

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, January 10, 2020, with Chairperson Carol Schlueter and members Emily Geertz, Bill Tharp, Charles Clark and Barry McManus present. Eric S. Furnas, Planning, Zoning & Environmental Administrator, and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Daryl Bush.

Carol Schlueter: Okay, I will open this public meeting and I have a few things to take care of first. The Zoning Board of Adjustment is a quasi-judicial board appointed by the Muscatine County Board of Supervisors. The Board's purpose is to interpret the Zoning Ordinance and to allow certain limited exceptions and variances where special conditions or hardships exist. We are an independent volunteer board of citizens and not part of the county administration. There are five members on the Board. State law requires three affirmative votes to approve any appeal under consideration, no matter how many members are present. If fewer than five members are present, the appellant has the opportunity to have the appeal delayed until the next meeting. This request must be made prior to Board deliberation of that case. As a Board of the County, we welcome all testimony. We make our decision based on the facts and evidence under county code, presented in open meeting. We ask that if you wish to speak, please give your name and address. Did all the members receive a copy of the minutes and the resolutions from the last meeting through email? (Yes) Any corrections to the minutes that you found? If not, I would entertain a motion to approve the minutes and resolutions as written.

Barry McManus: I move to approve.

Carol Schlueter: Is there a second?

Charles Clark: Second.

Bill Tharp: And I need to abstain because I wasn't at that meeting, I was at tax school.

Emily Geertz: I wasn't here either.

Carol Schlueter: Okay, so we have a motion to approve the minutes from the last meeting and the resolutions. All in favor of that motion please say Aye (3) Nay (0) Abstained (Tharp & Geertz). The motion passed. Eric would you read the first request please?

Eric Furnas: Case #20-01-01. An application has been filed by William J. Brown, Record Owner. This property is located in Sweetland Township, in the NW¼ of Sec. 28-T77N-R1W, Fox Valley Acres, Lots 11 & 12, 2008 Sabbath Drive, Muscatine, containing approximately 2.68 acres, and is zoned R-1 Residential District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to place a 30' x 48' pole building in front of the existing dwelling and only 20 feet from the front lot line, instead of the required 50 foot setback.

Carol Schlueter: Thank you. Any correspondence?

Eric Furnas: We received a couple of emails, they should be in your packets. (they are attached to the minutes)

Carol Schlueter: Did all the board members receive a copy of the emails? (Yes) Okay, is the applicant or their representative here?

Daryl Bush: I am here representing him. My name is Daryl Bush and I am from Cleary Building Corp.

Carol Schlueter: Okay, so can you please explain what the applicant is asking for?

Daryl Bush: So the way his property is situated there at the bottom of the hill from his home on Sabbath Drive, there is a generally a flat grassy area but then it backs up to a hill that goes up pretty steep up towards his house. His house sits up on top of the hill. Obviously he can't put the building up there in the woods near the house. So he wants to put it down on the grassy property there. Originally he was thinking about 20 feet from the Sabbath Drive there, but I've talked to him since then and he has decided to turn the building and back it a little further to the west or the northwest a little bit. But it will be a little further away than that 20 feet now.

Barry McManus: By a little bit further, what are you thinking?

Daryl Bush: Well he was saying roughly about another 10 or 15 feet maybe.

Barry McManus: Well if you turn it, you have gained 18.

Daryl Bush: Correct.

Barry McManus: So we are at least probably about 40 feet?

Daryl Bush: Yeah probably.

Barry McManus: Rather than the 50 that is required?

Daryl Bush: Yeah.

Charles Clark: How about the access to this building, the driveway... is that going to come off the existing driveway?

Daryl Bush: Yeah, yeah... basically when you turn left into his driveway he put gravel back to the building from his old driveway that comes off the main road.

Charles Clark: So he's going to take care of the culvert, the drainage and all of that?

Daryl Bush: I don't know that ... there's already a culvert that goes under the road and the water drains to the culvert.

Bill Tharp: I drove by this area and I also read the emails and I have a couple of questions if you know.

Daryl Bush: Sure.

Bill Tharp: One is, I know this seems silly, but did the hill behind on the property where he's not able to build... did that exist when he purchased the property? Or was there a big force of nature or something, you know people filling in, that would make that hill exist that wasn't there before he purchased it? Or has that hill been there for as long as time...

