

## **Dubuque County Zoning Board of Adjustment Minutes of November 1, 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: Tammy Henry & Lindsey Schreiber.

**B. APPROVAL OF MINUTES:** A motion was made by Ms. Switzer, **seconded by Mr. Link and passed unanimously to approve the Minutes of the October 4, 2022 meeting. Vote: 4-0.**

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

#### **1. BA#11-33-22      MICHAEL & ANGIE BREITBACH      VARIANCE**

The applicants are requesting to build a 20' x 40' attached garage addition in a R-1, Rural Residential zoning district. They are requesting to build 47' from the front lot line, they will need a 33' variance to the 80' required. The property is located on Circle Ridge Road approximately 2.5 miles east of the City of Sherrill, is legally described as Lot 1-2 SW SE in Section 16, (T90N-R2E), Peru Township, Dubuque County, Iowa.

The property is 1.34 acres with a Single Family Home. The applicants were granted a front lot line variance in case BA#06-29-99 to allow for the single family home. Two (2) letters were sent, 2 were delivered and no city was notified. There are no comments regarding this case.

Speaking to the board via zoom was Angie Breitbach, 12369 Circle Ridge 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 had anything to add to the case. Ms. Breitbach stated that property adjacent to her was her parents and they have no issue with the variance request. Mr. Schroeder asked if all the water run off would be directed onto their own property and she said yes.

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

A motion was made by Mr. Link, **seconded by Mr. Schroeder 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#11-34-22**

**RYAN BEGLE**

**VARIANCES**

The applicant is requesting to build a 50'x 90' pole building in an A-2, Agricultural-Residential zoning district. The applicant is requesting to build 28' from the front line, he will need a 22' variance to the 50' required and is also requesting to build 5' from the left side lot line, he will need a 15' variance to the 20' required. The applicant is building 5.5' taller than the 13' required, he will need a 5.5' height variance. The property is located along North Bankston Road approximately 2.9 miles southwest of the City of Bankston, is legally described as Lot 1 SW SE in Section 10, (T89N-R1W), Iowa Township, Dubuque County, Iowa.

The property is 1.21 acres with a Single Family home and existing pole building that will be torn down and replaced. The purposed new building will be further back and will not be as close to the road. The placement of the new building will allow for more space so they will be able to maintain the building and grounds on the left side of the lot line better. One (1) letter was sent, (1) were delivered and no city was notified. There is one (1) comment regarding this case from Eric Begle, 233583 North Bankston Rd, Epworth. Mr. Begle has no issues with the rezoning request.

Speaking to the board was Ryan Begle, 23573 North Bankston Road, Epworth. 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. Begle said the existing building was torn down a couple days before the Board of Adjustments pictures were taken.

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

**A motion was made by Mr. Klein, seconded by Ms. Switzer 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.**

**3. BA#11-35-22**

**JESSE & HEATHER SCHMITZ**

**VARIANCE**

The applicants are requesting to build 24' x 27' attached garage addition in a R-1, Rural Residential zoning district. They are requesting to build 20' from the front property line, they will need a 60' variance to the 80' required. The property is located on South Mound Road approximately 1.44 miles west of the City of Sherrill, is legally described as Lot 1 Andrew Smith Place in Section 14, (T90N-R1E), Jefferson Township, Dubuque County, Iowa.

The property is 2.30 acres with a Single Family Home and sheds. The variance is needed to build the garage because the home was built to close to the front property line prior to zoning ordinances being adopted. The applicants have submitted an application for an entrance permit, and they are currently waiting for approval from the County Engineer. Five (5) letters were sent, (5) were delivered and the City of Sherrill was notified. There are no comments regarding this case.

Ms. Henry stated that the County Engineer's office had just contacted her prior to the meeting and said they will grant the entrance permit with a condition that they can no longer park in the front right of way for safety reasons. Ms. Henry explained that there is a sliver of property across the front property line that is owned by the neighbors across the road.

