

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

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

A. ROLL CALL: Members Present at the Dubuque West Campus, 1225 Seippel Rd: Ben Schroeder, Lillian Kremer, Dave Klein, Loras Link and Michelle Switzer. 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 Ms. Kremer, **seconded by Ms. Switzer and passed unanimously to approve the Minutes of the June 1, 2020 meeting. Vote: 5-0.**

C. PUBLIC HEARINGS:

1. BA#07-21-21 ANDREW & AMY FRANCOIS VARIANCE

The applicants are requesting to build a roof on an existing patio in an R-3, Single Family Residential zoning district. They are requesting to build 21' from the front street line, they will need a 9' variance to the 30' required. The property, located along Muntz Court approximately .46 miles west of the City of Sageville, is legally described as Lot 2-2-1-1-1-1 W1/2 NW NE Section 10, (T89N-R2E), Dubuque Township, Dubuque County, Iowa.

The property is .80 acres with a home. The applicants would like to build a roof over an existing concrete patio. Because of the placement of the existing patio, they will not meet the front street line setback and will need a variance. Fourteen (14) letters were sent, 14 were delivered and the City of Sageville was notified. There were no comments in regards to this case.

Speaking to the Board was Andrew & Amy Francois, 2598 Glenview Circle., Dubuque. Mr. Schroeder administered the following Oath asking the participants to raise thier right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" They said yes.

Mr. Francois said they are building over a slab of cement that is already there. Ms. Kremer asked if the slab was a part of the original house. Mr. Francois said yes that his parents built the house.

Mr. Schroeder said there should not be much more water runoff since the slab of cement is already there. Mr. Francois said there will not be.

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

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

2. BA#07-22-21

JIM & STACY VIZE

VARIANCES

The applicants are requesting to build a single family home in an R-1, Rural Residential zoning district. They are requesting to build 78' from the front street line, they will need a 2' variance to the 80' required they also want to build 15' from the right side yard, they will need a 35' variance to the 50' required. The property, located along Cottingham Road adjacent to the City of Dubuque is legally described as Lot 1 Vize Place #2 Section 36, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is a 1.182-acre lot. The applicants would like to build a single family home. Because the lot slopes downhill towards the back and the left side, they need to build closer to the front street line and right side yard lot line. Six (6) letters were sent, four (4) were delivered and the City of Dubuque was notified. Chicago & Central Pacific Railroad and Jolynn & James Hefel did not pick up their letters. There was one comment in regards to this case from Erin & Bryan Engler, 15629 McClain Ln, they said they are fine with the placement of this home.

Speaking to the Board was Stacy Vize, 1925 Lincoln Ave., Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise her right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" She said yes.

Ms. Kremer asked if Ms. Vize has had any contact with the Hefel's about building this home. Ms. Vize said she said yes and they have no issues with their request.

Deb Vize, the current owner of the property said she has no problem with their request to build a home.

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

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

3. BA#07-23-21

HORSFIELD MATERIALS INC/RIVER CITY PAVING

SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to place a temporary Portable Asphalt Plant to a non-conforming agricultural use in an A-1, Agricultural zoning district. The property, located along Route 136 approximately .12 miles north of the City of Dyersville is legally described as Lot 2 Maiers Place Section 19, (T89N-R2W), New Wine Township, Dubuque County, Iowa.

The property is a 148.7-acre rock quarry. The applicants would like to place a temporary Portable Asphalt Plant on the property for the widening and overlaying of Hwy 136. Situating the plant at the quarry will lesson the number of trucks needed to complete the work and reduce the amount of truck traveling on local roadways and city streets. Eleven (11) letters were sent, five (5) were delivered and the City of Dyersville was notified. Carl & Elaine Burkle, Steven Diesburg, Terry & Rochelle Hoeger, State of Iowa, Marvin & Vicki Maiers, and Daniel & Cindy Willenborg did not pick up their letter. There were no comments in regards to this case.

Speaking to the Board was Kevin Kueter, 1098 Clara Court, 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.

Speaking to the Board was Matt Horsfield, 505 E. Main St., Epworth. Mr. 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. Horsfield said they are the owners of this property and already has a special use permit to be used as a rock quarry. He said a small portion of it is zoned M-2 for a ready mix concrete plant. He said by being adjacent to the road they will be working will create less of an impact because the trucks will be closer to the work site.

Mr. Schroeder asked if the City of Dyersville gets involved in this request. Ms. Henry said they were notified and they did not comment.

