

Members present:

Cindy Hall, Chairperson
Paul Thomsen
Catherine Davies
Nicole Stecklein – via phone

Members absent:

Ethan Zumbach

Staff present:

Michele Lubben – Land Use Administrator

Visitors present:

Brian Rickels – applicant, 2417 County Rd. D-61, Bernard
Ned Rohwedder – Supervisor District 4
Mike Weber - surveyor

Introductions of the Board of Adjustment, staff and visitors took place.

A quorum of members of the Jones County Board of Adjustment was achieved at 4:00 p.m. and Chairperson Cindy Hall called the meeting to order at 4:08 p.m.

Motion by Davies seconded by Thomsen to approve the agenda for the meeting. All aye. Motion carried.

Motion by Thomsen seconded by Davies to approve the August 20, 2019 meeting minutes. All aye. Motion carried.

Motion by Thomsen seconded by Davies to open the public hearing at 4:10 p.m. for owners Brett and Laura Butler and applicant Brian Rickels, who have applied for a variance in the A-Agricultural Zoning District for property described as the NE ¼ SE ¼, in Section 11 of Washington Township generally located south of Brian Rickels property at 2417 County Rd. D-61, Bernard, Iowa. More specifically, the variance is to allow a split that does not meet the requirements for a farm or a residential split within the A-Agricultural District to correct a 30-year-old boundary fence problem. All aye. Motion carried.

The Land Use Administrator noted that the Board received copies of the application, aerial map, and written report. All adjoining landowner letters were sent, however, Mark and Karen Hosch did not pick up their letter from the Post Office and John Udell's letter was received. No verbal comments were received on the application.

The Land Use Administrator gave a brief history on the property and application. The property in which Brian Rickels lives is described as Lot 3 of Simon Acres, a subdivision recorded in 1989. On the plat, it was clear that there was an area with a fence that was not part of the plat. The area requesting to be surveyed is approximately 1/3 of an acre and contains a horse barn and pasture area and Rickels has always occupied the area. The Jones County Assessor's office realized when checking property, that the two buildings that were being assessed to Brian Rickels was actually on Brett Butler's parcel. A letter then went to Brett Butler to explain that the buildings were now going to be taxed to Brett Butler unless the office was notified. Brett Butler never thought that the buildings were his and even though there was a survey and documents within the abstract, Rickels assumed the property was his. They are looking to correct the discrepancy by this action. The Land Use Administrator explained that the Assessor's Office has again switched the taxation of the buildings to Brian Rickels as a "building on leased land". The Land Use Administrator explained the variance is to both a request to split less than 2 acres in the A-Agricultural Zoning District and to allow a split that would not count as a one-time residential split. The Land Use Administrator explained that there could be other ways other than a variance for this situation. It could continue to be a building on leased land and Rickels could lease the area from Butler without a survey similar to an agreement he has with the adjacent neighbor Hosch for a fenced off area of pasture. They could also see an attorney to claim "adverse possession" on the area listed. Creating a precedence for the split could allow for additional land use applications for similar situations.

Motion by Thomsen seconded by Davies to close the public hearing at 4:35 p.m. All aye. Motion carried.

The Board discussed the application and alternatives to allowing a split if it could contain the minimum acreage requirement. The applicant will discuss with Butler the possibility to obtain the necessary two acres.

Motion by Thomsen seconded by Davies to table the application until their next scheduled meeting.

Roll call vote:

Thomsen - Aye

Davies – Aye

Stecklein - Aye

Hall - Aye

All aye. Motion carried.

The red zoning sign was returned.

The next meeting is scheduled for Tuesday, November 19, 2019 at 4:00 p.m.

Motion by Thomsen seconded by Davies to adjourn at 5:05 p.m. All aye. Motion carried.