Speaking to the board via zoom was Heather & Jesse Schmitz, 16222 S. Mound Rd., Sherrill. Mr. Schroeder administered the following Oath asking the participants to raise their hands. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" They said yes.

Mr. Schroeder asked if the Schmitz had anything to add to their case. The Schmitz said that they did have a letter of intent for the access easement between them and the Smiths who owns the sliver of land running along the front property line. Ms. Henry told the Schmitz to provide the zoning office with the letter of intent to add to their case file and it was their responsibility to contact an attorney to draw up the legal access easement agreement and have it recorded.

Mr. Schroeder asked if anyone had further questions and 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.**

#### **4. BA#11-36-22                      THOMAS & JULIE KANE                      VARIANCES**

The applicants are requesting to plat off a lot in a M-1, Industrial zoning district. The applicants are requesting to create a new lot line 3' from the rear lot line, they will need a 27' variance to the 30' required. The applicants are also requesting to plat and create a new lot line 4' from the right-side lot line, they will need a 26' variance to the 30' required. The property is located on West Ridge Lane approximately .62 miles southeast of the City of Dubuque, is legally described as Lot 2-1-1-3 & 1-1-2-3 both of the E ½ NW and NW NW in Section 7, (T88N-R2E), Table Mound Township, Dubuque County, Iowa.

The property is 4.08 acres with Six (6) buildings that is made up of metal warehouses, a metal shop and office buildings. There was one rezoning case filed as ZC#11-06-88, which granted rezoning from B-2, Highway Business to M-1, Industrial. There is also Six (6) Board of Adjustment cases attached to the property. BA#05-18-98, to build a two story office building, BA#04-17-94, a variance to allow for a mobile home & storage building, BA#10-37-07, two variances to build a 48' x 105' addition and a 66' x 105' addition, BA#07-29-08, to build a 6' x 12' sign, BA#06-28-12, to build a 60' x 120' office building and BA#04-11-20, to build a 60' x 74' warehouse addition. The applicants are requesting to plat off the existing building to sell to Kordell Trucking, which has been leasing the property for the past 10 years. Four (4) letters were sent, (3) were delivered and the City of Dubuque was notified. Klockner Namasco Corp did not pick up their letter. There are no comments regarding this case.

Speaking to the board was Thomas Kane, 11062 Lake View Dr. 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 Mr. Kane had anything to add to the case. Mr. Kane said he has been in contact with the City of Dubuque, Centralia Fire Department, Dubuque County Zoning Board regarding utilities, safety, and platting.

Mr. Kane provided the board with a statement from DE Smith and Associates that Ms. Henry read in the meeting:

To the Dubuque County Zoning Board of Adjustment,

DE Smith and Associates is the owner of the bordering property to the north of the Kane property, adjacent to the building for which Kane is proposing approval of two set-back variances. The variance request BA#11-36-22 will not provide for any physical changes to the Kane property as the building already exists. It will simply provide Kane the opportunity to sell the building to his neighbor, Dave Kordell. DE Smith and Associates fully supports approval of the two variances requested by Kane.

Should you have any questions, please feel free to contact me.

Respectfully,

Dane M. Smith  
President, DE Smith and Associates

Ms. Henry explained the site plan provided by David Schneider, Schneider Land Surveying that shows all access easement plans.

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

##### **5. BA#11-37-22     SHERRILL UNITED METHODIST CHURCH   VARIANCES**

The applicants are requesting a .783 acre variance to the 3 acres required to plat Lot 1 of Sherrill West Side Third Addition with a total of 2.217 acres, a 1.919 acre variance to the 3 acres required to plat Lot 2 of Sherrill West Side Third Addition with a total of 1.081 acres and a .779 acre variance to the 3 acres required to plat Lot 3 of Sherrill West Side Third Addition with a total of 2.221 acres, all in a C-1, Conservancy zoning district.