Mr. Klein asked if the plant site was contained and if there would be any run-off of oils that could go towards the flood plain. Mr. Kueter said they construct berms around each tank and that is their normal procedure.

Mr. Horsfield said the plant will be located within the quarry boundaries and will be a long way from any flood plain and will not be near any body of water.

Mr. Schroeder said he works for Bard Materials and they are in this business, but wanted them to know that he or Bard will not gain anything from this case so he will not need to abstain from this. He said that with mining asphalt concrete they are one of the most regulated industries out there.

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

A motion was made by Mr. Klein, **seconded by Ms. Kremer to approve the special use permit with the condition that they make their best effort to contain the run-off. The motion passed unanimously by a vote of 5-0.**

4. BA#07-24-21 KENT & AMANDA JOSVANGER VARIANCE

The applicants are requesting to build a single family home in an R-1, Rural Residential zoning district. They are requesting to build 10’ from the front street line, they will need a 70’ variance to the 80’ required. The property, located along Humke Road approximately .08 miles south of the City of Dubuque is legally described as Lot 1 Schuster Place Section 25, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is .86 acres with a home. The applicants would like to build closer to the front street line because the back of their property slopes down and they need to have enough room to put in their septic system. The home would be in line with the neighboring properties. Nine (9) letters were sent, seven (7) were delivered and the City of Dubuque was notified. Austin & Lauren Llyod and Eric & Kimberly Esser did not pick up their letters. There were no comments in regards to this case.

Speaking to the Board was Kent Josvanger 15887 Majestic Dr., 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. Josvanger said that his neighbors are happy he is keeping the house in line with all the other houses on that part of the road. He said they didn’t want his front door looking into their back yards.

Ms. Henry said when she was on the property taking pictures you could see how the back of the property really slope of the back of the lot. Mr. Josvanger said he wants to preserve as many trees as possible for erosion control.

Ms. Kremer said she was concerned at close to the road that the house will be built. Mr. Josvanger said it is flat and there is a clear distance for the entrance.

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

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

5. BA#07-25-21 ADAM & STEPHANIE WEIRUP VARIANCES

The applicants are requesting to build a 24’ x 32’ detached garage in an R-2, Single Family Residential zoning district. They are requesting to build 16’ from the front street line, they will need a 34’ variance to the 50’ required they also want to build 9’ from the right side yard, they will need an 11’ variance to the 20’ required. The property, located along Olde Davenport Road approximately 1.55 miles southeast of the City of Dubuque is legally described as Lot 1-2-1-1-1-2 SE SW Section 30, (T88N-R3E), Mosalem Township, Dubuque County, Iowa.

The property is .88 acres with a home. The applicants would like to build a detached garage for vehicles and other personal storage. They would like the garage to line up with the driveway. Because their lot slants down hill towards the back, they want to build it closer to the front and right side yard. Moving the building back would cost them a great deal more to bring in enough dirt for fill. Thirteen (13) letters were sent, ten (10) were delivered and the City of Dubuque was notified. William & Kimberlee Thomas, John & Emily Shol, Rob & Teresa Tigges, and Christopher Saylor did not pick up their letters. There were no comments in regards to this case

Speaking to the Board was Adam & Stephanie Weirup, 7127 Olde Davenport Rd., Dubuque and Mike Schwartz, 7092 Olde Davenport Rd., Dubuque. 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. Weirup said the garage will be built in line with the neighbors house. He said they can’t move the garage back any further because the lot slopes down.

Mr. Schroeder asked if they would be willing to divert the water run-off onto their own property. Mr. Weirup said that is already part of the building plan.

Ms. Kremer asked if they were building as far back as they could before the land starts to slope. Mr. Weirup said yes they were.

Ms. Weirup said they can't build further away from the side lot line because the well is there. She said they want to use the garage to store their personal belongings.

Mr. Klein asked if they were able to get to their septic system on the south side of the house. Ms. Weirup said yes.

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

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

D. PUBLIC COMMENTS: None

E. OLD BUSINESS:

Mr. Schroeder said Mr. Link got nominated to be on the Board for another term.

F. NEW BUSINESS:

MLB Letter of Agreement

Ms. Henry said that Dyersville, Dubuque and Dubuque County have done an agreement with Major League Baseball. She said there are certain requirements that need to be met for signage and things that MLB will not allow. She said if it is conflict with what they are sponsoring we will not be able to approve any advertisement other than that.

G. ADJOURNMENT: A motion was made by Mr. Link **seconded by Mr. Klein and passed unanimously to adjourn. Vote: 5-0. The meeting adjourned at 7:57 p.m.**