

Dubuque County Zoning Board of Adjustment Minutes of December 6, 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, Dave Klein, Loras Link and Michelle Switzer. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Amy Schmerbach and Lindsey Schreiber.

B. APPROVAL OF MINUTES: A motion was made by Ms. Switzer, **seconded by Mr. Klein and passed unanimously to approve the Minutes of the November 1, 2022 meeting. Vote: 4-0.**

C. PUBLIC HEARINGS:

1. BA#12-38-22 KEY WEST COMM. FIRE DEPARTMENT VARIANCE

The applicants are requesting to build a 25' x 100' Fire House addition in a B-1, Business zoning district. The applicants are requesting to build 2' from the front lot line off Timothy Street, they will need a 23' variance to the 25' required. The property is located along Lake Eleanor Road and Timothy Steet adjacent to the City of Dubuque, is legally described as Lot 1 Twin Ridge Sub #2 in Section 12, (T88N-R2E), Table Mound, Dubuque County, Iowa.

The property is .64 acres and is the location of the Key West Fire Department Headquarters. The applicants are requesting the variance to expand the current Fire House to allow space for an additional Fire Truck. Thirty-Eight (38) letters were sent, (35) were delivered and the City of Dubuque was notified. William Sweeney, Melissa Decker & Peter Hurm, and Cody & Brittany Frommelt did not pick up their letter. There are no comments regarding this case.

Speaking to the board was Daryl Biechler, 7762 Wild Nest Lane, 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. Biechler stated the fire department has grown quite a bit since 1970. The department has gone from 50 calls up to over 200 hundred calls and the department has outgrown their space. Mr. Biechler said they just ordered a new tanker and currently has 2 ambulances. Mr. Biechler said they planned to build to the South of the existing fire house however, the city owns a subdivision sewer line that runs through the property and the estimate of moving the sewer line was too much of an expense.

Mr. Biechler said the expansion would allow them to park their two ambulances and add more office space. He said they will add an additional entrance off Timothy Street for easier access to the parking lot and they won't be required to obtain a permit from the county for the access since it's a private road.

Mr. Biechler said they could not build to the east of the property because when the Fire Department was given the property by the Mueller's there was a condition that 40% of the property must be maintained as a park for the community.

Mr. Biechler said the water runoff would be maintained onto their own property.

Mr. Schroeder asked if anyone wanted to speak in favor or against this case?

Speaking to the board was Joe Kies, 39239 239th Ave, 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. Kies said he serves on the Board of Director for the Key West Fire Department and is in favor of the request. He said they invited the surrounding community to join them for an Open House to explain what the Fire House’s intentions are and everyone that came to the Open House thought it was a great addition to the community.

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

A motion was made by Ms. Switzer, **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#12-39-22 JASON & BRENDA KERN SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to build a 26’ x 44’ detached garage in a non-conforming A-1, Agricultural zoning district. The property, located along Double J Lane approximately .77 miles South of New Vienna, is legally described as Lot 1 of NE NW in Section 17, (T89N-R2W), New Wine Township, Dubuque County, Iowa.

The property is 4.447 acres with a Single-Family Home. The applicants are requesting the detached garage for additional personal storage. Four (4) letters were sent, (3) were delivered and the City of New Vienna was notified. James & Beverly Vaske did not pick up their letter. There was one comment regarding this case. Nickol LLC, Melvin Nickol, 30798 Pin Oak, Dyersville, has no issue with this case.

Speaking to the board was Jason Kern, 31736 Double J Lane, Dyersville. 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. Kern said they were running out of space and need the space to park a vehicle. Mr. Kern said the water runoff would run to the adjacent creek.

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

A motion was made by Ms. Switzer, **seconded by Mr. Klein to approve the Special Use Permit 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#12-40-22 JASON & BRENDA KERN VARIANCES

The applicants are requesting to build a 26' x 44' detached garage in a non-conforming A-1, Agricultural zoning district. The applicants are requesting to build 21' from the front lot line, they will need a 59' variance to the 80' required. The applicants are also requesting to build 3' taller than the 13.5' required, they will need a 3' height variance. The property, located along Double J Lane approximately .77 miles South of New Vienna, is legally described as Lot 1 NE NW in Section 17, (T89N-R2W), New Wine Township, Dubuque County, Iowa.

