, since it is a mobile business clients will typically not be coming to his home to generate more traffic on Solon Rd. Twing asked Clark to clarify that transfers would be happening in the truck on his property or somewhere else. Clark clarified that they will be happening in his shop on his property. He had not asked to do the transfers as mobile as he presumes he would have to follow gun show requirements then and ATF may frown upon that. His tool business is mobile, the gun transfers are not. Tools are 99% of his business the guns are just rewards for repeat or high volume customers. Barnhart questioned if the petition was for the tool business and the firearms or just the firearms. Clark explained just the firearms as the tool business is not conducted out of the house. Very rare occasion that a tool customer would come to him. Maybe once or twice per year. Twing questioned no fixing, building of guns, no ammunition. Clark said none of that. Only ammunition or reloading of ammunition is done for personal use. New building is being built to house his work truck and personal items and this is where the gun transfers will occur. Jordan and Jeanette Pettus were present and share a driveway with Clark. Mrs. Pettus wanted to clarify that that Clark had an ATF license that is needed to do firearms transfers. Clark explained he has a current FFL (for 7 years) from the ATF but since he moved from Colorado to Iowa that has been suspended. He said the license is in transition. She asked if this permit will allow him to both transfer and sell firearms. He said it would allow for both, but is not a manufacturer or suppressor license. He said he has no intention of selling firearms due to it being “kind of a pain”. He is simply doing the transfers as a customer service. Mr. Pettus asked how many transfers a year. He said in Colorado he averaged about 50 a year, unsure of how many he will do in Iowa. Mr. Pettus shared concerns of 50 strangers (average of one per week) coming into the area as well as the delivery trucks being in a residential area. Clark explained guns are only for his customers. They are not strangers to him and he sees them on a regular basis through his business. He explained he has a route of approximately 300 customer per week. Generally, it is the same 300 each week. He has extensive information on each of these individuals as customers. Mrs. Pettus wanted to be sure there would be no firing range or shooting the guns on his property. Clark advised, no. Mr. Pettus asked about trucks delivering tools to his mobile truck and how that would affect the driveway. He said they come UPS, FedEx, Amazon. Usually smaller trucks, not semis. La Rue clarified this is for the firearms only. His tool business is not conducted out of the home, now part of this petition. Pettus shared they had a home occupation permit for photography years ago and the former owners of Mr. Clark’s home were not very receptive to that so they never ended up using it because neighbors were unhappy about it, didn’t want signage. Other than his tool truck sitting in the driveway that

can only be seen by those on the river, he has no plans for signage or advertising on his property. La Rue clarified that most of the other Home Occupation/Industry permits issued in Cedar County related to firearms did not have any signage. General discussion of road maintenance, amount of traffic and residences on the road and driveway concerns occurred. They were encouraged by La Rue and Twing to talk to the Cedar County Engineer and BOS about those concerns and Barnhart reminded those were not issue that this Board could address. La Rue added if approved it would be subject to annual review, ATF compliance and that the guns are secured while on property. Clark added the ATF does a site survey to verify security and other measures and a minimum of double locks of the firearms. Clark reiterated that he does not have an inventory of guns. A gun is ordered and then transferred to the customer immediately. Only guns stored are his guns for personal use.

Hoy moved to approved the Home Occupation permit, subject to annual review. Barnhart seconded. Ayes: All. No further discussion. Motion passed.

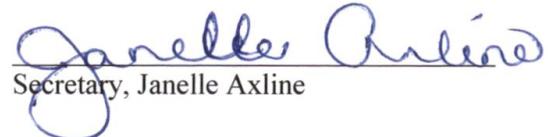
Minutes from the last meeting held on March 24, 2022 were previously sent to the members. Barnhart made a motion to approve the minutes as presented. Hoy seconded. Ayes: All. Motion passed.

No additional business. Twing declared the meeting adjourned at 3:25 PM.



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Chairperson, Laura Twing



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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.iowa.gov](http://www.cedarcounty.iowa.gov)

July 7, 2022

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 no petitions have been filed.

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.iowa.gov](http://www.cedarcounty.iowa.gov)

June 6, 2022

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 June because no petitions have been filed.

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)

May 11, 2022

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 no petitions have been filed.

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)

April 4, 2022

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 no petitions have been filed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phil La Rue".

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)

March 4, 2022

**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 24, 2022, 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. **Kenneth Crock & Sarah Crock, 1120 Monroe Avenue, Tipton, Iowa (Owners)** – Requesting approval of a Home Occupation Permit to allow for a real estate and insurance business on property described as Parcel J located in the NW ¼, NE ¼, Section 31, T-81N, R-2W, Center West Township, consisting of 2.22 acres more or less. Said property is currently zoned R-1 Suburban Residential.
2. **Lawrence Lynch & Amy Kessler Lynch, 1967 Baker Avenue, West Branch, Iowa, (Owners)** - Requesting a variance of 15 feet from the required side yard setback of 20 feet for a proposed public, commercial storage facility to be constructed at 108 W Tidewater Drive, West Branch, Iowa, on property described as Parcel F located in the NE ¼, SE ¼, Section 7, T-79N, R-4W, Springdale Township, consisting of 1.13 acres more or less. Said property is currently zoned C-2 Highway Commercial.

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



# 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)

March 7, 2022

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, March 24<sup>th</sup>, 2022 at 3:00 p.m.** I will address the petition as listed on the legal notice.

1. **Kenneth Crock & Sarah Crock, 1120 Monroe Avenue, Tipton, Iowa (Owners)** – Requesting approval of a Home Occupation Permit to allow for a real estate and insurance business on property described as Parcel J located in the NW ¼, NE ¼, Section 31, T-81N, R-2W, Center West Township, consisting of 2.22 acres more or less. Said property is currently zoned R-1 Suburban Residential.

**This is located on gravel route Monroe Ave. and should have minimal impact on the existing infrastructure. The existing entrance meets the sight distance requirements as per county policy. No parking will be allowed along Monroe Avenue.**

2. **Lawrence Lynch & Amy Kessler Lynch, 1967 Baker Avenue, West Branch, Iowa, (Owners)** - Requesting a variance of 15 feet from the required side yard setback of 20 feet for a proposed public, commercial storage facility to be constructed at 108 W Tidewater Drive, West Branch, Iowa, on property described as Parcel F located in the NE ¼, SE ¼, Section 7, T-79N, R-4W, Springdale Township, consisting of 1.13 acres more or less. Said property is currently zoned C-2 Highway Commercial.

