

Dubuque County Zoning Board of Adjustment Minutes of May 3, 2022

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: Loras Link, Dave Klein, Ben Schroeder & 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. Klein, seconded by Mr. Link and passed to approve the Minutes of the March 1, 2022 meeting. Vote: 4-1. Mr. Klein, Mr. Link, Mr. Schroeder and Ms. Switzer voted in favor of the motion. Ms. Kremer voted against the motion.

A motion was made by Ms. Switzer, seconded by Mr. Klein and passed unanimously to approve the Minutes of the April 5, 2022 meeting. Vote: 5-0.

C. PUBLIC HEARINGS:

BA#04-12-22

RANDY & JULIE KLEIN

VARIANCE

The applicants are requesting to build a 50' x 62' new home to replace the existing home in an R-1, Agricultural Residential zoning district. They are requesting to build 60' from the front street line, they will need a 20' 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 5.25 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 their new one, they will need a variance to build closer to the front street lot line. The applicants were approved for a 10' variance on BA#01-02-22 however, they decided to change the size of the home and can no longer meet the approved setbacks. 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.

Ms. Henry said the difference between the first variance application and the second variance was that the Klein's decided to increase the size of the home by four (4) feet. She said the contractor wanted to move the home a couple of feet because they had concerns that the existing home foundation would collapse if they dug to close starting the new home.

Speaking to the board was Julie Klein, 19811 Hochrein Rd, Sherrill. Mr. Schroeder administered the following Oath asking the participant to raise her 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 she wanted to add anything to her case. Ms. Klein said if they did not apply for the new variance, they would have only been a 1.5 feet away from the existing house that has a rock foundation.

Mr. Schroeder asked if there was additional questions and no one spoke.

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

**BA#04-13-22 AUSTIN HEACOCK & KAITLYN SCHWERS SPECIAL USE
PERMIT**

The applicants are requesting a Special Use Permit to operate a pet grooming business in an R-1, Agricultural Residential zoning district. The property, located along Sundown Road approximately .254 miles north of Centralia, is legally described as Lot 1 Nauman Farm Sub & Lot 1 E 1/2 NW NW all in Section 34, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is 19 acres with a Single Family Home and Agricultural Buildings. The applicants would like to operate a pet grooming business in an existing building that is located on the property. All services provided to customers and their pets will be conducted indoors. The applicants have applied with the Iowa Department of Agriculture & Land Stewardship to operate as a Licensed Animal Welfare Facility. Their animal welfare inspection result is compliant with the State of Iowa and they will be receiving their license in the mail. Nine (9) letters were sent, 6 letters were delivered and the City of Centralia was notified. John & April Boling, Elliot & Ashley McAllister & Sharon Brehm did not pick up their letters. There was 1 comment regarding this case from Jerome Spiegel, he has no issue with them operating the pet grooming business.

Speaking to the board was Austin Heacock, 12969 Sundown Rd, Peosta. Mr. Schroeder administered the following Oath asking the participant to raise his hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Schroeder asked Mr. Heacock if he had anything to add to his case. He said no.

Ms. Henry explained that they had to have the business set up for the state inspection and they can start operation immediately upon approval of the Special Use Permit. Mr. Heacock stated that he still needed to install the septic system.

Ms. Henry stated that the state license allowed boarding of dogs and what they were applying for is not a kennel. She suggested the conditions of no boarding of dogs and cats overnight, all dogs and cats must be kept indoors, and no training of the dogs and cats.

Ms. Kremer asked who advised Mr. Heacock to set up the business prior to the approval of the Special Use Permit. Mr. Heacock stated the state had to do an inspection and needed to see the setup of the grooming area and how records were going to be kept. Mr. Heacock said due to the situation of the bird flu, it would have been months before the state inspector could have conducted the inspection if he would have waited for the approval of the Special Use Permit first.

Ms. Henry said when she did the sight visit she did ask Mr. Heacock if they were currently operating and he said no.

Mr. Schroeder stated if this case gets approved, it could operate as a dog & cat grooming business only and if they decided to change it to a kennel, they would have to come back and reapply.

Mr. Klein stated that the state paperwork allowed them to operate as a commercial kennel, grooming, boarding and training business. Mr. Schroeder explained that they were approved for that at the state level but the board is deciding what would be allowed at the county level. Ms. Henry stated to operate a kennel in Dubuque County they would have to be re-zoned. Ms. Henry said the board has the ability to control exactly what services are offered.

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 Special Use Permit with the following conditions. There will be no boarding of dogs or cats overnight. There will be no training of dogs and cats allowed. All dogs and cats must be kept indoors. The motion passed unanimously. Vote: 5-0.

**BA#04-14-22 RIVER CITY PAVING/MATHY CONSTRUCTION CO.
SPECIAL USE PERMIT**

The applicants are requesting a Special Use Permit to operate a portable asphalt plant in an A-1, Agricultural zoning district. The property, located along Route 151 approximately 2.50 miles northeast of the City of Cascade, is legally described as NE SW & PT SE NW lying South of Hwy 151 Section 26, (T87N-R1W), White Water Township, Dubuque County, Iowa.

The property is 39.65 acres and is currently used as a quarry. The applicants would like to place a portable asphalt plant within the quarry to use for paving projects for State Highway 136 south of Cascade and Dubuque County HMA (Hot Mix Asphalt) Projects. The location of the plant will reduce bid cost with the transportation & reduces the number of trucks needed which will reduce the amount of truck traffic. This temporary portable plant will not have long term impacts. The plant will be placed in an existing quarry where the materials will be readily available. The applicants would like to operate through the 2022 construction season. Four (4) letters were sent out, 4 were delivered. There were no comments in regards to this case.

