

MINUTES OF THE CLAYTON COUNTY  
PLANNING AND ZONING COMMISSION MEETING  
February 23, 2021

Members Present via Zoom: Elise Bergan, Brue Kann, Allan Troester, Rebecca Spielbauer  
Members Present: Doug Reimer, Randy Vaske, Mike Tucker, Kari Friedlein  
Members Absent: Mary Klink, Dan Parker, Doug Puffett  
Others Present: Patti Ruff, Greg Glawe, Gerald and Trudy Glawe, Patrick Schiltz,

The following items were considered on the Agenda:

**1. Call to Order**

The Clayton County Planning and Zoning Commission meeting was called to order at 7:00pm by Chairperson Allan Troester.

**2. Approval of the Agenda**

Mike Tucker made the motion to approve the agenda with Doug Reimer 2<sup>nd</sup>. Motion carried.

**3. Approval of Minutes from June and September 2020.**

Bruce Kann made a motion to approve both sets of minutes with Kari Friedlein 2<sup>nd</sup>. Motion Carried.

**4. Consider Appeal #1-2021: Rezoning Island View2 Subdivision from A-1 to R-1 and R-4.**

Jeff Olson presented on behalf of the subdivision owner, Joel Lindaman, why he was before the commission asking to rezone the subdivision. Since the time of the initial thought for rezoning until tonight, Jeff had moved from rezoning part to R-1 to doing the entire subdivision as R-4 to give less front setbacks. The reason being is because the road design had change from curving more westerly, to what was graded out as more straight heading north to lots 19 and 20.

Jeff also explained how the house that is now under construction slipped through the permitting process because he thought the contractor was pulling the permit and the contractor thought Jeff had pulled the permit. Patti mentioned how the Assessor's office was the one that caught the new construction and had alerted her office to what was going on. The structure is too close as zoned A-1 and even too close as R-1 which has a setback of 35 ft. The house sits at 28 feet from the edge of the road.

Patti also referred back to the minutes of the P&Z meeting on the Island View 2 Subdivision it was noted lot 23 was to be designated as green space. The house being built is on lot 23. The green space was not noted on final plat/recorded. The owner cannot be held to having lot 23 as green space. If the Commission wishes, they could designate a different lot as green space. Lot 23 has the pond on it, which the ponds were supposed to be noted on the plat as well.

Patti discussed the utility easements, but she was not concerned with the utilities were being ran. Patti felt things were not finalized according to what the Commission requested and what is required by Clayton County Ordinance on a recorded final plat.

Al Troester asked about where the well(s) were going to be located. Jeff explained it was going to be a few lots sharing a well, so there will be multiple wells servicing the subdivision.

Doug R. asked about the building that was under construction without a permit and what will happen with it. Patti explained the normal process is for the zoning office to obtain the permit. Also, since the structure is too close to the ag zoned setback, normally the process would be to ask for a

variance through the Board of Adjustments. Since the lots in the subdivision are not conducive for the 40 foot setback from the front ROW, the easiest solution was to rezone the entire subdivision thus eliminating the need for a variance. The building permit will be approved once the Board of Supervisors approves the rezoning of the subdivision.

Doug commented he felt that the Commission was being backed into a corner on this since it was coming to them after the fact of the house already being under construction. Doug stated it was a good thing that the person from the Assessor's office went back there to take a look.

Jeff Olson admitted he dropped the ball on this one, and he would no way ever intend to not do things according to what is required by the county.

Mike Tucker discussed further the need for the rezoning as to why the rezoning is needed, regardless of the house under construction.

Discussion continued on the differences between R-1 and R-4. Everyone was in agreement to restrict the lots to single-family dwellings and not to allow for mobile homes or campers, which are allowed in R-4. Definitions were gone over for mobile homes (single or double-wide) and manufactured homes.

It was conveyed to the Commission the current lot owners of Mr. Aycock and Loren Wille were fine with the rezoning of their lots along with the rest of the subdivision owned by Mr. Lindaman.

Patti read a letter from Dr. Steve Livingston who is a neighbor property owner. His concern was over the 200 yard setback for discharging of a firearm in proximity to a building. He hunts on his wooded acreage and feels he would not be able to unless he had consent from the lot owners next to his property. Jeff Olson agreed to some sort of addendum to the deeds lessening the hunting separation distance.

Doug suggested the hunting distance be addressed with the motion for rezoning of the subdivision.

Patti voiced her concern with the county stepping in on the matter of Iowa Code, which states "consent of a property owner or tenant". Jeff Olson agreed to handle the matter with the deeds of the lots. Doug wanted it noted in the minutes the hunting rights and lessening the distance from 200 yards to 50 yards was discussed.

After comparing R-1 to R-4 regulations, Mike Tucker motioned to rezone Island View 2 Subdivision from Agriculture (A-1) to Single Family Residential (R-1) with a front setback of 15 feet. All other setbacks and bluff line setbacks will stay the same for an R-1 zoned district. Doug Reimer second the motion. All were in favor, none opposed.

## **5. Adjourn.**

Bruce made the motion to adjourn at 7:56pm.