Daryl Bush: Well I assume that it's been there forever, because you know you have that grassy area that's down in front and it's pretty much level with Sabbath Drive and then his driveway goes quite a bit further up the hill and it's pretty steep. The hill sits up on top and then behind the home.

Bill Tharp: So you would say that he purchased it with the understanding that there was a hill behind there?

Daryl Bush: Yes.

Bill Tharp: And that he probably wouldn't be able to build a building there?

Daryl Bush: Yeah.

Bill Tharp: And then I'm curious, as I saw the layout... it is on a corner and it may cause an obstruction to traffic if you were driving along and then you would not be able to see someone coming...as being kind of a jagged or dogleg or something like that. Could you see that happening, possibly?

Daryl Bush: I don't think so because it does curve quite a bit. So the building, even if it is moved back as we talked about it, it would be even less of an obstruction there. But I don't see it being one.

Bill Tharp: And one of my last questions is just ... I was able to look through the neighborhood and I didn't see properties that had buildings in front of their dwellings. Am I ... would you agree with that?

Daryl Bush: I would say yeah. I haven't driven any further up Sabbath Drive personally myself. But because of the situation with his particular lot, you know, that's the only place that he could put it is down there on that flat area. I don't know what the other lots are and how they are situated. As you go up Sabbath Drive it kind of goes to the west sort of and I would assume that it goes up in height as it goes further back, but I don't know because I haven't been back there.

Bill Tharp: Okay, thank you.

Daryl Bush: But in his situation the only place he can put it in the grass area down below.

Bill Tharp: Well I understand that you are limited and you are not the property owner and you are just coming in and reporting what you can.

Daryl Bush: Yeah.

Bill Tharp: So thank you.

Daryl Bush: You're welcome. I know that the one property owner that is further south on Sabbath Drive, I believe that he does have a pole building, if I'm not mistaken. It sets up a little.

Someone: Is it the log cabin?

Emily Geertz: But the house is on the hill, right?

Daryl Bush: Yes the house is on the hill.

Emily Geertz: How were they able to build that?

Bill Tharp: Yeah I was curious about that too.

Emily Geertz: So why couldn't you build the outbuilding up next to the house then on top of the hill?

Carol Schlueter: Well it's been there for a long time.

Barry McManus: Yeah these are 40 year old houses.

Carol Schlueter: And how long have the Brown's owned this property? Do we know that?

Eric Furnas: I don't believe that they were the original owners. I think just in the last year or two.

Carol Schlueter: Okay, so at the most only two years ago. I was out there also to look at it. So the stakes that I saw, I think I was there this past week, those stakes are where they are wanting to place it? Or are you going to move those stakes?

Daryl Bush: No, he's done the task of moving the stakes. So where they are currently now is where they are wanting the building.

Carol Schlueter: Okay.

Emily Geertz: Well usually we have a map that shows the elevations but we don't have it.

Eric Furnas: Oh the topography? Yeah I must not have turned that layer on. But the last couple of pages in your development report have the photos that I took. It's a significant hill and the house is on the top.

Carol Schlueter: Yeah I agree.

Eric Furnas: It was probably a matter of leveling off the knob just enough to build a house on top, it was built in 1984. They had to put in a new septic system last year and it was a challenge to get a new septic there because of the slope. Right behind the house and what would be the back yard continues to slope up. There wasn't any room to even get around the house because it's literally a small area where the house is.

Barry McManus: Something that I would like to add is, if you look at the neighboring property to the south, what looks like a two car garage ... it looks to be closer to the property line than 50 feet.

Eric Furnas: Well that's because that wouldn't be considered the front property line on that lot line.

Barry McManus: Oh, so that would be considered the side?

Eric Furnas: Yeah the side or even rear lot line on that lot, based on the orientation and the driveway and how it comes in. Our ordinance does allow accessory structures closer to lot lines on the side and rear.

Barry McManus: Well they come in on Sabbath though – right?

Eric Furnas: Right.

Barry McManus: Aren't the Brown's the third house?

Carol Schlueter: Yes.

Barry McManus: So they still come in on Sabbath?

Carol Schlueter: Yes. Is Sabbath Drive a cul-de-sac or does it have an exit?

