

Dubuque County Zoning Board of Adjustment Minutes of April 5, 2022

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

A. ROLL CALL: Members Present via a Zoom teleconference meeting: Members present at the Dubuque County West Campus, 1225 Seippel Road: Loras Link, Dave Klein, Ben Schroeder, Lillian Kremer & Michelle Switzer. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Lindsey Schreiber.

B. APPROVAL OF MINUTES: A motion was made by Mr. Link, **seconded by Ms. Switzer and passed unanimously to table the Minutes for corrections of the March 1, 2022 meeting. Vote: 5-0.**

C. PUBLIC HEARINGS:

1.BA#04-10-22

MARK & CHRISTINE NEUHAUS

VARIANCE

The applicants are requesting to build a 42' x 48' detached shed for personal storage in an R-2, Single Family Residential zoning district. They are requesting to build 3.6' taller than the 13.9' required, they will need a 3.6' height variance. The property, located along Asbury Road, adjacent to the City of Asbury, is legally described as Lot 1 Wels Place South Section 14, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is 5 acres with a home. The applicants would like to build a detached shed for vehicle storage behind their home. There are other sheds that are similar in the neighborhood. Ten (10) letters were sent, 9 (nine) were delivered and the City of Asbury was notified. Steven & Cheryl Anstoetter Trust did not pick up their letter. There were no comments in regards to this case.

Speaking to the board Mark Neuhaus, 16700 Asbury 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. Schroeder if he had any anything additional to add to his case. Mr. Neuhaus said his house is 19'6" to the peak of the roof and if he put 14' side walls up he would be 21' with a 4/12 pitch.

Mr. Schroeder said with looking at the pictures the building itself would already be down in elevation so the peak wont elevation wise will not be higher than the home. Mr. Neuhaus said no. Mr. Neuhaus said he plans to match the building to the house with some siding and brick on the front.

Ms. Switzer asked if the back of the building would slope towards Tuscany Ridge Drive and Mr. Neuhaus said yes. Mr. Link asked if the roof was pitched the opposite of the house roof and he said yes. Mr. Link asked if he would have gutters and he said yes with 2' soffits.

Ms. Switzer if he planned putting paving back to the building and he said yes that there would be 10' in front of the door from the driveway.

Ms. Kremer asked if there were any comments from neighbors and Ms. Henry said there were no comments submitted.

Mr. Schroeder asked if anyone had questions and no one spoke.

A motion was made by Ms. Switzer, **seconded by Mr. Klein to approve the variance with the following conditions. The applicants must have gutters and drain spouts to direct the water runoff onto their own property. The motion passed unanimously. Vote: 5-0.**

2.BA#04-11-22 JOSEPH & TAMMY HENRY VARIANCE

The applicants are requesting to build a covered porch over an existing 7' x 25' cement patio in an R-3, Single Family Residential zoning district. They are requesting to build 20' from the front street line, they will need a 10' variance to the 30' required. They property, located along Kings Row approximately 3.85 miles east of the City of Sherrill, is legally described as Lot 1-1-1-1-2-1-2 NE NE & Lot 1-1-1-1-1 PT Lot 1 NE NE Section 15, (T90N-R2E), Peru Township, Dubuque County, Iowa.

The property is a .58 acre lot. The applicants would like to build a covered porch over an existing cement patio. This will be in line with other neighbor's property. Twelve (12) letters were sent, 10 (ten) were delivered. Donald G Wolfe & Mitchell A Hammel did not pick up their letters. There was 1 comment in regards to this case from Amy Schmerbach & Danny Schmitt, they have no problem with them covering their cement patio.

Speaking to the board was Tammy Henry, 21942 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?" She said yes.

Mr. Schroeder asked if Ms. Henry had anything to add to her case. Ms. Henry said they have small patio out the front of house and wanted to do rock pillars in the front of the house to match the back of the house and add a cover. She said the cover would not protrude further out than the other neighboring houses. Ms. Henry said the cover is considered a roofline so that is why the permit is required. She said the roof would be metal and it would give the house more curb appeal.

Mr. Klein asked if the neighbors were closer to the public easement that she would be and she said yes.

Ms. Kremer asked if there were any concerned neighbors and Ms. Henry said no.

Mr. Schroeder asked if anyone had questions and no one spoke.

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

D. PUBLIC COMMENTS: None

E. OLD BUSINESS:

Ms. Henry gave an update on the BA#08-32-21 PFABCO LLC/CORY PFAB case. She said she out at the sight and took pictures on March 29, 2022 & March 30, 2022. Ms. Henry presented the photos to the board and said all the conditions that were set in this case were met prior to the April 1, 2022 deadline.

Ms. Henry said sent the contact list to Mr. Pfab of the surrounding property owners that wished to be contacted when the anhydrous tank was filled. She also said those letters were sent certified to the property owners that were within a one-mile radius of the anhydrous tank.

Ms. Henry said Mr. Pfab has added 2 pylons, one on each side of the property entrance to extend a cable across the entrance intended to block any person(s) from accessing the property when it is not in use. She said this cable would not be locked in case of an emergency. Mr. Schroeder stated if this cable is put in place he would like an orange caution triangle added to the cable to make it visible for safety.

Ms. Kremer asked how many certified letters were sent out and Ms. Henry said that there were more than 40 certified letters that were sent out to surround property owners and only one was returned. Mr. Klein asked if any other names could be added to the list of contacts and Ms. Henry said no because they had a time line to reply from the date that they received the certified letter. Ms. Henry said this was just an update and the case would be back in June for further discussion.

Chairperson Mr. Schroeder, read in a statement of conduct to the Board of Adjustment as follows.

I congratulate you all on the job you have been doing. I know this is sometimes a Thankless job with long meetings and no-win situations. We can all take pride in the job all of us have been doing as a regulatory board. Each of us brings a unique perspective and great discussion to the meetings. This assortment of background, opinions, views, conclusions, and overall thoughts are what make this a great board. With that in mind I say the following as an “open letter” to this board, as a colleague and as a friend. It has been mentioned via legal counsel we as a board should not wear clothing that depicts or represents businesses or specific affiliations. This will help us not draw any possible unwanted legal action to particular cases. That being said, I feel that we as a board can also improve our acumen and become even better with our expertise in these cases. With that in mind. I ask that we all, myself included, refrain from badgering any applicants or meeting participants. That we do not whisper amongst each other, or mutter words under our breath. Most importantly that we do not sneer, jest, roll our eyes, or any other gestures that may make the applicants or participants feel insulted or insignificant. Audience emotions can run high, and tempers can flare up. I will always do my best to run this meeting in a professional manner where all are heard and respected. I ask that we all work together, in a professional manner and continue to be the best board that we can be. As Maya Angelou said, “people will forget what you said, people will forget what you did, but people will never forget how you made them feel.” Thank You.

F. NEW BUSINESS:

Ms. Henry told the board that we already have 5 new cases for the next meeting and was hoping to have some new information of changes that would affect the Board of Adjustment by next meeting.

G. ADJOURNMENT: A motion was made by Ms. Switzer, **seconded by Mr. Schroeder and passed unanimously to adjourn. Vote: 5-0. The meeting adjourned at 7: 41 p.m.**