

Dubuque County Zoning Board of Adjustment Minutes of October 5, 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. Staff present via a Zoom teleconference meeting: Tammy Henry. Members present at the Dubuque County West Campus, 1225 Seippel Rd: Ben Schroeder, Michelle Switzer, Dave Klein and Loras Link. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Amy Schmerbach and Angie Steffens.

B. APPROVAL OF MINUTES: A motion was made by Mr. Link, **seconded by Ms. Switzer and passed unanimously to approve the Minutes of the September 7, 2021 meeting. Vote: 5-0.**

C. PUBLIC HEARINGS:

Ms. Henry said that Mr. Klein, a Board of Adjustment member was abstaining from this case, not because he is against it but because he owns a quarry. Mr. Klein left his seat at the Board table and sat in the public seating area. He said the working portion of the quarry is about 1300 to 1400 feet from Randy & Nicole Cate's lot and he wants to make sure they are aware that the quarry is there and eventually they will expand it.

1. BA#10-34-21 RANDY & NICOLE CATE VARIANCE

The applicants are requesting to build a single family home in an R-1, Rural Residential zoning district. They are requesting to build 50' from the front street line, they will need a 30' variance to the 80' required. The property, located along Boy Scout Road approximately 1.41 miles southeast of the City of Rickardsville, is legally described as Lot 1-5 Clifford's Addition Section 4, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is a 1-acre lot. The applicants would like to build a new home on this lot. Because the land drops off dramatically, they would have to haul in a lot of dirt to meet the 80' required from the front street line. They would like to be able to build closer to the front of the lot so they will need a variance. Five (5) letters were sent, five (5) were delivered and the City of Rickardsville was notified. There were no comments in regards to this case.

Ms. Henry said that this lot is residentially zoned and Mr. Klein wants the Cate's to know that someday the quarry will expand and wants to make sure they know that.

Speaking to the Board was Randy & Nicole Cate, 101 2nd Ave SE, Farley. 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. Cate said it would cost a significant amount of money if they had to haul enough dirt onto the lot if they had to be 80' from the front so this is why they are asking for the variance.

Ms. Kremer said she noticed there is dirt piles on the lot and asked if they started their home. Mr. Cate said no they hauled some dirt up from their pasture.

Mr. Cate said he is fully aware that there is a quarry there and will expand someday.

Mr. Schroeder asked if there was anyone that wanted to speak in favor or against this case. No one spoke.

A motion was made by Mr. Link, **seconded by Mr. Schroeder to approve the Variance. The motion passed unanimously. Vote: 4-0. Mr. Klein abstained.**

2. BA#10-35-21 JAMES & CHRISTIANNE WILLIS VARIANCE

The applicants are requesting to build a 10' x 15' personal storage shed, in an R-1, Rural Residential zoning district. They are requesting to build 8' from the right side yard, they will need 42' variance to the 50' required. The property, located along Lakeview Drive approximately .37 miles south of the City of Dubuque, is legally described as Lot 1 Waller Addition #2 Section 6, (T88N-R2E), Table Mound Township, Dubuque County, Iowa.

The property is .99 acres with a home. The applicants would like to build a storage shed for their lawn equipment. Their Home-owners association has approved this location for the shed and asks that structures be in the back of the home and unobtrusive to the neighborhood. Because of this and the slope of their land, this is the best placement for the shed. Thirteen (13) letters were sent, eleven (11) were delivered and the City of Dubuque was notified. Thad & Karen Meyer and John & Pamela Deldegan did not pick up their letters. There were no comments in regards to this case.

Speaking to the Board was James Willis, 11200 Lakeview 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. Schroeder asked if there was anything Mr. Willis wanted to add to his case. Mr. Willis said no.

Ms. Kremer asked if he talked to the Home Owners Association. Mr. Willis said yes they have approved that location for the shed. Ms. Schmerbach said the zoning office received a letter from the HOA saying it was approved.

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

A motion was made by Ms. Switzer, **seconded by Mr. Schroeder to approve the Variance. The motion passed unanimously. Vote: 5-0.**

3. BA#10-36-21

JOSEPH FLUHR

VARIANCE

The applicant is requesting to build 30' x 36' storage shed in an R-3, Single Family Residential zoning district. He is requesting to build 6' from the left side yard, they will need a 9' variance to the 15' required. The property, located along St. Catherine road approximately 4.80 miles southeast of the City of Dubuque, is legally described as Lot 1-2-1 St. Catherine Place & Lot 1-1-1-2-1-1-1-1-1 SE NE Section 27, (T88N-R3E), Mosalem Township, Dubuque County, Iowa.