Eric Furnas: Basically it dead ends.

Carol Schlueter: So the only people that would really drive by this structure further to the north is other residents that have a house.

Eric Furnas: Well and anyone that visits those properties too.

Carol Schlueter: Right, I understand that. But it's not a road that other people drive to get to work or something like that?

Eric Furnas: Yeah it's not a county road, it's a private subdivision.

Barry McManus: I've worked on that road on a couple of different houses and it's not like anyone is racing up and down it. I mean it's a nice gradual drive through the timber.

Carol Schlueter: Yeah.

Barry McManus: Is there a state trooper next door?

Eric Furnas: A couple of houses down.

Carol Schlueter: So Sabbath Drive ... that is a private subdivision. Do they have their own requirements on what can be built on that property?

Eric Furnas: Well that is always ... HOA covenants is always an interesting topic because many subdivisions have them, or they believe that they are still binding but might not be.

Barry McManus: And there's a lot of times that they are grandfathered in.

Eric Furnas: Well I wrestle with this because you are not charged with enforcing HOA covenants, however in a case with a Variance I'm not sure of the appropriateness of granting Variances that are in direct violation of homeowner's association covenants ... it kind of paints the association into a corner.

Bill Tharp: But then it's up to them to bring a private cause of action.

Eric Furnas: Right but I'm not sure if its real great practice... the problem is determining whether those covenants are actually enforceable.

Barry McManus: And if they even exist.

Bill Tharp: Well they are interestingly... any restrictions or these restrictions on property like homeowner's association and things like that... there is something that is called stale uses and reversions. And so after 20 or 21 years things are supposed to be filed with the recorder to renew those. Although after reviewing hundreds or thousands, I don't know how many abstracts, that is rarely done. So if this were to become an issue with others, there would be a lot of homeowners associations that might have some issues.

Barry McManus: And in turn there are a lot of homeowners and neighbors that think that they have them and they don't have them anymore.

Bill Tharp: Exactly, exactly.

Daryl Bush: And if I may add... I spoke to Mr. Brown about that as well and he informed me that he checked into the HOA as well. I am under the understanding that it has expired and it is not enforced, although he did get the okay from them that they are okay with everything that he wants.

Barry McManus: Well ... and like you said and I know the property, I've been up there working on the log cabin place that you go out the other way, they also have...

Carol Schlueter: So this is going to be like a garage, right?

Daryl Bush: Yes, basically.

Carol Schlueter: So it's not taller than a regular garage? Is it like a double car garage?

Daryl Bush: Yes, he's going to have a double door on it, it's a 30 by 48, he's going to have a double door on one half of the side wall. Yes and as far as height wise...

Eric Furnas: So it's a pole construction, right?

Daryl Bush: Yeah it's pole construction.

Eric Furnas: So then it's going to be taller than a stick built garage then.

Daryl Bush: Well not necessarily. It just depends ... in this case the height is 13.6 and he has a 4/12 roof pitch... so his peak height would be no more than...

Barry McManus: Seventeen feet?

Daryl Bush: Yeah 17 or 18 feet.

Carol Schlueter: So it's taller than a regular garage.

Daryl Bush: Yeah I would say yeah because to get the interior clearance that he wanted, he wants to possibly put in a car lift in the future.

Carol Schlueter: Is he going to put a loft in it?

Daryl Bush: No, I don't think so. The clearance height from the truss to about the grade board would be about 12 feet in this case.

Carol Schlueter: Okay if there is anyone in the audience that wishes to comment in regards to this case, if so please state your name first. Okay, Eric could you give us your comments?

Eric Furnas: I would just refer you to the topics that you are to study and base your considerations on. I don't think that there is an argument that there is a unique property limitation here. My concern is that the topography and the orientation of the house existed most likely before Mr. Brown purchased the property. Then if you look farther down the items that you are to consider ... maintaining the characteristics of the location, not taking away from those... you know, protecting surrounding property owners... As I drive up and down Sabbath Drive, I don't see steel sided pole barns in the front yard. It would be a stretch to say that this is in harmony with the typical other land uses, and the way other lots and residences are laid out and portrayed in that area. Based on him turning it and gaining a few more feet, I guess I'm not convinced that there is an automatic sight distance issue. There is a little bend in the road but given the low traffic count and the type of traffic on the road, I don't see that there is necessarily a traffic safety hazard issue. But I think a strong argument could be made by the neighbors that it does alter the general characteristics of the neighborhood. That's where I am at on those items that you normally consider. There is not any other steel-sided building... and visual aesthetics can be altering the characteristics of the neighborhood. Many subdivision associations have architectural standards that address types of siding, types of roofing, etc.

