

**JONES COUNTY
BOARD OF ADJUSTMENT**

AGENDA

**TUESDAY, FEBRUARY 20, 2024 4:00 p.m.
BOARD ROOM, JONES COUNTY COURTHOUSE**

- 4:00 p.m.** • Call meeting to order, approve agenda, and January 16, 2024 meeting minutes.

Public hearing for owners, Mark and Karen Hosch, who have applied for a Special Permitted Use for an Auxiliary Dwelling located on their property within the A-Agricultural zoning district described as SW ¼ NE ¼ excepting East 33' of NE 1/4,(parcel 04-11-200-003) in Section 11 of Washington Township generally located at 2473 County Rd D61, Bernard. More specifically, the proposal is to request an auxiliary dwelling in an existing building

- Action on Special Permitted Use Application for Mark & Karen Hosch.

Owners Joshua and Heather Cigrand along with Randall L. Rattenborg of Burrington Group as applicant, have applied for a Variance in the A-Agricultural zoning district for properties in the SE ¼ SW ¼ SW ¼ of Section 34 of Richland Township, generally located at 18991 & 19009 Dales Ford Rd, Scotch Grove. More specifically, the variance request is to change existing legal descriptions of two existing parcels which does not meet the criteria within the A-Agricultural zoning district.

- Action on Variance Application for Joshua & Heather Cigrand.

Public hearing for owners, Darrin and Jennifer Moore, who have applied for a Special Permitted Use for an Auxiliary Dwelling located on their property within the R-Residential zoning district. Generally described as a portion of Government Lot 4 (parcel 10-19-100-004) in Section 19 of Jackson Township generally located at 18752 Landis Rd, Anamosa. More specifically they are requesting for an existing seasonal dwelling to be utilized as an auxiliary dwelling.

- Action on Special Permitted Use Application for Darrin & Jennifer Moore.

- Next meeting, if needed is March 19, 2024. Application deadline is Wednesday February 28, 2024.

Jones County Board of Adjustment

Meeting Minutes

January 16, 2024, at 4:00 p.m.

Members present:

Cindy Hall, Chairperson
Paul Thomsen
John Hinz

Members absent:

Stan Reiter
Roger Kisler

Staff present:

Whitney Hein – Jones County Auditor
Whitney Amos – Land Use Administrator

Visitors present:

Ned Rohwedder
Brad VanFossen

Chairperson Cindy Hall called the meeting to order at 4:00 p.m. Introductions of the Board and visitors took place.

Motion by Thomsen seconded by Hinz to approve the agenda and December 19, 2023, meeting minutes with corrections. All aye. Motion carried.

Motion by Hinz seconded by Thomsen to open the public hearing at 4:04 p.m. for applicant Cory & Misty Vanfossen, who have applied for a Special Permitted Use for a parcel within the Agricultural district described as Catlett's 1st Add Lot 1 containing 1.91 acres (parcel 14-07-100-007) in Section 07 of Rome Township. The request for a Home-Based business would allow Mr. Vanfossen to rebuild automotive vehicles. The Home-Based Business regulations are within Article VII within the Jones County Zoning Ordinance. All Aye. Motion Carried.

Amos noted the Board received copies of the application, aerial map, and written report. The owner/applicant also received a copy of the written report as required. Amos noted the adjacent landowner certified letter was received. No written or verbal comments were received on the application.

Brad Vanfossen was in attendance on behalf of Owner Cory & Misty VanFossen. Brad did give a brief overview of Cory's intentions to buy salvage titled vehicles to rebuild them and sell them. The building that he would be utilizing is an existing building.

The septic system is a concern as it is quite old and there has not been an inspection on it as of yet. Brad was advised by the Board to have Cory get the septic inspected and continue to be in contact with Paula Hart-Jones County Sanitarian.

It was also noted that if the business does decide to put up a sign, that they will need to conform with the Jones County Zoning Ordinance for signage.

Motion by Hinz seconded by Thomsen to close the public hearing at 4:10 p.m. All Aye. Motion Carried.

Motion by Thomsen seconded by Hinz to approve the Special Permitted Use application for applicant/owners, Cory and Misty VanFossen who have applied for a Special Permitted Use for a Home-based industry in the A-Agricultural Zoning District for property located in Section 7 of Rome Township generally located at 18632 55th St., Anamosa.

Roll call vote:
Thomsen- Aye
Hinz-Aye
Hall – Aye

All Aye. Motion Carried.

The application is approved. The Land Use Administrator will issue the approval to the owner and applicant. The red zoning sign has been returned.

The next meeting is scheduled for Tuesday, February 20, 2024, at 4:00 p.m. Application deadline is Wednesday, January 31, 2024.

Motion by Hinz seconded by Thomsen to adjourn at 4:14p.m. All Aye. Motion Carried.

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



JONES COUNTY LAND USE

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

Application from:	Mark & Karen Hosch, owner
For property located:	2473 County Road D6, Bernard
Brief legal description:	SW NE EXCEPTING TRACT NE CORNER Section 11 Washington Township
Parcel number:	04-11-200-003
Parcel size:	33.75 acres
Proposal:	To create living quarter in an already existing building and classify as an auxiliary unit.
Current Zoning District:	A-Agriculture
Applicable Ordinance Provisions:	Article V. Zoning Districts <ul style="list-style-type: none"> ▪ Section 1. A- Agricultural ▪ D. Special Permitted Uses ▪ 1. Auxiliary dwelling units subject to Article XI. Article XI Auxiliary and Seasonal Dwelling Units
Date application received:	December 28, 2023
Applicable fee:	\$250 paid on December 28, 2023
Notice published: (Article XXV-Section 5)	Week of February 5, 2024 (11-13 days notice provided; 7-20 days required)
Adjacent property owners notified by certified mail: (Article XXV-Section 5)	February 1, 2024
Report mailed to Board of Adjustment: (Article XXV-Section 7)	February 14, 2024
Report mailed to Applicant: (Article XXV-Section 7)	February 14, 2024

Application packet attached.

See page 2 through 4 for report.

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

	Jones County Engineer – Derek Snead
Comments:	<p><i>I have reviewed the Special Permitted Use Application submitted by Mr. & Mrs. Hosch. My comments are as follows:</i></p> <ul style="list-style-type: none"> • <i>Jones County has established rules for control of access to secondary roads. This policy was developed to formalize Jones County's requirements for the location and establishment of driveways, field accesses and farm entrances requested by county property owners. If a new access will be constructed or if there are any proposed changes to an existing property access, the property owner must file an 'Application for Access' with the Jones County Secondary Road Department prior to commencing any access construction.</i> • <i>Jones County has established an ordinance to ensure uniform building and structural alterations along County public secondary road rights-of-way that will protect and preserve the highway corridor. If a property owner desires to build a structure or alter an existing structure that is within thirty feet of the secondary road right-of-way, then a variance request must be filed with the County Engineer's Office before any construction may commence.</i> • <i>Any work that may necessitate work (ditching, driveway resurfacing, etc.) within the County road right-of-way must first obtain an Application for Alteration of Public Right-of-Way before commencing with construction.</i> <p><i>If the applicant has any questions on any of the above conditions, please contact myself for more information and guidance.</i></p>
	NRCS District Conservationist – Addie Manternach
Comments:	<p><i>After reviewing this special permitted use application, I do not see any major concerns/impacts of the proposed auxiliary dwelling 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. If any additional construction is planned, 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 on site during construction and to keep sediment from leaving the property.</i></p>
	Jones County Environmental Services – Paula Hart
Comments:	<p><i>Septic system is currently sized to handle daily flow of a 1 bedroom house. Any expansion of living quarters past 1 bedroom would require a separate septic application/permit to expand on system.</i></p>
	Flood Plain Manager – Brenda Leonard
Comments:	<p><i>This parcel is not located in a flood plain.</i></p>
	Jones County Conservation Board - Brad Mormann
Comments:	<p><i>No comments received.</i></p>
	E911 Coordinator – Gary Schwab
Comments:	<p><i>In review of the above stated application the Jones County 911 office finds that there is a concern, pursuant to Chapter 3, Uniform Rural Address System to Title IV Streets, Roads Public Ways and Transportation, as part of the Jones County Code of Ordinances.</i></p> <p><i>With a separate dwelling this office advises that a separate 911 address be procured. This address is not only important for expedient delivery of emergency services but for US Postal and package delivery.</i></p>

