

Dubuque County Zoning Board of Adjustment Minutes of the February 7, 2023 meeting

Chairperson Ben Schroeder called the meeting to order at 7 p.m.

A. ROLL CALL: Members Present via a Zoom teleconference meeting: Members present at the Dubuque County West Campus, 1225 Seippel Road: Ben Schroeder, Loras Link, Dave Klein, Michelle Switzer and Penny Wulfekuhle. 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. Link, **seconded by Ms. Switzer and passed unanimously to approve the Minutes of the December 6, 2022 meeting. No Meeting held January 3, 2023. Vote: 5-0.**

C. PUBLIC HEARINGS:

1. BA#02-01-23 TYLER & DANIELLE BENJAMIN

SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to build a 58' x 58' Single Family Home with a 34'x 53' attached garage in a non-conforming A-1, Agricultural zoning district. The property located along Gun Club Road approximately .44 miles north of the City of Epworth, is legally described as Lot 1 NE SE Section 3, (T88N-R1W), Taylor Township, Dubuque County, Iowa.

The property is 7.63 acres with a pond. The applicants have access off the existing family farm and will continue to assist with the family farming operation. The property is zoned A-1, Agricultural and because of the size of the existing lot it is considered a non-conforming lot. A Special Use Permit is required to build a home on the lot. Six (6) letters were sent, six (5) were delivered and the City of Epworth was notified. Philip & Lori Kramer did not pick up their letter. There were no comments regarding this case.

Speaking to the Board was Tyler & Danielle Benjamin, 11615 Gun Club Road, Epworth. 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 they had anything to add to their case and they said no.

Ms. Henry explained to the board that the applicants did not want to rezone the property to residential because their intention is to keep working with the family farm and plan to eventually purchase more of the surrounding land once they are established.

Mr. Klein asked about the 40-acre lot to the north and the lot to the east of the lot was part of the farm. Ms. Benjamin said yes and it was her parents land. Mr. Klein said he had an affidavit stating that all property that adjoins this lot is quarry. Ms. Henry said that the land was zoned A-1, Agricultural and could be used for a quarry. Mr. Klein said that Philip and Lori Kramer owns the property and they can decided to use this as a quarry and they could get as close as 50' to the Benjamins property line. Mr. Klein wanted to know if the Benjamins were aware that a quarry could be operating 50' from their property line.

Speaking to the Board was Philip Kramer, 11615 Gun Club Road, Epworth. Mr. Schroeder administered the following Oath asking the participants to raise his hands. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Kramer said he owns the adjoining property and he currently has a contract and leases it to River City Stone for quarry use. Mr. Kramer said in the contract they are not allowed to go any closer to the west property line than they currently are so they will be further away than 50’ from the property line. He said the contracts are done every 5 years and 10 years ago when he started leasing the property, he told River City Stone that they could go to the further to the north or down but could not move closer to the west property line. Mr. Klein asked if the Special Use Permit listed those conditions. Mr. Schroeder said they were grandfathered in and did not need to have a Special Use Permit for the quarry at that time because when they leased the quarry, they would have only needed an Occupancy Permit. Ms. Henry said Mr. Kramer could set the contract standard with River City Stone with a specific distance that would supersede the zoning ordinance. Mr. Kramer said that he has done that. Mr. Kramer said he plans to close the quarry in the future to preserve the remainder of the land. The board just wanted the information on record that the Benjamins were aware that there is a quarry adjacent to the property that they intend to build a home on.

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 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: 5-0.**

2. BA#02-02-23 DONALD JECKLIN/JECKLIN FAMILY FARM LLC VARIANCES

The applicants are requesting to build a 34’ x 60’ Single Family Home with a 60’ x 40’ attached garage in a R-1, Single Family Residential zoning district. They are requesting to build 50’ from the front lot line, they will need a 30’ variance to the 80’ required and they are requesting to build 30’ from the right-side lot line, they will need a 20’ variance to the 50’ required. The property located along Cottingham Road approximately .113 miles southeast and .08 miles west of the City of Dubuque, is legally described as Lot 1-5 SE ¼ & E ¼ SW ¼ Section 36, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is 26.50 acres. The applicants are asking for the variances because of the way the lot falls off to the rear of the property. They are working with Dave Schneider, Schneider Land Surveying on the details of where to place the home and eventually create a lot around the home. Six (6) letters were sent, (5) were delivered and the City of Dubuque was notified. Gary Johnson did not pick up his letter. There were two (2) comments regarding this case.

First Comment:

From: Frank & Madison Brehm
12141 Cottinham Rd
Peosta, IA 52068

Regarding: Variance for Donald Jecklin/Jecklin Family Farm LLC

To Whom it May Concern:

This letter in reference to the variance request by Donald Jecklin/Jecklin Family Farm LLC.

