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Book 2025 Page 1202 Type 06 023 Pages 7
Date 5/16/2025 Time 11:13:49AM
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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

To and From
Office of Planning and Zoning

Ryan Hobart, Administrator

Variance

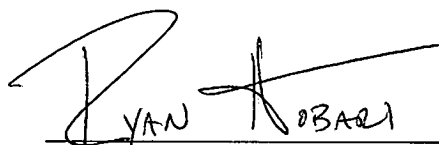
PERMIT NO: 8-25

DATE: May 16, 2025

After a properly held Public Hearing on April 1st, 2025, the Madison County Board of Adjustment hereby approves the request for a Variance to Ross David Nicholl to allow for the encroachment upon the required side-yard setback of twenty-five feet. The following described real estate is that of which is involved:

Parcel "A" located in the Southwest Fractional Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa more particularly described as follows: Commencing at the West Quarter Corner of Section 18, Township 75 North, Range 27 West of the 5th P.M. Madison County, Iowa, thence North 0 degrees 41'21" East along the West line of the Northwest Quarter of said Section 18, 181.50 feet to the Point of Beginning, thence North 0 degrees 41'21" East along the West line of the Northwest Quarter of said Section 18, 1119.51 feet to the Northwest Corner of the Southwest Fraction Quarter of the Northwest Quarter of said Section 18, thence South 89 degrees 34'16" East along the North line of the Southwest Fractional Quarter of the Northwest Quarter of said Section 18, 1120.35 feet, thence South 0 degrees 46'50" West, 1113.69 feet, thence North 89 degrees 52'11" West, 1118.61 feet to the Point of Beginning. Said Parcel contains 28.695 acres, including .0424 acres of County Road right-of-way: Except Parcel "G" of the Southwest Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed July 19, 2019, in Book 2019, Page 2216 of the Recorder's Office of Madison County, Iowa.

This variance was approved under the provisions specified in the Zoning Ordinance for the Unincorporated Area of Madison County, Iowa.

A handwritten signature in black ink, appearing to read "RYAN HOBART", is written over a horizontal line.

Ryan Hobart, Secretary
Madison County
Board of Adjustment

MADISON COUNTY BOARD OF ADJUSTMENT

Application for Variance on Setback Requirements

Ross David Nicholl

Date: 4/1/2025

DECISION

On April 1st, 2025, at 7:00 p.m., pursuant to the rules of procedure of the Madison County Board of Adjustment, a public hearing was held and conducted on the Application for Variance to Setback Requirements set forth in the Madison County Zoning Ordinance. The request was to allow encroachment upon the required side-yard setback of twenty-five (25) feet to allow an existing detached garage to remain in its current location at the residence of 2217 245th Lane, Winterset, Iowa 50273. At the hearing the Board of Adjustment reviewed the completed application form(s), relevant provisions of the Madison County Ordinances, all documents constituting the record from the Zoning Administrator, documents received from the applicant, heard the statements, remarks and comments by the Zoning Administrator and the applicant, Ross Nicholl. After all the information was received and all interested parties were heard by the Board of Adjustment, the hearing was closed pursuant to the rules of procedure of the Board of Adjustment.

Following closure of the hearing a motion was made by Archer to ☒ approve ☐ deny the Variance Application with a second by Fiene.

A roll call vote was conducted on the motion:

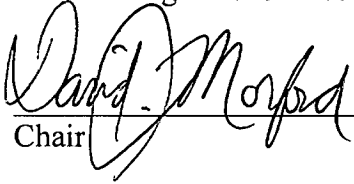
Kevin Fiene	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Fred Howell	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Mary Kathryn Bigelow	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Dawn Archer	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
David Morford	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay

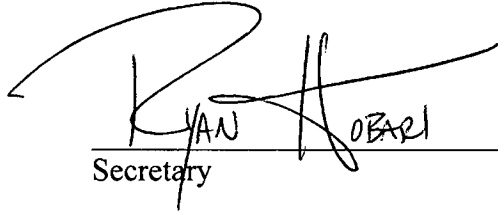
The motion was therefore ☒ Passed ☐ Denied

DECISION: By a 5 to 0 vote, the Board of Adjustment has granted a Variance to allowing the existing detached garage at 2217 245th Lane, Winterset, Iowa to remain in its current location of which is 22.4 feet from the east property line of Parcel A.