<i>Minimal impact</i>	Impact which the application will have on the overall land use plan in Jones County (Article XXV-Section 7)
Comments: <i>Auxiliary dwelling units are permitted in the Agricultural zoning district. It is limited to one auxiliary dwelling unit per property, for up to two family members.</i>	
<i>Minimal impact</i>	Impact which the application would have on surrounding property: (Article XXV-Section 7)
Comments: <i>Surrounding property is also in the Agricultural zoning district. The impact on the surrounding property would be minimal, only the additional traffic for the family member arriving and departing the property.</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>	

SECTION 1. AUXILIARY DWELLING UNITS

Auxiliary Dwelling Units are permitted in the A and R districts. To qualify, a unit can be a room addition or an attached structure to the existing primary dwelling unit or garage. For the purposes of Auxiliary Dwelling Units, the definition of family is anyone related by blood, marriage, adoption, legal guardianship, foster parent-children or a domestic partner of said family member. Auxiliary dwelling units shall be approved by the Board of Adjustment and are subject to the following supplemental conditions and any other conditions as may be warranted by the Board of Adjustment to mitigate any deleterious effects of the proposed use and to promote the public health, safety and general welfare.

- A. One auxiliary dwelling unit per property. **According to the application, this will be the only auxiliary dwelling unit.**
- B. The number of occupants is limited to two (2) and one shall be a family member of the primary residential unit as defined in auxiliary dwelling units. There shall be an annual verification that the persons living in the auxiliary dwelling unit are family members as defined herein. **According to the application, there will be single occupant (daughter and husband)**
- C. The primary dwelling unit on the property shall be occupied by the legal owner of the property. The auxiliary dwelling unit is established in such a way as to minimize its visibility from adjacent streets and properties. **The primary dwelling unit is occupied by the legal owner of the property.**
- D. The gross square footage of the auxiliary dwelling unit, excluding attached covered parking and unenclosed patio covers, shall not exceed one-half the gross square footage of the primary dwelling unit or one thousand (1,000) square feet, whichever number is less. **According to the application, the auxiliary dwelling unit is 1250 sq. ft.**
- E. The auxiliary dwelling unit shall be provided with an off-street parking space in addition to any parking requirement for the primary dwelling unit. Any parking provided for the auxiliary dwelling unit shall be served from the same driveway system that serves the parking for the primary dwelling unit. **According to the application, sufficient parking should be available.**
- F. The auxiliary dwelling unit shall meet the setback requirements of the primary dwelling unit. **According to the application, it appears to meet the setback requirements.**
- G. The auxiliary dwelling unit permanently built on a property shall be architecturally compatible with and complimentary to the primary dwelling unit. All related aesthetic matters including architecture and landscaping shall be subject to review and approval by the Board of Adjustment. **According to the application, this application meets the requirement.**



Jones County Land Use Administrator
Whitney Amos



Date

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

Date Application Filed: 12/28/23 OK# 7144 # 250

Owner Information			
Name on property: <u>Mark E and Karen A Hosch</u>			
Address to receive mail:		House Number & Street: <u>2473 County Road D-61</u>	Apartment/Unit
		City: <u>Bernard</u>	State: <u>Iowa</u>
		Zip Code: <u>52032</u>	
Phone:	<u>(563) 258-1111</u> <u>563-599(K)</u> <u>- 8151</u>	E-mail Address:	<u>mkjmdsh@gmail.com</u>

Applicant Information			
Name: (If different from above.)			
Address to receive mail:		House Number & Street:	Apartment/Unit
		City:	State:
		Zip Code:	
Phone:	<u>()</u>	E-mail Address:	

Parcel Information			
Township	<u>Washington</u>	Section	<u>11</u>
Property Address		<u>2473 County Road D-61</u> <u>Bernard, Iowa 52032</u>	
Zoning District:	County Parcel ID(s), if known: <u>None</u>		

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.

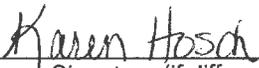
DNR Storm Water Permits are required when development disturbs one acre or more of land. For more information, contact the Department of Natural Resources at (515) 725-8417 or contact Clark Ott at (563) 927-2640 and ask for storm water permit assistance.

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 _____ Jan-29-2023
 Date


 Owner Signature (if different than above) _____ Jan-29-2023
 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



Imagery ©2023 Airbus, CNES / Airbus, City of Dubuque, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 100 ft

↘ upper portion of
building to convert
into living quarters

Retired from Dairy Farming in August 2021

Convert existing office area (1250 square ft.) into an apartment for daughter
- electrical, plumbing, internet, propane gas and septic is in place

Neighbors know of plan and have no objections to plan

No Signage is needed

Our goal is to continue to be good neighbors w/ this plan

Site Plan Map - Aerial photo of existing buildings
- No new buildings, driveways, or gravel lots

Traffic volume will be low and impact on road should be none
(less traffic and impact without operating dairy)
County Road D-61 is a paved County road

Noise would not be a concern to neighbors. It should be less than when it was an operating dairy.

Grade A Dairy Barn Constructed in 2012 has Bathroom and Septic System - Septic System & Drain Field Inspected & Approved by County Sanitation in 2012

No new construction, only trying to utilize existing facilities

Our plan is to convert existing office space into living quarters for daughter and husband

Jones County Land Use
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 Anamosa, Iowa 52205
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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:	Mark and Karen Hosch, contract owners Nick and Monica Hosch, deed holder
For property located:	2473 County Rd D-61, Bernard
Brief legal description:	SW NE Section 11 Washington Township
Parcel number:	04-11-200-003
Parcel size:	33.75 acres
Proposal:	To utilize existing facilities for commercial storage for farmers, boats and campers.
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:	January 26, 2022
Applicable fee:	\$250 paid on January 26, 2022
Notice published: (Article XXI-Section 5)	Week of January 31, 2022 (12-13 days notice provided; 5-20 days required)
Adjacent property owners notified by certified mail: (Article XXI-Section 5)	January 27, 2022
Report mailed to Board of Adjustment: (Article XXI-Section 7)	February 10, 2022
Report mailed to Applicant: (Article XXI-Section 7)	February 10, 2022

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 XXI-Section 7)