**This is located on gravel route W Tidewater Dr. and Leonard Ln. which are located in a privately maintained subdivision, therefore my department does not have jurisdiction of the interior roads.**

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

Notices sent 03/07/22  
for Crock:

KENNETH & SARA CROCK (certified)  
1120 MONROE AVE  
TIPTON, IA 52772

DENISE CROCK  
1544 OCEAN AVE  
TIPTON IA 52772-9316

DAVID & AMY FRASEUR  
355 OVERLOOK DR  
WEST LAFAYETTE IN 47906-1249

KENNETH & IOLA EHLERS  
1727 240TH STREET  
TIPTON IA 52772-9448

DENNIS & MARY ELLEN MARCHIK  
1402 PLUM  
TIPTON IA 52772-1300

CEDAR STREET BAPTIST CHURCH  
1401 PLUM ST  
TIPTON, IA 52772

Notices sent 03/07/22  
for Lynch:

LAWRENCE LYNCH & (certified)  
AMY KESSLER-LYNCH  
1967 BAKER AVE  
WEST BRANCH IA 52358-8539

WEISMAN FAMILY TRUST  
409 W ORANGE ST  
PO BOX 565  
WEST BRANCH IA 52358-0565

SATKAIVAL INC (formerly owned by GOKUL HOSPITALITY)  
711 S DOWNEY ST  
WEST BRANCH IA 52358-4704

ALTORFER INC  
2600 SIXTH STREET SW  
CEDAR RAPIDS IA 52404

COLE KG WEST BRANCH IA LLC  
BRANDT JAMES J KUM & GO LC  
1459 GRAND AVE  
ATTN: PROPERTY MANAGER  
DES MOINES IA 50309

KENNETH KEITH NOEL  
169 290TH ST  
PO BOX 116  
WEST BRANCH IA 52358

WILLIS LAWRENCE LLC  
500 ALRUBY CIRCLE  
PO BOX 338  
HILLS IA 52235-0338

RAYMOND BARNES  
133 OLIPHANT ST  
PO BOX 766  
WEST BRANCH IA 52358-0766

RUMMELLS FARMS INC  
C/O HERTZ FARM MANAGEMENT  
PO BOX 500  
NEVADA IA 50201-0500

D THREE LLC  
C/O DAVE CLARK MGR  
PO BOX 2026  
IOWA CITY IA 52244

SHANNON KAPINSKI  
571 OCEAN AVE  
CLARENCE IA 52216-9339

BRENDA & LYNN GRIEBAHN  
3590 UTAH AVE NE  
IOWA CITY IA 52240-8052

GARY & JANLYN SLACH  
200 RIDGE VIEW DR  
WEST BRANCH IA 52358-8001

NORMAN & ANNABELL ALBIN  
215 THOMAS DRIVE  
WEST BRANCH IA 52358-9606

DARRALL & NIKI BRICK  
170 290TH ST  
WEST BRANCH IA 52358-8572

ALL BOARD OF ADJUSTMENT MEMBERS

DALE E LYNCH REVOCABLE TRUST  
1967 BAKER AVE  
WEST BRANCH IA 52358-8666

McDONALDS REAL ESTATE COMPANY  
ONE MCDONALDS PLAZA  
PO BOX 182571  
COLUMBUS OH 43218-2571

CASEYS MARKETING COMPANY  
PO BOX 54288  
LEXINGTON KY 40555

**Emailed Notice on 03/04/22 and 03/07/22 to:**

West Branch Times

Tipton Conservative

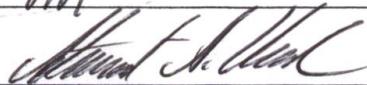
Cedar County Engineer, Rob Fangmann

STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of the West Branch Times, 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

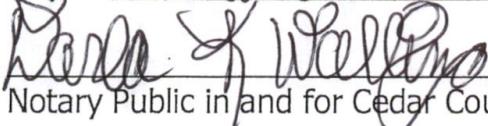
West Branch Times Once

To wit on 3-10-22



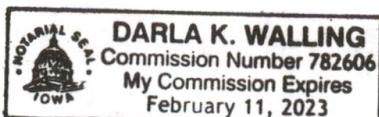
Subscribed and sworn to before me this 14

Day of March A.D. 2022



Notary Public in and for Cedar County, Iowa

Printer's fee \$ .29.49



### Legal Notice

March 4, 2022

#### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 24, 2022, 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. Kenneth Crock & Sarah Crock, 1120 Monroe Avenue, Tipton, Iowa (Owners) - Requesting approval of a Home Occupation Permit to allow for a real estate and insurance business on property described as Parcel J located in the NW 1/4, NE 1/4, Section 31, T-81N, R-2W, Center West Township, consisting of 2.22 acres more or less. Said property is currently zoned R-1 Suburban Residential.

2. Lawrence Lynch & Amy Kessler Lynch, 1967 Baker Avenue, West Branch, Iowa, (Owners) - Requesting a variance of 15 feet from the required side yard setback of 20 feet for a proposed public, commercial storage facility to be constructed at 108 W Tidewater Drive, West Branch, Iowa, on property described as Parcel F located in the NE 1/4, SE 1/4, Section 7, T-79N, R-4W, Springdale Township, consisting of 1.13 acres more or less. Said property is currently zoned C-2 Highway Commercial. 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.

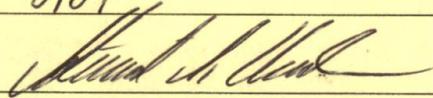
Philip La Rue  
Zoning Administrator  
WBT 10

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

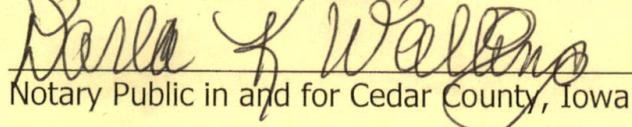
Tipton Conservative and Advertiser Once

To wit on 3-9-22

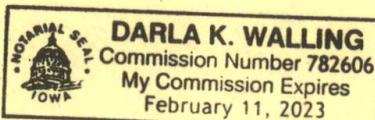


Subscribed and sworn to before me this 14

Day of March A.D. 2022

  
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 29.49



## 12 THE TIPTON CONSERVATIVE

### Legal Notice

March 4, 2022

#### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, March 24, 2022, 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. Kenneth Crock & Sarah Crock, 1120 Monroe Avenue, Tipton, Iowa (Owners) - Requesting approval of a Home Occupation Permit to allow for a real estate and insurance business on property described as Parcel J located in the NW 1/4, NE 1/4, Section 31, T-81N, R-2W, Center West Township, consisting of 2.22 acres more or less. Said property is currently zoned R-1 Suburban Residential.

