



Document 2026 3002

Book 2026 Page 3002 Pages 9
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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

To and From
Office of Planning and Zoning

Ryan Hobart, Administrator

Appeal

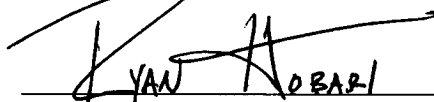
CASE NO: 14-26

DATE: October 7, 2026

After a properly held Public Hearing on September 1, 2026, the Madison County Board of Adjustment hereby denies the appeal of Madeline Mehmedovic and affirms the determination of the Madison County Zoning Administrator. The roll-off dumpster rental business located on the following described real estate is not authorized to operate as a home-based business/occupation for the reasons described in the Findings of Fact and Conclusions of Law herein. The following described real estate is that of which is involved:

Parcel "J" located in the Fractional Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Two (2), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 8.742 acres, as shown in Plat of Survey filed in Book 2008, Page 277 on January 25, 2008, in the Office of the Recorder of Madison County, Iowa, EXCEPT that part described as Parcel "D" as shown in Plat of Survey filed in Book 2023, Page 2632 on October 26, 2023

This appeal was denied under the provisions specified in the Zoning Ordinance for the Unincorporated Area of Madison County, Iowa & Iowa Code Section 335.



Ryan Hobart, Secretary
Madison County
Board of Adjustment

MADISON COUNTY BOARD OF ADJUSTMENT

Application for Appeal

Madeline Mehmedovic – Appealing Zoning Administrator's Decision

Section 2, Union Township

DECISION

Date: 9-1-26

On September 1, 2026, at 7:00 p.m., pursuant to the rules of procedure of the Board Adjustment, a public hearing was held on the application for appeal filed on July 23, 2026, by Madeline Mehmedovic regarding property located in Section 2 of Union Township. At the hearing the Board of Adjustment reviewed the relevant provisions of the Madison County Ordinances, and Iowa Code, all documents constituting the record, any new documents & statements received from interested parties, heard the statements, remarks and comments by the Zoning Administrator, the applicants, as well as statements, remarks, and comments by others in attendance. After all information had been received and all interested parties 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 PRICE to ☒ affirm ☐ reverse the decision of the Zoning Administrator. The motion was seconded by BIGELOW.

A roll call vote was conducted on the motion:

Dawn Archer –	<u>ABSENT</u>
Mary Kathryn Bigelow –	<u>AFFIRM</u>
Tyler Price –	<u>AFFIRM</u>
David Morford –	<u>AFFIRM</u>

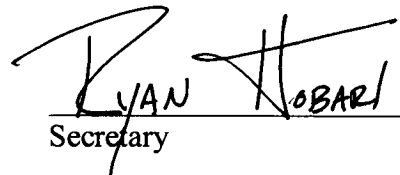
DECISION:

The Madison County Board of Adjustment has therefore ☒ affirmed ☐ reversed the decision of the Madison County Zoning Administrator.

Dated this 1st day of September 2026.

Acknowledged as to Accuracy:


Chair


Secretary

Original Filed with the Secretary of the Board of Adjustment on September 1, 2026.

Original Filed in the Office of the Madison County Recorder on OCTOBER 7, 2026.

**MADISON COUNTY, IOWA
BOARD OF ADJUSTMENT
DECISION, FINDINGS OF FACT & CONCLUSIONS OF LAW**

IN THE MATTER OF THE APPLICATION OF:

CASE NO: 14-26

Madeline Mehmedovic;

PUBLIC HEARING: September 1, 2026

**Application of Appeal to Zoning Administrator's
Decision**

**RE: Roll-Off Dumpster Rental Business as a Home
Based Business at 2694 160th Street,
Winterset, IA 50273 in Madison County,
Iowa, more particularly described below.**

Decision

On September 1st, 2026, the Madison County Board of Adjustment affirmed the zoning administrator's decision in the caption below manner, and therefore, the appeal from Madeline Mehmedovic was denied.

VOTE¹:	Ayes:	Price, Bigelow, Morford
	Nayes:	None
	Absent:	Archer
	Vote:	(3-0)

Case Summary:

The Madison County Board of Adjustment, having conducted a public hearing on the appeal of Madeline Mehmedovic concerning the determination of the Madison County Zoning Administrator that a roll off-dumpster business may not be operated from the subject residential property as a home occupation or home-based business, and having reviewed the application, applicable provisions of the Madison County Zoning Ordinance, Iowa Code chapter 335, the evidence and testimony presented at the hearing, and the record transmitted by the Zoning Administrator, hereby make the following Findings of Fact and Conclusions of Law.