	Derek Snead - Engineer
Comments:	<i>I have reviewed the Special Permitted Use Applications submitted by Mr. & Mrs. Thies and Mr. & Mrs. Hosch and see no issues it would cause the Secondary Road Department. I would recommend acceptance.</i>
	Jones County District Soil Conservationist – Addie Manternach
Comments:	<i>After reviewing these Special Permitted Use applications for Home Based businesses, I do not see any major concerns/impacts of the proposed business 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 – Sue Ellen Hosch
Comments:	<ul style="list-style-type: none"> • <i>Must also have properly functioning septic system for house. Dairy barn restroom has an approved system.</i> • <i>Recommend annual testing of private wells for coliform bacteria and nitrates.</i>
	Flood Plain Manager – Brenda Leonard
Comments:	<i>This 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>In review of the above stated application the Jones County E911 office finds that there are no conflicts, pursuant to Chapter 3, Uniform Rural Address System to Title IV Streets, Roads Public Ways and Transportation, as part of the Jones County Code of Ordinances. And the request is hereby approved by the Jones County E911 Coordinator.</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)
Comments: <i>According to the 2012 Comprehensive Plan, an objective of the plan is to promote and allow appropriate commercial development in rural portions of the county along major transportation routes. This is located on a county hard-surface road (County Rd D-61).</i>	
<i>Minimal apparent impact</i>	Impact which the application would have on surrounding property: (Article XXI-Section 7)
Comments: <i>According to the application, there is no new construction, only utilizing existing facilities. Traffic volume will be low and should be minimal impact to the county road. Noise should not be a concern for neighboring properties and generally less noise than the former dairy operation. Traffic would be seasonal in nature, generally spring and fall would be the most utilized timeframes.</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>

<p><u>Further Reference to:</u></p> <ul style="list-style-type: none"> ○ Article XV-Lighting Requirements ○ Article XVI-Sign Requirements ○ Article XVIII-Off-Street Parking

Comments: *The request appears to meet the requirements of Article VII Home Based Industry. Possibly outdoor storage or other ventures/expansion may need to be addressed by the Board.*



 Jones County Land Use Administrator
 Michele Lubben

2/10/22

 Date



JONES COUNTY LAND USE

Written Report of the Jones County Land Use Administrator

Application from:	Joshua & Heather Cigrand, Owner Burrington Group Inc.
For property located at:	18991 & 19009 Dales Ford Rd, Scotch Grove
Brief legal description:	SE ¼ SW ¼ SW ¼ of Section 34 of Richland Township
Parcel numbers:	03-34-300-011 03-34-300-010
Parcel size (current):	5 acres & 5 acres
Parcel size (proposed):	Approximately 2 acres & 8 acres
Proposal:	Variance request is to a change existing legal descriptions of two existing parcels.
Current Zoning District:	A-Agricultural
Applicable Ordinance Provisions:	<ul style="list-style-type: none"> ❖ Article V Zoning Districts ❖ Section 1. A-Agricultural ❖ B. Permitted Uses ❖ 7. Farmstead splits (residential) <ul style="list-style-type: none"> ▪ This does not qualify for a farmstead or Farmland split. ❖ Article XXV Procedure to request a variance or exception.
Date application received:	January 18, 2024
Applicable fee:	\$250 paid on January 18, 2024
Board of Adjustment meeting date:	Tuesday, February 20, 2024
Notice published: (Article XXI-Section 5)	Week of February 5, 2024 (13-15 days notice provided; 5-20 days required)
Adjacent property owners notified by certified mail: (Article XXI-Section 5)	February 1, 2024
Report mailed to Board of Adjustment: (Article XXV-Section 7)	February 14, 2024
Report mailed to Applicant: (Article XXV-Section 7)	February 14, 2024

Copy of application, statement of intent and parcel map attached.

See pages 2-6 for report.

Page 2: Owner: Joshua & Heather Cigrand
Property Address: 19009 Dales Ford Rd, Scotch Grove
Board of Adjustment meeting: February 20, 2024 at 4:00 p.m.
Report of the Jones County Land Use Administrator
(Article XXI-Section 7)

	Jones County Engineer – Derek Snead
Comments:	<p><i>I have reviewed the Variance Application submitted by Mr. & Mrs. Cigrand. My comments are as follows:</i></p> <ul style="list-style-type: none"> • <i>Dales Ford Road was laid out established back in 1850. It was approved in 1843 that all county and territorial roads laid out and established 60 feet wide (total right-of-way width).</i> • <i>Jones County has established rules for control of access to secondary roads. This policy was developed to formalize Jones County's requirements for the location and establishment of driveways, field accesses and farm entrances requested by county property owners. If a new access will be constructed or if there are any proposed changes to an existing property access, the property owner must file an 'Application for Access' with the Jones County Secondary Road Department prior to commencing any access construction.</i> • <i>Jones County has established an ordinance to ensure uniform building and structural alterations along County public secondary road rights-of-way that will protect and preserve the highway corridor. If a property owner desires to build a structure or alter an existing structure that is within thirty feet of the secondary road right-of-way, then a variance request must be filed with the County Engineer's Office before any construction may commence.</i> • <i>Any work that may necessitate work (ditching, driveway resurfacing, etc.) within the County road right-of-way must first obtain an Application for Alteration of Public Right-of-Way before commencing with construction.</i> <p><i>If the applicant has any questions on any of the above conditions, please contact myself for more information and guidance.</i></p>
	Jones County District Soil Conservationist – Addie Manternach
Comments:	<p><i>After reviewing this Variance application from Josh and Heather Cigrand for two legal descriptions at 19009 Dales Ford Road, section 34, Richland township, I do not see any major concerns/impacts of the two legal descriptions on this site. From the point of view of the Jones Soil & Water Conservation District, approval and implementation of this proposal should have a negligible effect on the soil and water resources of this area. However, the landowner is advised to take precautions to control soil erosion and sediment runoff from the site during any construction where earthmoving occurs or existing land cover is disturbed, as there is the potential for increased soil erosion from wind and rain, resulting in degraded lands. Also, runoff from heavy rain events during construction is likely to wash soil and other loose material off the site, potentially entering nearby water bodies, impairing the water quality therein and degrading aquatic habitat. The Jones Soil & Water Conservation District advises putting a construction site erosion control plan in place prior to starting any land disturbing activity. The plan should include the installation of practices such as silt fence and mulching to prevent on-site soil erosion and to keep sediment from leaving the property.</i></p>
	Jones County Sanitarian – Paula Hart
Comments:	<i>No comments from this department as no new structures requiring a well or septic is needed.</i>
	Jones County Conservation Director – Brad Mormann
Comments:	<i>No comments received from this department.</i>
	Jones County Flood Plain Manager – Brenda Leonard
Comments:	<i>This parcel is not located in a flood plain.</i>
	E911 Coordinator – Gary Schwab
Comments:	<i>In review of the above stated application the Jones County 911 office finds that there are no conflicts, pursuant to Chapter 3, Uniform Rural Address System to Title IV Streets, Roads Public Ways and Transportation, as part of the Jones County Code of Ordinances.</i>

Variance Checklist – Three-part Standard	
	The site cannot yield a reasonable return if used only as zoned. Deprived of all beneficial use of land.
	The hardship is due to unique circumstances and not to the general conditions in the neighborhood.
	The proposal will not substantially alter the character of the locality. (size of parcel, character, intensity of use, height, etc.)