Dated this 1st day of April 2025

Acknowledged as to Accuracy:


Chair


Secretary

Original Filed with the Secretary of the Board of Adjustment on April 1, 2025.

Original Filed with the Madison County Recorder's Office on May 16, 2025.

Written Notification of Decision sent to:

Ross David Nicholl
2217 245th Lane
Winterset, IA 50273

**MADISON COUNTY, IOWA
BOARD OF ADJUSTMENT
DECISION AND FINDINGS**

IN THE MATTER OF THE APPLICATION OF:

CASE NO: 8-25

ROSS DAVID NICHOLL

PUBLIC HEARING: April 1, 2025

A request to obtain a variance to the required side yard setback of 25 feet listed within the Madison County Zoning Ordinance: 2217 245th Lane Winterset, Iowa 50273 in Madison County, Iowa more particularly described below.

Decision

On April 1st, 2025, the Madison County Board of Adjustment approved the request to obtain a variance in the below captioned matter.

VOTE¹:	Ayes:	Fiene; Howell; Archer; Bigelow; Morford
	Nayes:	None
	Absent:	None
	Vote:	(5-0)

Written Findings of Fact

Case Summary: The request for a variance to the side yard setback of 25 feet listed within the Madison County Zoning Ordinance on the below captioned real estate, currently owned by Ross David Nicholl.

A tract of land located in the Northeast Quarter (1/4) of the Northeast Quarter (1/4) and in the North Half (1/2) of the South Half (1/2) of the Northeast Quarter (1/4) of Section Twenty-eight (28), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, containing 22.2990 acres, as shown in Plat of Survey filed in Book 1, Page 131 on February 10, 1978, in the Office of the Recorder of Madison County, Iowa.

¹ Motion by Archer was phrased in the positive: to approve the application for Variance. For clarity, the votes listed here reflect "Ayes" as votes to approve the Variance and "Nayes" as votes to deny the Variance.

Public Hearing April 1, 2025: Notice of public hearing was published as required, posted on the county webpage, and posted at the Madison County Annex Building. Notices were mailed to surrounding property owners on March 18, 2025. Required notice was provided to County Offices.

Ryan Hobart, Zoning Administrator, presented the staff report. During the Staff Report Administrator Hobart stated that it is his job to uphold the ordinances of the county, and the applicant holds the burden of proof on an unavoidable hardship in order to be granted a variance. The side yard setback requirement depicted on page 7 of the Madison County Zoning Ordinance is 25 feet.

The Applicant, Ross Nicholl, presented his case. Mr. Nicholl requested the variance be granted for an existing 24'X36' detached garage that was constructed on the property in 1998. The structure at the time of its construction was compliant with all zoning regulations. Since then, Parcel G has been divided off for Ross's father which is when this structure became non-compliant with the setback regulations. Now, Ross desires to create a 2-lot subdivision with the remainder of what he owns and before proceeding with the subdivision process, everything must be compliant with the zoning regulations. The detached garage was found to be encroaching into the eastern side yard setback 2.6 feet which was determined by a licensed land surveyor.

Mr. Nicholl did mention that he does file a schedule F for farming income on hay ground that is located on the excess acres of this property. Mr. Nicholl had not provided any documentation prior to the Board of Adjustment meeting as proof of agricultural use.

Analysis/Legal Principles: After the closure of the Public Hearing, little discussion took place by the Board related to this case. The Board of Adjustment then granted a variance, by unanimous decision, to allow the detached garage to remain in its current location of which is 22.4 feet from the east property line of Parcel A. The Board found that this was an existing structure of which had been non-compliant since 2019, and the adjoining landowner to the east is the father of the applicant of which has no objections.

Board of Adjustment Action on Written Findings of Fact

Date: May 14, 2025

VOTE:	Ayes:	Nayes:	Abstained:	Absent:
(Roll Call)	Archer	None	None	None
	Bigelow			
	Howell			
	Fiene			
	Morford			

Chair: 