2. Lawrence Lynch & Amy Kessler Lynch, 1967 Baker Avenue, West Branch, Iowa, (Owners) - Requesting a variance of 15 feet from the required side yard setback of 20 feet for a proposed public, commercial storage facility to be constructed at 108 W Tidewater Drive, West Branch, Iowa, on property described as Parcel F located in the NE 1/4, SE 1/4, Section 7, T-79N, R-4W, Springdale Township, consisting of 1.13 acres more or less. Said property is currently zoned C-2 Highway Commercial.

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 10

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

March 24, 2022

The Cedar County Board of Adjustment conducted a Public Hearing on March 24, 2022, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Bill Lenker, Bruce Barnhart, Chuck Hoy, Sheila Budelier and Chairperson Laura Twing. The meeting was called to order at 3:00 p.m.

The Board members then considered the following petitions:

1. **Kenneth Crock & Sarah Crock, 1120 Monroe Avenue, Tipton, Iowa (Owners) –**  
Requesting approval of a Home Occupation Permit to allow for a real estate and insurance business on property described as Parcel J located in the NW ¼, NE ¼, Section 31, T-81N, R-2W, Center West Township, consisting of 2.22 acres more or less. Said property is currently zoned R-1 Suburban Residential.

Zoning Administrator La Rue advised there are no written or verbal objections on file, and he asked members to consider this variance request in accordance with Chapter 15 of Cedar of Cedar County Zoning Ordinance No. 10. Letter on file from Cedar County Engineer, Rob Fangmann indicating it is on a gravel route and should have minimal impacts to existing infrastructure, existing driveway meets requirements, no parking on the road. Ken Crock indicated that they would only have 3 to 4 vehicles per week on property. The insurance and real estate industry has changed so much that most is done online or on location. Parking in front of building will be adequate and may add a bit more parking there to accommodate if they ever have more. It is located in an accessory building on the property. La Rue questioned how large their sign would be and advised allowed size. Crock had not thought about a sign but it will be at least 50 feet back from road ROW and they have no employees. Dennis Marchik their neighbor was present and had no objections/supported Crocks request.

Barnhart moved to approved the Home Occupation permit, subject to annual review. Hoy seconded. Ayes: All. No further discussion. Motion passed.

General discussion about Annual Review of the Home Occupation Permits occurred.

2. **Lawrence Lynch & Amy Kessler Lynch, 1967 Baker Avenue, West Branch, Iowa, (Owners) -** Requesting a variance of 15 feet from the required side yard setback of 20 feet for a proposed public, commercial storage facility to be constructed at 108 W Tidewater Drive, West Branch, Iowa, on property described as Parcel F located in the NE ¼, SE ¼, Section 7, T-79N, R-4W, Springdale Township, consisting of 1.13 acres more or less. Said property is currently zoned C-2 Highway Commercial.

Zoning Administrator La Rue advised there are no written or verbal objections on file, and he asked members to consider this variance request in accordance with Chapter 17.18(3) of Cedar of Cedar County Zoning Ordinance No. 10. Letter on file from Cedar County Engineer, Rob Fangmann indicating the property is in a privately maintained subdivision on a gravel route thus he does not have jurisdiction of this individual road. Larry Lynch shared the area was developed with long narrow lots and he adjoined two properties to give himself more footage in front of his proposed storage building. Twing questioned the number of units. Lynch advised seven, 28x52 units within the single structure. Budelier questioned if

property owner nearby had worked out any concerns he had about the building with Lynch. Lynch advised there have been concerns about the neighbor taking water runoff from Lynchs over the years. Measures have been put in place in the past and once he walked the property with said owner he was fine with his request and had no objections. Twing questioned who would use these. Lynch advised a variety of users.

Hoy moved to approve the variance request of 15 feet. Lenker seconded. Ayes, All. Motion passed.

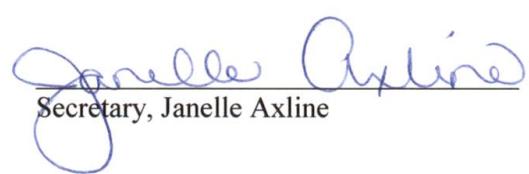
Minutes from the last meeting held on January 27, 2022, were previously sent to the members. Barnhart made a motion to approve the minutes as presented. Twing seconded. Ayes, All. Motion passed.

General discussion about possible upcoming petitions occurred.

No additional business. Twing declared the meeting adjourned at 4:14 PM.



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

January 7, 2022

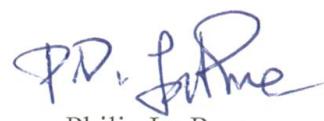
**LEGAL NOTICE**

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 27, 2022, 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. **Adam Eischeid, 1093 Cedar Valley Road, Tipton, Iowa (Owner)** – Requesting approval of a Home Industry Permit to allow for custom service, repair and sale of firearms on property described as Parcel C of Lot A located in the NW ¼, NE ¼, Section 11, T-80N, R-3W, Center West Township, consisting of 2.79 acres more or less. Said property is currently zoned A-1 Agricultural District.
2. **Cedar County Joint 911 Service Board, 1892 Union Ave., Wilton, IA (Owner)**– Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property described as Lot A, in the SW ¼, SW ¼, Section 4, T-79N, R-1W, in Farmington Township. Said property is zoned A-1 Agricultural District.
3. **Cedar County Joint 911 Service Board, 1735 170<sup>th</sup> St., Clarence, IA (Buyer)**- Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the SE ¼, SW ¼, Section 1, T-81N, R-2W, in Fairfield Township. Said property is zoned A-1 Agricultural District.
4. **Cedar County Joint 911 Service Board, 527 Indian Ave., Mechanicsville, IA (Buyer)**- Requesting approval of a Special use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NE ¼, NE ¼, Section 32, T-82N, R-3W, in Fremont Township. Said property is zoned A-1 Agricultural District.
5. **Cedar County Joint 911 Service Board, 480 270<sup>th</sup> St., West Branch, IA (Buyer)**- Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NW ¼, NE ¼, Section 35, T-80N, R-4W, in Gower Township. Said property 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.