	Impact which the application will have on the overall land use plan in Jones County (Article XXV-Section 7)
<i>Comments: The 2012 Comprehensive Plan describes the tools that manage land use such as the zoning and subdivision ordinance.</i>	
	Impact which the application would have on surrounding property: (Article XXV-Section 7)
<i>Comments: There will be minimal disruption to the surrounding property.</i>	

Comments: On January 5th, 2024 Randall Rattenborg with Burrington Group Inc. stopped into the office on behalf of Joshua & Heather Cigrand to inquire about possibly splitting part of the property located on 18991 Dales Ford Rd. and giving it to 19009 Dales Ford Rd. Cigrands are owners of each property, each parcel is 5 acres. Cigrands are wanting to sell 18991 Dales Ford Rd, however the boundary line goes through the SW corner of the residence on 19009 Dales Ford Rd, in which the Cigrands live. Right now, Cigrands own a total of 20 acres between the two parcels with houses on them and an additional 10 acres of timber land bordering these two parcels. After doing quite a bit of research it was found that Cigrands family has owned 19009 Dales Ford Rd along with the additional 10 acres for quite some time. Rattenborg was advised that a property line adjustment would be the most appropriate action since the property combined is less than 42 acres. He was advised the boundary line would need to be similar to what the property lines are now, this would make it so the boundary line does not go through the residence. Rattenborg advised he would talk to Joshua and Heather to let them know, but this is not the answer they were looking for.

The next day Joshua Called in about the boundary line adjustment. Cigrand purchased the property at 18991 Dales Ford Rd in 2022. The boundary lines have always been set as is from what Land Use can tell since these homes were built in 1977 and 1976. Josh confirmed this as he grew up there and the two property owners did get along and the property lines have never been an issue up until now. They are wanting to sell 18911 Dales Ford Rd. but do not want to sell the entire 5 acres. They are requesting to change the legal descriptions of the two parcels so they could possibly split off a 2-acre section with the residence of 18991 Dales Ford Rd, and combine the other 3 acres with 19009 Dales Ford Rd. It was discussed that this does not fit into the ordinance as this would be a Farmland or Farmstead split and that since they have less than 42 acres that a split would not be a possibility. They were advised of the Variance process if they wanted to go that route.

With that being said, a Boundary Line Adjustment (see exhibits A & B) is the only action to take per the Jones County Ordinance. The owners cannot do a farmland split as it is under 42 acres in the Agricultural District. Contrary to what the Owners believe this is not in any way a hardship, the property can still bring a "reasonable return" with a boundary line correction. This is a Self-Created situation for lack of knowing the ordinance and doing the due diligence necessary prior to purchase.

As you can see in my attachments exhibits A & B that a simple boundary line adjustment would be efficient to make it so the property line will not go through the corner of the residence of 19009 Dales Ford Rd. Per the Jones County Zoning Ordinance a Boundary Line Adjustment is the legal option to correct the boundary. By allowing this split it would set precedence to essentially allow those in the Agricultural district to create new legal descriptions without following the Jones County Zoning Ordinance.

In researching previous Variance applications, in the case of Craig and Lisa Stadtmueller (Owner) and Doug Yates (Applicant), Section 20 of Lovell Township (October 18, 2022), they requested to split a pre-existing, non-conforming parcel in the Residential zoning district (less than one acre). The request was denied due to the following reasons: The board recommended proceeding with the legal means of a subdivision; proceeding with the subdivision would result in

two legal parcels; and the criteria within the Variance Checklist (three-part standard) had not been met.

In the case of Brett and Laura Butler (owners) and Brian A. Rickels (applicant), Section 11 of Washington Township (November 19, 2019), they requested a Variance to permit a split within the Agricultural district that is less than the 2-acre requirement and does not use the Farmland Split residential split option. Motion to deny the Variance was passed by a majority vote due to the following reasons: Approving such a request would set a precedence within Jones County to allow parcels to be split within the Agricultural District that would be less than two acres and allow more splits than permitted by the ordinance; the request does not meet the minimum lot size requirement within the Agricultural Zoning District of two acres; the Board of Adjustment felt the issue could be handled with an agreement to allow a building on leased land.

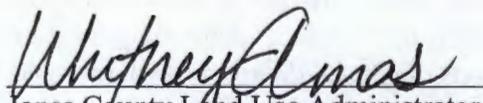
In the Court of Appeals of Iowa, in the case of Mary Early and Bankers Trust Company as trustees of the Mary Sue Earley Revocable Trust (Plaintiffs-Appellants) vs. Board of Adjustment of Cerro Gordo County, Iowa (Defendant-Appellee) and Gregory Saul and Lea Ann Saul (Intervenors-Appellees): Gregory and Lea Ann Saul own property in Clear Lake, which is in Cerro Gordo County. Although local ordinances require a six-foot side yard setback, on the west side of the Sauls' property, a patio came within twenty-one inches of the lot line. There were short walls enclosing the patio. The property owner to the west was the Mary Sue Earley Revocable Trust dated Sept. 25, 1994 (Earley). There is a wood fence on the east side of the Earley property, separating the two properties. The Sauls had a pergola, or canopy roof, built over the patio in order to give shade to the area. The pergola did not extend further than the preexisting patio. On Nov. 8, 2018, the Cerro Gordo County Planning and Zoning Administrator informed the Sauls they may be in violation of a county zoning ordinance because they had not obtained a permit prior to building the pergola. The Sauls then filed a zoning permit application. The Administrator denied the permit because the pergola was too close to the west side lot line. The Sauls appealed the Administrator's decision to the Cerro Gordo County Zoning Board of Adjustment. They sought a variance, claiming "there are unusual conditions or circumstances which cause a hardship when provisions of Zoning are strictly applied." They asserted that due to the preexisting patio, there was no other place to put the posts to hold up the pergola. The added the pergola was already built and they did not want to tear it down. The Sauls stated, "The structure is in the same footprint as the deck that was already in place. This pergola will not change the spirit of the neighborhood or infringe on any neighboring property rights, use, or enjoyment of their land." The Board scheduled a public hearing on Jan. 22, 2019. At the hearing, the Administrator stated he had not heard any complaints from the neighbors. No one appeared to contest the Sauls' request for a variance. The Board received evidence from the contractor that the patio and the posts for the pergola were in place before he built the pergola. The Board approved the variance. On Feb. 19, Earley filed a petition for writ of certiorari, claiming the Board's approval of the variance was improper and illegal. The Sauls filed a motion to intervene, which was granted by the district court. The district court annulled the writ. The court concluded, "The Board's grant of the variance was not a product of illogical reasoning, an unreasonable decision, or an abuse of its discretion." Earley appealed the district court's decision. Earley claims the Board acted illegally by granting the zoning variance because the Board's decision was not supported by substantial evidence and was arbitrary and capricious. Earley asserts the Sauls did not show they would be denied a reasonable rate of return if the variance was not granted or that there were unique circumstances justifying a variance. Earley has the burden to show the Board's order granting the variance was illegal. Under Iowa Code section 414.12(3) (2019), a Board of Adjustment may grant a zoning variance if it would "not be contrary to the public interest" and "where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done." The Cerro Gordo County Ordinances provide the Board with the authority to grant