Bill Tharp: Madam Chair may I just take a minute, I will be real quick to get this into the record as for my thoughts and reasons. First is, as an unnecessary hardship, it says the use to be authorize by the Variance will not alter the essential character of the locality. As Eric has talked about before, and as I saw from my review, a steel pole building is quite a bit different from what the rest of the properties in that area have. As for protection for public interest, if granting the Variance would either harm the public interest or undermine the purpose of the ordinance, we see from a lot of the emails and also from just looking through

the property that having a house in the front... the reason why they have this zoning ordinance and they are asking for a change is to protect the property values, so that pole buildings and other things are not put in front, and just without reason...and so I see that as dropping the property values. As for the reason ... and we talked about it because there was no other place to go, but this person purchased the property not long ago and as we know the hill has been here since this was a... you know hundreds of thousands of years, you know this has been a hill. So when he purchased the property, they understood that there was not going to be a lot of places to put a garage here or it was going to take some work, such as putting the house into the hill. Under what we should determine, it said that it would not be unreasonable or diminish or impair established property values in the surrounding areas, I would find that it would. And that it would not impact the general purpose and intent of the regulations and provisions contained in the Muscatine County Zoning Ordinance and Comprehensive Plan, and I believe that it does because it is not consistent with the way the property is set up. Also the following are not grounds for hardship, one is a self-imposed hardship when conditions giving rise to the need for a Variance were created by the property owner or former owner, the hardship is self-imposed. In this situation, these property owners purchased this property with the understanding that they would not be able to build the garage in the back or that it would take quite a bit more resources because of the hill that was already there. And so there are things that I would like to do with my property, I understand that I'm living in a municipality and there are rules and regulations that are set up by the Zoning Ordinance. If the zoning board wants to change those things ... and there are different things that we see in different cities that permit different things. But as for Muscatine County, in my opinion, and this is just my opinion and it can be completely wrong and I can be completely outvoted and that would be fine, is that I do not believe that this meets the criteria for a Variance. Sorry for giving all of that, I just wanted that in the record.

Carol Schlueter: Okay. The house that is there now, is there an attached garage on it now?

Eric Furnas: Yes, I believe it is a split level and it's built into the hill.

Carol Schlueter: So is it a two car garage?

Daryl Bush: Yes it's a two car garage.

Carol Schlueter: So there is no place up there by the house that they could add on?

Daryl Bush: Absolutely not.

Eric Furnas: It would take a feat of engineering to fill and grade... I don't think that's in dispute.

Carol Schlueter: Okay, I'm just looking at this aerial where it shows the car is parked and I thought that maybe there might be some room right there.

Eric Furnas: There is a parking pad barely big enough and leveled up just to go into the garage.

Carol Schlueter: Okay, I did not drive up to the house when I was out looking at.

Eric Furnas: And part of the new septic system is right up there up on the knob too.

Carol Schlueter: Okay.

Eric Furnas: I do think that there is sometimes a higher burden in a platted residential subdivision or a higher emphasis should be placed on maintaining

compatibility with surrounding property owners, just given the proximity of one house to another in a residential subdivision. The expectation of uniformity compared to a rural property where the next neighbor might be a mile or two away from you.

Emily Geertz: So where he wants to locate a building that sort of matches the style of the house or something might be an option?

Barry McManus: Well financially it's harder but it's possible.

Emily Geertz: Yeah.

Barry McManus: But regarding steel siding, it's coming. It's the new building really, I mean, they are building shop homes everywhere now.

Daryl Bush: Yeah we get calls all the time that say they want to build a home in the outbuildings now.

Barry McManus: Yeah it's like when everybody had wood siding and then they come out with this new-fangled vinyl stuff... it was, you know crazy. And now we are finding out that it has its issues too.

