

## **Dubuque County Zoning Board of Adjustment Minutes of January 4, 2022**

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

**A. ROLL CALL:** Members present at the Dubuque County West Campus, 1225 Seippel Road: Ben Schroeder, Lillian Kremer, Michelle Switzer, Loras Link 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 Ms. Switzer, **seconded by Mr. Link and passed unanimously to approve the Minutes of the December 7, 2021 meeting. Vote: 5-0.**

### **C. PUBLIC HEARINGS:**

#### **1. BA#01-01-22                      CRAIG CHRISTOFFERSON                      VARIANCE**

The applicant is requesting to build 32' x 40' detached garage in an R-3, Single Family Residential zoning district. He is requesting to build 5' from the right side yard, he will need a 10' variance to the 15' required. The property, located along Kings Row approximately 3.04 miles north of the City of Sageville, is legally described as Lot 9 Kings Row Section 15, (T90N-R2E), Peru Township, Dubuque County, Iowa.

The property is .45 acres with a home. The applicant would like to build a detached garage for personal storage. He would like to be able to use the existing driveway to enter the garage. The garage will match the existing house. Because of the placement of the septic system, he will need variance to build closer to the right lot line. Seventeen (17) letters were sent, thirteen (13) were delivered. Christopher & Catherine Kavars, Jeffrey King, Noah Brimeyer and Andrew Goedken did not pick up their letters. There were no comments in regards to this case.

Speaking to the Board was Craig Christofferson, 21708 Kings Row, 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. Christofferson said he needs to build his garage in this location because of where his septic system is located.

Mr. Schroeder asked if he planned on putting drain spouts and gutters on the garage to direct the water onto his own property. Mr. Christofferson said yes.

Ms. Kremer asked where he was going to move his LP tank. Mr. Christofferson said it would be moved to the north side of his back yard.

Speaking to the Board was Mark Thein, 21708 Kings Row, 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. Thein said he was there speaking on behalf of his father who lives next to Mr. Christofferson. Mr. Thein said when his parents built their garage they had to get a variance also and said that his father is completely fine with this request.

Mr. Thein said there has been many improvements to Mr. Christofferson's property and they are happy with what he is doing.

Mr. Schroeder said he had a concern about making sure there was access to the back yard for emergency vehicles. Mr. Thein said there is enough room and that the gas tanks drive back there to fill the LP tanks.

Mr. Christofferson said they plan on taking some trees out between the two houses that will give them more room.

Mr. Klein asked where the septic tank was located. Mr. Christofferson said they checked with the health department and the septic is located exactly where it is on the site plan.

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

A motion was made by Ms. Kremer, **seconded by Ms. Switzer to approve the variance with the condition that the applicant must have gutters and drain spouts to direct the water runoff to his own property. The motion passed unanimously. Vote: 5-0.**

## **2. BA#01-02-22          RANDY & JULIE KLEIN                                          VARIANCE**

The applicants are requesting to build a 50' x 58' new home to replace the existing home in an R-1, Agricultural Residential zoning district. They are requesting to build 70' from the front street line, they will need a 10' variance to the 80' required. The property, located along Hochrein Road approximately 1.64 miles northwest of the City of Durango is legally described as Lot 1 SW NE Section 26, (T90N-R1E), Jefferson Township, Dubuque County, Iowa.

The property is 5 acres with a home and multiple farm buildings. The applicants would like to remove the existing home and build a new one. Because they need to live in the existing home while building there new one, they will need a variance to build closer to the front street lot line. Two (2) letters were sent, two (2) letters were delivered and the City of Durango was notified. There were no comments in regards to this case.

Speaking to the Board was Julie Klein, 19811 Hochrein Road, Sherrill. 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.

Mr. Schroeder asked who is responsible for making sure the existing home gets torn down after the new home is complete. He said he would like that to be part of the motion.

Ms. Henry said when the applicant gets their building permit it will say that they have 90 days after the new home is complete to remove the existing home. She said there have been homes that get converted into storage shed or garages and if this happens the Zoning Office will go to the location and verify that it is not a livable building.

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

A motion was made by Mr. Klein, **seconded by Ms. Switzer to approve the variance with the condition that the existing home must be removed 90 days after the new home is completed. The motion passed unanimously. Vote: 5-0.**

**3. BA#01-03-22 ADAM & KELLI SPLINTER SPECIAL USE PERMIT**

The applicants are requesting a Special Use Permit to build a 30' x 40' attached garage and a 26' x 36' living room and bathroom. They also want to move an existing 10' x 20' shed to the rear of the property in a non-conforming agricultural use in an A-1, Agricultural zoning district. The property, located along Balltown Road approximately .67 miles east of the City of Balltown is legally described as Lot 2-2 SE SW Section 4, (T90N-R1E), Jefferson Township, Dubuque County, Iowa.

The property is 5.62 acres with a home. The applicants would like to build an addition and an attached garage to their existing home and move an existing shed to the rear of the property. The home was built in 1885 and they would like to add more space and lighting in the home. The addition and garage will blend in with the existing home and make it more appealing. Because they are zoned Agricultural they will need a Special Use Permit to do this. Six (6) letters were sent, five (5) letters were delivered and the City of Balltown was notified. Robert Loch did not pick up his letter. There were no comments in regards to this case.

Speaking to the Board was Adam Splinter, 10328 Dixie 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. Klein asked where the well was located. Mr. Splinter said it was a little to the north of the existing shed.

Ms. Kremer asked the applicant if he started excavating already. Mr. Splinter said he was not aware that his contractor was going to start the project. He said he works out of town and he came home from work one day and found they had started. He said he went to the Zoning Office next day to get his building permit.

Ms. Henry said when Mr. Splinter came in they realized that he needed a Special Use Permit and a Variance. She told him he had to stop construction until it was approved for both. Mr. Splinter said the cement walls were poured but they didn't do anything since then.

Ms. Henry said there is a very large right of way in front of the applicant's house and they didn't realize they would need a variance.

Mr. Splinter said he didn't know his property was zoned A-1, Agricultural until he went to the Zoning Office. He said he thought it was a residential zoning.

Speaking to the Board was Elizabeth Hefel, 18721 Balltown Road, Sherrill. 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. Hefel said she is the applicant’s neighbor and she has no problem with their request.

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 Special Use Permit. The motion passed unanimously. Vote: 5-0.**

**4. BA#01-04-22                      ADAM & KELLI SPLINTER                      VARIANCE**

The applicants are requesting to build a 30’ x 40’ attached garage in an A-1, Agricultural zoning district. They are requesting to build 45’ from the front street line, they will need a 35’ variance to the 80’ required. The property, located along Balltown Road approximately .67 miles east of the City of Balltown is legally described as Lot 2-2 SE SW Section 4, (T90N-R1E), Jefferson Township, Dubuque County, Iowa.

The property is 5.62 acres with a home. The applicants would like build an attached garage to their existing home to be able to park their vehicles. Because of the placement of the home, they will need a variance. The garage will blend in with the house and make it look more appealing. Four (4) letters were sent, three (3) letters were delivered and the City of Balltown was notified. Robert Loch not pick up his letter. There were no comments in regards to this case.

Ms. Switzer asked which way the garage doors would be facing. Mr. Splinter said towards the road.

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

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

**D. PUBLIC COMMENTS:**

**E. OLD BUSINESS:**

**F. NEW BUSINESS:**

**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 7:38 p.m.**