variances using identical language. Cerro Gordo County, Iowa, Code of Ordinances No. 15, § 24.4(3). “[T]he power to grant variances should be used sparingly.” The Sauls were seeking an area variance. “An area variance does not involve a use prohibited by an ordinance, but concerns a deviation from specific requirements such as height limitations, setback lines, size regulations, and the like.” For an area variance, like a use variance, an applicant must show unnecessary hardship if the request for a variance is not granted. If an applicant does not establish any one of the elements, the application for a variance should be denied. The district court found there was a close issue on the first element, “the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone.” See *Graziano*, 323 N.W.2d at 236. For residential property that is not used for profit, we may consider whether denial of the variance would result in “the infringement of peaceful enjoyment” of the property such that it is “equal to a denial of all beneficial use.” *Greenawalt*, 345 N.W.2d at 543. Considering the evidence as a whole, the district court found: While differing and inconsistent conclusions can be drawn from the evidence presented to the Board of Adjustment, it does not appear from the record that the Board ignored any of the evidence when drawing their conclusion. Rather, the opposite inference is apparent from the record. The Board considered evidence of the existing structure, the lack of apparent zoning permits for the existing patio, the additional setback between the properties, and each parties’ arguments in relation to the current Iowa law and testimony given at the public hearing. Further, Iowa law does not require the Board to account for every fact they accepted or rejected in the record. Therefore, there was substantial evidence that permitted the Board to attribute stronger credibility to some arguments and not others. The Board could have concluded, based upon the evidence, that the Sauls established their burden of proof for undue hardship requiring a variance. We find no error in the district court’s conclusions. The court reviewed the evidence using the correct standard of review and properly applied the law. Earley has not shown the Board acted illegally. We affirm the decision of the district court.

Review by the Board of Adjustment (Article XXV Section 8.)

Options to the Board of Adjustment:

- Approve the application in full.*
- Approve the application subject to modifications or conditions.*
- Table the application for a later date.*
- Deny the application (provide reasoning for denial).*


Jones County Land Use Administrator
Whitney Amos

2/13/24
Date



Overview



Legend

- Parcels**
- Structures on Leased Land
- Parcels
- Cartography
- Major Roads

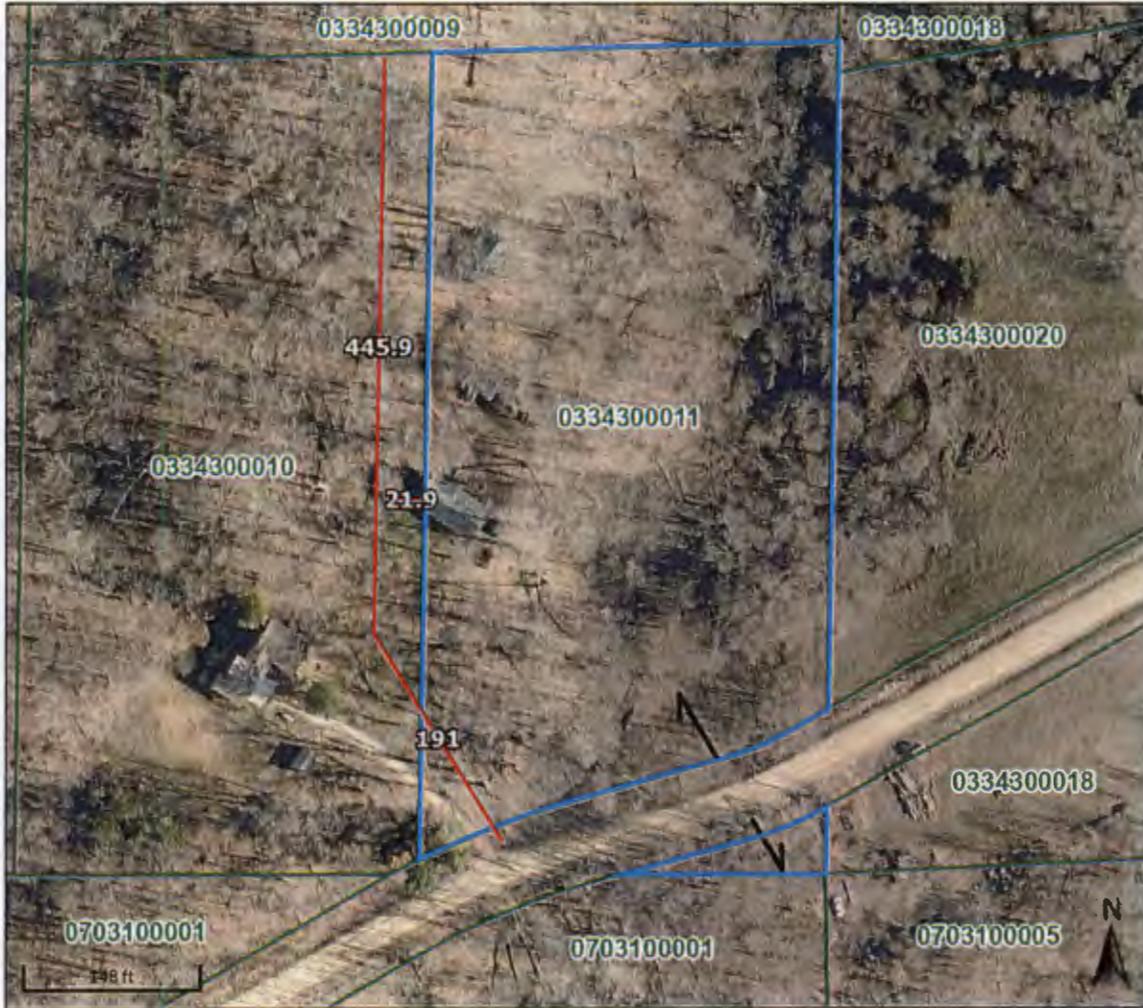
Parcel ID	0334300011	Alternate ID	016400	Owner Address	CIGRAND, JOSHUA C
Sec/Twp/Rng	34-86-02	Class	R		19009 DALES FORD RD
Property Address	19009 DALES FORD RD	Acreege	5.0		SCOTCH GROVE, IA 52310
	SCOTCH GROVE				
District	RICMO				
Brief Tax Description	34 86 02 E 1/2 SE SW SW FRR 4.00 ACRES				
	<i>(Note: Not to be used on legal documents)</i>				

THIS MAP DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREIN, EITHER EXPRESSED OR IMPLIED BY JONES COUNTY OR ITS EMPLOYEES. THIS MAP IS COMPILED FROM OFFICIAL RECORDS, INCLUDING PLATS, SURVEYS, RECORDED DEEDS, AND CONTRACTS, AND ONLY CONTAINS INFORMATION REQUIRED FOR LOCAL GOVERNMENT PURPOSES. SEE THE RECORDED DOCUMENTS FOR MORE DETAILED LEGAL INFORMATION.

