

Dubuque County Zoning Board of Adjustment Minutes of August 2, 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, Dave Klein and Loras Link. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Amy Schmerbach & Lindsey Schreiber

B. APPROVAL OF MINUTES: A motion was made by Mr. Klein, **seconded by Mr. Schroeder and passed unanimously to approve the Minutes of the July 5, 2022 meeting. Vote: 4-0.**

C. PUBLIC HEARINGS:

1. BA#08-27-22 ALLAN & CATHY DEMMER/TOWERCO 2013 LLC SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to build a 195' Monopole Tower in a non-conforming agricultural use in an A-1, Agricultural zoning district. The property, located along Lansing Road and adjacent to the City of Dyersville is legally described as W PT Lot 2 SE NE & W PT N ½ NE SE all in Section 27, T89N, R2W, New Wine Township, Dubuque County, Iowa.

The property is 29.9 acres with a home and grain bins. The applicants would like to place a 195' monopole tower on their property. This will have an unmanned wireless communications facility with base equipment necessary to improve wireless communications for the Field of Dreams area. The facility is monitored remotely and will not add congestion to streets & highways. This wireless tower would enhance wireless use to the public, police, fire, and other emergency services. The applicants own 2 parcels of land and will place the tower directly on the property line of the 2 parcels to meet setback requirements. Five (5) letters were sent, four (4) were delivered and the City of Dyersville was notified. Matt Mescher did not pick up his letter. There were no comments regarding this case.

Speaking to the board was Matthew Kundert, 2625 Monroe Drive NW, Minnesota. 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 his case and Mr. Kundert said the tower application meets all state codes and county ordinances. Mr. Schroeder asked if there would be fencing and landscaping at the base of the tower. Mr. Kundert said yes.

Mr. Schroeder asked if anyone had any questions. 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: 4-0.**

2. BA#08-28-22 BRAD & ELIZABETH HEYING VARIANCE

The applicants are requesting to build a 12' x 17' attached screened porch, in an R-1, Rural Residential zoning district. They are requesting to build 25' from the left lot line, they will need a 25' variance to the 50' required. The property, located along Starview Drive approximately 4 miles north of the City of Sageville is legally described as Lot 5 in Star View Subdivision 2nd Addition, Section 10, T90N, R2E, Peru Township, Dubuque County, Iowa.

The property is 1.81 acres with a Single Family Home. The purposed project and proposed variance will not negatively impact any of the purposes or intent of the zoning ordinance. Fourteen (14) letters were sent, fourteen (14) were delivered. There were no comments regarding this case.

Speaking to the board was Brad Heying, 22614 Starview Drive, 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 his case. Mr. Heying said there is currently an existing deck that he wants to extend out 5' and then screen the porch in. He said every property in the area needs to apply for a variance because of the zoning and narrow lot sizes.

Mr. Link asked if there were any issues with drainage from the roof and Mr. Heying said no, the back yard is a hill that drains to the river.

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

3. BA#08-29-22 DAVID & LORI KLEIN/FLYNN COMPANY INC SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to place a Portable Concrete Batch Plant for the reconstruction Project on Hwy. 52/IA 3 from Boy Scout Road to just East of Pfeiler Road in an A-1, Agricultural zoning district. The property, located along Five Points Road approximately .50 south of the City of Rickardsville, is legally described as Lot 4 Klein Addition Section 33, (T90N R1E) Jefferson Township, Dubuque County, Iowa.

The property is 157.13 acres with a Single Family Home and Agricultural Buildings. The plant will be use for the Highway 52 reconstruction project. The location of the plant will reduce the amount of material that will need to be hauled which will reduce truck traffic on the county roads. Upon completion of the paving project the plant will be removed from the site. Six (6) letters were sent, six (6) were delivered and the City of Rickardsville was notified. There were no comments regarding this case.

Speaking to the board was Mark Horton, Flynn Company Inc, PO Box 327, LaMotte. 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. Horton said this is one of a two phase project. The second phase would start next year however, they could start the second phase this fall.

Mr. Klein stated he would abstain from the vote because he is the property owner.

A motion was made by Ms. Switzer, **seconded by Mr. Link to approve the Special Use Permit. Ms. Switzer, Mr. Link and Mr. Schroeder voted in favor of the motion. Mr. Klein abstained from the vote. The motion passed unanimously. Vote: 3-0.**

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: 4-0. The meeting adjourned at 7:14 p.m.