Speaking to the board was Scott Kueter, 656 Julissa Dr, Peosta. Mr. Schroeder administered the following Oath asking the participant to raise his hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Schroeder asked Mr. Kueter if he wanted to add anything to the case. Mr. Kueter had nothing to add to the case.

Mr. Schroeder stated that he would be abstaining from the vote because he is employed with Bard Materials and they do business with River City Paving. Mr. Schroeder stated that quarry’s are the regulated at state, federal and county levels. They have storm water plans and hazardous material plans. He stated he did not think the county board could add anything to the case that is not already regulated.

Ms. Kremer asked if River City Paving received the contract directly or were they subcontracted. Mr. Kueter said they are the prime contractor.

Mr. Link asked if the portable asphalt plant would be in place for the 2022 construction season. Mr. Kueter said it would be in place for a short term and he was guessing about a month however, he would like to come back at the end the season to finish some things up.

Mr. Schroeder asked if there was additional questions. No one spoke.

A motion was made by Ms. Switzer, **seconded by Mr. Link to approve the Special Use Permit. The motion passed. Vote: 4 in favor and 1 abstaining. Ms. Switzer, Mr. Link, Mr. Klein and Ms. Kremer vote in favor of the Special Use Permit. Mr. Schroeder abstained from voting.**

BA#04-15-22

JOSH POTTER

VARIANCE

The applicant is requesting to build a 7'x 8' roof over an existing cement pad in an R-3, Single Family Residential zoning district. He is requesting to build 20' from the front street line, he will need a 10' variance to the 30' required. The property, located along Melody Circle approximately .23 miles northwest of the City of Dubuque, is legally described as Lot 8 Block 2 Breiner Subdivision, Section 2, (T89N-R2E), Dubuque Township, Dubuque County, Iowa.

The property is .27 acres. The applicant would like to extend an existing cement porch & add a roof for weather protection. The home was built in 1967 and was built too close to the front property line just like the neighboring houses. Fourteen (14) letters were sent out, 10 were delivered and the City of Dubuque was notified. Scott Breiner, Thomas & Arlene Breiner, Bruce Bush & Caroline Purcell & Loren & Juanita Hilkin did not pick up their letters. There was 2 comments in regards to this case from Joe Schemmel & Francis Pothoff, they have no issues with this case.

Speaking to the board was Josh Potter, 17317 Melody Circle, Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise his 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 he had anything to add to the case. Mr. Potter said the existing cement pad is 4x6 and he wants to make it 4x8. He just wants to place a roof over top and has no plans on enclosing the porch.

Mr. Schroeder asked if anyone had additional questions. 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.**

BA#04-16-22

JAMES & KATHERINE KUETER

VARIANCES

The applicants are requesting to build a 56' x 32' detached garage in an R-1, Rural Residential zoning district. They are requesting to build 48' from the front street line, they will need a 32' variance to the 80' required. They are requesting to build 40' from the right side yard, they will need a 10' variance to the 50' required. They are requesting

to build 3' taller than the 14.5 required, they will need a 3' height variance. The property, located along Five Points Road approximately 1.48 miles northeast of the City of Graf, is legally described as Lot 2 Kueter Addition, Section 17, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is 2 acres with a home. The applicants would like to build a detached garage and due to the topography of his property he will need the variances. The property is not located near other neighbors. Two (2) letters were sent, 2 were delivered and the City of Graf was notified. There was 1 comment in regards to this case from Janice Kueter, she has no issue with this case.

Speaking to the board James Kueter, 15166 Five Points Rd, Durango. Mr. Schroeder administered the following Oath asking the participant to raise his 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 he had anything to add to the case. Mr. Kueter stated that the building looks like it is close to the road but in fact the yard is substantially higher than the road and you would not even see the building if you drove by.

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

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

BA#04-17-22 JAMIE & JAMIE WELDIN VARIANCES

The applicants are requesting to build a 28'x 24' detached garage in an R-1, Rural Residential zoning district. They are requesting to build 35' from the front street line, they will need a 45' variance to the 80' required. They would like to build 3' taller than the 9' required, they will need a 3' height variance. The property, located along Deere Street approximately .28 miles east of the City of Sageville, is legally described as Lot 1 Beversdorf Place, Section 3, (T89N-R2E), Dubuque Township, Dubuque County, Iowa.

The property is 1.04 acres with a home. The applicants would like to build a detached garage with 10' ceilings for storage. The garage will blend in with the existing house. The existing house was built too close to the front property line. Nine (9) letters were sent, 8 were delivered and the City of Sageville was notified. Andrew Flores did not pick up his letter. There were no comments in regards to this case.

Speaking to the board was Ms. Jamie Weldin, 17892 Deere St, Dubuque. Mr. Schroeder administered the following Oath asking the participant to raise her 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 he had anything to add to the case. She said no.

Ms. Henry explained that the property had 2 fronts due to Deere Street and Splinter Street.

Ms. Weldin stated that they plan to remove small shed to build the detached garage.

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

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

D. PUBLIC COMMENTS: None

E. OLD BUSINESS: Ms. Henry stated that Pfabco case will be on the agenda for the June meeting as a new case. She said she would do a site visit prior to the meeting.

F. NEW BUSINESS: Mr. Link asked what the protocol would be if an individual did not tell the truth under oath. Ms. Henry said the information would then be forwarded to the County Attorney's Office for an opinion and further investigation.

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