The real estate upon which the appeal was heard is legally described below.

¹ Motion by Price was phrased in the positive: to affirm the decision of the Zoning Administrator. For clarity, the votes listed here reflect "Ayes" as votes to affirm the decision of the Zoning Administrator and "Nayes" as votes to reverse the decision of the Zoning Administrator.

Parcel "J" located in the Fractional Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Two (2), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 8.742 acres, as shown in Plat of Survey filed in Book 2008, Page 277 on January 25, 2008, in the Office of the Recorder of Madison County, Iowa, EXCEPT that part described as Parcel "D" as shown in Plat of Survey filed in Book 2023, Page 2632 on October 26, 2023.

Findings of Fact:

Jurisdiction and Appeal

1. The subject property is in an agricultural zoning district pursuant to the Madison County Zoning Ordinance.
2. The property is improved with a residential dwelling and is presently used as a residence.
3. The Madison County Zoning Administrator issued a determination dated Wednesday July 15, 2026, concerning the operation of a roll-off dumpster business operating from the subject property.
4. The Zoning Administrator determined that the operation did not qualify as a permitted home occupation or home-based business under applicable provisions of the Madison County Zoning Ordinance.
5. The Appellant timely appealed the Zoning Administrator's determination to the Madison County Board of Adjustment.
6. The Board has jurisdiction to hear the appeal pursuant to Iowa Code 335.13 and 335.15 and the applicable provisions of the Madison County Zoning Ordinance.

Nature of the Business

1. The business is a roll-off dumpster rental business.
2. As described in the application and testimony, the business involves the ownership, storage, dispatch, delivery, pickup, and servicing of roll-off dumpsters and vehicles used to transport the dumpsters.
3. Much of the business activities occur outside the residential dwelling.
4. The business involves commercial vehicles traveling to and from the property in connection with the business.
5. The dumpsters are stored outdoors and are visible from the roadway and neighboring properties as shown in photographs.
6. The use therefore differs in material respects from a home occupation that consists principally of office, professional, clerical, internet-based, or other low-impact work conducted from a residence.

Madison County Home-Occupation Requirements

1. The Madison County Zoning Ordinance regulates home occupations as accessory uses to residential property.
2. The applicable provisions require a home occupation to remain incidental and secondary to the residential use of the property and to comply with the applicable restrictions concerning the character and intensity of the business use.
3. The Board finds that the roll-off dumpster operation involves the use of the property for outdoor commercial equipment and/or commercial vehicle operations that are not merely incidental to the residential use of the property.
4. The Board further finds that the operation will introduce commercial activity onto the property in a manner materially different from the ordinary residential use of the property.
5. The Board finds that the use therefore does not satisfy the Madison County Zoning Ordinance requirements for a home occupation.
6. To the extent the Appellant contends that the use constitutes a “home-based business” under Iowa Code 335.35, the Board has considered that statutory provision separately from the County’s home-occupation classification.

Iowa Code 335.35

1. Iowa Code 335.35 defines a “home-based business” broadly as a business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.
2. The Board recognizes that Iowa Code 335.35 provides that the use of residential property for home-based business is a permitted use, subject to the limitations and regulations authorized by that statute.
3. The Board further recognizes that 335.35 distinguishes a “no-impact home-based business” from other home-based businesses.
4. The Board finds that the roll-off dumpster operation is not a “no-impact home-based business” because, based upon the evidence presented, the operation involves the following:
 - a. commercial vehicles entering and leaving the property;
 - b. commercial equipment and dumpsters being stored on the property;
 - c. increase in traffic associated with the business;
 - d. outdoor business activity;
 - e. business equipment is visible from neighboring properties and public roadway;and

- f. activities associated with the collection, transportation, storage, and handling of solid waste.
5. The Board therefore does not rely upon a finding that the business is prohibited merely because it is not a “home-based business”.
6. Rather, the Board finds that the specific characteristics and intensity of the operation must be evaluated under the County’s lawful zoning regulations governing residential property and under the limitations expressly recognized in Iowa Code 335.35.
7. Iowa Code 335.35 expressly permits counties to establish reasonable regulations on home-based business when narrowly tailored to protect public health and safety, regulate traffic, solid or hazardous waste, pollution, or noise, and to ensure that the business is compatible with residential use and surrounding residential use and remains secondary to the residential use of the property.
8. The Board finds that the Madison County regulations relied upon by the Zoning Administrator are being applied to the use based upon the characteristics of the operation and not merely upon the fact that the Appellant owns and operates and business from her residence.
9. The Board further finds that the operation does not satisfy the applicable County requirements governing the location and intensity of use of a home occupation and residential accessory use.

