

Dubuque County Zoning Board of Adjustment Minutes of April 6, 2021

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

A. ROLL CALL: Members Present via a Zoom teleconference meeting: Loras Link. Members present at the Dubuque County West Campus, 1225 Seippel Rd: Ben Schroeder, Michelle Switzer, Lillian Kremer and Dave Klein. 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. Link, **seconded by Mr. Schroeder and passed unanimously to approve the Minutes of the March 2, 2021 meeting. Vote: 5-0.**

C. PUBLIC HEARINGS:

1. BA#04-07-21 MARTY & ROBIN GIBBS VARIANCES

The applicants are requesting to build a 28' x 44' breezeway and attached garage and a 10' x 12' front porch in an R-1, Rural Residential zoning district. They are requesting to build 5' from the right side yard, they will need a 45' variance to the 50' required, they also want to build 26' from the front street line, they will need a 54' variance to the 80' required. The property, located along Sherrill Road approximately .93 miles southeast of the City of Sherrill is legally described as Lot 2-2 NE SE & Lot 2-2-1-1 SE SE Section 19, (T90N-R2E), Peru Township, Dubuque County, Iowa.

The property is .41 acres with a house and detached garage. The owners would like to build the garage with a breezeway between them and build a deck out the front door. Because of the placement of the existing home and the septic system this will be the best place for the new breezeway and garage. The owners are doing some remodeling and cleaning up the property and think the attached garage would add value to their home. Eight (8) letters were sent, seven (7) were delivered and the City of Sherrill was notified. There were no comments regarding this case.

Speaking to the Board was Marty Gibbs, 14257 Sherrill Road, Sherrill. 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. Gibbs said that Ms. Henry covered everything they wanted to do but he could answer any questions.

Ms. Kremer asked if we had heard from the City of Sherrill or the next door neighbors. Ms. Henry said no.

Mr. Gibbs said he talked to the Currans and they were fine with the project. He said he was thinking about building further to the back of his lot and less to the right side of his lot. Ms. Kremer asked if the neighbor completely understood what he was doing. Mr. Gibbs said yes and he was happy with the cleaning up that they are doing.

Mr. Schroeder said if he wants to change the site plan they would table his case or he can leave it like it is and they can vote tonight.

Mr. Gibbs said he could turn the garage and make it longer and not as wide.

Ms. Henry said if he is changing the building we would need a new site plan. Mr. Gibbs said he will keep the garage as originally planned.

Ms. Switzer asked how they would get to their drain field in the back yard if there was ever a problem. Mr. Gibbs said he can get there on the other side of the house.

Mr. Schroeder asked if anyone had any questions or wished to speak in for or against this case. No one spoke.

A motion was made by Ms. Kremer, **seconded by Mr. Klein to approve the variances. The motion passed unanimously by a vote of 5-0.**

2. BA#04-08-21 PAUL BECKER/2020 LIVESTOCK INC SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to operate a Livestock Sales Barn in an A-1, Agricultural zoning district. The property, located along Becker Lane approximately one mile north of the City of Dyersville is legally described as the NE NE Section 20, (T89N-R2W), New Wine Township, Dubuque County, Iowa.

The property is 40 acres of crop ground owned by Paul Becker. 2020 Livestock Inc. will be renting the ground to operate a Livestock Sales Barn. They would like to build a 180' x 220' building for the operation. It will operate most days between 7:00 a.m. to 3:30 p.m. The building will be able to hold around 700 hogs. They expect the number to be normally up to 250 a day. The hogs will be contained inside the building and will not be in overnight. Livestock Barns are not considered animal feeding operations and do not require approval or permits from the DNR. The building will have two sections to hold the manure and it will be hauled and spread onto the Becker's farm land. Three (3) letters were sent, three (3) were delivered and the City of Dyersville was notified. There was one comment from Jeff & Wanda Pape, 31406 Floyd Road, Dyersville. Jeff said that he is ok with the operation. He would like to see a tree line planted at the fence to help control the dust, odor and light.

Speaking to the Board was Paul Becker, 15115 Becker Lane, 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.