Philip La Rue  
Zoning Administrator

Notice mailed 01/11/22 to:

for Eischeid Petition)

ADAM EISCHIED (Certified)  
1093 CEDAR VALLEY RD  
TIPTON IA 52772

DONALD LAMP  
PO BOX 422  
TIPTON IA 52772-0422

(for 911 Service Board Petitions)

CEDAR CO. JOINT 911 SERVICE BOARD  
C/O JODI FREET (mailbox at Courthouse)  
CEDAR COUNTY EMA  
400 CEDAR ST  
TIPTON IA 52772

CEDAR COUNTY, IOWA (mailbox at Courthouse)  
400 CEDAR ST  
TIPTON IA 52772

WAYNE & EUNICE RALFS  
128 S LOCUST  
PO BOX 268  
BENNETT IA 52721-0268

REBECCA & STEVEN BERRY  
2009 290TH ST  
WILTON IA 52778

JCO LTD  
605 W 2ND AVE  
PO BOX 70  
DURANT IA 52747-0070

GOLDEN JUBILEE FARM LLC  
% PEGGY TIMM  
122 W 8TH ST  
TIPTON IA 52772

KIM GEADELMANN  
1730 170TH ST  
CLARENCE IA 52216

DREW & ASHLEY SCHROEDER  
711 ROSE AVE  
CLARENCE IA 52216

MARILYN HIEMDAL  
26208 180TH ST  
FARMERSBURG IA 52047

DANA PRUESS  
506 INDIAN AVE  
MECHANICSVILLE IA 52306-7632

SAUER FAMILY REVOCABLE TRUST  
105 COTTAGE DRIVE  
MECHANICSVILLE IA 52306-9714

ELAINE B HOY (1/2 LE)  
604 W 1ST ST  
MECHANICSVILLE IA 52306

DONNA TUCKER LE  
TUCKER GREGORY J ET AL  
1651 FRANKLIN AVE  
WEST BRANCH IA 52358

KENNETH MATHER REVOCABLE TRUST  
799 290TH ST  
WEST LIBERTY IA 52776-9036

DUSTON ANDERSON  
1660 CHARLES AVE  
WEST BRANCH IA 52358-8661

ALL BOARD MEMBERS

ENGINEER, ROB FANGMAN (via email)

## PROOF OF PUBLICATION

STATE OF IOWA

MUSCATINE COUNTY

I Catherine Brown, being first duly sworn on oath  
depose and say that I am the Office Manager of the Wilton-Durant Advocate News,  
a newspaper published weekly in the City of Wilton, County of  
Muscatine, State of Iowa that the Notice re: Cedar Co. Bd.  
of Adjustment

hereto attached and made a part hereof, was published once each week

1 weeks in succession, in said newspaper, and that the dates

of publication were JAN 13 2022

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

Catherine Brown

Subscribed and sworn to before me the 13 day of 2022

J. Deaver

### Cedar County Board of Adjustment

#### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 27, 2022, 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. Adam Eischeid, 1093 Cedar Valley Road, Tipton, Iowa (Owner) - Requesting approval of a Home Industry Permit to allow for custom service, repair and sale of firearms on property described as Parcel C of Lot A located in the NW 1/4, NE 1/4, Section 11, T-80N, R-3W, Center West Township, consisting of 2.79 acres more or less. Said property is currently zoned A-1 Agricultural District.

2. Cedar County Joint 911 Service Board, 1892 Union Ave., Wilton, IA (Owner) - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance

on property described as Lot A, in the SW 1/4, SW 1/4, Section 4, T-79N, R-1W, in Farmington Township. Said property is zoned A-1 Agricultural District.

3. Cedar County Joint 911 Service Board, 1735 170th St., Clarence, IA (Buyer) - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the SE 1/4, SW 1/4, Section 1, T-82N, R-2W, in Fairfield Township. Said property is zoned A-1 Agricultural District.

4. Cedar County Joint 911 Service Board, 527 Indian Ave., Mechanicsville, IA (Buyer) - Requesting approval of a Special use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NE 1/4, NE 1/4, Section 32, T-82N, R-3W, in Fremont Township. Said property is zoned A-1 Agricultural District.

5. Cedar County Joint 911 Service Board, 480 270th St., West Branch, IA (Buyer) - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NW 1/4, NE 1/4, Section 35, T-80N, R-4W, in Gower Township. Said property 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.

BLIC

SAWELL  
NUMBER 796916  
SSION EXPIRES  
5, 2022

Philip La Rue  
Zoning Administrator

STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher 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

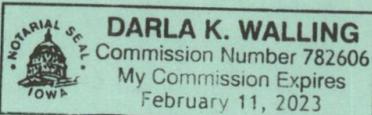
The Sun News Once

To wit on 1-13-22

Subscribed and sworn to before me this 14

Day of Jan A.D. 2022  
Darla K. Walling  
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 41.02



### Legal Notice

January 7, 2022

#### LEGAL NOTICE

The Cedar County Board of Adjustment has been petitioned to conduct a Public Hearing on Thursday, January 27, 2022, 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. Adam Eischeid, 1093 Cedar Valley Road, Tipton, Iowa (Owner) - Requesting approval of a Home Industry Permit to allow for custom service, repair and sale of firearms on property described as Parcel C of Lot A located in the NW 1/4, NW 1/4, Section 11, T-80N, R-3W, Center West Township, consisting of 2.79 acres more or less. Said property is currently zoned A-I Agricultural District.

2. Cedar County Joint 911 Service Board, 1892 Union Ave., Wilton, IA (Owner) - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property described as Lot A, in the SW 1/4, SW 1/4, Section 4, T-79N, R-1W, in Farmington Township. Said property is zoned A-I Agricultural District.

3. Cedar County Joint 911 Service Board, 1735 170th St., Clarence, IA (Buyer) - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the SE 1/4, SW 1/4, Section 1, T-82N, R-2W, in Fairfield Township. Said property is zoned A-I Agricultural District.