The property is 1.42 acres with a home and small shed. The applicant would like to build another bigger shed for additional storage. Because of the location of the septic system and the slope of the lot, this is the only location for the shed. The shed will be built behind the existing home and will not alter the look of the neighborhood. Nine (9) letters were sent, seven (7) were delivered. Lynn Schmidt and St. Catherine Church did not pick up their letters. There were no comments in regards to this case.

Speaking to the Board was Joseph Fluhr, 5055 St. Catherine 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. Fluhr said because the slope of his lot, this is the only flat part that he can build on. He said he can't go any further to the right because his septic system is there.

Mr. Schroeder asked if he had started his building or if it was just the concrete pad. Mr. Fluhr said he ordered the building but there is only the concrete pad there now.

Mr. Klein asked if he could access the back yard from the right side to fix septic if something went wrong. Mr. Fluhr said he has plenty of room to do that.

Mr. Klein asked about the water run-off from the building.

Ms. Switzer asked if he was putting gutters on the shed. Mr. Fluhr said all the water run-off will stay on his property and he planned to put gutters on the shed. He said because of the slope of his back yard the water would stay on his property even without gutters.

Mr. Klein said they could approve it with the condition that he had to have down spouts and gutters on the building to keep the water on his own property. He asked Mr. Fluhr if he could add these. Mr. Fluhr said he already planned to do that.

Mr. Schroeder asked if anyone wished to speak in favor or against this case. No one spoke.

A motion was made by Mr. Klein, **seconded by Ms. Switzer to approve the Variance. The motion passed unanimously with the condition that the garage must have down spouts and gutters ten feet back from the neighbor's property. Vote: 5-0.**

4. BA#10-37-21 ANTHONY & ALISON KURT SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to build a 30' x 30' storage building in a non-conforming residential use in an A-1, Agricultural zoning district. The property, located along Route 136 approximately .39 miles southeast of the City of Worthington, is legally described as Lot 1 Rock Hill Addition Section 31, (T88N-R2W), Dodge Township, Dubuque County, Iowa.

The property is 3.23 acres with a home. The applicants would like to build a new shed to replace the old shed they had removed to keep all their gardening tools and equipment inside and out of the elements. The shed will be located back from the road and will match the color of the home. They will need a Special Use Permit to build this. Five (5) letters were sent, five (5) were delivered and the City of Worthington was notified. There was one comment in regards to this case from Robert Lucas, 6281 Rte. 136, Worthington. He said he has no problem with this request.

Speaking to the Board was Anthony & Alison Kurt, 6337 Route 136, Worthington. 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.

Ms. Henry explained that they poured the floor for the building and then realized they needed a permit so they have not gone any further on the building.

Mr. Kurt said they lined the back wall of the new shed where the old shed was.

Mr. Schroeder said they are replacing an old shed, the closest neighbor does not have a problem with it and it's a large enough lot for the size of shed they want to build so he is fine with it.

Mr. Schroeder asked if anyone wanted to speak for or against this case. No one spoke.

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

5. BA#10-38-21 ANTHONY & ALISON KURT VARIANCE

The applicants are requesting to build a 30' x 30' storage shed in an A-1, Agricultural zoning district. They are requesting to build 25' from the left side yard, they will need a 25' variance to the 50' required. The property, located along Route 136 approximately .39 miles southeast of the City of Worthington, is legally described as Lot 1 Rock Hill Addition Section 31, (T88N-R2W), Dodge Township, Dubuque County, Iowa.

The property is 3.23 acres with a home. The applicants tore down an old shed and would like to build a more functional storage shed in its place. They would like to be able to keep all their gardening tools and equipment inside and out of the elements. The shed will be located back from the road and will match the color of the home. Four (4) letters were sent, four (4) were delivered and the City of Worthington was notified. There was one comment in regards to this case from Robert Lucas, 6281 Rte. 136, Worthington. He said he has no problem with this request.

Speaking to the Board was Anthony & Alison Kurt, 6337 Route 136, Worthington.

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

A motion was made by Ms. Switzer, **seconded by Mr. Klein to approve the Variance. The motion passed unanimously. Vote: 5-0.**

D. PUBLIC COMMENTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

Ms. Henry said they are moving forward with the zoning ordinance so eventually it will affect this Board. She said when they are finished they will get new ordinance books.

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 7:29 p.m.**