Date created: 2/7/2024
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Exhibit B



Overview



Legend

- Parcels
- Structures on Leased Land
- Parcels
- Cartography
- Major Roads

Parcel ID	0334300011	Alternate ID	016400	Owner Address	CIGRAND, JOSHUA C
Sec/Twp/Rng	34-86-02	Class	R		19009 DALES FORD RD
Property Address	19009 DALES FORD RD	Acreage	5.0		SCOTCH GROVE, IA 52310
	SCOTCH GROVE				
District	RICMO				
Brief Tax Description	34 86 02 E 1/2 SE SW SW FRR 4.00 ACRES				
	(Note: Not to be used on legal documents)				

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Date created: 2/7/2024
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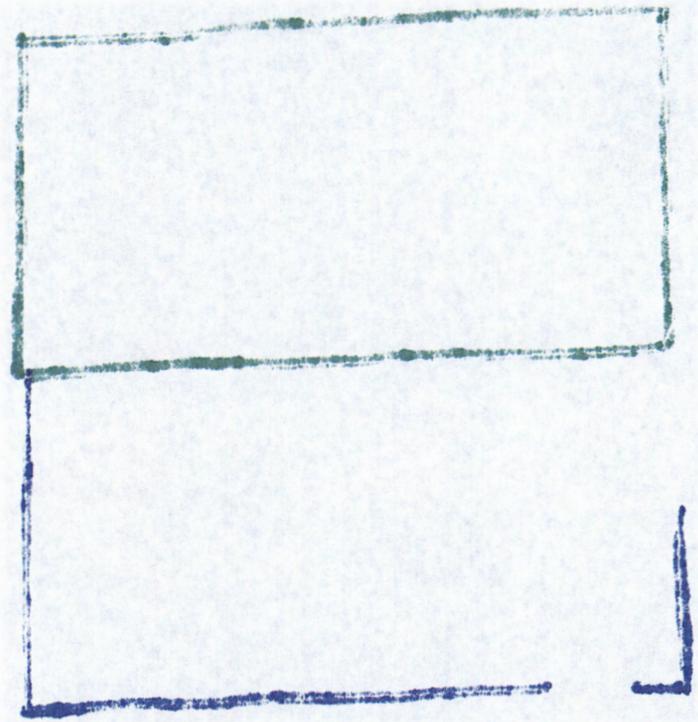
Developed by Schneider
 GEOSPATIAL

Exhibit A



03-34-300-010 18991 Dales Ford Rd

03-34-300-011 19009 Dales Ford Rd



VariANCES

- A variance is an authorization to use property in a manner generally forbidden by the ordinance.
- A variance can only be granted if the landowner proves that an unnecessary hardship will result if the zoning regulations are enforced. The intent is to prevent the property from being “worthless as zoned.”

Unnecessary Hardship Means...(all four points must be met)

- 1) Land in question cannot yield **reasonable return** if used only for purpose allowed in that zone;
- 2) Plight of owner is due to **unique circumstances** and not general conditions in the neighborhood;
- 3) The hardship must not have been **self-created**; and
- 4) Use to be authorized by variance will not alter **essential character** of locality.

- Greenawalt v. City of Davenport BOA (Iowa 1984)

#1 “Reasonable Return”

- Not sufficient to show that the value of land will be depreciated by application of the ordinance
- Not sufficient to show mere inconvenience to landowner
- Not sufficient to show that the regulation deprives landowner of “highest and best use”

Lack of a “reasonable return” may be shown by proof that the owner has been deprived of **all** beneficial use of his land. All beneficial use is said to have been lost where the land is not suitable for any use permitted by the zoning ordinance.

- Greenawalt v. City of Davenport BOA (Iowa 1984)

#2 “Unique Circumstances”

- A variance is not proper when the problem is common to a number of properties in the neighborhood.
 - Small lots, narrow setbacks, etc.

Problems common to several properties do not constitute “unique circumstances” (i.e. severe slope affecting numerous neighboring properties). The appropriate response is through a zoning amendment, not a wholesale application of the discretionary power of the board of adjustment.

- Deardorf v. City of Fort Dodge BOA (Iowa 1962)

#3 “Self-created”

- Problem must not have been created by current landowner
 - Building up to side setback, then wanting to add a deck
- When property is purchased, the new owner assumes any liability created by previous landowner
 - Previous owner built up to the side setback, current owner wants to add a deck

#4 “Essential Character”

- Cannot grant variance if it will have detrimental effect on surrounding properties.
- Cannot grant a variance that essentially constitutes a rezoning.

Variance Rule of Thumb

- The Ordinance is the law of the city.
- A variance should prevent a hardship, not grant a special privilege not available to other landowners in similar situations.
- There are alternatives!
 - Re-examine policy in which variances have been consistently approved
 - Is there a justification for it? If not, change the ordinance.

“The power to grant a variance should be exercised sparingly and with great caution or in exceptional instances only.”

- Deardorf v. City of Fort Dodge BOA (Iowa 1962)

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



Jones County Zoning Variance 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. **\$250 CK# 3105**

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

AUDIT JONES CO. AUDITOR
 24 JAN 18 PM 3:42

Date Application Filed: _____

Owner Information

Name on property: Joshua C. Cigrand Joshua & Heather Cigrand			
Address to receive mail:	House Number & Street: 19009 Dales Ford Road	Apartment/Unit	
	City: Scotch Grove	State: IA	Zip Code: 52310
Phone:	319-480-0537	E-mail Address:	cigrandj@gmail.com

Applicant Information

Name: (If different from above.) Randall L Rattenborg Burrington Group, Inc.			
Address to receive mail:	House Number & Street: 105 W. Main Street, Manchester, IA 52057	Apartment/Unit	
	City: Manchester	State: IA	Zip Code: 52057
Phone:	563-927-2434	E-mail Address:	rrattenborg@burringtongroup.com

Parcel Information

Township	Richland	Section	34	Property Address	19009 Dales Ford Road, Scotch Grove, IA
Zoning District: AG				County Parcel ID, if known: 0334300011, 0334300010	

Please attach the following to this application:

1. A description of the nature of the proposal.
2. A legal description of the real estate upon which the proposed use will be located.
3. A statement of the intended use.
4. A "sketch" map or aerial photo of the proposed site development noting the proposed parcel lines and building locations.
5. The disruption expected to be incurred on the area's present setting.
6. Methods to be implemented to lessen the severity of the said disruption.

VARIANCE

The five-member Board of Adjustment appointed by the County Board of Supervisors decides variances to the county's zoning ordinance. The decisions of the Board of Adjustment must comply with the provisions of the county ordinance as it is written. The Board of Adjustment's duty is not to compromise for a property owner's convenience but rather to apply appropriate legal standards to a specific fact situation. A variance may only be granted if the landowner proves that an unnecessary hardship will result if the zoning regulations are enforced as stated in the ordinance. Variances are intended to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

You will have an opportunity to present information to the Board of Adjustment regarding your request for a variance. To maintain impartiality and avoid a possible conflict of interest, do not speak to any member of the Board of Adjustment about your application except at the hearing. Do not direct any written communication about your application to a member of the Board of Adjustment unless you also file a copy with the Land Use Office. Your failure to observe these rules may invalidate your application.

Any landowner, or other person, aggrieved by a decision rendered under the Jones County Zoning Ordinance by the Board of Adjustment may file a petition with the District Court within thirty (30) days after the decision has been issued by the Board of Adjustment.

