

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**AUGUST 5, 2014**  
**5:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**

**Present:** Allen Harvey, Jim Edgmond, and Jane Reischauer

**Excused:** Rochelle Conway and Larry Wolf.

**Staff Present:** Dave Gobin, Community Development Director  
Andrew Fangman, City Planner  
Adam Thompson, Community Development Coordinator  
Stephanie Oien, Office Coordinator, Community Development

Chairperson Harvey called the meeting to order at 5:30 p.m.

**Minutes:** Edgmond motioned to approve the minutes from the July 1, 2014, meeting; seconded by Reischauer. All ayes, motion carried.

**Appeal Case No. 922, filed by Matt Mills, to construct a single family residence at 2875 Highway 61. Residences are not allowed on the first level in the C-1 zoning classification (City Code 10-11-1(D)).**

Matt Mills, 7012 57<sup>th</sup> Street South, advised that he purchased the property a year ago and moved his business, Mills Marine, to the site. Since the purchase the business has grown tremendously and he and wife Amy would like to move to the location to keep a better eye on the property. They would like to be considered caretakers of the property and construct a home outside of the floodplain which overlooks the business. He added that he currently lives south of the airport and works 12-15 hours a day six days a week. This proposal would shorten his time away from home for driving. Harvey asked if they had spoken with neighbors. Mr. Mills replied that his wife has sent letters to the neighbors. He explained that the property is approximately 18 acres and the location they are proposing for the house is nearly 300 yards from the nearest neighbor. Harvey questioned if the driveway for Dave Smith crosses their property. Mr. Mills acknowledged it did. Currently there is a temporary easement until better access is available to the Smith property. Mr. Smith owns the property but does not reside there. He lives in Kentucky and uses this as a rental. Mills explained that their improvements will not affect his access and they will use three-quarters of the drive to access their house. Edgmond asked what their long range plans were for the business. Mills replied that they may put up another storage building for campers and boats. Fangman explained that the C-1 zoning district doesn't allow for a caretaker as the M-1 zoning district does. He added this was a staff oversight when rezoning the area when it was annexed. Reischauer motioned to approve the request; second by Edgmond. All ayes, motion carried.

**Appeal Case No. 923, filed by Sharon Orlins, to replace the garage at 1203 Park Avenue. The proposed garage will not meet the required side yard setback per City Code 10-20-3 (K).**

Sharon Orlins and son, Dave Orlins, were present to discuss the request. Mr. Orlins explained that the garage was destroyed in a storm. Their insurance company has paid to replace the garage but did not include replacing the concrete slab. It would be very costly to relocate the garage to meet setbacks. The lot is very small and they intend to replace the garage with one the same size and in the same location. Reischauer asked if an appeal would be requested under the zoning ordinance update that is in process. Fangman replied that there will be much more flexibility with the new ordinance. Reischauer motioned to approve the request; second by Edgmond. All ayes, motion carried.

**Conditional Use Case No. 265, filed by Ryan Wilson for Muscatine Power & Water, to obtain a floodplain development permit for work in a floodplain on Palm Street as part of their Water Main Replacement Project. This constitutes a conditional use per City Code 10-4-4 (B).** Fangman explained that due to FEMA, State, and subsequently City ordinance, a floodplain development permit must be obtained for any work within a floodplain. Action is needed from the Board to review the work as a conditional use. MPW is excavating in a floodplain to install new water main line on Palm Street as part of their Water Main Replacement Project. There will be no grade change with the project. Edmond motioned to approve the request; second by Reischauer. All ayes, motion carried.

**Conditional Use Case No. 266, filed by Andrew Fangman, city planner for the City of Muscatine, to obtain a floodplain development permit for work in a floodplain in the Muscatine Harbor. This constitutes a conditional use per City Code 10-4-4 (B).** Fangman reiterated that a floodplain development permit must be obtained as with the previous case. He explained that the City has buried its dredge spoil line in the floodplain in the Muscatine Harbor rather than leaving it run across the sidewalk and grass along the harbor. There is no grade change. Edmond motioned to approve the request; second by Reischauer. All ayes, motion carried.

**Election of Officers.** Attendees agreed to wait on elections until there are more members present.

Adjourned.

Respectfully Submitted,

ATTEST:

Andrew Fangman, Secretary  
City Planner

Allen Harvey  
Chairperson