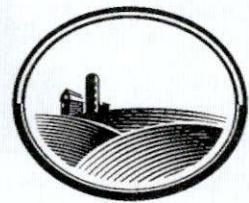


Jones County Land Use
 Rm 113 Courthouse, 500 W Main St.
 Anamosa, Iowa 52205
 Phone: 319-462-2282 Fax: 319-462-5815
 Email: landuse@jonescountyia.gov
 Website: www.jonescountyia.gov



Jones County Zoning Special Permitted Use Application

For Office Use Only		
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date: _____
Comments: _____		
_____ Signature of Jones County Land Use Administrator		

The Board of Adjustment will review the proposal and deny or approve.

Fee: **\$250.00** (non-refundable) payable to Jones County, with the completed application

pd ck 250.00 \$250
 pd cash \$100

Date Application Filed: 5/5/23

Owner Information			
Name on property: Steven & Kathleen Baumer			
Address to receive mail:	House Number & Street: 5226 Co Rd E29		Apartment/Unit
	City: Onslow	State: Iowa	Zip Code: 52321
Phone: (563) 370-7697	E-mail Address: mrandmrspsyro@gmail.com		

Applicant Information			
Name: (If different from above.) Teddy's Fireworks LLC			
Address to receive mail:	House Number & Street: 5226 Co Rd E29		Apartment/Unit
	City: Onslow	State: Iowa	Zip Code: 52321
Phone: (563) 370-7697	E-mail Address: teddysfireworks@gmail.com		

Parcel Information			
Township	05-84-01	Section	Property Address 5226 Co Rd E29
Zoning District: WYOMD - WYOMING TWP/MIDLAND SCH		County Parcel ID(s), if known: 1205200009	

MAIL JONES CO. AUDITOR
 '23 MAY 5 AM 8:32

Additional information regarding the parcel(s), if any:

Proposed Use

Attach a site plan indicating the location of any existing, and proposed, buildings and driveways.

Attach a copy of the entrance access permit from the County Engineer, if any.

Attach a narrative providing the following information:

- Expected traffic volumes, including the impact on local roads and access to hard surface roads.
- Noise impact on surrounding property owners, residents, and livestock.
- Provisions for sanitary services (permanent and/or temporary waste disposal plans).

The narrative shall include any additional information required in the Zoning Ordinance for the specific permitted use requested.

Additional information and regulations may be required of properties located in a Critical Resource Area Overlay (Section 9 of Article V).

Additional information may be requested by the County to assist the Board of Adjustment in considering the application.

A and A2 - Agricultural District Special Permitted Uses Article V – Section 1. and 2. D.

- Auxiliary dwelling units subject to Article XI.
- Bed and breakfast inns subject to Article VIII.
- Churches or other places of worship, including parish houses and Sunday school facilities.
- Commercial recreation uses subject to Article IX.
- Communication towers subject to Article XIV.
- Home-based Industries subject to Article VII.
- Kennels and Animal Shelter Requirements subject to Article XXI.
- Public and private stables.
- Quarry and Extraction Uses subject to Article X.
- Seasonal dwelling units subject to Article XI.
- Seed, feed, biofuel plants, (biodiesel, ethanol) and other direct farm supply businesses.
- Wind Energy Conversion Systems (WECS) under 100 Kilowatts subject to Article XV.
- Wineries and other Value Added Agricultural Products.
- Quarry and Extraction Uses subject to Article X.

R - Residential District Special Permitted Uses Article V – Section 3. D.

- Animal shelters subject to Article XXI.
- Auxiliary dwelling units subject to Article XI.
- Bed and breakfast inns subject to Article VIII.
- Churches or other places of worship, including parish houses and Sunday school facilities.
- Home-based industries subject to Article VII.
- Parks, playgrounds, golf courses (public and private), service organizations, and recreational uses.
- Schools (public and private), educational institutions, preschools, and day care facilities.
- Wind Energy Conversion System (WECS) – Small subject to Article XV.

RMH - Residential Manufactured Housing District Special Permitted Uses Article V – Section 4. E.

- Home-based industries subject to Article VII.

C1 - Commercial District Special Permitted Uses Article V – Section 5. D.

- Bed and breakfast inns subject to Article VIII.
- Communication towers subject to Article XIV.
- Wind Energy Conversion Systems (WECS) – Small subject to Article XV.
- Wineries and other Value Added Agricultural Products.

C2 - Highway Commercial District Special Permitted Uses Article V – Section 6. D.

- Bed and breakfast inns subject to Article VIII.
- Communication towers subject to Article XIV.
- Wind Energy Conversion Systems (WECS) – Small subject to Article XV.
- Wineries and other Value Added Agricultural Products.
- Adult entertainment uses subject to Article XII.