The property is 4.447 acres with a Single-Family Home. The applicants are requesting the detached garage for additional personal storage. Four (4) letters were sent, (3) were delivered and the City of New Vienna was notified. James & Beverly Vaske did not pick up their letter. There was one comment regarding this case. Nickol LLC, Melvin Nickol, 30798 Pin Oak, Dyersville, has no issue with this case.

Speaking to the board was Jason Kern, 31736 Double J Lane, Dyersville. 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. Kern had nothing to add to his case.

Mr. Schroeder asked if anyone had additional questions or comments on this case and no one spoke.

A motion was made by Ms. Switzer, **seconded by Mr. Link 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#12-41-22 DANIEL & LINDA DEUTMEYER SPECIAL USE PERMIT

The applicants are requesting to build a 12' x 24' garage extension in a non-conforming A-1, Agricultural zoning district. The property, located along Spoden Road approximately 1.65 miles North of the City of Luxemburg, is legally described as Lot 1 Deutmeyer Acres in Section 4, (T90N-R2W), Liberty Township, Dubuque County, Iowa.

The property is 14.26 acres with a Single-Family Home and multiple storage buildings. The applicants would like additional workspace for their personal vehicles and equipment. Five (5) letters were sent, (2) were delivered and the City of Luxemburg was notified Peter Wellington, Mark Meyers and Jeffrey Arnold did not pick up their letter. There were no comments regarding this case.

Speaking to the board was Daniel Deutmeyer, 30240 Spoden Rd., Guttenberg. 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. Deutmeyer said he just need more storage and workspace. He said that he spoke to his closest neighbor, and they had no issue with the addition.

Mr. Schroeder asked if anyone had additional questions or comments on this case and 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.**

5. BA#12-42-22 EAGLE POINT SOLAR/BILLY SCHERR VARIANCE

The applicants are requesting to build two (2) 55' x 13.7' solar arrays in a R-1, Rural Residential zoning district. The applicants are requesting to build 8' front the left side lot line, they will need a 42' variance to the 50' required. The property, located along Clear View Heights approximately .50 miles West of the City of Dubuque, is legally described as Lot 2-2-1 White Oaks in Section 35, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is 2.5 acres with a Single-Family Home. The applicants are requesting this location for the solar array to avoid cutting down any established oak trees and its less visible to the neighbors. Eight (8) letters were sent, (8) were delivered and the City of Dubuque was notified. There were no comments regarding this case.

Speaking to the board was Ellie Scherr, 12284 Clear View Heights, Peosta. 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.

Ms. Scherr said they did not want to disturb the trees and the placement would supply enough sunlight for the arrays to function without being an eye sore to neighbors.

Mr. Schroeder asked anyone would like to speak in favor or against this case?

Speaking to the board was Lawrence Lee, 12268 Clear View Heights, 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. Lee said that he was in favor of the variance request. He said that other neighbors already have solar arrays.

Mr. Schroeder asked anyone would like to speak in favor or against this case? No one spoke.

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

D. PUBLIC COMMENTS: None

E. OLD BUSINESS:

Ms. Schmerbach informed the board that there will be two meetings in 2023 that will be scheduled on a Wednesday rather than a Tuesday due to a Holiday and an Election. The

Zoning Board of Adjustment Minutes – December 6, 2022

November 7th, 2023 meeting will move to November 8th, 2023 and July 4th, 2023 meeting will be July 5th, 2023

F. NEW BUSINESS: None

G. ADJOURNMENT: A motion was made by Mr. Schroeder, seconded by Mr. Link and passed unanimously to adjourn. Vote: 4-0. The meeting adjourned at 7:30 p.m.