4. Cedar County Joint 911 Service Board, 527 Indian Ave., Mechanicsville, IA (Buyer) - Requesting approval of a Special use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NE 1/4, NE 1/4, Section 32, T-82N, R-3W, in Fremont Township. Said property is zoned A-I Agricultural District.

5. Cedar County Joint 911 Service Board, 480 270th St., West Branch, IA (Buyer) - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NW 1/4, NE 1/4, Section 35, T-80N, R-4W, in Gower Township. Said property is zoned A-I 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.

Philip La Rue  
Zoning Administrator  
SN 2

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 1-12-22

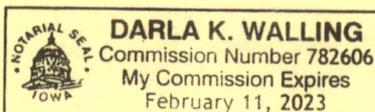
Stuart S. Clark

Subscribed and sworn to before me this 14

Day of Jan A.D. 20 22

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

Printer's fee \$ 41.02



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January 7, 2022

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

1. Adam Eischeid, 1093 Cedar Valley Road, Tipton, Iowa (Owner) - Requesting approval of a Home Industry Permit to allow for custom service, repair and sale of firearms on property described as Parcel C of Lot A located in the NW 1/4, NE 1/4, Section 11, T-80N, R-3V, Center West Township, consisting of 2.79 acres more or less. Said property is currently zoned A-1 Agricultural District.

2. Cedar County Joint 911 Service Board, 1892 Union Ave., Wilton, IA (Owner) - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property described as Lot A, in the SW 1/4, SW 1/4, Section 4, T-79N, R-IV, in Farmington Township. Said property is zoned A-1 Agricultural District.

3. Cedar County Joint 911 Service Board, 1735 170th St., Clarence, IA (Buyer) - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the SE 1/4, SW 1/4, Section 1, T-82N, R-2V, in Fairfield Township. Said property is zoned A-1 Agricultural District.

4. Cedar County Joint 911 Service Board, 527 Indian Ave., Mechanicsville, IA (Buyer) - Requesting approval of a Special use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NE 1/4, NE 1/4, Section 32, T-82N, R-3V, in Fremont Township. Said property is zoned A-1 Agricultural District.

5. Cedar County Joint 911 Service Board, 480 270th St., West Branch, IA (Buyer) - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NW 1/4, NE 1/4, Section 35, T-80N, R-4V, in Gower Township. Said property 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.

Philip La Rue  
Zoning Administrator  
C 2



## 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)

January 11, 2022

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, January 27<sup>th</sup>, 2022 at 3:00 p.m.** I will address the petition as listed on the legal notice.

1. **Adam Eischeid, 1093 Cedar Valley Road, Tipton, Iowa (Owner)** – Requesting approval of a Home Industry Permit to allow for custom service, repair and sale of firearms on property described as Parcel C of Lot A located in the NW ¼, NE ¼, Section 11, T-80N, R-3W, Center West Township, consisting of 2.79 acres more or less. Said property is currently zoned A-1 Agricultural District.

**This is located on paved route Cedar Valley Road (F36) and should have minimal impact on the existing infrastructure. I recommend the applicant relocate their 911 marker to the right of way line with Cedar Valley Road to improve visibility for customers.**

2. **Cedar County Joint 911 Service Board, 1892 Union Ave., Wilton, IA (Owner)**– Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower on property described as Lot A, in the SW ¼, SW ¼, Section 4, T-79N, R-1W, in Farmington Township. Said property is zoned A-1 Agricultural District.

**This is located on paved route Union Ave. (Y14) and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with my office.**

3. **Cedar County Joint 911 Service Board, 1735 170<sup>th</sup> St., Clarence, IA (Buyer)**– Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower on property located in the SE ¼, SW ¼, Section 1, T-82N, R-2W, in Fairfield Township. Said property is zoned A-1 Agricultural District.

**This is located on gravel route 170<sup>th</sup> St. and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with my office.**

4. **Cedar County Joint 911 Service Board, 527 Indian Ave., Mechanicsville, IA (Buyer)-**

Requesting approval of a Special use Permit authorizing the location of a public safety communication tower on property located in the NE ¼, NE ¼, Section 32, T-82N, R-3W, in Fremont Township. Said property is zoned A-1 Agricultural District.

**This is located on gravel route Indian Ave. and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with my office.**

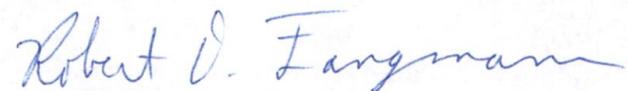
5. **Cedar County Joint 911 Service Board, 480 270<sup>th</sup> St., West Branch, IA (Buyer)-**

Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower on property located in the NW ¼, NE ¼, Section 35, T-80N, R-4W, in Gower Township. Said property is zoned A-1 Agricultural District.

**This is located on gravel route 270<sup>th</sup> St. and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with my office. The entrance must be constructed to ensure drainage is into the ditches and not onto the county road.**

If you have any further questions, please contact me.

Sincerely,



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

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

January 27, 2022

The Cedar County Board of Adjustment conducted a Public Hearing on Thursday, January 27, 2022, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Bill Lenker, Bruce Barnhart, Chuck Hoy, Sheila Budelier and Chairperson Laura Twing. The meeting was called to order at 3:00 p.m.

The Board members then considered the following petitions:

1. **Adam Eischeid, 1093 Cedar Valley Road, Tipton, Iowa (Owner)** – Requesting approval of a Home Industry Permit to allow for custom service, repair and sale of firearms on property described as Parcel C of Lot A located in the NW ¼, NE ¼, Section 11, T-80N, R-3W, Center West Township, consisting of 2.79 acres more or less. Said property is currently zoned A-1 Agricultural District.

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 15 of Cedar of Cedar County Zoning Ordinance No. 10. Letter on file from Cedar County Engineer, Rob Fangmann who was also present at the meeting. Fangmann advised not objections, his office noticed 911 signage for the property was not located at the end of lane as required so requested that the sign be moved out to the road once the weather allow.

Adam Eischeid shared that he would be building custom high end hunting and competition rifles at his property. He will have no storefront, appointment only, no storefront, no signage. He will sell very few firearms, will mainly deal with custom builds. In order to get his Form 7 from the ATF he needs approval from the Board of Adjustment to conduct this type of business on his property. Eischeid shared that this will be done in a shop on his property. He has multiple security systems and safes in place already. The ATF agent has already been to this property and has given him full approval, but due to his switch to assembly of building full custom rifles he needed this additional step in order to obtain proper approvals.