I1 - Industry District Special Permitted Uses Article V – Section 7. D.

- Adult entertainment uses subject to Article XII.
- Communication towers subject to Article XIV.
- Quarry and Extraction Uses subject to Article X.
- Wind Energy Conversion Systems (WECS) – Small subject to Article XV.

The land parcel(s) must comply with the minimum lot area, front, rear, and side yard setbacks, and maximum height restrictions in the applicable district, as described in the Jones County Zoning Ordinance. The Jones County Zoning Ordinance is available in the office of the Jones County Auditor, or on-line at www.jonescountyiowa.gov.

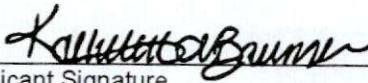
The applicant is responsible for reviewing the provisions of the Jones County Zoning Ordinance prior to submitting this application.

DNR Storm Water Permits are required when development disturbs one acre or more of land. For more information, contact the Department of Natural Resources at (515) 725-8417 or contact Clark Ott at (563) 927-2640 and ask for storm water permit assistance.

Special Permitted Use applications are submitted to the Jones County Board of Adjustment for consideration and approval or denial. The Board of Adjustment may apply additional conditions for approval, as may be warranted to mitigate any deleterious effects of the proposed use. The decision of the Board of Adjustment may be appealed by filing a petition with the District Court within thirty (30) days after the decision has been issued by the Board of Adjustment.

This development is subject to, and shall be required, as a condition of final development approval, to comply with the Code of Iowa and all Jones County ordinances, requirements, and standards that are in effect at the time of final development approval.

The undersigned applicant certifies under oath and under the penalties of perjury that the foregoing information is true and correct.


 Applicant Signature

05/02/2023
 Date

Owner Signature (if different than above)

Date

QUESTIONS

WHO TO CONTACT

Flood Plain Determination	Flood Plain Coordinator 319-462-4386 – Brenda Leonard
Access Permit for Drive	County Engineer 319-462-3785 – Derek Snead
911 Address	911 Coordinator 319-462-2735 – Gary Schwab 9-1 Mon - Wed
Well and Septic	Environmental Services 319-462-4715 – Paula Hart
Electrical Permits/Inspections	https://iowaelectrical.gov/ – ggrant@dps.state.ia.us Greg Grant 319-350-2404

Site Plan: Please see enclosed.

Narrative:

- Expected traffic volumes, including the impact on local roads and access to hard surface roads.
 - No impact to local roads other than the normal daily use.
- Noise impact on surrounding property owners, residents, and livestock
 - No noise impact to surrounding property owners, residents, or livestock.
- Provision of sanitary services
 - None required for my business.

I have a license approved by the State of Iowa and a Federal EIN number for my business. I have a home-based business since there is nowhere else, I can have my business that is industrial or commercial near me*. We are owned, operated, and produce items as a family on our property. There is no outside help or input. I make clothing merchandise to order, graphics and sell theatrical smoke year around from my home in addition to the 3 weeks out of the year we have the tent in our back pasture. I have had this business for 4 years now with no problems, complaints or concerns from neighbors or other community members. Every year I must undergo a thorough inspection of my location for the 3 weeks that I have my items for sale in my side yard by the State of Iowa Fire Marshals office. We pass every time with no issues or concerns.

Please see enclosed License and insurance for your reference.

On the application I check boxes under both Agricultural and Residential since I was told that I am zoned Agricultural but taxed Residential. I was unsure which one I would fall under.

Please refer to the following chapters from December 2022; Thu Dec 29 17:24:43 2022 Iowa Code 2023, Chapter 335 (30,3) regarding my home business also.

335.2 Farm exempt: Zoned Ag, pay residential taxes

335.2A Sale of consumer fireworks*

A county shall not adopt or enforce any ordinance under [this chapter](#) to regulate, restrict, or prohibit the location of permanent buildings or temporary structures used for the sale of consumer fireworks pursuant to [section 100.19](#), in any location zoned for commercial or industrial purposes. *Interpretation: Since my business is not in an area zoned commercial or industrial, this does not apply to me.*

335.25 Home-based businesses

We also comply with the NFPA standards for the manufacture, transportation, storage and retail sales of fireworks.

Based off the documentation that I have provided; I feel that I meet the requirements in Article VII for a "home-based industry".



