

Dubuque County Zoning Board of Adjustment Minutes of September 7, 2021

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

A. ROLL CALL: Members Present via a Zoom teleconference meeting: Lillian Kremer. Members present at the Dubuque County West Campus, 1225 Seippel Road: Ben Schroeder, Michelle Switzer, Dave Klein and Loras Link. 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 Ms. Switzer and passed unanimously to approve the Minutes of the August 3, 2021 meeting. Vote: 5-0.**

C. PUBLIC HEARINGS:

1. BA#09-33-21 GERALD & PATRICIA WINGER VARIANCE

The applicants are requesting to build a 24' x 30' detached garage in an R-3, Single Family Residential zoning district. They are requesting to build 5' from the right side yard, they will need a 10' variance to the 15' required. The property, located along Humke Road approximately .06 miles west of the City of Dubuque is legally described as Lot 1-2-1-1-1-1-1-1-1-1-2-1-1-1 NE Section 36, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is .48 acres with a home. The applicants would like to build a detached garage to be able to keep personal belongings inside and out of the elements. Because of the placement of their septic they need to build closer to the right side lot line and will not meet the setback. The garage will sit behind the home away from the road. Nine (9) letters were sent, five (5) were delivered and the City of Dubuque was notified. Amy & Brad Pape, Carol Willis, Donald & Naida Humke and Cody Egdorf did not pick up their letters. There was one comment in regards to this case from Tim and Jacqueline Esch, 15052 Humke Rd. They said they have horses in the adjacent field and do not want the building that close to their property.

Speaking to the Board was Gerald Winger, 15096 Humke Rd., 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. Winger said they will maintain around the back of the building and only need the variance for the side yard.

Mr. Schroeder asked if he planned on controlling the water run off from the building. Mr. Winger said yes they will keep it on their property. Mr. Schroeder asked if him if the Board required gutters and down spouts on the building would he be able to do that. Mr. Winger said they planned on doing that.

Ms. Kremer asked if the Health Department verifies the septic placement on the site maps or if we took the word of the applicant. Ms. Henry said it is verified by the Health Department.

Ms. Kremer asked if the building would be five feet from the rear lot line and five feet from the side yard line. Mr. Winger said yes.

Mr. Schroeder reminded them that there is no rear setback for an accessory building.

Ms. Kremer asked if the Zoning Department had any other comments from the neighbors in regards to this case. Ms. Henry said no.

Mr. Winger said he talked to the neighbor that the building is closes to and he had no problem with the request.

Ms. Henry asked if the purpose of this building was to put all the stuff that is outside of their home inside. She said there is too much outside and if someone were to complain, he would be in violation. Mr. Winger said that is why they are building this garage.

Ms. Kremer asked if he had talked to the Esch's that live on the property behind the Winger's. Mr. Winger said he had not talked to him about this building.

Mr. Klein asked how far the building will be from the septic tank or distribution box. Mr. Winger said he will be ten feet from the distribution box.

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

A motion was made by Mr. Link, **seconded by Mr. Klein to approve the variance with the condition that the garage will need to have gutters and down spouts that direct the water fun off onto their own property. The motion passed unanimously by a vote of 5-0.**

D. PUBLIC COMMENTS: None

E. OLD BUSINESS:

Ms. Henry said all the permits from their previous cases have been picked up except for one.

F. NEW BUSINESS: None

G. ADJOURNMENT: A motion was made by Mr. Klein, **seconded by Mr. Link and passed unanimously to adjourn. Vote: 5-0. The meeting adjourned at 7:18 p.m.**