

## CEDAR COUNTY BOARD OF ADJUSTMENT MINUTES

The Cedar County Board of Adjustment conducted a Public Hearing on May 23, 2024, in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were, Chairperson Laura Twing, Randy Pedersen, and Jeff Wallick. Absent was Chuck Hoy and Todd Pruess. The meeting was called to order at 3:00 p.m.

The Board members then considered the following petitions:

- 1. Robert Kaufmann, Kaufmann Steel, LLC, DBA as Kaufmann Metal Recycling, LLC, 1527 330<sup>th</sup> Street, Wilton, IA (Owner),** - Requesting approval of a Special Use Permit to allow for outdoor recycling, salvage, or sales of used farm equipment at 1281 306<sup>th</sup> Street, Tipton, Iowa located in the S ½ of the SW ¼, NE ¼, and the N ½ of the NW ¼, SE ¼, Section 18, T-79N, R-2W, in Rochester Township, consisting of 9.37 acres m/l. Said property is zoned M-2 Heavy Industrial.

La Rue asked the Board to do their review in accordance with Chapter 17.18(2) under special exceptions under Cedar County Zoning Ordinance No. 10. May 7, 2024, the Board of Supervisors approved the change in zoning with a conditional zoning agreement. The Cedar County Zoning Commission also approved and recommended the special use permit with the conditional zoning agreement and requirements in line with the Iowa Department of Transportation and the Iowa Department of Natural Resources requirements pertaining to screenings, setbacks and environmental concerns. The property currently has well and septic services from when owned by Duffe Grain. Kaufmann was present and explained he is passionate about recycling and had the opportunity to purchase this land. His business plan is to receive metal, process it a timely manner and ship out for recycling. Aesthetic appeal is important to him, and he happily agreed to the conditional zoning agreement. He does not want to produce a property that is unsightly. He plans to always be up to speed on rules and compliance with DNR and plans to maintain the property in a way that complies with all of that and looks nice. Tom Anthony with Shumaker Engineering was present as well and advised they have worked together to comply with all aspects of local, state and even some federal requirements. Twing asked about the land being on a hill and if there is any chance of there being runoff from the operation, such as chemicals, etc. Anthony explained that they have accounted for that, and they are required to place a concrete drain and cement pad into a collection tank that is emptied when needed. If there would be any contaminants, they would drain into the tank and held there safely till pumping is needed. He explained most are metals, but this protection was in place for any leakage. Appliance disassembly is prohibited at this location he added. Appliances will stay intact. Kaufmann shared that Anthony is speaking on his behalf and that he wanted to ensure he had assistance in meeting all regulations due to a “bright light” shining on him due to his governmental work. Anthony went on to explain nine individuals with the DNR met with them and were provided and extensive list of the requirements that needed to be met and have been approved by them. He explained tire max numbers as an example. Soil erosion is also under their requirements and silt socks will be used to control that. Twing questioned with the screening would be. Kaufmann and Anthony explained a fast tall growing pine, conifers and they also absorb water as well. Kaufmann shared multiple fence “type” quotes to determine what will be best on property. Twing asked about an employee. He said it will be

himself for now and has a couple other employees to cover if he is not around. La Rue read the conditional zoning agreement for the record. La Rue read ordinance requirements for the record. Document from Cedar County Engineer that the access is approved and adequate and must be kept off the road. Pedersen made a motion to approve, subject to DNR, conditional zoning agreement and DOT requirements and annual review. Wallick seconded the motion. Ayes: All. Motion to recommend approval of the Special Use Permit with annual review carried.

2. **John & Emily Villhauer, 1003 Eureka Avenue, Tipton (Owners)** –Requesting a variance of 10 feet from the required front yard setback of 50 feet for a proposed 40’x 64’ storage shed to be constructed at 1003 Eureka Avenue, Tipton, Iowa, on property described as Parcel C located in the NE ¼, NE ¼, Section 27, T-81N, R-4W, Cass Township, consisting of 2.27 acres more or less. Said property is currently zoned R-1 Suburban Residential.

ZA La Rue advised no written or verbal objections on file and that they should do their review in accordance with Chapter 17.18(3) of Cedar County Zoning Ordinance No. 10. ZA La Rue went over allowance for variance requirements in the ordinance for the record. Property is located in A-1 District and requires a 50 foot front and rear yard and a 30 foot side yard. There is a wetland, a large septic system, room for a second septic someday and a utility that runs right through the middle of the front yard. Twing questioned Villhauers if there was another location this building could be placed. John Villhauer explained there was not due to the waterway behind the house. Emily Villhauer added the rest of it would have to be for a future septic system if ever needed. Mr. Villhauer explained the utility easement from 1977 is what is causing the hardship. Minimal tree removal will take place. North of the house would cause problems for existing power and the well head. The utility company will allow them to be within 15 feet of either side of the easement. Villhauers explained everywhere else the utility is in the road ditch, but they curved up and went into their yard and then back into the road ROW. Twing questioned if they had reached out to REC. E. Villhauer said they had, they will not move it and if they stay back as far as required, they do not need to contact them. Variance of 10 feet to have a 40 feet setback rather than 50 feet is what is being requested. Most of it will be blocked by existing trees. Wallick made a motion that the variance of 10 feet be granted. Pedersen seconded the motion. Ayes: All.

3. **Lucas & Alison Jeffries, 59 330<sup>th</sup> Street, West Branch (Owners)** –Requesting a variance of 20 feet from the required rear yard setback of 50 feet for a proposed kitchen addition at 59 330<sup>th</sup> Street, West Branch, Iowa, on property described as Jeffries Subdivision, Lot 1, located in the SW ¼, SE ¼, Section 30, T-79N, R-4W, Springdale Township, consisting of 1.8 acres more or less. Said property is currently zoned R-1 Suburban Residential and A-1 Agricultural.

ZA La Rue advised no written or verbal objections on file and that they should do their review in accordance with Chapter 17.18(3) of Cedar County Zoning Ordinance No. 10. ZA La Rue explained the large hill and the way the lots were divided has caused some of the issue. Part of the property is zoned R-1 where the house is, and the rest is A-1 District. La Rue read the definition of a front yard from the zoning ordinance for the record. La Rue advised location or well, utility easement and that the house ideally should have been moved further south with built to avoid this issue. Suggestion provided to Jeffries was made by La Rue to acquire 10-20 feet of land from the property owner from the north and do a boundary line adjustment so that this does not cause issues for others wanting the same thing. Glenn Waters was present and explained he owns the land to

the north and feels he is the only property owner nearby that is affected by this. His land is agricultural, and the corporation has no intentions or interest in making additional residential lots. The request does not affect his farming operation that the home would be moving closer toward. He provided a document to the Board to show where the variance is being requested and how it would have no bearing on his land. He added variances are handled on a case by case basis and does not feel this is opening a door to future exceptions as all have to be reviewed individually. Wauters also added that he would not invite the boundary line adjustment because it would alter the shape of his open field and cause hardship, and would also be financially taxing due to survey, deed, recording fee, etc for 10-20 feet. He added the boundary line adjustment would cause him a hardship, not the variance. La Rue shared why it was given as an option. Pedersen made a motion to approve the variance of 10 feet. Wallick seconded the motion. Ayes: All.

General discussion of zoning regulations occurred.

Minutes from the last meeting held on October 26, 2023, and December 28, 2023, and were previously sent to the members. Wallick made a motion to approve the minutes as presented. Pedersen seconded. Ayes: All.

No additional business. Twing declared the meeting adjourned. Meeting adjourned at 4:00 PM.

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Chairperson, Laura Twing

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Secretary, Janelle Axline