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/20/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McGriff Insurance Services, LLC P.O. Box 10265 Birmingham, AL 35202	CONTACT NAME: Heather Van Houten Reeves 205-583-9810 or 205-581-9239	
	PHONE (A/C, No, Ext): 1-800-476-2211	FAX (A/C, No):
E-MAIL ADDRESS: hvhouten@mcgriff.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: James River Insurance Company		12203
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

INSURED
 Spirit of 76, LLC
 6401 Hwy 40 West
 Columbia, MO 65202

COVERAGES

CERTIFICATE NUMBER: 79SP5L9G

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		000472712	03/06/2023	03/06/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ EXCLUDED PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below					<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Certificate Holder and Steven M. & Kathleen A. Baumer are Additional Insured under General Liability as required by written contract.

Re: Physical Location of Pyrotechnics Stand : 5226 County Road E29; Onslow, IA 52321
 June 1, 2023 - July 24, 2023 (July 4th Season) or December 1 - Jan 10th (New Year's Season)

CERTIFICATE HOLDER

Teddy's Fireworks LLC
 5226 County Road E29
 Onslow, IA 52321

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – PREMISES LIABILITY FOR PYROTECHNIC STANDS

This endorsement modifies insurance provided by the Coverage Part(s) checked below:

- All Coverage Parts or
 Only the following checked Coverage Part(s)

- COVERAGE PART A - COMMERCIAL GENERAL LIABILITY
N/A COVERAGE PART B - CONTRACTOR'S POLLUTION LIABILITY
N/A COVERAGE PART C - PROFESSIONAL LIABILITY
N/A COVERAGE PART D - SITE ENVIRONMENTAL LIABILITY
N/A COVERAGE PART E - PRODUCTS POLLUTION LIABILITY
N/A COVERAGE PART F - OTHER

Solely with respect to coverage afforded by the Coverage Part(s) checked above:

SECTION II – Who Is An Insured is amended to include as an additional insured any person or organization you are required to include as an additional insured on this Policy by written contract or written agreement in effect during this "policy period", and executed prior to the "occurrence" of any "bodily injury" or "property damage" but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by:

1. The acts or omissions of the additional insured, or
2. The acts or omissions of those acting on behalf of the additional insured,

provided that the additional insured is the owner, occupier or operator of the "owned stand" and carries the Named Insured's pyrotechnic products.

The insurance provided to the additional insured(s) under this endorsement is limited as follows:

1. The person or organization is only an additional insured:
 - a. with respect to contractual liability for "bodily injury" or "property damage" resulting from the presence of the Named Insured's pyrotechnic products; and
 - b. with respect to "occurrences" that take place at the additional insured's "owned stand"; and
 - c. if prior to the "occurrence":
 - i. they obtain a certificate of insurance from a retail insurance agent, and
 - ii. whose certificate of insurance is on file with us; and
 - d. for such "owned stands" designated in, and for the time period specified in, such certificate of insurance.

As used in this endorsement, "owned stand" means any premises, site or location, including temporary structures, which is owned, occupied by, or operated by the additional insured, and is used for the retail sale of the Named Insured's pyrotechnic products.

ALL OTHER TERMS AND CONDITIONS OF THE POLICY REMAIN UNCHANGED.

NOT TRANSFERABLE

KEEP THIS LICENSE POSTED

Consumer Fireworks Retail License

Teddy's Fireworks (5226 Co Rd E29)

5226 Co Rd E29, Onslow

License Number: CFRS2023-0318

License Level: BOTH First- and Second-Class Consumer Fireworks

Issue Date: 04/20/2023

Expiration Date: 04/01/2024

Structure Type: Temporary Tent

50% or more of retail floor space devoted to consumer fireworks

License Tax Status: Retail Tax Status



The information provided on this certificate is current as of 04/20/2023. Scan the QR code to retrieve or verify the current license status.