Bill Tharp: These are things that would be helpful in getting some direction from either the zoning board or the Board of Supervisors as to how they would like us to deal with these different things. But that's neither here nor there, I suppose, you know it's in the record. They can pass different resolutions or things like that to amend the Comprehensive Plan. Then that of course would give us more direction than...okay, than this is this situation and this is what we do, so that we don't have to interpret them as much. But when we have to interpret, that's what we have to do.

Barry McManus: Well as far as steel siding goes, I think that's just a homeowner's association opinion and we don't even know for sure if there is still a homeowner's association. It's not an illegal building material by any means, is it?

Eric Furnas: No, and I think that's where the aesthetics and materials are more of a secondary issue. In a hardship case, with what you are wrestling with, the materials are probably irrelevant to some extent.

Daryl Bush: May I add a comment too? I believe that when he first talked to the HOA about it, one of their main concerns was the colors and they felt that the colors matched.

Emily Geertz: How many neighbors are there?

Daryl Bush: Oh, I don't know.

Barry McManus: Oh there's 20 in that subdivision probably, 20 homes.

Carol Schlueter: Is goes up that far?

Barry McManus: Well you can go up the next street or road and come back into it too.

Bill Tharp: Yeah it was larger than I had expected.

Dixie Seitz: If you look at your notice, it's all of those names on it. All of the people listed live within 500 feet of this property, other than the contractor.

Carol Schlueter: Oh, okay.

Emily Geertz: Since he got permission from the HOA do we...

Daryl Bush: Yeah they were okay with everything, they were just worried about matching the colors up and all.

Bill Tharp: But we don't have any documentation showing that, right?

Eric Furnas: Right. We have correspondence from some people within the HOA that appear to disagree. So I would say that you don't have an official opinion from the HOA one way or the other.

Barry McManus: And it's really not the duty of this board to deal with HOA issues, correct?

Carol Schlueter: Correct.

Bill Tharp: I would agree with that exactly.

Carol Schlueter: Yes. Okay, any other questions or comments from the board or anybody in the audience? Eric, do you have anything else?

Eric Furnas: I don't believe so.

Carol Schlueter: Would anyone like to make a motion in regards to this request?

Barry McManus: I move that we approve the request before us.

Carol Schlueter: Okay, it's been moved that we approve the request asked by Mr. Brown for a Variance in order to place a 30' by 48' pole barn in front of the existing dwelling and only 20 foot... but I think they said that it was going to change. Do we want to do that?

Eric Furnas: I think for a matter of record, I would like to know what we are going to be looking at when we inspect. What is the actual Variance that is now being requested, unless you are comfortable with 20. But I think I'm hearing that you'd like to see as much as he can get. But the burden is on the applicant to tell us what he can achieve, because I'm going to have to inspect this building and I need to know what you've approved specifically and what you haven't.

Barry McManus: Okay so you are turning the building, so instead of 48 you are down to 30. So can we automatically assume that it will be at least an 18 foot gain?

Daryl Bush: Yeah it would be at least an 18 foot gain by doing it that way, yeah.

Barry McManus: So we are looking at, at least 38 foot.

Carol Schlueter: From the front lot line? So 38 feet back from the front lot line.

Daryl Bush: Yep.

Carol Schlueter: Instead of the 50 feet that is required. So is that what your motion is going to be?

Barry McManus: Yes.

Carol Schlueter: Okay, do I have a second to that motion?

Charles Clark: Second.

Carol Schlueter: Okay, it has been moved and seconded that we approve this Variance to allow this pole building in front of the dwelling but it would be at least 38 feet

back from the front lot line. All in favor please say Aye (3) Nay (2). The motion is passed with a 3 to 2 vote.

Daryl Bush: Okay, thank you.

Eric Furnas: The Board of Supervisors review any Variances that have been granted by the Board of Adjustment. Their authority is to remand it back for further consideration or to not remand it back. You don't have to be there at that meeting, it's just a review. We will inform you of the outcome.

Bill Tharp: So good luck sir.

Daryl Bush: Okay, thank you.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Eric S. Furnas, Planning, Zoning & Environmental Administrator

From: Blaine Carroll
Sent: Tuesday, January 7, 2020 10:55 AM
To: Zoning-Staff-Email
Cc: Douglas linda
Subject: Case #20-01-01

I am EMPHATICALLY in opposition to this request.

