

Dubuque County Zoning Board of Adjustment Minutes of March 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 and Loras Link. Staff present via a Zoom teleconference meeting: Tammy Henry. Members present at the Dubuque County West Campus, 1225 Seippel Rd: Lillian Kremer and Dave Klein. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Angela Steffens and Amy Schmerbach.

B. APPROVAL OF MINUTES: A motion was made by Ms. Switzer, **seconded by Mr. Link and passed unanimously to approve the Minutes of the February 2, 2021 meeting. Vote: 5-0.**

C. PUBLIC HEARINGS:

1. BA#02-02-21 KEVIN & JOANN HERRIG VARIANCES

The applicants are requesting to build a 30' x 40' detached garage in an R-1, Rural Residential zoning district. They are requesting to build 18' from the right side yard, they will need a 32' variance to the 50' required, they also want to build 50' from the front street line, they will need a 30' variance to the 80' required. The property, located along Route 52 South approximately 6.03 miles southeast of the City of Dubuque is legally described as Lot 1 Krohn Place No. 2, Section 35, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is 1.20 acres with a home. The owners would like to build a detached garage off the existing driveway. Because of the shape of the lot and the placement of their septic system this would be the best location to build so they will not meet front and right side yard setbacks. Three (3) letters were sent, two (2) were delivered.

Mr. Schroeder asked if there was anyone there to represent this case. No one spoke. The Board decided to table this case until the end of the meeting.

2. BA#02-03-21 ROBBIE & LINDSEY CULBERTSON VARIANCE

The applicants have withdrawn their request for the variance at this time.

3. BA#02-04-21 ZACHARY DUNKEL SPECIAL USE PERMIT

The applicant is requesting a Special Use Permit to build a 3' x 8' breeze way and a 27' x 30' attached garage in a non-conforming residential use in the A-1, Agricultural zoning district. The property, located along Sandstone Drive approximately .09 miles north of the City of Dyersville, is legally described as Lot 2-2-1 NE NE Section 5, (T88N-R2W), Dodge Township, Dubuque County, Iowa.

The property is .51 acres with a house. The owners would like to build a breezeway with an attached garage to be able to store their things inside adding value to the property. The garage will blend in with the house and other surroundings. The property is zoned A-1, Agricultural and because of the size of the lot, it is a non-conforming use and requires a Special Use Permit to be allowed to make changes. Eight (8) letters were sent, seven (7) were delivered and the City of Dyersville was notified.

Ms. Henry said that Mr. Dunkel had an option to ask for a re-zoning or do the Special Use Permit. She said this is non-conforming A-1, Agricultural parcel that doesn't make sense. She said it would be time consuming for him to go through the rezoning process and Mr. Dunkel really wanted to get started on this project so he decided to go through Special Use Permit and the Variance.

Speaking to the Board was Zachary Dunkel, 31128 Sandstone Drive, Dyersville. 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. Schroeder asked Mr. Dunkel if there was anything he wanted to add to his case and he said no. He asked if anyone wished to speak in favor or against the case.

Mr. Klein asked if any of the neighbors sent letters or commented on this case. Ms. Steffens said no.

A motion was made by Ms. Switzer, **seconded by Mr. Schroeder to approve the Special Use Permit. The motion passed unanimously by a vote of 5-0.**

4. BA#02-05-21 ZACHARY DUNKEL VARIANCES

The applicant is requesting to build a 3' x 8' breeze way and a 27' x 30' attached garage in an A-1, Agricultural zoning district. He is requesting to build 4' from the left side yard, he will need a 46' variance to the 50' required, he also would like to build 21' from the front street line, he will need a 59' variance to the 80' required. The property, located along Sandstone Drive approximately .09 miles north of the City of Dyersville, is legally described as Lot 2-2-1 NE NE Section 5, (T88N-R2W), Dodge Township, Dubuque County, Iowa.

The property is .51 acres with a house. The owners would like to build a breezeway with an attached garage to be able to put their things inside adding value to the property. The garage will blend in with the house and other surroundings. They want to build the garage next to the existing garage, because of that they will not meet the front and right side set backs. Four (4) letters were sent, three (3) were delivered and the City of Dyersville was notified.

Speaking to the Board was Zachary Dunkel, 31128 Sandstone Drive, Dyersville. 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. Schroeder asked if there was anything Mr. Dunkel wished to add to his case. He said no. Mr. Schroeder asked if there was anyone who wished to speak in favor or against this case. No one spoke.

Mr. Klein asked if all the certified letters were delivered to the neighbors except for the Hoeger's. Ms. Steffens said yes they were all picked up and we have not heard from any of them. Mr. Klein said he was surprised that none of the neighbors had any comments about the variance because it would be so close to the left lot line.

Ms. Kremer said she was concerned with the four-foot variance also but if the letters were sent to the neighbors and none of them contacted the zoning office they must not have a problem with it.

Ms. Henry said that she spoke with Mr. Dunkel and he told her that he has talked to his neighbor, Dave Schmitt and he has no problem with him building that close to the lot line. Ms. Henry asked Mr. Dunkel if that was true and he said yes.

