

**MINUTES**

**DELAWARE COUNTY BOARD OF ADJUSTMENT**

1:00 p.m.

Tuesday, April 16, 2024

Conference Room (basement), Delaware County Courthouse  
301 E Main Street, Manchester, Iowa

**Board Members Present:** Chair Tammy Eibey, Vice Chair Therese Beswick, Board Members Marv Heims and Lamont Davidson.

**Board Members Excused:** Board Member Randy Rattenborg.

**Board Members Absent:** none.

**Staff Member Present:** Zoning Administrator Alex Linderwell and ECIA Senior Planner Laura Carstens (via Teams).

**CALL TO ORDER AND ROLL CALL:** The meeting was called to order by Chair Tammy Eibey at 1:01 p.m. and roll call taken.

**MINUTES:** Motion by Davidson, seconded by Heims to approve the minutes of the February 20, 2024 Board of Adjustment meeting Motion carried by the following vote: Aye – Davidson, Beswick, Heims, and Eibey; Nay – None.

**PUBLIC HEARING:**

**CASE: 2-24 Special Exception - 1874 Honey Creek Rd, Manchester, IA 52057 in Delaware Township, Section 16, Township 89, Range 5 W, PIN 140160300400**

**Applicant:** Jeremiah Davis

**Proposal:** Proposing a garage addition with a proposed 8' side yard setback instead of required 10' setback

Jeremiah Davis, the applicant, reviewed the application to construct a garage addition with a proposed 8' side yard setback. He explained the existing garage would be removed and replaced with a 36X40' attached garage that would be 30' from the rear and 8' from the setback. Discussion followed between the Board and Mr. Davis about the height, electrical service, concrete pad, grade and slope of yard, and his contact with the adjoining neighbor.

Zoning Administrator Alex Linderwell reviewed the staff report, and noted that he had received one phone call about the notice. Discussion followed between Board members and staff regarding the notification process for mailing notices for neighbors, and difficulties with receiving mail, and decided that contingent on the neighbor signing off on the request. Staff will develop a sign-off form to use for this proposal, and possibly for future requests.

Motion by Davidson, seconded by Heims, to approve the application as presented contingent on the neighbor signing off with his approval on the request. Motion carried by the following vote: Aye – Davidson, Beswick, Heims, and Eibey; Nay – None.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM BOARD:**

**Work Session:** Discussion on Zoning Ordinance amendments. Board members discussed the proposed ordinance amendment for decommissioning cell towers and the process for its adoption. Discussion followed to revise page 2, subsection E to read "level, including the entire base above and below grade,

within 60 days. The facility owner/operator shall submit a plan to the Board of Supervisors” and on page 1, subsection 3 revise to “landowner and/or landlord”.

Discussion followed on how Delaware County would administer the regulations, conduct the five-year reviews, and monitor cell towers for discontinued use.

Discussion followed on decommissioning and regulation of cell towers by other counties. Staff noted that there were few cell tower decommissioning examples in Iowa. Staff noted that wind energy and solar energy regulations were reviewed for decommissioning examples.

Motion by Beswick, seconded by Davidson, to recommend the amendment with changes discussed at this work session. Motion carried by the following vote: Aye – Davidson, Beswick, Heims, and Eibey; Nay – None.

**ITEMS FROM STAFF:** Zoning Administrator Alex Linderwell provided an update on the appeal of the Board of Adjustment’s cell tower case. He noted the court will consider the appeal in mid-October, 2024.

Next Meeting: May 21, 2024

**ADJOURNMENT:** Motion by Davidson, seconded by Beswick, to adjourn the Board of Adjustment meeting. Motion carried by the following vote: Aye – Davidson, Beswick, Rattenborg, and Eibey; Nay – None. The meeting adjourned at 1:56 p.m.

Respectfully submitted,

Alex Linderwell, Zoning Administrator

Adopted: \_\_\_\_\_