I believe that a "pole barn" is NOT what our neighborhood was developed for.

This will degrade property values, increase road use by heavy machinery, and detract from the natural beauty of our roadside.

It also opens a "Pandora's box" to future building requests.

This is a "neighborhood" - not a farm, and not an industrial site. That is what the property owners paid for and what we expect.

Blaine Carroll

From: Blaine Carroll
Sent: Tuesday, January 7, 2020 10:18 PM
To: Douglas linda
Cc: Eric Furnas <erfaurnas@co.muscatine.ia.us>
Subject: Re: Attn. FOX VALLEY

hi linda & eric,

Unfortunately, I am also out of state for the winter, but wish that I could attend the meeting...

This idea is absolutely ridiculous, and I have no idea how anyone would even propose such an intrusion and eyesore!!!

I think we just need to sit back and allow the facts to be heard and trust that the common sense will prevail.

Fox Valley Home Owners Association

December 13, 2019

Dear Mr, Brown,

You have submitted a request to build a garage for your residence, The request has been reviewed by the association and each homeowner In the association has had the opportunity to object. Having heard no objections to the design and layout of your project, we are pleased to grant our approval for the construction of the garage to be located In front of your dwelling and that matches the style and design of your home.

You are asi<ed to maintain 33 ft. of distance from the center line of the hard surface road as a right-of-way, You should also abide by all county zoning requirements.

Than!< you,

Fox Valley H.O.A President

NOTE: This letter was not presented to the Board of Adjustment prior to their meeting and was only emailed to our office after the meeting by Mr. Brown.

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, January 10, 2020, with Chairperson Carol Schlueter and members Emily Geertz, Bill Tharp, Charles Clark and Barry McManus present. Eric S. Furnas, Planning, Zoning & Environmental Administrator, and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Brian Sindt, Warren Sindt, Jacob Robidean, Nikki Salek, Denise Ball and Fred R. Hoopes.

Carol Schlueter: Okay, we will move onto to the next case. Eric, would you read the request please?

Eric Furnas: Case #20-01-02. An application has been filed by Northwest Bible Baptist Church Inc., Record Owners and Jim and Fred(a) Sojka, Proposed Buyers/Applicants. This property is located in Cedar Township in the Sections 32 & 33-T76N-R4W, 2798 Casey Avenue, Letts, Iowa, containing approximately 53 acres and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for the proposed buyers to operate a privately owned campground, retreat and event center on the site of an existing church campground.

Carol Schlueter: Any correspondence Eric?

Barry McManus: It's Jim and Freda Sojka.

Eric Furnas: Sorry I was worried about getting Sojka correctly.

Barry McManus: You didn't get that either.

Eric Furnas: I didn't?

Dixie Seitz: That's how we say it.

Barry McManus: It's Sojka.

Dixie Seitz: Nikki, how do you say it?

Nikki Salek: We say Sojka.

Bill Tharp: There are Sojka's in Columbus Junction.

Dixie Seitz: That's who they are.

Bill Tharp: Oh, okay.

Dixie Seitz: They are actually my neighbors.

Bill Tharp: I know a Stacy Sojka.

Nikki Salek: Yeah that's Jim's daughter.

Eric Furnas: But for the record, no preference will be given because they are Dixie's neighbors. (laughter) But Carol, I don't believe that we have received any correspondence.

Carol Schlueter: Okay, is the applicant here? If so, please state your name and tell the board what you are asking for.

Nikki Salek: I am Nikki Salek, I am Freda's daughter.

Carol Schlueter: Okay well I think you need to tell us what you asking for?

Nikki Salek: Okay, so we are wanting to use the property as it is. We want to use the cabins for people to come and rent and stay for a weekend or a week. Then there is a small building on the property that we'd like to use for people that have small get-togethers.

Carol Schlueter: Is this property being used for this now already?

Eric Furnas: Would you like me to speak to that? There is quite a bit to go over.

Carol Schlueter: Would you please?

Eric Furnas: The short answer is yes, for the last 20 plus years... or more.

Jacob Robidean: Actually more than that, I represent the owners.

Eric Furnas: Okay, so there has been in operation a church camp ground with cabins, swimming pool, event centers, dining hall... it's been ongoing and operating with at least one church group, if not two, over the past 20 years.