A variance is requested because of the following reason:

- Proposal does not qualify as a Permitted Use in the zoning district in which it is located.
- Proposal does not qualify as a Special Permitted Use in the zoning district in which it is located.
- Proposal does not meet the lot area, or setback requirements, in the zoning district in which it is located.
- Other _____

Would this proposal qualify as a permitted or special permitted use if the property were located in a different zoning district?
Example: If your proposal is not permitted in the existing agricultural zoning district, it might be a permitted use in the residential zoning district.

- Yes If so, in which zoning district would your proposal qualify as a permitted, or special permitted use? **R1**
- No _____

I believe the Jones County Board of Adjustment should grant a variance for this proposal, and that the proposal qualifies for a variance because of the unnecessary hardship imposed by the requirements of the Jones County Zoning Ordinance, as noted below:

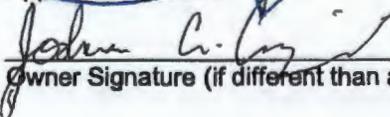
- 1. **Reasonable Return** – The land in question cannot yield a reasonable return if it is used only for a purpose allowed in the zoning district in which it is located. Lack of a "reasonable return" may be shown by proof that the owner has been deprived of all beneficial use of his land. All beneficial use is said to have been lost when the land is not suitable for any use permitted by the zoning ordinance in zoning district in which it is located.
- 2. **Unique Circumstances** – The plight of the owner is due to unique circumstances and not the general conditions in the neighborhood. Problems common to several properties do not constitute "unique circumstances" (i.e. severe slope affecting numerous neighboring properties).
- 3. **Self-created** – An unnecessary hardship must not have been self-created. When property is purchased, the new owner assumes any liability created by the previous landowner.
- 4. **Essential character** – Use to be authorized by the variance will not alter the essential character of the locality. The Board of Adjustment cannot grant a variance if the proposed use will have detrimental effects on surrounding properties.

The Jones County Zoning Ordinance is available on-line at www.jonescountyiowa.gov/land_use.

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


Applicant Signature

1/19/2024
Date


Owner Signature (if different than above)

1/18/2024
Date

The nature of this variance application is to continue to have two legal descriptions, as it currently is now, and to make the property lines fit the usage better than it currently is by the actual location of the legal description lines. It is also to help correct where the location of the legal description of the E 1/2 of the SE 1/4 - SW 1/4 - SW 1/4 is in relation to the residence Josh and Heather Cigrand live in. The house Josh and Heather live in is either wholly or mostly on the legal description for the W 1/2 of the SE 1/4 - SW 1/4 - SW 1/4. The other residence that Josh and Heather own is also on the same W 1/2 of the SE 1/4 - SW 1/4 - SW 1/4. This creates a hardship for the resale of either residence.

Both houses were built in the mid to late 70s. The essential character of the area will not be altered, it will stay as it has. Josh and Heather do not wish to have any other development occur, no disruptions of the current use are to happen. A variance will not result in any added traffic or any other nuisance.

This situation presents a unique problem where the structures were built before any ordinances were in effect and now both residences are either wholly, or mostly, on a single legal description. Two residences on one legal description are not allowed per the county ordinances. This current situation does not qualify as a permitted use in the Ag zone and should be adjusted/corrected. The goal of this variance request is to bring the area into zoning compliance as best as possible.

Correcting this issue also falls into the reasonable return category. "All beneficial use is said to have been lost when the land is not suitable for any use permitted by the zoning ordinance in the zoning district in which it is located." The situation of this land being in the ag district and not allowing for a residential use, as it is currently being used, deprives the beneficial use.

Legal descriptions of the properties: 19009 Dales Ford Road, Scotch Grove, IA

E 1/2 of the SE 1/4 - SW 1/4 - SW 1/4 of Section 34, T86N, R2W of the Fifth P.M., Tax ID:0334300011

W 1/2 of the SE 1/4 - SW 1/4 - SW 1/4 of Section 34, T86N, R2W of the Fifth P.M., Tax ID:0334300010

NE 1/4 - SW 1/4 - SW 1/4
SEC. 34, T86N, R2W

W 1/2 - SE 1/4 - SW 1/4 - SW 1/4
SEC. 34, T86N, R2W

E 1/2 - SE 1/4 - SW 1/4 - SW 1/4
SEC. 34, T86N, R2W

PARCEL 2016-64
INST. # 2016-3688



BURRINGTON GROUP, INC.

Civil Engineering | Land Surveying
105 W. Main Street Manchester, Iowa 52057

CIGRAND EXHIBIT

Phone 563-927-2434 burringtongroup.com

Whitney Amos

From: Randy Rattenborg <rrattenborg@burringtongroup.com>
Sent: Tuesday, January 23, 2024 2:11 PM
To: Whitney Amos
Subject: RE: Cigrand Variance application

You don't often get email from rrattenborg@burringtongroup.com. [Learn why this is important](#)

Whitney

The parcel in the exhibit is 2 acres +/- . The balance of what is left over in the W ½ and E ½ is around 7.5 acres. I haven't finished the initial surveying yet so these are approximate, but they are fairly close. If things need to be adjusted, we can deal with that in the discussions for the variance. Let me know when the variance meeting is, and I will be there. Thanks.



Randall L. Rattenborg P.L.S. C.F.M.
105 W. Main Street, Manchester, IA 52057
Office (563) 927-2434 Cell (563) 419-7132
www.burringtongroup.com

From: Whitney Amos <landuse@jonescountyiowa.gov>
Sent: Tuesday, January 23, 2024 2:05 PM
To: Randy Rattenborg <rrattenborg@burringtongroup.com>
Subject: RE: Cigrand Variance application

Randy, Thank you for the narrative. Could you please advise proposal on size of each of the parcels.
Thanks

From: Randy Rattenborg <rrattenborg@burringtongroup.com>
Sent: Monday, January 22, 2024 12:48 PM
To: Whitney Amos <landuse@jonescountyiowa.gov>
Subject: Cigrand Variance application

You don't often get email from rrattenborg@burringtongroup.com. [Learn why this is important](#)

Whitney

Here is a statement in relation to the variance application for Josh and Heather Cigrand as per the application form. Any questions, please give me a call. Thanks.



Randall L. Rattenborg P.L.S. C.F.M.
105 W. Main Street, Manchester, IA 52057
Office (563) 927-2434 Cell (563) 419-7132
www.burringtongroup.com

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Jones County Land Use
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 Anamosa, Iowa 52205
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 Website: www.jonescountyiowa.gov



JONES COUNTY LAND USE

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

Application from:	Darrin & Jennifer Moore, owners
For property located:	18752 Landis Rd
Brief legal description:	40A N 45A Lot 4 Section 19 Jackson Township
Parcel number:	10-19-100-004
Parcel size:	40.00 acres
Proposal:	To allow an existing structure to become an auxiliary dwelling unit.
Current Zoning District:	R-Residential
Applicable Ordinance Provisions:	<p>Article V. Zoning Districts</p> <ul style="list-style-type: none"> ▪ Section 3. R-Residential ▪ D. Special Permitted Uses ▪ 1. Auxiliary dwelling units subject to Article XI. <p>Article XI Auxiliary and Seasonal Dwelling Units</p>
Date application received:	January 24, 2024
Applicable fee:	\$250 paid on January 24, 2024
Notice published: (Article XXV-Section 5)	Week of February 5, 2024 (11-13 days notice provided; 7-20 days required)
Adjacent property owners notified by certified mail: (Article XXV-Section 5)	February 1, 2024
Report mailed to Board of Adjustment: (Article XXV-Section 7)	February 14, 2024
Report mailed to Applicant: (Article XXV-Section 7)	February 14, 2024

Application packet attached.