The applicants are also requesting to plat the proposed Lot 2 Sherrill West Side Third Addition 21’ from the front street line, they will need a 59’ variance to the 80’ required, a 40’ right side lot line variance to plat 10’ to the 50’ required, and 74’ rear lot line variance to plat 26’ to the 100’ required. The property is located along South Mound Road and Haberkorn Road adjacent to the City of Sherrill, is legally described as Lot 2-1-

2-10, Lot 1-2-11, Lot 2-2-11, Lot 2-9, Lot 1-10, Lot 2-2-10, Lot 2-1-1-2-10, Lot 1-11 all in the SW 1/4 and Lot 4-2-6 SE 1/4 all in Section 13, (T90N-R1E), Jefferson Township, Dubuque County, Iowa.

The property is 4.99 acres with an existing church & cemetery. The applicants are requesting the variance to the platting ordinance to be allowed to create 3 Lots. Lot 1 will contain the existing cemetery. Lot 2 will be for the church. Lot 3 will be a 2.22 acre lot that could be sold in the future. The applicants met with the Dubuque County Conservation Board because this property is all zoned C-1, Conservancy. The Conservation Board voted in favor of the plat as proposed.

Twenty-Three (23) letters sent out, (20) were delivered and the City of Sherrill was notified. Jonathan & Katherine Wilker, David & Sandra Kauffmann & Greg Hohmann did not pick up their letters. There are no comments regarding this case.

Speaking to the board was David Schneider, Schneider Land Surveying, 906 1<sup>st</sup> Street North, Farley. Mr. Schroeder administered the following Oath asking the participants 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. Schneider said he has been reconfiguring this property from 8 parcels down to 3 parcels in the events that the church would be sold, keeping the cemetery on its own parcel with parking and separating the vacant land for future expansion or a future sale. Mr. Schneider said the plat is designed with the necessary access and utility easements for each lot. Mr. Schneider said the church and cemetery existed back in the 1800’s which was prior to the adoption of the C-1, Conservancy zoning district. Mr. Schneider said this property should have been left out of the adoption of the C-1, Conservancy zoning district. Mr. Schneider stated that the City of Sherrill was not interested in annexing the property into the city limits because they would not gain tax income and it would add additional road maintenance responsibility for the city.

Speaking to the board was Melvin Christianson, 11003 JFK Rd. Dubuque. Mr. Schroeder administered the following Oath asking the participants 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. Christianson introduced himself as the Cemetery Sexton & the liaison between the Church trustees and the plat project. Mr. Christianson said this started because the cemetery did not have enough parking.

Speaking to the board was Lois Hammerand, 13606 Sherrill Rd, Sherrill. Ms. Hammerand said she was the head of the trustees for the Sherrill Methodist Church. Ms. Hammerand said she was in favor of the variance request as it would benefit everyone involved in the future.

Speaking to the board was Marge Hinkels, Secretary of the Cemetery Association, 18726 Datisman Rd, Durango. Ms. Hinkels said she was in favor of the variance request and noted that the Sherrill Methodist Church does not own the cemetery. She said the cemetery is its own separate entity and both the church and cemetery have their own separate deeds.

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

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

**D. PUBLIC COMMENTS:**

**E. OLD BUSINESS:**

Ms. Henry said we still have a vacancy open for a female Board of Adjustment member and we have not received any new applications. Ms. Henry also acknowledged the service of Mr. Ron Koppes who recently passed away that served for many years on the Dubuque County Board of Adjustment.

**F. NEW BUSINESS:**

Ms. Henry said COZO (County Planning and Zoning Officials) is holding the statewide conference in Dubuque in May 2023 and she is encouraging all board members to attend. She will be requesting extra training funds to cover the expenses for staff and board members to attend.

**G. ADJOURNMENT:** A motion was made by Ms. Switzer, seconded by Mr. Schroeder, and passed unanimously to adjourn. Vote: 4-0. The meeting adjourned at 8:01 p.m.