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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: 20-25

DATE: December 3, 2025

After a properly held Public Hearing on November 4, 2025, the Madison County Board of Adjustment has hereby denied the request for a Variance to Section 9.A.10 of the Madison County Zoning Ordinance to Deborah J. Annett Revocable Trust – Jason Webb as co-trustee. The following described real estate is that of which is involved:

The Northwest Quarter (1/4) of Section Thirteen (13), Township Seven-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, including Parcel "Z" located in the North Half (1/2) of the Northwest Quarter (1/4) of said Section Thirteen (13), containing 4.00 acres, as shown in the Plat of Survey filed in Book 2007, Page 3744, on October 5, 2007, in the Office of the Recorder of Madison County, Iowa; EXCEPT Parcels "A", "B", "C", and "D" located in the Northwest Quarter (1/4) of said Section thirteen (13), containing 36.66 acres in total, as shown in Amended Plat of Survey filed in Book 3, Page 50, on July 10, 1997, in the Office of the Recorder of Madison County, Iowa; AND EXCEPT Parcel "Q" located in the West Half (1/2) of the Northwest Quarter (1/4) of said Section Thirteen (13), containing 4.00 acres, as shown in the Plat of Survey filed in Book 2007, Page 3744, on October 5, 2007, in the Office of the Recorder of Madison County, Iowa.

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

Ryan Hobart, Secretary
Madison County
Board of Adjustment

MADISON COUNTY BOARD OF ADJUSTMENT

Application for Variance to Setback Requirements for Stables Housing Animals or Fowl
Deborah J. Annett Revocable Trust – Jason M. Webb as Co-Trustee
Date: 12/2/2025

DECISION

On November 4th, 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 for stables housing animals or fowl (Section 9.A.10). The request was to allow for the construction of a 100'X220' equine riding arena structure to be located 114 feet from the neighbor's property line. It was determined that approximately half of the proposed riding arena would encroach into the setback requirements defined within Section 9.A.10 of the Madison County Zoning Ordinance. The riding arena structure that was proposed was to be attached to a 26-stall equine stable structure when the construction of the proposed project was concluded. At the hearing the Board of Adjustment reviewed the completed application form, 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, the applicant, Deborah J. Annett and the applicant's representatives, Nathan Scott (Architect) and Rick Baumhover (Engineer) as well as some public comment regarding the proposed variance. 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 the closure of the hearing a motion was made by **Bigelow** to approve
 conditionally approve deny the Variance Application with a second by **Howell**.

A roll call vote was conducted on the motion:

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

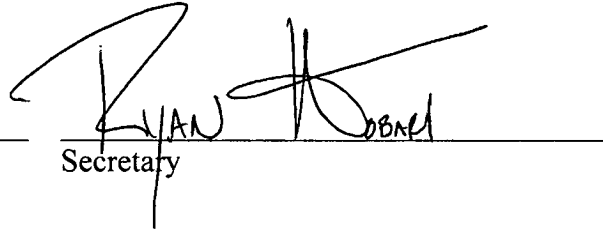
The motion was therefore Passed Failed

DECISION: By a 3 to 1 vote, the Board of Adjustment has denied a Variance to allow the construction of a proposed building housing animals or fowl to be located 114' from the west property line at 3326 Cumming Rd. Cumming, IA 50061.

Dated this 2nd day of December 2025

Acknowledged as to Accuracy:


Chair


Secretary

Original Filed with the Secretary of the Board of Adjustment on December 2, 2025.
Original Filed with the Madison County Recorder's Office on December 3, 2025.

Written Notification of Decision sent to:

Deborah J. Annett Revocable Trust
Attn: Jason M. Webb, CO-Trustee
3508 Bluestem Rd.
Norwalk, IA 50211

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

IN THE MATTER OF THE APPLICATION OF:

CASE NO: 20-25

**DEBORAH J. ANNETT REVOCABLE TRUST;
JASON M. WEBB, AS CO-TRUSTEE**

PUBLIC HEARING: November 4, 2025

A request to obtain a variance to the setback requirement of 200 feet for any stables housing animals or fowl (Section 9.A.10) listed with the Madison County Zoning Ordinance: 3326 Cumming Rd. Cumming, Iowa 50061 in Madison County, Iowa more particularly described below.