Mr. Schroeder said he would want Mr. Dunkel to make sure there are downspouts and gutters to make sure the water run-off stays on his property and not on the neighbors property. Mr. Dunkel said he was planning on that.

Mr. Klein asked if the building had a two-foot soffit overhang. Mr. Dunkel said yes the overhang will be four feet from the lot line and the building will be six feet from the lot line.

Mr. Schroeder asked if anyone had any more questions. No one spoke.

A motion was made by Mr. Klein, **seconded by Ms. Switzer to approve the variances with the condition that the applicant must have gutters and downspouts to direct the water runoff to his own property. The motion passed unanimously by a vote of 5-0.**

**5. BA#02-06-21 DAVID & DIANE CORBIN/USCOC OF GREATER IOWA LLC/
SPECIAL USE PERMIT**

The applicants are requesting a Special Use Permit to construct a 335' Guyed Telecommunication Tower, in an A-1, Agricultural zoning district. The property, located along Hill Valley Lane approximately .50 miles east of the City of Farley, is legally described as part of the NW NE Section 17, (T88N-R1W), Taylor Township, Dubuque County, Iowa.

The property is 36.1 acres with a house and farm buildings. The applicants would like to put a cellular tower on the property. This tower is designed to cover citizens of Dubuque County and the City of Farley with cellular service. There is a tower in the area that currently has provided this service for the past 20 years. The existing tower will be removed from its current location and be replaced in this new location. US Cellular has provided a letter confirming their plan to remove the existing tower once the new tower is operational. Four (4) letters were sent, three (3) were delivered and the City of Farley was notified.

Speaking to the Board was Dave Corbin, 25406 Hill Valley Lane, Farley and Chad Skinner of US Cellular, 12106 Ridge View Drive, Urbandale Iowa. Mr. Schroeder administered the following Oath asking the participants to raise their right hands. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" They said yes.

Mr. Skinner said that this tower will support up to four additional cellular carriers should they be interested in co-locating on the tower, with the intent of reducing the number of towers needed in the area. He also has a certificate of insurance from US Cellular for liability insurance. He said the existing tower is approximately one mile south of the where this new tower will be. He said they would like to have a waiver for the

landscaping around the base of the tower because of where the tower will be. He said it will be in agricultural farm field and will not be visible from any roads or houses.

Ms. Henry said that in the past they have waived this because sometimes the maintenance of the tree line can be more distractive than the tower itself.

Ms. Steffens read from section 1-87.8 of the ordinance regarding fencing around the tower:

The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of eight feet in height and shrubbery which will grow to at least eight feet in height and must be four feet high when planted.

Ms. Steffens asked Mr. Skinner if they would still put up a fence around the tower. Mr. Skinner said yes they are putting an eight-foot high chain link fence with one foot of barbed wire at the top for additional security. He said they would be happy to add slats to the fence.

A motion was made by Ms. Kremer, **seconded by Mr. Link to approve the Special Use Permit with the conditions that all requirements of Part 8, Telecommunication Towers of the Zoning Ordinance, as well as any federal and state regulations are met except for Section 1-87.8 regarding the tree screening. The motion passed unanimously by a vote of 5-0.**

1. BA#02-02-21 KEVIN & JOANN HERRIG VARIANCES

The applicants are requesting to build a 30' x 40' detached garage in an R-1, Rural Residential zoning district. They are requesting to build 18' from the right side yard, they will need a 32' variance to the 50' required, they also want to build 50' from the front street line, they will need a 30' variance to the 80' required. The property, located along Route 52 South approximately 6.03 miles southeast of the City of Dubuque is legally described as Lot 1 Krohn Place No. 2, Section 35, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is 1.20 acres with a home. The owners would like to build a detached garage off the existing driveway. Because of the shape of the lot and the placement of their septic system this would be the best location to build so they will not meet front and right side yard setbacks. Three (3) letters were sent, two (2) were delivered.

Speaking to the Board was Kevin Herrig, 6172 Rt 52 South, Bellevue. 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.

Ms. Henry said that Mr. Herrig bought some property from the adjacent neighbor with the intent of building this garage.

Mr. Herrig said he would like to have more garage space to park his vehicles.

Ms. Kremer asked if he purchased the land from the Freiburger's. Mr. Herrig said he purchased it from the previous owners but has talked to the current owners and they have no problem with the garage.

Mr. Schroeder said he would want the garage built with downspouts and gutters to keep the water on his own property. Mr. Herrig said he was planning on that.

A motion was made by Ms. Switzer, **seconded by Mr. Klein to approve the variances with the condition that the applicants must have gutters and downspouts to direct the water runoff to their own property. The motion passed unanimously by a vote of 5-0.**

D. PUBLIC COMMENTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

Ms. Kremer asked what was happening with the Airbnb's. Ms. Henry said they are still working on gathering information on them but are focusing on getting the Ordinance completed first.

Ms. Kremer asked if they could sit in on the work sessions. Ms. Henry said yes they could listen to them anytime.

G. ADJOURNMENT: A motion was made by Mr. Link, **seconded by Mr. Schroeder and passed unanimously to adjourn. Vote: 5-0. The meeting adjourned at 7:41 p.m.**