Jacob Robidean: It is probably two or three church groups over the past probably 30 years.

Eric Furnas: So the use has been very similar but it has been operated by a religious organization in the past. The reason the Variance is requested at this time... our ordinance allows these types of facilities, but they are specific to religious or youth organization, that's how it is listed in our ordinance. My thinking... the land use that impacts the surrounding property owners doesn't change whether it's owned by a church camp or a youth organization, I think it would be the same if it's owned by a private firm. You know, the land use doesn't change. I would also like the Board of Adjustment, as they consider this request, if they feel so moved that I take this issue to the Zoning Commission and have the religious and youth affiliation requirement removed. I just think that it is strange that only religious camps or youth camps are the only ones that can have camps out in the county. If that is something that the Board of Adjustment feels is appropriate, I would certainly do that. Because then in the future we aren't faced with a Variance situation, we are faced with an applicant for a Special Use Permit regardless of their affiliation. There has been an extensive investment in this county with the cabins and I don't think that it should just apply to religious and youth camp situations.

Carol Schlueter: Okay, thank you Eric. I just want to make sure that I understand this. Jim and Freda Sojka are purchasing this from the church?

Eric Furnas: They are the proposed buyers, prescient to this Variance being approved.

Carol Schlueter: Okay, if we allow them to have this... what they are asking for today, okay.

Bill Tharp: And what they are asking for, so that I can be sure, is that this is used as a campground where people will come and stay for a certain period of time and then go, just like any kind of camp regardless if it's religious or not. But it's not something that is going to be like an RV park or something like that where people would be living here long term, or a trailer park, something like that. Is that right?

Nikki Salek: Right, it is not long term.

Bill Tharp: Okay.

Nikki Salek: The people renting the cabin would be for like a week or a weekend and then that would be it. It is not a long term thing.

Bill Tharp: Okay.

Eric Furnas: And mobile homes cannot be moved onto this, we have a specific zoning district required for mobile home used for permanent residency. Part of the request is to also to have a future phase, which would be campground, very temporary camping.

Emily Geertz: So this is a private business?

Eric Furnas: Yes privately owned and operated as opposed to youth and religious organizations.

Emily Geertz: Managed by the family?

Nikki Salek: Yes.

Someone in the audience asked about the shooting range, but didn't state his name.

Carol Schlueter: So then they can rent it out if the church wants to rent it out for a week or something?

Eric Furnas: If the church wanted to rent it out, if your family wanted to rent it out for a family reunion...

Emily Geertz: A 4-H club...

Eric Furnas: Yeah and they are fully aware that there is potential building code issues if they want to remodel, especially if they change any use of the existing buildings. If the use continues to be the same, say like sleeping quarters, the building codes don't kick in. But if you take a dining hall and want to make it a bunkhouse, our modern building codes are going to kick in and they are aware of that. We have had some initial discussions on what that would entail. There's been a lot of septic system updates already made because there were newer cabins added by the church camp in the past. So there are some modern wastewater treatment there, but we would have to deal with some other issues down the road.

Emily Geertz: And being so close to the river, is this in the flood plain?

Eric Furnas: No, this is on a high high bluff, there is no flood plain on the developed area.

Carol Schlueter: Okay, explain to me about where it this is at.

Brian Sindt: There's flood plain there.

Eric Furnas: Not where the buildings are though.

Brian Sindt: No, but it goes down from Louisa County to our property.

Eric Furnas: Right.

(The board members are explaining and figuring out where this property is located.)

Carol Schlueter: Well it looks beautiful! I've never seen it or been there – but it looks really nice.

Bill Tharp: Secluded from people like me. (laughter) I didn't know about it.

Barry McManus: And that might be a good thing?

Bill Tharp: It could be – you never know. (laughter)

Carol Schlueter: Okay, is there anyone here in the audience that has any questions, comments or concerns? If so – please state your name.

Fred Robert Hoopes. I am Fred Robert Hoopes and I butt up right next to that property and it happens that... at the time that they have kind of moved out a little bit, but I do request one thing... that they have a dumpster that I would like to have moved. I can't really get away from them being right on me and it's not a big problem but that's one thing that I would request that be done.

Bill Tharp: We don't have jurisdiction over that – do we?

Eric Furnas: Well that's probably a separate civil matter.