Speaking to the Board was John McAndrews, 56 Bluff St, 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. McAndrews said he would like to move the well to the other side of the building. Mr. Schroeder said that the Zoning Board does not regulate the placement of the well.

Mr. Schroeder asked if there was any questions from the Board.

Ms. Kremer asked Mr. McAndrews who he was and what his role was in this operation. Mr. McAndrews said he works for Seubert Inc. out of Dorchester WI. Ms. Kremer asked if he was managing the sales barn. He said yes. Ms. Kremer asked him if he lived on the site of the sales barn or somewhere else. Mr. McAndrews said he lives in the City of Dubuque. Ms. Kremer asked if he planned on moving to the sales barn site after it was built. He said no.

Mr. Link asked if they were opposed to having the suggested tree line. Mr. Becker said that was already in the plan.

Ms. Kremer said she would like a tree line and would like to know what type of trees would be planted. She said certain kinds work better to keep odor and noise contained.

Mr. Klein asked if the well site would make a difference to their site plan. Ms. Henry said that would be something they would work out with the health department.

Mr. Schroeder asked Mr. McAndrews if he knew what kind of trees would be planted. Mr. McAndrews said he usually gets a land scape company to plant the trees. He said he lets them handle the project and said it will be done properly.

Ms. Kremer said that many times these companies will plant whatever looks good and not what keeps the noise and smell down.

Speaking to the Board was Jeff Pape, 31406 Floyd Road, Dyersville. Mr. Pape said he would ask that the applicants contact the Coalition to Support Iowa Farmers and let them take care of the trees. He said they do projects like this all over the state of Iowa.

Mr. Schroeder asked the applicants if they would be ok with letting the Coalition to Support Iowa Farmers take care of the trees for the livestock barn. They both said yes.

Mr. Pape offered a phone number for this company. He said it was 515-225-5531.

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

A motion was made by Mr. Link, **seconded by Ms. Switzer to approve the Special Use Permit with the condition that the applicants must contact the Coalition to Support Iowa Farmers to assist with planting of a tree line on the west, north and east sides of the Livestock Sales Barn. The motion passed unanimously by a vote of 5-0.**

3. BA#04-09-21

GREGORY FREIBURGER

VARIANCE

The applicant is requesting to build a 16' x 36' addition and a 60' x 19' deck in an R-1, Rural Residential zoning district. He is requesting to build 30' from the left side yard, he will need a 20' variance to the 50' required. The property located along Starview Drive approximately 3.9 miles northeast of the City of Sherrill is legally described as Lot 4 Starview Subdivision 2nd Addition, Section 10 (T90N-R2E), Peru Township, Dubuque County, Iowa.

The property is 1.53 acres with a home. The owner would like to build a two-story addition. He wants to extend his living room and master bedroom on the first floor and have a utility room and office in the basement part of the addition. He also wants to build a deck around the new addition and the existing deck. Because of the placement of the home he will need a variance. Fourteen (14) letters were sent, eleven (11) were delivered. There was one comment in regards to this case from John Priest & Patricia Belois, 315 Seymour Pl. SE, Minneapolis MN. They said they have no problem with this case and are in favor.

Speaking to the Board was Greg Freiburger, 22616 Starview 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. Freiburger said that his home was built back in the 1970’s when they built closer to the lot line. He said he wants to build the addition straight back from the left side of his house and because the house does not meet the setbacks the addition won’t either.

Ms. Kremer asked if the neighbor, the Heying’s, picked up their certified letter. Ms. Henry said no.

Mr. Freiburger said that Brad Heying is the president of their Home Association and he has the letter from them saying he is approved for this project.

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

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

D. PUBLIC COMMENTS: None

E. OLD BUSINESS:

Ms. Henry said only that they are still working on the Ordinance.

F. NEW BUSINESS:

Ms. Kremer asked if we could add to the back ground the names of the people who did not pick up their letters. Ms. Henry said it was not necessary but we could certainly add that.

Ms. Henry went over the dates that each Board members term expires.

G. ADJOURNMENT: A motion was made by Ms. Kremer, **seconded by Ms. Switzer and passed unanimously to adjourn. Vote: 5-0. The meeting adjourned at 7:39 p.m.**