

Dubuque County Zoning Board of Adjustment Minutes of July 5, 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, 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. Klein and passed unanimously to approve the Minutes of the June 6, 2022 meeting. Vote: 4-0.**

C. PUBLIC HEARINGS:

1. BA#07-24-22 JAMES & CATHERINE MCAULIFFE VARIANCE

The applicants are requesting to build a 30' x 40' personal storage shed, in an R-1, Rural Residential zoning district. They are requesting to build 4' from the right lot line, they will need a 46' variance to the 50' required. The property located along Military Road approximately .32 miles west of the City of Dubuque, is legally described as Lot 2-2-1-6 E1/2 NE & of SW NE Section 15, (T88N-R2E), Table Mound Township, Dubuque County, Iowa.

The property is .98 acres with a home. This request will not affect other property owners as the right side lot line faces a wooded area without dwellings. The variance if would help keep the new building far enough away from current drain field. Seven (7) letters were sent, six (6) were delivered and the City of Dubuque was notified. Enrique & Lana Santamaria, 9641 Military Rd, Dubuque did not pick up their letters. There was one comment in regarding this case from James Lynn, 9668 Military Road, Dubuque. He said he has no objections with this request.

Speaking to the Board was James McAuliffe, 9678 Military Rd, 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. McAuliffe said he didn't have anything to add. Ms. Henry said the lot drops off in the rear of his property.

Mr. Link asked if he planned on putting gutters and down spouts on the shed. Mr. McAuliffe said yes.

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

A motion was made by Ms. Switzer, **seconded by Mr. Klein to approve the variance with the condition that there has to be gutters and down spouts that direct the water onto the owners property. The motion passed unanimously. Vote: 4-0.**

2. BA#07-25-22 SHANE HOSCH & SARAH STEFFEN-HOSCH VARIANCE

The applicants are requesting to build a 14 x 8'8" living room addition, in a A-2, Agricultural-Residential zoning district. They are requesting to build 35' from the front street line, they will need a 15' variance to the 50' required. The property located along Sundown Road approximately .18 miles South of the City of Peosta, is legally described as Lot 1 Hosch Place Plat 2 Section 16, (T88N-R1E), Vernon Township, Dubuque County, Iowa.

The property is 3.02 acres with a home and agricultural buildings. The current living space is on the west side of the home, so this is the best location for the living room addition. Two (2) letters were sent, two (2) were delivered and the City of Peosta was notified. There were no comments regarding this case.

Speaking to the Board was Sarah Steffen-Hosch and Shane Hosch, 9784 Hay Hosch Dr., Peosta. Mr. Schroeder administered the following Oath asking the participants to raise their hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" They said yes.

Ms. Hosch said they would like the addition to be on the west side of their home. Mr. Schroeder said there is a very wide right of way next to their property.

Mr. Klein asked if the dimensions listed on the site plan were the exact plan. Ms. Hosch said yes. Mr. Klein asked if the addition would be large enough for them.

Ms. Henry explained that they can always build smaller than what they are approved for but cannot go bigger. Ms. Switzer said she would recommend 14' x 9' so they have the extra room.

The Hosch's agreed that the extra inches would be better in case they go a little over.

A motion was made by Ms. Switzer, **seconded by Mr. Schroeder to approve the variance to build the addition 14' x 9'. The motion passed unanimously. Vote: 4-0.**

**3. BA#07-26-22 JARED URBAIN/BERNARD & MARY URBAIN
SPECIAL USE PERMIT**

The applicants are requesting a Special Use Permit to construct a 30'x 50' single family home in an A-1, Agricultural zoning district. The property, located along Gertrude Lane approximately 3 miles South of the City of Farley, is legally described as Lot 4 of Gertrude Urbain Acres Section 36, (T88N-R2W), Dodge Township, Dubuque County, Iowa.

The property is 4 acres with an existing shed. The applicants would like to build a 30' x 50' Single Family Home and place a temporary 16' x 80' mobile home. The mobile home will be removed once the construction of the home is complete. They plan to build the home on a rocky and wooded portion of the property, and it is unsuitable for crop ground. The applicants believe the home would be the best use of the scrub parcel. The home will not be detrimental to the character of the neighborhood because the parcel is located on a dead-end road, and it is adjacent to other family members. The property is zoned A-1, Agricultural and since it is considered a scrub parcel, it is a non-conforming use and

requires a Special Use Permit make these changes. Seven (7) letters were sent, seven (7) were delivered and no city was notified. There were no comments regarding this case.

Speaking to the Board was Dave Schneider, Schneider Land Surveying 906 1st N. Farley, Bernard Urbain, 403 2nd Ave NW, Farley and Jared Urbain, 500 2nd St. NW, Epworth. Mr. Schroeder administered the following Oath asking the participants to raise their hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” They said yes.

Mr. Schneider said this is the Urbain’s family farm and Bernard Urbain owns forty acres at the end of the road. He said they realize that part of the road needs to be widened before a house could be built. He said the whole property is basically a wooded pasture that has not be crop farmed in years and has a shed that the family built to keep. He said Jared would like to buy part of this parcel and put a mobile home on it for now and then later replace the trailer and build a single family home. Mr. Schneider said it made more sense to ask for the Special Use Permit that rezoning to an A-2, Agricultural Residential because they are not really farming the ground.

Ms. Henry said she had discussed with Urbain’s the possibility of converted the existing shed into a house, however, this is where they keep the equipment to maintain the ground. She said they are aware that they will have to get the road up to a certain standard before putting the mobile home on it. She said there are three homes on this lane now and Jared’s would be the fourth.

Mr. Schroeder said that his employer is a neighbor of this property but it will not effect on this case so he is not abstaining.

A motion was made by Mr. Link, **seconded by Ms. Switzer to approve the Special Use Permit. The motion passed unanimously. Vote: 4-0.**

D. PUBLIC COMMENTS:

E. OLD BUSINESS:

F. NEW BUSINESS:

Ms. Henry said that she received, from the Human Resources office, Lillian Kremer’s resignation letter from the Board of Adjustment earlier that day. She said it she found out that day that to us on June 7 but the Zoning Office never received a letter from Ms. Kremer.

Elections

A motion was made by Mr. Link, **seconded by Ms. Switzer to re-elect Mr. Schroeder as the Chairperson. The motion passed unanimously. Vote 4-0.**

A motion was made by Mr. Link, **seconded by Mr. Schroeder to elect Ms. Switzer as the Vice-Chairperson. The motion passed unanimously. Vote 4-0.**

The Board decided to do elections at the beginning of the year so it would change when the members term is up and possibly new members would join.

G. ADJOURNMENT: A motion was made by Mr. Link, **seconded by Ms. Switzer and passed unanimously to adjourn. Vote: 4-0. The meeting adjourned at 7:36 p.m.**