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Book 2025 Page 1622 Type 06 023 Pages 8

Date 6/25/2025 Time 11:09:53AM

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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

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To and From
Office of Planning and Zoning

Ryan Hobart, Administrator

Variance

PERMIT NO: 12-25

DATE: June 25, 2025

After a properly held Public Hearing on May 14, 2025, the Madison County Board of Adjustment has hereby approved one (1) and denied eight (8) requests for Variance to the Special Use Permit 003-19 issued to Sunny Acres Campground. The single approved variance allows parking on the campground's interior roadway; however, a 25-foot width shall be maintained and unobstructed as required by Section 14.E.14.a.vi. The following described real estate is that of which is involved:

Parcel "B", a part of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) and a part of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey recorded in Book 2019, Page 690 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.

Ryan Hobart, Secretary
Madison County
Board of Adjustment

MADISON COUNTY BOARD OF ADJUSTMENT

Variance Application 12-25 to Special Use Permit 003-19
Sunny Acres Campground C/O Verlan & Mary Rouw
Parcel "B" a part of the NW ¼, SE ¼ and a part of the NE ¼, SE ¼,
Section 33, Madison Township

DECISION

Date: 5/14/2025

On May 14th, 2025, at 9:28 p.m., the Board of Adjustment approved a variance to the Special Use Permit for Sunny Acres Campground (SUP 003-19). This was completed pursuant to the rules of procedure for the Board Adjustment. A public meeting was held on the previously issued Special Use Permit, which was obtained on February 5, 2019, by Verlan & Mary Rouw.

At the request of Rod Rouw, an owner of Sunny Acres Campground, a properly held public hearing was held on a variance application to nine of the conditions listed within the current Special Use Permit.

Below is the list of variances that were sought in the application and the outcome of the Board of Adjustments roll call vote on each request.

- | | |
|--|--------------|
| 1. Be open year-round. | Denied 5-0 |
| 2. Have a bathroom facility separate from a storm shelter. | Denied 5-0 |
| 3. Fly drones in, over or within 1 mile of said campground. | Denied 5-0 |
| 4. Park on the campground's interior roadway, but maintain an unobstructed 25' width for emergency vehicles. | Approved 3-2 |
| 5. Camp without the presents of a parent or legal guardian. | Denied 5-0 |
| 6. Operate without a camp host. | Denied 4-1 |
| 7. Have more than 6 people per campsite. | Denied 4-1 |
| 8. Have fireworks. | Denied 5-0 |
| 9. Have a Porta Potty. | Denied 5-0 |

Any and all conditions contained in the original Special Use Permit 003-19, dated February 6, 2019, and the Addendum to Special Use Permit 003-19, dated September 24, 2024, shall remain in full force in effect unless addressed above in the Approved Variance. (Park on the campground's interior roadway but maintain an unobstructed 25' width for emergency vehicles.)


DECISION:

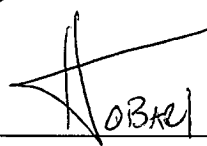
The Board of Adjustment has hereby granted a variance to allow parking on the campground's interior roadway, however, a 25' width shall be maintained and unobstructed as required by Section 14.E.14.a.vi.

Dated this 14th day of May 2025

Acknowledged as to Accuracy:


Vice Chair


RYAN
Secretary


ROB

Original Filed with the Secretary of the Board of Adjustment on May 14, 2025.
Original Filed in the Office of the Madison County Recorder on June 25, 2025.

Written Notification of Decision sent to:

Sunny Acres Campground LLC
3330 178th Ct.
Norwalk, Iowa 50211

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

IN THE MATTER OF THE APPLICATION OF:

CASE NO: 12-25

SUNNY ACRES CAMPGROUND

PUBLIC HEARING: May 14, 2025

A request to obtain multiple (9) variances to the Special Use Permit 003-19 for Sunny Acres Campground:
1872 152nd Steet Earlham, Iowa 50072 in Madison County, Iowa more particularly described below.

Decision

On May 14th, 2025, the Madison County Board of Adjustment denied all but one request to obtain a variance in the below captioned matter.

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

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

2. Have a bathroom facility separate from a storm shelter. Motion by Bigelow was phrased in the positive: to deny the application for Variance. Seconded by Fiene. For clarity, the votes listed here reflect "Ayes" as votes to deny the Variance and "Nayes" as votes to approve the Variance.

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

3. Fly drones in, over or within 1 mile of said campground. Motion by Bigelow was phrased in the positive: to deny the application for Variance. Seconded by Archer. For clarity, the votes listed here reflect "Ayes" as votes to deny the Variance and "Nayes" as votes to approve the Variance.

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

4. Park on the Campgrounds interior roadway but maintain an unobstructed 25' width for emergency vehicles. Motion by Fred was phrased in the positive: to approve the application for Variance. Seconded by Bigelow. For clarity, the votes listed here reflect "Ayes" as votes to approve the Variance and "Nayes" as votes to deny the Variance.

VOTE: Ayes: Howell; Archer; Bigelow
Nayes: Fiene; Morford
Vote: (3-2)

5. Camp without the presents of a parent or legal guardian. Motion by Bigelow was phrased in the positive: to deny the application for Variance. Seconded by Fiene. For clarity, the votes listed here reflect "Ayes" as votes to deny the Variance and "Nayes" as votes to approve the Variance.