License issued pursuant to IAC 661—265

Iowa State Fire Marshal Division

215 East Seventh Street
Des Moines, Iowa 50319

Website: <https://iowa.imagetrendlicense.com/>

Dan Wood
Iowa State Fire Marshal

Address: 5226 Co RD F29 Onslow, IA 52321

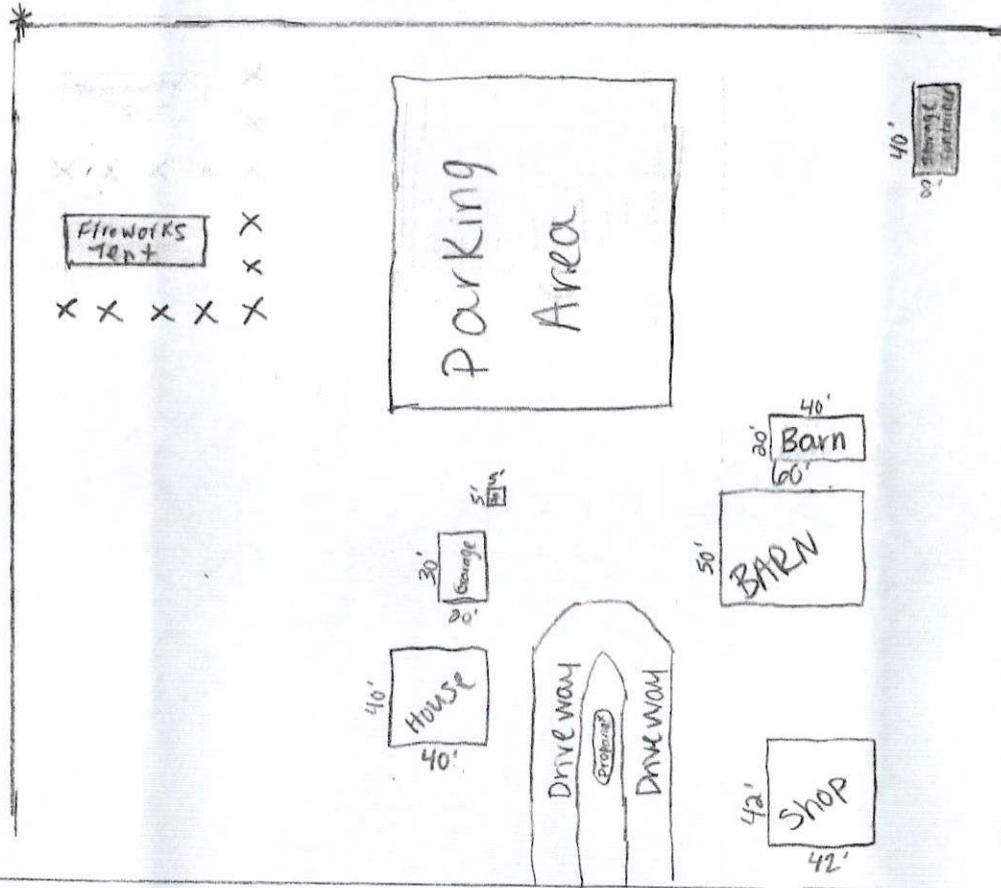


□ = 20 FT x 20 FT
* propane tank
320 ft Away
* well house 5' x 5'

★ Farmland ★

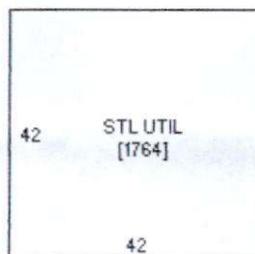
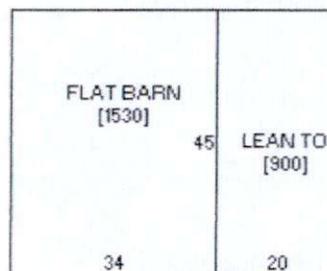
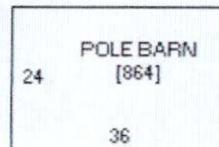
* No less than 20 ft;
all grass, weeds
& foliage will be
properly maintained

★ Farmland ★



★ Farmland ★

County Road F 29



Sketch by www.camavision.com

Jones County Land Use
 Rm 113 Courthouse, 500 W Main St.
 Anamosa, Iowa 52205
 Phone: 319-462-2282 Fax: 319-462-5815
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JONES COUNTY LAND USE

Written Report of the Jones County Land Use Administrator Request for a Special Permitted Use

Application from:	Owners, Steven and Kathleen Baumer Applicant, Teddy's Fireworks LLC
For property located:	5226 County RD E-29, Onslow
Brief legal description:	Parcel 2008-32 in SE ¼ NE ¼ Section 5 Wyoming Township
Parcel number:	12-05-200-009
Parcel size:	3.13 acres
Proposal:	To operate a home-based business for clothing merchandise, theatrical smoke and fireworks sales.
Current Zoning District:	A-Agricultural
Applicable Ordinance Provisions:	Article V. Zoning Districts <ul style="list-style-type: none"> ▪ Section 1. A-Agricultural ▪ D. Special Permitted Uses ▪ 6. Home-based industries subject to Article VII.
Date application received:	May 5, 2023
Applicable fee:	\$250 paid on May 5, 2023 \$100 expedited meeting fee paid on May 11, 2023
Notice published: (Article XXI-Section 5)	Week of May 15, 2023 (6-7 days notice provided; 5-20 days required)
Adjacent property owners notified by certified mail: (Article XXI-Section 5)	May 11, 2023
Report mailed to Board of Adjustment: (Article XXI-Section 7)	May 17, 2023
Report mailed to Applicant: (Article XXI-Section 7)	May 17, 2023

Copy of application, proposed use, and copy of map attached.