No questions or discussion from the Board.

Barnhart motioned to approve the Home Industry Permit, subject to annual review and maintenance of permit from ATF. Hoy seconded. Ayes, All. No further discussion. Motion passed.

2. **Cedar County Joint 911 Service Board, 1892 Union Ave., Wilton, IA (Owner)** - Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property described as Lot A, in the SW ¼, SW ¼, Section 4, T-79N, R-1W, in Farmington Township. Said property is zoned A-1 Agricultural District.

ZA La Rue advised there are no written or verbal objections on file and to complete review in accordance with Chapter 17.18 (2) and 17.18 (3) of Cedar County Ordinance No. 10 and also need to follow Telecommunications Ordinance No. 30. He recommends it be subject to FCC and FAA approval, annual review on the towers and advised that the Zoning Commission did recommend approval. The property owner to the east did not present an objection to the tower. La Rue stated we need to ensure enough room remains if/when the septic needs replaced. Fangmann advised the tower site was actually moved further north to accommodate the open space being used to store and stage for current activities and will allow

for that to happen if/when needed. La Rue shared the CSR at this location is highest of all the tower locations but is not in production since it is a county shop location.

EMA Jodi Freet, EMA and 911 Director presented information to the Board and public sharing the other individuals that we present at the meeting with her as well as on the telephone. Warren Wethington, Cedar County Sheriff and Chair of the 911 Service Board, Jon Bell, Vice-chair of the 911 Service Board and Cedar County Supervisor, Jason Roblin, Project Manager and Ron Gadova, Senior Engineer with MCM Consulting. Arlen Ostreng with Edge Consulting, Civil Engineer for the project and Glen Reynolds, RACOM Corporation, Project Manager for the vendor. She explained that the current system is private network for first responders. We are currently an “island” and cannot communicate with other counties on the current VHF p25 radio system. The new towers and radios will allow Cedar County to Communicate with Linn, Johnson and Scott Counties. She advised a study was done to determine what would be the best system for our County and be economical and useful for many years. Sheriff Wethington added that with this new system the radios will work practically anywhere. You could be in Des Moines and communicate back to Cedar County. The variance request is the same for each tower.

Twing questioned how much of the State is on the system we are going to. Wethington explained there are two systems. The SARA and Issix (sp?). Wethington thought there were more SARA systems but dependent on where towers are located the two types of systems are compatible. Towers for the Issix system were all the way in Maquoketa so this is another reason it was not a good option for Cedar County. Freet added that MCM did a study 3 years ago to determine the best system for Cedar County. It was determined the best fit for Cedar County First Responders was a radio system and Issix from Motorola would not work for Cedar County because it is a mobile based system. Issix would have cost more in the long run because we would have had to build more towers within the county.

Freet advised that they are asking for a waiver of the setback needing to be half the tower height as required because these towers are designed to collapse upon themselves. Of the stories of towers falling during the Derecho, one collapsed upon itself as it was designed to and the other tower that was blow over was a guyed wire supported tower and not designed for collapsing upon itself. The second reason for the request is to have as minimal impact upon ag land and neighbors as possible. Only 1 acre of land will be purchased by Cedar County for each tower which avoid additional land costs for the taxpayers.

Twing questioned if when the time comes for a new technology will these towers continue to be used. Freet is hoping they will. Towers are designed to last for 50-60 years with proper care and maintenance and Cedar County will do all that is needed to make these towers last. Technology does change and Freet hopes to get 15-20 years out of this new system. We will still have those towers when the new technology comes and Cedar County would certainly continue to use them if they are able.

Barnhart questioned that wind speed rating and if a change to that should be taken into account due to the derecho. MCM advised it is a class 3 tower and has a wind rating of 140 MPH. He has not 100% on the ice, but thought it was 90 MPH.

Barnhart asked for clarification on being able to locate on a DOT tower or any other tower or anyone being able to locate on and was it an issue with financing. It was clarified that because of the type of system and radios that colocation cannot occur. Ostreng and Reynolds explained that licensing for the system is different than licensing a private company would hold for their towers. Wethington added there is no way Cedar County could even afford to rent tower space like private companies do.

Barnhart shared concerns about this process and are we allowing special exceptions to the county that we would not grant to others. He fully supports the project and commends everyone involved, he just wants to be sure in his position on the Board he is understanding this situation correctly. La Rue responded that since it a governmental entity and for emergency preparedness and not a private entity things may present unique caveats that are complex. Bell added that this was before the County Attorney for quite some time and the County was not even sure that this approval process of going before the Commission and Board was needed. All parties determined they wanted to go thru the process to allow citizens to be heard. Essentially the county wanted to follow the ordinance as closely as possible even though they were not required to. Freet added this is very unique situation and there are not a lot of counties that have been through this specific situation.

Budelier added that she also supports the project but found it interesting that exemptions were made.

Bell added that there is discretion used for many requests using one of last weeks requests to the Planning and Zoning Commission to rezone property to build a home as an example.

Wethington and Bell addressed concerns about not following the process of evaluating land value etc. adding that this property was affected the most/has closest proximity to a tower. These property owners had no concerns at all. Wethington also added that as difficult as acreages are to find in our county if any properties near the sites went up for sale they would be snatched up in an instant.

Fangmann added he would like to have a letter with the specific tower site information for his files. The letter provided in the packet of information seemed to just be a sample letter for an example. That was understood and will be provide by the appropriate firm when complete.

Hoy motioned to approve the requested variance and the special use permit subject to annual review. Lenker seconded the motion. Ayes, All. Motion passed.

**3. Cedar County Joint 911 Service Board, 1735 170<sup>th</sup> St., Clarence, IA (Buyer)-** Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the SE ¼, SW ¼, Section 1, T-81N, R-2W, in Fairfield Township. Said property is zoned A-1 Agricultural District.

ZA La Rue advised there are no written or verbal objections on file and to complete review in accordance with Chapter 17.18 (2) and 17.18 (3) of Cedar County Ordinance No. 10 and also need to follow Telecommunications Ordinance No. 30. He advised that the Zoning Commission did recommend approval.

Twining questioned Freet if there was a substantial difference in this tower from the others. Freet advised there was not and all requests were the same.