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

6. Operate without a camp host. Motion by Bigelow was phrased in the positive: to deny the application for Variance. Seconded by Archer. For clarity, the votes listed here reflect "Ayes" as votes to deny the Variance and "Nayes" as votes to approve the Variance.

VOTE: Ayes: Fiene; Archer; Bigelow; Morford
Nayes: Howell
Vote: (4-1)

7. Have more than 6 people per campsite. Motion by Bigelow was phrased in the positive: to deny the application for Variance. Seconded by Fiene. For clarity, the votes listed here reflect "Ayes" as votes to deny the Variance and "Nayes" as votes to approve the Variance.

VOTE: Ayes: Fiene; Archer; Bigelow; Morford
Nayes: Howell
Vote: (4-1)

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

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

9. Have a Porta Potty. Motion by Bigelow was phrased in the positive: to deny the application for Variance. Seconded by Fiene. For clarity, the votes listed here reflect "Ayes" as votes to deny the Variance and "Nayes" as votes to approve the Variance.

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

Written Findings of Fact

Case Summary: Sunny Acres Campground requested nine (9) variances to the Special Use Permit 003-19 that was previously issued and agreed upon on February 5, 2019, on the following described real estate.

Parcel "B", a part of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) and a part of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-three (33), in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey recorded in Book 2019, Page 690 of the Recorder's Office of Madison County, Iowa.

Public Hearing May 14, 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 May 1, 2025. Required notice was provided to County Offices.

Ryan Hobart, Zoning Administrator, presented the staff report. During the Staff Report Administrator Hobart stated that a special use permit was issued by the Board of Adjustment to the Rouw's to operate a recreational campground and if they weren't agreeable to the conditions listed within the special use permit at that time, they should have withdrawn their application. Staff's recommendation to the Board of Adjustment was to deny all variance requests. During staff's review of the documents constituting the record for Sunny Acres Campground, it states that this campground is supposed to be a recreational campground for family, friends and specifically mentioned, the Rouw's church family. And with these requests for variances, it was staff's opinion that this is no longer the case. Staff also brought light to Iowa Code Chapter 335 which gives counties the ability to adopt zoning ordinances to regulate land use in unincorporated areas. Specific to Madison County, ordinances have been adopted to allow a campground to exist in an agricultural zoning district so long as all requirements listed with the special use permit section for campgrounds are met. It has been the applicant's desire to be treated the same as county, city and state-owned campgrounds within Madison County. The Board of Adjustment does not have jurisdiction over publicly owned campgrounds which have differing management structures and a legal framework in place that governs them. The Board of Adjustment does have jurisdiction over privately owned campgrounds.

The Applicant, Rod Rouw, an owner of Sunny Acres Campground, presented their case. Mr. Rouw presented each Board Member with a folder of pictures and information that they had compiled. He stated that they would like the same conditions of operation as the County, State and City campgrounds have and they would like to grow to meet the needs of their guests. Mr. Rouw stated that they feel they have been continually harassed by neighboring landowners and have been targeted unfairly. Lastly Mr. Rouw stated that he hoped the Board of Adjustment would take into consideration their family reputation and consider the police reports on file.

Trisha Cooperrider, a neighbor to the campground, presented the Board of Adjustment with a letter signed by many (15) neighboring property owners that are in opposition to any and all of the variance requests that have been made. This document outlined each request and why the Board should deny each request.

Mark Darby, a neighbor to the campground, stated that Sunny Acres Campground has not abided by the conditions listed in the Special Use Permit and also stated how living next to the campground has decreased his property value if any of these variances are approved it will decrease the value of his property even more.

Lecia Berven, a neighbor to the campground, stated she objects to all of the variance requests and believes the campground has devalued all the properties in this neighborhood.

Emily Rouw, an owner of Sunny Acres Campground spoke and stated she feels the rules for their campground are more strict than other county and state campgrounds in Madison County. She also believes the conditions aren't appropriate for a private campground and that these conditions have led to attacks from the neighboring landowners.

Verlan Rouw, an owner of Sunny Acres Campground, spoke to Mr. Darby's point of property value decreases, and said that Mr. Darby is upset because his view of the lake on the Rouw's property has been altered.

Tyler Price, a county resident, stated that the applicants should not be able to keep coming back before the Board asking for amendments to the Special Use Permit, as they agreed to these conditions when the permit was issued.

Analysis/Legal Principles: After the closure of the Public Hearing, discussion took place by the Board related to this case. The Board of Adjustment then voted on each variance request by a roll call vote (as seen above). Every variance request was denied by the Board of Adjustment with the exception of #4. Because the Rouw's installed a wider interior road than required by ordinance, the Board granted a variance, allowing parking on said interior road with the condition that a 25' wide portion of the road be maintained and unobstructed so that emergency vehicles and other passing traffic can still pass through the campgrounds as required by ordinance.

Board of Adjustment Action on Written Findings of Fact

Date: June 3, 2025

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

Vice Chair: Mary Kathryn Bigelow