Compatibility With Residential Use

1. The subject property is located within an agricultural zoning district in which the principal use of the property is residential.
2. The roll-off dumpster operation introduces commercial equipment, commercial vehicles, and business-related traffic onto the property on a recurring basis.
3. The Board finds that the scale and physical characteristics of the proposed operation are not sufficiently incidental to the residential use of the property to qualify as a customary home occupation under the Madison County Zoning Ordinance.
4. The Board finds that the operation has characteristics more consistent with a commercial or industrial service/storage operation than with a customary accessory home occupation.
5. The Board therefore finds that the use is not compatible with the residential character and use of the subject property within the meaning of the applicable zoning regulations.

Traffic, Equipment, and Outdoor Storage

1. The Board finds that the operation would require recurring movement of commercial vehicles to and from the property.

2. The Board finds the operation requires parking, storage, delivery, pickup, and staging of commercial equipment and roll-off dumpsters on the property.
3. The Board finds that these activities are distinguishable from a home-based business involving primarily administrative, professional, clerical, or internet-based activities conducted within a residence.
4. The Board further finds that the outdoor storage and commercial vehicle activity increases the intensity of the use of the property beyond that contemplated by the County's home-occupation provisions.

Zoning Administrator's Decision

1. The Zoning Administrator considered the use and determined that it did not qualify as a permitted home-occupation or otherwise authorized home-based residential use under the Madison County Zoning Ordinance.
2. After reviewing the complete record and hearing the evidence presented on appeal, the Board finds that the Zoning Administrator correctly applied the applicable provisions of the Madison County Zoning Ordinance to the facts presented.
3. The Board finds no error in the Zoning Administrator's determination warranting reversal or modification.

Conclusions of Law:

Authority of the Board

1. Iowa Code 335.13 authorizes an aggrieved person to appeal a decision of the county's administrative officer to the Board of Adjustment.
2. Iowa Code 335.15(1) authorizes the Board to hear and decide appeals alleging error in an order, requirement, decision, or determination made by an administrative official in enforcing Iowa Code Chapter 335 or a county zoning ordinance pursuant thereto.
3. Iowa Code 335.16 authorizes the Board, in exercising its powers, to affirm, reverse, wholly or in part, or modify the decision appealed from.
4. The Board therefore has jurisdiction and authority to determine whether the Zoning Administrator correctly interpreted and applied the Madison County Zoning Ordinance to the use.

Home Occupation

1. A home occupation is an accessory use to a residence and must comply with the specific requirements established by the Madison County Zoning Ordinance.
2. The roll-off dumpster operation, including its commercial vehicle activity, outdoor equipment and dumpster storage, recurring business-related movements, does not

qualify as a permitted home occupation under the applicable provisions of the Madison County Zoning Ordinance.

3. The use is not transformed into a qualifying home occupation merely because the business is owned or managed by a person who resides on the property.

Iowa Code 335.35

1. The Board recognizes that Iowa Code 335.35 provides statutory protection for home-based businesses.
2. The Board further recognizes that 335.35 does not prohibit a county from imposing reasonable, narrowly tailored regulations on home-based businesses for purposes including protection of public health and safety, transportation or traffic control, solid or hazardous waste, pollution, noise control, compatibility with residential use, and ensuring that the business remains secondary to the residential use of the property.
3. The Board therefore concludes that the Zoning Administrator did not err in determining that the roll-off dumpster operation does not qualify as a home occupation under the Madison County Zoning Ordinance.

Final Determination

1. Based upon the Findings of Fact and Conclusions of Law stated above, the Board concludes that the Zoning Administrator's decision should be Affirmed.
2. The appeal of Madeline Mehmedovic is therefore Denied.
3. Nothing in this decision shall be construed as a determination that a person is prohibited from operating any home-based business from residential property. This decision concerns only the particular use in this appeal and the facts and evidence presented to the Board.

ORDER:

IT IS THEREFORE ORDERED that:

1. The appeal of Madeline Mehmedovic is **DENIED**.
2. The Madison County Zoning Administrator's determination is **AFFIRMED**.
3. The roll-off dumpster business is not authorized to operate from the subject property as a home occupation.
4. The Board's decision shall be entered into the official record of the Madison County Board of Adjustment.

MADISON COUNTY BOARD OF ADJUSTMENT

By: David J. Morford
Chair

By: Mary Kathryn Bigelow
Vice Chair

By: [Signature]
Member

By: _____
Member

By: _____
Member

Dated: October 6, 2026

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