Barnhart motioned to approve the requested variance and the special use permit subject to annual review. Budelier seconded the motion. Ayes, All. Motion passed.

**4. Cedar County Joint 911 Service Board, 527 Indian Ave., Mechanicsville, IA (Buyer)-** Requesting approval of a Special use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NE ¼, NE ¼, Section 32, T-82N, R-3W, in Fremont Township. Said property is zoned A-1 Agricultural District.

ZA La Rue advised there are no written or verbal objections on file but there were some comments made by adjoining property owners and to complete review in accordance with Chapter 17.18 (2) and 17.18 (3) of Cedar County Ordinance No. 10 and also need to follow Telecommunications Ordinance No. 30.

Hoy made a statement that he was abstaining from voting on this petition.

Twing questioned Freet if there was a substantial difference in this tower from the others. Freet advised there may be a difference in this property's drawing from what they have in their informational packets. They have been approached by an adjoining property owner asking if they are willing to move the towers compound 30 feet north. Freet has been working with RACOM and Edge Consulting to see if they are able to accommodate that request. Barnhart questioned why they wanted it to be moved 30 feet North. Wethington advised it was to accommodate a possible driveway south of the site. La Rue advised that the property owners to the south may want to build a hog confinement or home. Bell added they were concerned about a wind knocking the tower onto their home. If winds were that high no home would be standing. Freet stated that the microwave and radio paths will work but they are unsure if the topography will work if they move it. They want to be good neighbors and try to accommodate the request if they can. No guarantee that it can work but if they are move at all, even if 15 feet, they will try to accommodate. Barnhart advised if they did move just be sure it is still in parameters of their request. Bell stated if they move works it would actually be better than their original request. Fangmann added that the move will keep in the same acreage so it would not change their approval. As long as the acre does not move they are fine on the driveway. Twing questioned how they left it with the complainant. Freet advised them they could make no guarantees and if it threw off a microwave path, that was a bigger issue and that she would check with vendors and get back with them. Conversations are still in progress, meetings are held bi-weekly and they have a lot to discuss regarding the request. Wethington added it is not a deal breaker for the adjoining property owner, they are just asking if it can be moved.

Budelier motioned to approve the requested variance and the special use permit subject to annual review. Lenker seconded the motion. Ayes, All. Motion passed.

5. **Cedar County Joint 911 Service Board, 480 270<sup>th</sup> St., West Branch, IA (Buyer)-** Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower and a setback variance on property located in the NW ¼, NE ¼, Section 35, T-80N, R-4W, in Gower Township. Said property is zoned A-1 Agricultural District.

ZA La Rue advised there was one verbal and one written objection presented for the Zoning Commission meeting one week ago and to complete review in accordance with Chapter 17.18 (2) and 17.18 (3) of Cedar County Ordinance No. 10 and also need to follow Telecommunications Ordinance No. 30. He advised that the Zoning Commission did recommend approval. La Rue offered to read the letter submitted by Kathryn Fox but wanted the Board to be aware that he met with Ms. Fox the next day and believes he addressed all of her concerns. Barnhart said he did not need to hear the letter if it has been addressed. He requested a summary of the verbal complaint. La Rue advised Mr. and Mrs. Brian Tucker were the verbal complainants. He shared that it is not prime ag land but due to the rolling hills in the area the placement of the tower gives the Tuckers a good view of the tower even though it is a quarter mile away. The original Union Avenue location was much more present than the proposed location on 270<sup>th</sup> Street, Tuckers shared their views of opposition, and the Commission made the recommendation to approve.

Budelier added that anywhere within a mile of one of these towers you will likely be able to see it/there is no where to move it where they would not see it.

Freet shared when the initial assessment was done with RACOM providing optimal sites, but in those cases they were not able to obtain those properties so they had to move elsewhere. They could only move

a within a mile and even then that could change where the other towers would be placed. Mr. Mather agreed to work with them and they were left with no other options really. Bell added the process was very difficult because once you move one, you have to move them all. Wethington added that they did move the tower farther from the Tuckers to be more accommodating. There was a location closer to their home that is actually a better site. They do have to make the tower taller due to this change.

Twing addressed property owner Ken Mather to see if he had anything to add. He said he did not, he was just looking for clarification of lines on the map and if he would be able to maintain or farm the area around the compound once the tower is complete. Freet and Bell advised that was not brought up today, but yes they will be able to farm or maintain around the 75' x 75' fenced in area. It will be fenced with an 8 foot fence and have constantine wire around the top facing outward.

Hoy motioned to approve the requested variance and the special use permit subject to annual review. Budelier seconded the motion. Ayes, All. Motion passed.

Minutes from the last meeting held on December 23, 2021 were previously sent to the members. Barnhart made a motion to approve the minutes as presented. Twing seconded. Ayes, All. Motion passed.

General discussion about possible upcoming petitions occurred.

No additional business. Twing declared the meeting adjourned at 4:14 PM.



Chairperson, Laura Twing



Secretary, Janelle Axline

Prepared By: Philip La Rue, Cedar County Zoning, 400 Cedar St., Tipton, IA 52772 Phone: (563) 886-2248  
Return To: Philip La Rue, Cedar County Zoning, 400 Cedar St., Tipton, IA 52772

## RESOLUTION GRANTING SPECIAL USE PERMIT

WHEREAS, a petition for a Special Use Permit to allow a public safety communication tower on property located in the NW ¼, NE ¼, Section 35, T-80N, R-4W, Gower Township, has been filed by Cedar County Joint 911 Service Board, 480 270<sup>th</sup> St., West Branch, Iowa with the Cedar County Zoning Administrator, and said Petition Number 05-22, reviewed by the Cedar County Planning and Zoning Commission and recommended to the Cedar County Board of Adjustment, and after consideration of the same in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance 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.

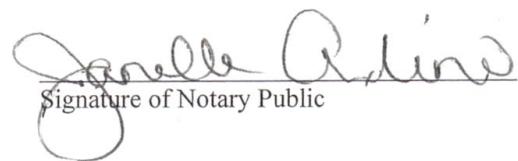
NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of Cedar County, Iowa, that the Petition for a Special Use Permit, Petition Number 05-22, for a special use permit to allow a public safety communication tower be granted and approved on the part of Cedar County, Iowa, on this 27th day of January, 2022.

