

**JONES COUNTY
BOARD OF ADJUSTMENT**

AGENDA

**TUESDAY, MARCH 18, 2025 4:00 p.m.
COMMUNITY ROOM, JONES COUNTY COURTHOUSE**

- 4:00 p.m.**
- Call meeting to order, approve agenda, and November 19, 2024 meeting minutes.
 - Public hearing for applicant Jones County 911 Service Board and property owners Engelbart Rentals LLC who have applied for a variance within the C2-Highway Commercial zoning district described as the W 1/2 of the SE SE. More specifically, the proposal is to request new LED lighting to be installed on the 260' communication tower.
 - Action on the Variance Application for the Jones County 911 Service Board.
 - Next meeting, if needed is April 15, 2025 . Application deadline is Wednesday March 26, 2025.

Jones County Board of Adjustment

Meeting Minutes

November 19, at 4:00 p.m.

Members present:

Paul Thomsen
John Hinz
Roger Kistler
Kathy McDonell

Members Absent:

Stan Reiter

Staff present:

Whitney Amos – Land Use Administrator

Visitors present:

Rebecca Hollandsworth
Brad Vonahsen

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

Motion by Kistler seconded by Hinz to approve the agenda. All Aye. Motion Carried.

Motion by Hinz seconded by McDonell to approve the meeting minutes for the October 15th meeting minutes.

Discussion was reconvened for owner Rebecca M. Hollandsworth at 4:02 p.m. who have applied for a Special Permitted Use within the A-Agricultural zoning district described as Commencing at the NE Corner of the SE 1/4 SE 1/4 Thence W 775.5' Thence S 412.5' Thence N 412.5' to place of beginning FRR 2.00 Acres in Section 35 of Fairview Township generally located at 20057 72nd St., Anamosa. More specifically, the proposal is to request an auxiliary dwelling for the property owner to live in while renovating the primary dwelling and then for her daughter to utilize

Amos noted that the Board received the copies of the updated written report with the square footage of both dwellings.

It was discussed that the square footage of the dwellings meets the requirements in the zoning ordinance for the auxiliary dwellings.

Motion by Kistler seconded by Hinz to approve the Special Permitted Use application for owners Rebecca M. Hollandsworth who have applied for a special permitted use for an auxiliary dwelling at 20057 72nd St., Anamosa.

Roll call vote:

Paul Thomsen-aye

John Hinz-aye

Roger Kistler- aye

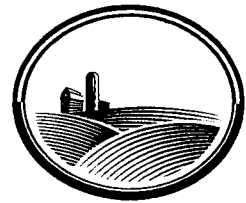
Kathy McDonell-aye

All aye. Motion carried.

The next regular scheduled meeting is December 17, 2024, with the application deadline being Wednesday November 27, 2024

Motion by Hinz seconded by McDonell to adjourn at 4:07 p.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

Application from:	Property Owner Engelbart Rentals LLC; Applicant Jones County 911 Service Board
For property located at:	12942 Amber Rd X44, Anamosa
Brief legal description:	W ½ SE SE of Section 34 of Wayne Township
Parcel numbers:	06-34-476-001
Parcel size (current):	19.50 acres
Parcel size (proposed):	Approximately .10
Proposal:	Variance request is to change to LED lighting on the communications tower. These lights will flash white during daytime hours.
Current Zoning District:	A-Agricultural
Applicable Ordinance Provisions:	<ul style="list-style-type: none"> ❖ Article XIV Communication Tower Requirements ❖ Section 6. Communication Tower General Requirements ❖ B. Towers in Jones County requiring lighting, shall be painted aviation orange and white according to FAA specifications and be equipped with only red night time beacon lighting system. ❖ Article XXV Procedure to request a variance or exception.
Date application received:	February 25, 2025
Applicable fee:	\$250 paid on February 25, 2025
Board of Adjustment meeting date:	Tuesday, March 18, 2025
Notice published: (Article XXI-Section 5)	Week of March 3, 2025 (13-15 days notice provided; 5-20 days required)
Adjacent property owners notified by certified mail: (Article XXI-Section 5)	February 28, 2025
Report mailed to Board of Adjustment: (Article XXV-Section 7)	March 13, 2025
Report mailed to Applicant: (Article XXV-Section 7)	March 13, 2025

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

See pages 2-4 for report.

Page 2: Owner: Engelbart Rentals, LLC
Applicant: Jones County 911 Service Board
Property Address: 12942 Amber Rd. X44
Board of Adjustment meeting: March 18, 2025 at 4:00 p.m.
Report of the Jones County Land Use Administrator
(Article XXI-Section 7)