Fred Robert Hoopes: Well I'm just asking that something be done. Probably the line goes right next to them actually maybe right through building. It is just one of those things. I think they kind of know what it's about.

Eric Furnas: I guess this board and myself could really only encourage you to discuss it and hope that the new owners... that they would be willing to do that.

Fred Robert Hoopes: Yeah, are you guys buying this or just leasing it?

Nikki Salek: Buying it.

Fred Robert Hoopes: Buying it... so it will be yours?

Nikki Salek: Yes

Carol Schlueter: And sir, you are representing the church?

Jacob Robidean: Ma'am that's correct.

Carol Schlueter: So over the past year is it rented every weekend? Has it been used or what?

Jacob Robidean: The reason we a... actually we purchased a new church camp in Illinois which is much closer to our church, which is where it is based out of. So over the last year we have had neighbors checking on it, we've come out, and we've tried to maintain the property to some degree. I'm sure that Eric has been down there at some point. So anyway... it actually has not been in operation and no one has been out there regularly since probably late summer of 2018.

Carol Schlueter: Oh really. So the pool and all is all good?

Jacob Robidean: Yes.

Bill Tharp: Have you considered the damage to your parishioners and their children being in Illinois for that long? (laughter)

Jacob Robidean: That has been under consideration. (laughter)

Carol Schlueter: Okay, Eric do you have any other comments or concerns?

Eric Furnas: I would just go back to... my position is like the impact of the surrounding property owners, if there is 200 kids coming for a week for summer camp or 200 kids coming during the week to a non-religious camp affiliated summer camp, it's realist the same. The capacity is limited by the structures

that are there. I don't see where the impact of the surrounding neighbors changes.

Brian Sindt: Are they going to do any new construction?

Eric Furnas: It's possible ... I mean if there is still ground available. There are regulations that would control that. But it would depend on what Variance... what is allowed in this Variance. You know they wouldn't be able to ... this Variance as it is written on paper is approved, they wouldn't be able to just come back and just build a movie theater, per say, without specific actions. It still would be only the activities that are listed in the Variance, if it is approved, or with what is normally associated with a camp on this type.

Charles Clark: Are you the Sindt's?

Brian Sindt: Yes.

Charles Clark: Okay and how do you border to that campground?

Brian Sindt: ... we are on the north end. The creek that runs through ours goes through the corner of there's. And I think maybe that creek backs up and then it floods ours. So that's why I was wondering if they were going to do anything with that bottom part or not.

Jacob Robidean: Has it been an issue before?

Brian Sindt: Yeah.

Jacob Robidean: Okay, how did that backup?

Brian Sindt: Well...

Warren Sindt: Well when the river comes up, the whole works gets flooded.

Jacob Robidean: Okay so nothing that the owners did, it was just the river coming up? (They continuing to talk about the river backing up.)

Carol Schlueter: Okay are there any other questions or comments on this request? If not, would somebody like to make a motion in regards to this request?

Bill Tharp: I move to approve the Variance in order for the proposed buyers to operate a privately owned campground, retreat and event center on the site of an existing church campground.

Brian Sindt: I have one more question... is there going to be shooting up there? There's a shooting range up there now.

Nikki Salek: No, we plan to take that out.

Denise Ball: I'm a neighboring homeowner and I don't it there either, but they are not going to have it.

Brian Sindt: Well we hunt, mostly recreational about hunting but I've been up there and it's a regular shooting gallery up there, well it use to be. And he said that there was nobody there for the last couple of years...

Eric Furnas: If it is acceptable to all parties involved and if that's a concern, you could amend the motion to exclude that type of activity to make everyone feel better.

Bill Tharp: Okay, so I will amend my motion to say that the shooting range will not be allowed to be in operation as well.

Nikke Salek: We planned to take it out as well.

Carol Schlueter: Okay, thank you. Is there a second to Bill's amended motion?

Emily Geertz: Second.

Carol Schlueter: There has been a motion to approve this Variance request with the amended motion to state that the shooting range will not be allowed to be in operation and it has been seconded. All those in favor of the motion please say Aye (5) Nay (0). The motion has passed.

Bill Tharp: Good luck.

Nikki Salek: Thank you.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Eric S. Furnas, Planning, Zoning & Environmental Administrator