

## **Dubuque County Zoning Board of Adjustment Minutes of February 2, 2021**

Chairperson Ben Schroeder called the meeting to order at 7 p.m.

**A. ROLL CALL:** Members Present via a Zoom teleconference meeting: Ben Schroeder & Michelle Switzer. Members Present at the Dubuque County West Campus, 1225 Seippel Road: Dave Klein. Members Absent: Lillian Kremer. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Amy Schmerbach.

**B. APPROVAL OF MINUTES:** A motion was made by Mr. Klein, **seconded by Mr. Schroeder and passed unanimously to approve the Minutes of the November 3, 2020 meeting. Vote: 3-0.**

### **C. PUBLIC HEARINGS:**

#### **1. BA#02-01-21COATES DEVELOPMENT LLC/RYAN & JESSI COATES VARIANCE**

The applicants are requesting to build a 60' x 140' storage shed in an M-1, Industrial zoning district. They are requesting to build 15' from the front street line, they will need a 15' variance to the 30' required. The property, located along Cottingham Road approximately .94 miles east of the City of Peosta is legally described as Lot 3 Cottingham Road Subdivision, Section 14, (T88N-R1E) Vernon Township, Dubuque County, Iowa.

The property is 5.22 acres with a building for a Construction Business. The owners would like to build another storage shed for their business. There is an existing excavated area they want to build on. Moving further back from Cottingham Road would cause them to have to move a lot of dirt. This road will soon be a dead end so the only traffic will be the Coates's and their one neighbor. Two (2) letters were sent, zero (0) were delivered and the City of Peosta was notified. There were no comments regarding this case.

Ms. Henry explained that there was more information that she wanted the Board to be aware of. She said that when she was out taking pictures she noticed there was another business at that location called Skyline Diesel. She said that when the Coates's did a rezoning in 2019 they had a conditional agreement that it would only be for their business and their office. She said the Coates's signed the conditional at that time but didn't understand that they couldn't have a second business on their property. She said the property is currently in violation but the Coates's are going through the Zoning Board and the Supervisors asking to have the conditional agreement amended. Ms. Henry explained that whatever decision is made by this Board should be based on the outcome of the Zoning and Supervisors Boards because it is currently in violation. She said they can table it or say yes or no based on the outcome of the Zoning Board.

Ms. Henry explained that if the Board of Supervisors does not approve the change of the Conditional Agreement then the Coates' would have to remove the Skyline Diesel business to be able to build the building that they are requesting.

Speaking to the Board was Ryan & Jessica Coates, 9885 Cottingham Road, Peosta. Mr. Schroeder administered the following Oath asking the participants to raise their right

hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” They said yes.

Mr. Coates said that the Skyline Diesel business is a one man business. He said that he started out doing only work for the Coates’s businesses and only does little jobs other than for the business. He said he does not plan on getting any bigger. Mr. Coates said the owner of Skyline Diesel’s intention was never to get any bigger or add any employees.

Mr. Schroeder asked if there were any questions from the Board members.

Loras Link joined the meeting via zoom at 7:09 p.m.

Mr. Link asked if the closing of Cottingham Road was due to the new intersection going in. Mr. Schroeder said yes.

Mr. Schroeder asked if there was anyone there to speak for or against the case. No one spoke.

Speaking to the Board was Patrick Brehm, 3547 Lunar Drive, Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” he said yes.

Mr. Brehm said he had no objections with the case. He said that it is a dead end but that someone could build a road west to Cottingham Road. He said the Coates have been great neighbors and has no objections to this case and doesn’t feel it should be tabled at this meeting.

Mr. Klein asked about the extra easement that is across from the Coates’s property. Mr. Coates said that is for the turn around when they close the road.

Mr. Klein asked if the Coates’s storage area is for personal use. Ms. Henry said they are using it for their business storage. Mr. Coates said yes it is for their business and nothing else.

A motion was made by Mr. Klein, **seconded by Ms. Switzer to approve the variance conditional to the zoning or if denied the zoning conditional to the removal of Skyline Diesel Business. The motion passed unanimously by a vote of 4-0.**

#### **D. PUBLIC COMMENTS:**

#### **E. OLD BUSINESS:**

Ms. Henry said they are still working on the zoning ordinance.

#### **F. NEW BUSINESS:**

Elections:

A motion was made by Mr. Link, **seconded by Mr. Schroeder to re-elect Mr. Schroeder as the Chairperson. The motion passed unanimously by a vote of 4-0.**

A motion was made by Mr. Klein, seconded by Ms. Switzer to elect Ms. Kremer to be the new Vice-Chairperson. **The motion passed unanimously by a vote of 4-0.**

**G. ADJOURNMENT:** A motion was made by Mr. Link, seconded by Mr. Schroeder and passed unanimously to adjourn. **Vote: 4-0. The meeting adjourned at 7:30 p.m.**