Decision

On November 4th, 2025, the Madison County Board of Adjustment voted on approving the request to obtain a variance in the captioned manner below.

VOTE¹:	Ayes:	Archer
	Nayes:	Howell; Bigelow; Morford
	Absent:	Fiene
	Vote:	(3-1)

Written Findings of Fact

Case Summary: The request is for a variance to the setback requirement of 200 feet for any structure housing animals or fowl within Madison County Zoning Ordinance (Section 9.A.10) on the below captioned real estate, currently owned by Deborah J. Annett Revocable Trust.

The Northwest Quarter (1/4) of Section Thirteen (13), Township Seven-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, including Parcel "Z" located in the North Half (1/2) of the Northwest Quarter (1/4) of said Section Thirteen (13), containing 4.00 acres, as shown in the Plat of Survey filed in Book 2007, Page 3744, on October 5, 2007, in the Office of the Recorder of Madison County, Iowa; EXCEPT Parcels "A", "B", "C", and "D" located in the Northwest Quarter (1/4) of said Section thirteen (13), containing 36.66 acres in total, as shown in Amended Plat of Survey filed in Book 3, Page 50, on July 10, 1997, in the Office of the Recorder of Madison County, Iowa; AND EXCEPT Parcel "Q" located in the West Half (1/2) of the Northwest Quarter (1/4) of said Section Thirteen (13), containing 4.00 acres, as shown in the

¹ Motion by Bigelow 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.

Plat of Survey filed in Book 2007, Page 3744, on October 5, 2007, in the Office of the Recorder of Madison County, Iowa.

Public Hearing November 4, 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 October 30, 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 setback requirement for stables, private and public, and riding academies and clubs, and other structures for housing animals or fowl must be located at least two hundred feet from all boundary lines of the property on which located.

The Applicant, Deborah J. Annett and her Representatives, Nathan Scott with Studio Melee and Rick Baumhover with Bishop Engineering, presented their case. Mr. Scott gave an overview of the proposed project, stating that other than the riding arena there will also be a viewing area for family and friends, which will have apartment-style living quarters above for their hired hands. They also intended to attach the riding arena to the existing horse stable structure and add an addition to the south of the existing stable which would allow for a total of 26 stalls. Mr. Scott stated in his conclusion that enforcing the full setback would unreasonably restrict the property's equestrian use and that a hardship stems directly from the lot's irregular boundaries and topography conditions, which he believes are beyond the owner's control. He went on to state that because the proposed arena will not house animals, it avoids the nuisance conditions such as odor, dust, or noise that he believes the setback requirements are intended to prevent. Mr. Baumhover then followed Mr. Scott detailing his engineered rendering of the proposed site plan layout for the project. Mr. Baumhover also stated that the topography of this property limits the feasibility of constructing the riding arena in any other location than where it has been proposed. Neighboring landowners to the west, Brendan & Shelby Appel, expressed some concerns related to exterior lighting on the riding arena, the change in water runoff that may

occur with the grading that is planned, any future expansions that would follow and how any of this may affect their property value.

Analysis/Legal Principles: After the closure of the Public Hearing, discussion took place between the board members related to this case. Specifically mentioned in discussion between board members is the fact that the new owners are responsible for assuming the circumstances created by the previous owners, and if a variance was granted, has the intent of the ordinances been upheld. They also discussed other feasible areas to construct the riding arena on the 120 ½ acres owned by Ms. Annett of which could potentially also be located outside of the 100-year flood zone area. The potential for creating a nuisance to adjoining property owners was also mentioned. The Board of Adjustment then held a roll call vote to approve the requested variance. By a 3-1 vote, the board denied the variance request.

Board of Adjustment Action on Written Findings of Fact

Date: December 2, 2025

VOTE:	Ayes:	Nays:	Abstained:	Absent:
(Roll Call)	BIGELOW MORFORD HOWELL ARCHER			FIENE

Chair: David Morford