See pages 2 and 3 for report.

Report of the Jones County Land Use Administrator
(Article XXV-Section 7)

	Derek Snead – Jones County Engineer
Comments:	<i>I have reviewed the Special Permitted Use Application submitted by Mr. & Mrs. Baumer. I have no issues with the application as submitted and recommend its acceptance.</i>
	Jones County District Soil Conservationist – Addie Manternach
Comments:	<i>After reviewing this Special Permitted Use application for a Home Based business Teddy’s Fireworks, I do not see any major concerns/impacts of the proposed business and fireworks stand on this site. From the point of view of the Jones Soil & Water Conservation District, approval of this proposal should have no negative effect on the soil and water resources of this area. Apparently no new construction or any significant earthmoving are planned, so there should be no increased risk of soil eroding from the site. If any construction is planned for the future, the Jones Soil & Water Conservation District advises the landowner to seek assistance in developing an erosion control plan – prior to construction – to prevent soil erosion during construction and to keep sediment from leaving the property.</i>
	Jones County Sanitarian – Paula Hart
Comments:	<i>No comment from this department as plans do not show or comment regarding restrooms provided for the public, therefore no need for septic or well comments.</i>
N/A	Flood Plain Manager – Brenda Leonard
Comments:	<i>Property is not located in a flood plain.</i>
	Jones County Conservation Director – Brad Mormann
Comments:	<i>No comments received.</i>
	Jones County E911 Coordinator – Gary Schwab
Comments:	<i>No comments received.</i>

<i>Minimal apparent impact</i>	Impact which the application will have on the overall land use plan in Jones County (Article XXI-Section 7)
<i>Comments: According to the 2012 Comprehensive Plan, home based businesses should be encouraged and promoted where activities are conducted in the primary residence or accessory building conforming to all applicable ordinance and regulations.</i>	
<i>Minimal apparent impact</i>	Impact which the application would have on surrounding property: (Article XXI-Section 7)
<i>Comments: Adjacent properties are generally agricultural uses. No additional noise is expected, and all business-related activities will be conducted on the property in the designated area.</i>	

Potential outcomes of Special Permitted Use
<i>Approve the application in full</i>
<i>Approve the application with modifications</i>
<i>Deny the application</i>
<i>Table the application to a later date</i>

Further Reference to:

- Article XV-Lighting Requirements
- Article XVI-Sign Requirements
- Article XVIII-Off-Street Parking

Comments:

ARTICLE VII HOME-BASED INDUSTRY

1. It may be service and/or product oriented.
2. It shall not occupy more than 20% of the floor area of one floor of the dwelling;
3. It shall not be objectionable to its surroundings due to nuisance factors such as exterior appearance, the emission of odor, gas, dust, smoke, noise, or in any other way;
4. Not more than one (1) person who is not a member of the family thereby residing shall be regularly employed on the premises in addition to the proprietor;
5. No outside storage or display of products shall be allowed except in the case of roadside stands in which products produced on the respective property are offered for sale.
6. It shall not create traffic or delivery concerns in the immediate area; and,
7. There shall not be created diminishment or impairment of established property values to adjoining or surrounding property.

On April 21, 2022, Senate File 2285 was signed into law. The law restricts city and county regulatory authority over the sale of fireworks. Prior to 2017, fireworks sales in Iowa was illegal. Senate File 489 and House File 295, both enacted in 2017, legalized the sale of consumer fireworks subject to a license issued by the state fire marshal. Under the 2017 law, cities and counties could regulate the location of fireworks sales pursuant to their respective zoning authority. The new provisions in Senate File 2285 prevents cities and counties in Iowa from enacting or enforcing local zoning restrictions on the location of permanent buildings or temporary structures within commercial or industrial zoning districts used for the sale of consumer fireworks.

Interpretation: Properties located within a Commercial or Industrial District are permitted by right to allow sales of fireworks within permanent or temporary structures. This property is located within the Agricultural Zoning District.

The reason for the expedited meeting is in Iowa, fireworks are legal to sell from permanent structures between June 1st and July 8th and from tents and other temporary structures from June 13th through July 8th. The May meeting deadline had passed when the application was received and the additional fee was paid to expedite a special meeting to accommodate the sale dates since the next regular meeting for the Board of Adjustment is scheduled for June 20th.

Jones County Land Use Administrator
Whitney Hein for Sheralyn Schultz

Date