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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: 13-25

DATE: July 7, 2025

After a properly held Public Hearing on June 3rd, 2025, the Madison County Board of Adjustment hereby approves the request for a Variance to Austin M. & Melissa J. Grapp allowing them to construct an addition to their home of which is considered by ordinance, non-conforming as to setback requirements. The following described real estate is that of which is involved:

Parcel "A" located in the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, containing 3.40 acres, as shown in Plat of Survey filed in Book 2008, Page 1996 on June 23, 2008, in the Office of the Recorder 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

Application for Variance
Austin M. & Melissa J. Grapp
Date: 7/1/2025

DECISION

On June 3rd, 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 an application for variance to section 7.C. of the Madison County Zoning Ordinance. The request was to allow an addition to the principle structure at 2463 Bittersweet Avenue Winterset, Iowa. The existing principle structure, by ordinance, is non-conforming as to building setback requirements. 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 and the applicant, Austin Grapp. 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 Howell.

A roll call vote was conducted on the motion:

Kevin Fiene	<input 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 type="checkbox"/> Aye	<input type="checkbox"/> Nay

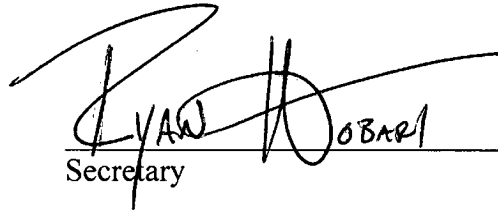
The motion was therefore ☒ Passed ☐ Denied

DECISION: By a 3 to 0 vote, the Board of Adjustment has granted a Variance to the Grapp's allowing them to construct an addition to their home at 2463 Bittersweet Avenue Winterset, Iowa of which shall not encroach any closer to the road right-of-way than the existing house already does.

Dated this 1st day of July 2025

Acknowledged as to Accuracy:


Chair


Secretary

Original Filed with the Secretary of the Board of Adjustment on July 1st, 2025.
Original Filed with the Madison County Recorder's Office on July 7th, 2025.

Written Notification of Decision sent to:

Austin M. & Melissa J. Grapp
2463 Bittersweet Ave
Winterset, IA 50273

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

IN THE MATTER OF THE APPLICATION OF:

CASE NO: 13-25

Austin M. & Melissa J. Grapp

PUBLIC HEARING: June 3, 2025

**A request to obtain a variance to Section 7.C
(Additions & Expansions of a Non-Conforming
Use) of the Madison County Zoning Ordinance:
2463 Bittersweet Ave Winterset, Iowa 50273 in
Madison County, Iowa more particularly
described below.**

Decision

On June 3rd, 2025, the Madison County Board of Adjustment approved the request to obtain a variance in the below captioned matter.

VOTE¹:	Ayes:	Howell; Archer; Bigelow
	Nayes:	None
	Absent:	Fiene; Morford
	Vote:	(3-0)

Written Findings of Fact

Case Summary: The request for a variance to Section 7.C (Additions and Expansions of a Non-Conforming Use) of the Madison County Zoning Ordinance on the below captioned real estate, currently owned by Austin M. & Melissa J. Grapp.

Parcel "A" located in the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, containing 3.40 acres, as shown in Plat of Survey filed in Book 2008, Page 1996 on June 23, 2008, 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 June 3, 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 23, 2025. Required notice was provided to County Offices.

Ryan Hobart, Zoning Administrator, presented the staff report. Staff recommended denial of this variance application. 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. Section 7 of the Madison County Zoning Ordinance is in relation to Non-Conforming Uses. Subsection C speaks to Additions and Expansions and states the following: *A non-conforming building which is non-conforming as to size, height, or setbacks, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, expanded or enlarged unless such addition, expansion or enlargement conforms to all the regulations of the district in which it is located and unless the entire building thereafter conforms to all of the regulations of the district in which it is located and unless the entire building thereafter conforms to all of the regulations of the district as to size. A nonconforming use of land shall not be expanded or extended beyond the area it occupied at the date of the adoption of this Ordinance.*

The Applicant, Austin Grapp, presented his case. Mr. Grapp requested the variance be granted so that they could construct an addition to their existing dwelling. He stated that he and his family need more than the 1100 square feet they currently have. He is proposing to construct an additional 320 square-foot living and dining room area to the south of the house (not to encroach any further into the setback than the existing dwelling already does). He stated that the layout of the existing dwelling doesn't really allow them to build the addition in a different location without extensive renovations of both the interior and exterior of the dwelling. He stated he had spoken with his surrounding neighbors of which none of them had an issue with him acquiring this variance.

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 granted a variance, by unanimous decision, to allow the Grapp's to construct the desired addition to the existing dwelling with the

stipulation that the addition shall not be constructed any closer to the property line than the current dwelling is. The Board found that as long as the applicant doesn't encroach any closer to the road right-of-way than the current house already is, there would be no issue.

Board of Adjustment Action on Written Findings of Fact

Date: July 1, 2025

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

Chair:

A handwritten signature in black ink, appearing to read "David Morford", written over a horizontal line.