We live across the road from the Jecklin property seeking the variance. We are in support of this variance that is requested and needed to proceed with building a family home and garage. We don't see any issues arising by building closer to the adjoining property lines.

Thank You,

Frank H. Brehm & Madison A. Brehm

Second Letter:

Dubuque County Zoning Board of Adjustment

Attention: Ben Schroeder, Chairperson

Dear Mr. Schroeder,

This letter is in reference to the notification we received regarding a requested variance for Donald Jecklin and Jecklin Family Farm LLC.

Our farmland (farm address 12458 Cottingham Road) is across the road from the area Donald is asking for a variance. We see no problem in him building in that location. The sight distance for the driveway is good; we don't see issues with building closer to the front lot line or the right side lot line.

We are in support of this request.

Thank You.

Sincerely,

John A. Brehm & Dianne M. Brehm
5350 Old Highway Rd
Dubuque, IA 52002

Speaking to the Board was Don Jecklin, 12156 Cottingham Rd, Peosta & Dave Schneider, 906 1st North, Farley. 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. Schneider said Mr. Jecklin wants to build a shoust type home on the farm that his family owns. He said Don currently lives in the home with his sister directly to the west of the proposed location and Don plans to get married and would like to build this home. Mr. Schneider said they had two options to build the home which was to request rezoning to the R-2, Single Family Residential or keep the R-1, Single Family Residential zoning

and ask for the variances that would meet the R-2, Single Family Residential setbacks. He said the reason they requested the variances is because there was no intention of rezoning the entire farm.

Mr. Schneider said the location works for the driveway. He said Don talked to an excavating crew and determined to keep the house on top of the hill and away from the powerline. This would lessen the grading of the property.

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 that there has to be gutters and down spouts that direct the water onto the owners property. The motion passed unanimously. Vote: 5-0.**

3. BA#02-03-23 DAVID DODDS/RICHARD & JILL DODDS SPECIAL USE PERMIT

The applicants are requesting a Special Use permit to build a Single Family Home in an A-1, Agricultural zoning district. The property, located on the corner of Mill Road and South Mound Road approximately 1.52 miles west of the City of Sherrill, is legally described as Part of Lot 4 of Adam Sherald Homestead in Section 22, (T90N-R1E), Jefferson Township, Dubuque County, Iowa.

The property is 48.90 acres. The applicants are requesting to build a Single Family Home on 5 acres of scrub land. They are purchasing the land from his parents with the intent to own and farm the remainder of the land in the future. They are checking into a forest and tree management plan. They have been approved for a residential entrance. They are working with Dave Schneider, Schneider Land Surveying on the placement of the home and a future plat. Seven (7) letters were sent, (3) were delivered and the City of Sherrill was notified. Andrew & Anne Wilwert, Marlene Hansel, Robert & Jennifer Takes and Brian Kintzle did not pick up their letters. There was one (1) comment regarding this case. Carol Puls, 20617 Green Ridge Lane, Sherrill, has no issues with the Special Use Permit.

Ms. Henry explained that this piece of property is considered a scrub parcel and a large part of it was a ditch. She said that a scrub parcel in an A-1, Agricultural zoning district is able to request the Special Use Permit without rezoning the property for the home.

Mr. Link said this is the best way to utilize the A-1, Agricultural scrub ground.

Speaking to the Board was David Dodds, 9411 Modern Point Lane Apt 201, Verona, Wisconsin & Dave Schneider, 906 1st North, Farley. 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. Schneider said originally they wanted purchase crop ground further to the north but it made more sense and would be easier to ask for the Special Use Permit for the home on the scrub ground rather than ask for the A-2, Agricultural Residential in the middle of the crop ground. Mr. Schneider said asking for the A-2, Agricultural Residential would tie up the future use of the land.

Ms. Henry said they have been approved for the entrance permit.

Mr. Schroeder said he preferred to use scrub land rather than disturb perfectly good crop ground for a home.

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

Mr. Link said this is the best way to utilize the A-1, Agricultural scrub ground.

A motion was made by Mr. Link, **seconded by Mr. Schroeder 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: 5-0.

D. PUBLIC COMMENTS: None

E. OLD BUSINESS: Ms. Henry said the Solar Ordinance was not yet codified. The Farm Bureau want some additional information added to the Solar Ordinance so she was working on updating what was already completed.

F. NEW BUSINESS: NEW BOARD MEMBER INTRODUCTION

Ms. Henry introduced Penny Wulfekuhle to the board of adjustment. The Board of Adjustment gave Ms. Wulfekuhle background information on how the board works.

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 7:40 p.m.**