See page 2 and 3 for report.

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

	Jones County Engineer – Derek Snead
Comments:	<i>No comments received.</i>
	NRCS District Conservationist – Addie Manternach
Comments:	<i>After reviewing this special permitted use application, I do not see any major concerns/impacts of the proposed auxiliary dwelling 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. If any additional construction is planned, 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 on site during construction and to keep sediment from leaving the property.</i>
	Jones County Environmental Services – Paula Hart
Comments:	<i>Septic system is currently sized to handle daily flow of a 1 bedroom house. Any expansion of living quarters past 1 bedroom would require a separate septic application/permit to expand on system.</i>
	Flood Plain Manager – Brenda Leonard
Comments:	<i>Auxiliary Unit located at 18752 Landis Road is not located in a flood plain.</i>
	Jones County Conservation Board - Brad Mormann
Comments:	<i>No comments received.</i>
	E911 Coordinator – Gary Schwab
Comments:	<i>In review of the above stated application the Jones County 911 office finds that there is a concern, pursuant to Chapter 3, Uniform Rural Address System to Title IV Streets, Roads Public Ways and Transportation, as part of the Jones County Code of Ordinances. With a separate dwelling this office advises that a separate 911 address be procured. This address is not only important for expedient delivery of emergency services but for US Postal and package delivery.</i>

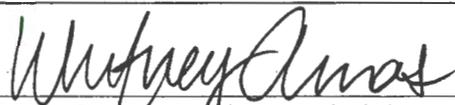
<i>Minimal impact</i>	Impact which the application will have on the overall land use plan in Jones County (Article XXV-Section 7)
Comments: <i>Auxiliary dwelling units are permitted in the Residential zoning district. It is limited to one auxiliary dwelling unit per property, for up to two family members.</i>	
<i>Minimal impact</i>	Impact which the application would have on surrounding property: (Article XXV-Section 7)
Comments: <i>Surrounding property is also in the Residential zoning district. The impact on the surrounding property would be minimal, only the additional traffic for the family member arriving and departing the property.</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>	

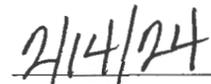
SECTION 1. AUXILIARY DWELLING UNITS

Auxiliary Dwelling Units are permitted in the A and R districts. To qualify, a unit can be a room addition or an attached structure to the existing primary dwelling unit or garage. For the purposes of Auxiliary Dwelling Units, the definition of family is anyone related by blood, marriage, adoption, legal guardianship, foster parent-children or a domestic partner of said family member. Auxiliary dwelling units shall be approved by the Board of Adjustment and are subject to the following supplemental conditions and any other conditions as may be warranted by the Board of Adjustment to mitigate any deleterious effects of the proposed use and to promote the public health, safety and general welfare.

- A. One auxiliary dwelling unit per property. **According to the application, this will be the only auxiliary dwelling unit.**
- B. The number of occupants is limited to two (2) and one shall be a family member of the primary residential unit as defined in auxiliary dwelling units. There shall be an annual verification that the persons living in the auxiliary dwelling unit are family members as defined herein. **According to the application, there will be single occupant**
- C. The primary dwelling unit on the property shall be occupied by the legal owner of the property. The auxiliary dwelling unit is established in such a way as to minimize its visibility from adjacent streets and properties. **The primary dwelling unit is occupied by the legal owner of the property.**
- D. The gross square footage of the auxiliary dwelling unit, excluding attached covered parking and unenclosed patio covers, shall not exceed one-half the gross square footage of the primary dwelling unit or one thousand (1,000) square feet, whichever number is less. **According to the application, the auxiliary dwelling unit is 992 sq. ft.**
- E. The auxiliary dwelling unit shall be provided with an off-street parking space in addition to any parking requirement for the primary dwelling unit. Any parking provided for the auxiliary dwelling unit shall be served from the same driveway system that serves the parking for the primary dwelling unit. **According to the application, sufficient parking should be available.**
- F. The auxiliary dwelling unit shall meet the setback requirements of the primary dwelling unit. **According to the application, it appears to meet the setback requirements.**
- G. The auxiliary dwelling unit permanently built on a property shall be architecturally compatible with and complimentary to the primary dwelling unit. All related aesthetic matters including architecture and landscaping shall be subject to review and approval by the Board of Adjustment. **According to the application, this application meets the requirement.**

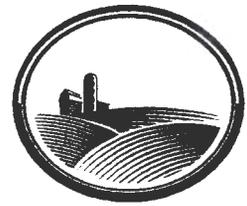


Jones County Land Use Administrator
Whitney Amos



Date

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

Date Application Filed: 1-24-2024 CK# 6368 \$250

Owner Information

Name on property: Darrin & Jennifer Moore			
Address to receive mail:	House Number & Street: 18752 Landis Rd	Apartment/Unit	
	City: Anamosa	State: IA	Zip Code: 52205
Phone: (319) 551-6172	E-mail Address: jendarrin@me.com		

Applicant Information

Name: (If different from above.) Same			
Address to receive mail:	House Number & Street:	Apartment/Unit	
	City:	State:	Zip Code:
Phone: ()	E-mail Address:		

Parcel Information

Township	Jackson	Section	19	Property Address	18752 Landis Rd
Zoning District: Residential				County Parcel ID(s), if known: 1019100004	

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. *Attachment A, B, C*
Attach a copy of the entrance access permit from the County Engineer, if any.

Attach a narrative providing the following information: *Attachment D*

- 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.

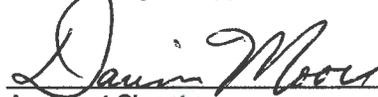
The applicant is responsible for reviewing the provisions of the Jones County Zoning Ordinance prior to submitting this application.

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 _____ Date 1-23-24

 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

Attachment A



Drawing is approximate,
not perfectly to
scale

1019100004

auxiliary unit

primary residence

1019300002

← Landis Rd

3D

Attachment B

Picture of primary residence with auxiliary unit
in background (righthand side)



Attachment C

Auxiliary Unit



Attachment D

We own a 40 gross acre plot of land on 18752 Landis Rd. We purchased this in 2015 and built a shed with small living area on it in 2018. This area was assessed by the county and includes one bedroom, one bathroom and a combined kitchen/living room area estimated by the assessor at 992 square feet. At that time we lived permanently in Cedar Rapids and would only occasionally use the living area. In 2023, we built a full house on the property and moved into it December 2023. The estimated square foot of the primary residence is ~6813 square feet but we are awaiting confirmation and assessment by the county assessor. The already constructed shed/living area is now unoccupied. We would like to request approval to allow a family member to occupy this now vacant auxiliary dwelling unit.

This auxiliary dwelling unit will have very minimal impact on traffic volumes (the individual would have one vehicle) and minimal impact on noise (it is only one person and the unit is well back from the road and neighbors). We own an additional parcel (1019300002) that provides a path from the road to the main parcel of land, providing access to the primary residence as well as this auxiliary unit. The unit was built with approvals from the county from a water/septic system perspective and includes permanent dedicated waste disposal/septic system. The quality of the unit is high and is constructed in a manner to blend well with the primary residence.