1-27-22  
Dated

  
Laura Twing, Chairperson

STATE OF IOWA, COUNTY OF CEDAR

This record was acknowledged before me on the 27th day of January, 2022, by Laura Twing,  
Chairperson of the Cedar County Board of Adjustment.

  
Signature of Notary Public



Prepared By: Philip La Rue, Cedar County Zoning, 400 Cedar St., Tipton, IA 52772 Phone: (563) 886-2248  
Return To: Philip La Rue, Cedar County Zoning, 400 Cedar St., Tipton, IA 52772

## RESOLUTION GRANTING SPECIAL USE PERMIT

WHEREAS, a petition for a Special Use Permit to allow a public safety communication tower on property located in the NE ¼, NE ¼, Section 32, T-82N, R-3W, Fremont Township, has been filed by Cedar County Joint 911 Service Board, 527 Indian Ave., Mechanicsville, Iowa with the Cedar County Zoning Administrator, and said Petition Number 04-22, reviewed by the Cedar County Planning and Zoning Commission and recommended to the Cedar County Board of Adjustment, and after consideration of the same in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance 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 04-22, for a special use permit to allow a public safety communication tower be granted and approved on the part of Cedar County, Iowa, on this 27th day of January, 2022.

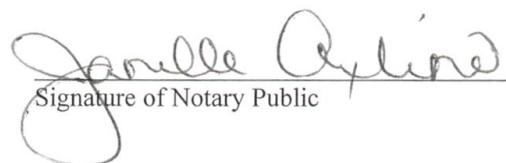
1-27-22

Dated

  
Laura Twing, Chairperson

STATE OF IOWA, COUNTY OF CEDAR

This record was acknowledged before me on the 27th day of January, 2022, by Laura Twing, Chairperson of the Cedar County Board of Adjustment.

  
Signature of Notary Public

Prepared By: Philip La Rue, Cedar County Zoning, 400 Cedar St., Tipton, IA 52772 Phone: (563) 886-2248  
Return To: Philip La Rue, Cedar County Zoning, 400 Cedar St., Tipton, IA 52772

## RESOLUTION GRANTING SPECIAL USE PERMIT

WHEREAS, a petition for a Special Use Permit to allow a public safety communication tower on property described as Lot A located in the SW ¼, SW ¼, Section 4, T-79N, R-1W, Farmington Township, has been filed by Cedar County Joint 911 Service Board, 1892 Union Ave., Wilton, Iowa with the Cedar County Zoning Administrator, and said Petition Number 02-22, reviewed by the Cedar County Planning and Zoning Commission and recommended to the Cedar County Board of Adjustment, and after consideration of the same in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance 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.

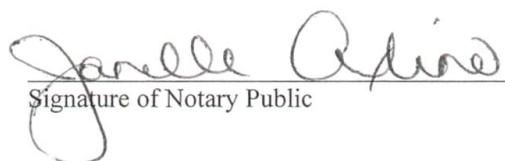
NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of Cedar County, Iowa, that the Petition for a Special Use Permit, Petition Number 02-22, for a special use permit to allow a public safety communication tower be granted and approved on the part of Cedar County, Iowa, on this 27th day of January, 2022.

1-27-22  
Dated

  
Laura Twing, Chairperson

STATE OF IOWA, COUNTY OF CEDAR

This record was acknowledged before me on the 27th day of January, 2022, by Laura Twing,  
Chairperson of the Cedar County Board of Adjustment.

  
Signature of Notary Public



Prepared By: Philip La Rue, Cedar County Zoning, 400 Cedar St., Tipton, IA 52772 Phone: (563) 886-2248  
Return To: Philip La Rue, Cedar County Zoning, 400 Cedar St., Tipton, IA 52772

## RESOLUTION GRANTING SPECIAL USE PERMIT

WHEREAS, a petition for a Special Use Permit to allow a public safety communication tower on property located in the SE ¼, SW ¼, Section 1, T-81N, R-2W, Fairfield Township, has been filed by Cedar County Joint 911 Service Board, 1735 170<sup>th</sup> St., Clarence, Iowa with the Cedar County Zoning Administrator, and said Petition Number 03-22, reviewed by the Cedar County Planning and Zoning Commission and recommended to the Cedar County Board of Adjustment, and after consideration of the same in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance 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 03-22, for a special use permit to allow a public safety communication tower be granted and approved on the part of Cedar County, Iowa, on this 27th day of January, 2022.

Jan 27 - 22  
Dated

Laura Twing  
Laura Twing, Chairperson

STATE OF IOWA, COUNTY OF CEDAR

This record was acknowledged before me on the 27th day of January, 2022, by Laura Twing, Chairperson of the Cedar County Board of Adjustment.

Janelle Axline  
Signature of Notary Public





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)

January 5, 2022

Sheila Budelier  
106 7<sup>th</sup> St.  
Durant, IA 52747

Dear Mrs. Budelier:

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. If you wish to have a hard copy of these documents, please contact our office and one will be provided for you. 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. I would like the opportunity to meet with you prior to our anticipated hearing on January 27, 2022. Please call the office to set up a time that is convenient for you.

Thank you for your willingness to serve on the Board of Adjustment, and I look forward to working with you.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:bja  
Enclosures

## Janelle Axline

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**From:** Cari Dauber  
**Sent:** Monday, January 3, 2022 2:25 PM  
**To:** Phil LaRue; Janelle Axline  
**Subject:** appointments

The board approved the following today. Please let me know if you need anything.

<b>ZONING BOARD OF ADJUSTMENT 5YR</b>	<b>Term Exp Date</b>
Laura Twing	12/31/2022
Chuck Hoy	12/31/2022
Bill Lenker	12/31/2023
Sheila Budelier	12/31/2024
Bruce Barnhart	12/31/2025

<b>PLANNING &amp; ZONING COMMISSION 3YR</b>	
Bobbie Lieser	12/31/2024
Jody Yutesler	12/31/2022
Joel Brown	12/31/2022
Laura Twing	12/31/2022
John Dornfeld	12/31/2023
Josh Crist	12/31/2023
Laurie Brandenburg	12/31/2025

Cari A. Dauber  
Cedar County Auditor & Commissioner of Elections  
400 Cedar Street  
Tipton, Iowa 52772  
563-886-3168

\*\*\*\*\*  
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