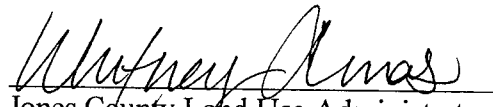
	Jones County Engineer – Derek Snead
Comments:	<i>I have reviewed the Variance Application submitted by the Jones County 911 Service Board for the tower near Amber and see no issues with the application as submitted.</i>
	Jones County District Soil Conservationist – Addie Manternach
Comments:	<i>After reviewing this Variance application from the Jones County 911 Service Board for Tower Lighting at 15142 Amber Road, X44, I do not see any major concerns/impacts of the proposed tower 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>
	Jones County Sanitarian – Paula Hart
Comments:	<i>No comments from this department as a well or septic are not involved/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 tower is not located in a flood plain.</i>
	E911 Coordinator – Gary Schwab
Comments:	<i>No Comments</i>
	Land Use Administrator- Whitney Amos
	<i>On November 21, 2023 a Communications tower was approved with a special permitted use application. According to the applicant the tower would be lit per FAA requirements, and the tower would not be painted unless only required by the FAA.</i>

Page 3: Owner: Engelbart Rentals, LLC
 Applicant: Jones County 911 Service Board
 Property Address: 12942 Amber Rd X44
 Board of Adjustment meeting: March 18, 2025 at 4:00 p.m.

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.)

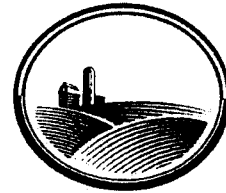
	Impact which the application will have on the overall land use plan in Jones County (Article XXV-Section 7)
<i>Comments: The 2023 Comprehensive Plan describes the tools that manage land use such as the zoning and subdivision ordinance.</i>	
	Impact which the application would have on surrounding property: (Article XXV-Section 7)
<i>Comments: There will be minimal disruption to the surrounding property.</i>	

Review by the Board of Adjustment (Article XXV Section 8.)	
Options to the Board of Adjustment:	
<input type="checkbox"/>	<i>Approve the application in full.</i>
<input type="checkbox"/>	<i>Approve the application subject to modifications or conditions.</i>
<input type="checkbox"/>	<i>Table the application for a later date.</i>
<input type="checkbox"/>	<i>Deny the application (provide reasoning for denial).</i>


 Jones County Land Use Administrator
 Whitney Amos

3/11/25
 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
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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.

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

Date Application Filed: 2/25/25 CK#190335

Owner Information			
Name on property: Engelbart Rentals LLC			
Address to receive mail:		House Number & Street: 12942 Amber Rd X44	Apartment/Unit
		City: Anamosa	State: IA
		Zip Code: 52205	
Phone: ()	E-mail Address:		

Applicant Information			
Name: (If different from above.) Jones County 911 Service Board			
Address to receive mail:		House Number & Street: 500 West Main St.	Apartment/Unit
		City: Anamosa	State: IA
		Zip Code: 52205	
Phone: (319) 462-2735	E-mail Address: 911@jonescountyiowa.gov		

Parcel Information			
Township	Wayne	Section	34
Zoning District: C2		Property Address	
		County Parcel ID, if known: 0634476001	

- 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 Change aviation warning system to dual mode

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.

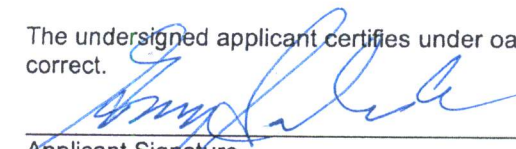
- Yes If so, in which zoning district would your proposal qualify as a permitted, or special permitted use?
- No _____

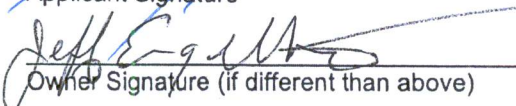
I believe the Jones County Board of Adjustment should grant a variance for this proposal, and that the proposal qualifies for a variance because of the unnecessary hardship imposed by the requirements of the Jones County Zoning Ordinance, as noted below:

- 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](http://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.

 2-25-25
Applicant Signature Date

 2-25-2025
Owner Signature (if different than above) Date

Variance request

The Jones County 911 Service Board (JCSB) is seeking a variance from Article XIV Communication Tower Requirements, Section 6.B. as it relates to our communication tower at 15302 130th St Anamosa.

This tower is known as the Amber tower installed in 2002. It is the primary tower used to relay emergency radio traffic for Law, Fire and EMS services in Jones County. The JCSB also leases radio and antenna space on this tower to Dubuque and Cedar Counties for their regional emergency communication system.

The tower stands 260' and is painted Aviation Orange and White with flashing red beacon aviation warning lights at mid-point and the apex. A recent inspection of the tower conducted by Allstate Tower Company out of Henderson Kentucky found the paint to be noncompliant with current FAA specifications. Quotes to clean and repaint the tower have been received from three different companies. The low bid came in a little over \$30,000.

The JCSB has learned that the FAA will grant waivers from the tower painting regulation when a Dual-mode LED lighting system is installed. The LED lighting system that we would like to install would cost \$17,000. This system would have a white flashing light during daylight hours and red at night. The LED system also has an Infrared (IR) system for aircraft using IR sensors.

Tower warning light systems have seen impressive technological advances in recent years, such as the LED systems employed today. The light is focused and directed to greatly minimize the impact of light pollution on surrounding ground level environments.

Operational and maintenance costs of an LED system are substantially less than the incandescent system currently employed that must be replaced every two years. Not having to repaint the tower every 15 to 20 years is another substantial cost savings benefit.

Granting this variance will allow the JCSB to better serve the citizens of Jones County and the aviation community.

