

Dubuque County Zoning Board of Adjustment Minutes of the April 4, 2023 meeting

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

A. ROLL CALL: Members Present via a Zoom teleconference meeting: Michelle Switzer. Members present at the Dubuque County West Campus, 1225 Seippel Road: Ben Schroeder, Dave Klein, Loras Link & 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. Klein, **seconded by Mr. Link and passed unanimously to approve the Minutes of the March 7, 2023 meeting. Vote: 5-0.**

C. PUBLIC HEARINGS:

1. BA#04-07-23 BERNARD & DONNA DUEHR VARIANCE

The applicants are requesting to build a 24'x 14' detached garage addition in a R-2, Single Family Residential zoning district. They are requesting to build 22' from the front lot line off of Lore Mound Court, they will need a 28' variance to the 50' required. The property, located along Lore Mound and Lore Mound Court approximately .08 miles North of the City of Asbury, is legally described as Lot 1-1 Lore Mound Place Section 13, (T89N-R1E), Center Township, Dubuque County, Iowa.

The property is 1 acre with a Single-Family Home. The applicants want to add the garage addition to the south side of the existing garage because their septic system is located on the north side. The applicants will still use the existing entrance to access the new addition. Seven (7) letters were sent, (7) were delivered and the City of Asbury was notified. There were no comments regarding this case.

Speaking to the board was Bernard Duehr, 15335 Lore Mound Ct, 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 wanted to add anything to his case. Mr. Duehr said he just wanted to remove the existing fenced in area that was next to the existing garage and attach the garage addition in the same location.

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

A motion was made by Ms. Switzer, **seconded by Mr. Link to approve the variance request with the condition that there must be gutters and down spouts that direct the water onto the owner's property. The motion passed unanimously. Vote: 5-0.**

2. BA#04-08-23 CALVIN & SANDY DENLINGER SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to build a 43' x 24' home addition in an A-1, non-conforming Agricultural zoning district. The property, located along Olde Davenport Road approximately 1.65 miles Southeast of the City of Dubuque, is legally described as Lot 2-1 of the Resub of NW ¼ Section 31, (T88N-R3E), Mosalem Township, Dubuque County, Iowa.

The property is 1.11 acres with a Single-Family Home. The addition will include a bedroom, bathroom, closet, living room and a lower garage for storage. The applicants will extend the existing driveway down around the home to access the lower garage. The applicants will match the exterior of the addition to the existing home and addition will bring value to the property. Fifteen (15) letters were sent, (10) were delivered and the City of Dubuque was notified. Thomas Lippstock, Carlton Busch, Diane Lippstock Trust, Carrie Schreyer and William & Kimberlee Thomas did not pick up their letters. There were no comments regarding this case.

Speaking to the board was Calvin & Sandy Denlinger, 6996 Olde Davenport Rd, LaMotte. 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. Schroeder asked if they wanted to add anything to their case.

Ms. Denlinger said that they ran out of space in the house and the addition was the option they went with because the other option was to sell the house.

Mr. Klein asked Ms. Henry if they had to modify anything with the septic system since they were adding an additional bedroom. Ms. Henry said the applicants had already talked to the Health Department and nothing had to be changed with the septic.

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

A motion was made by Mr. Klein, **seconded by Ms. Wulfekuhle to approve the Special Use Permit with the condition that there must be gutters and down spouts that direct the water onto the owner's property. The motion passed unanimously. Vote: 5-0.**

3. BA#04-09-23 ADAM DUDLEY/MARK & JOYCE DUDLEY

SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit for a second residential home on the farm (mobile home) in an A-1, Agricultural zoning district. The property, located along Dudley Lane approximately 4.12 miles South of the City of Worthington, is legally described as SW SW NE Section 20, (T87N-R2W), Cascade Township, Dubuque County, Iowa.

The property is 9.50 acres with a Single-Family Home and barn. The applicants would like to place the mobile home on the farm for their son to assist in the family farming business. The property has been historically farmed within the same family for many years. The applicants were approved for a Special Use Permit in case BA#01-02-84 to

place a second mobile home on the farm for the father Mark Dudley and the mobile home was removed once the grandfather moved out of the home. The Dudley's would like the mobile home for their son Adam Dudley to assist in the family farming business. Adam owns adjacent property to the land. Adam wants to add cattle to his land and not put a home on the part of the property. It is the intent for Adam to purchase the entire farm in the future.

The location of the mobile home will allow for the applicants to share the well and entrance. Four (4) letters were sent, (3) were delivered. Rita Dudley did not pick up her letter. There were no comments regarding this case.

Ms. Henry said that Adam Dudley owned two vacant parcels adjacent to the property, however he did not want to place the mobile home on those parcels because he wanted to continue to farm the land. Ms. Henry said the mobile home would not be a permanent home and at some point, it would have to be removed. Ms. Wulfekuhle asked Ms. Henry if the applicants had a specific time limit for the mobile home. Ms. Henry said no we could not put a specific time limit on the Special Use Permit. She said the applicants would be the only approved occupants and no one else could rent or purchase the mobile home.

Mr. Klein asked if Dudley Lane was a county road. Ms. Henry said yes. She said Dudley Lane is interesting because at the end of Dudley Lane there is multiple divided lot that were created back in the 1800's. She thought someone planned to create a town or subdivision and it never was completed and when zoning came along in 1970's they kept the land zoned A-1, Agriculture because the lots were being farmed at that time. Ms. Henry said the county has no plan to develop Dudley Lane and it will continue to be maintained as is.

Speaking to the board was Adam Dudley, 2625 Dudley Lane, Worthington. 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. Dudley said his parents will continue to live in the home for an unknown time and he would like to reside on the property to enhance the farming business. Ms. Henry mentioned that Adam was currently renting property in the City of Worthington. Mr. Dudley said he wanted to move closer to the farm and he was not having any luck purchasing property within a reasonable price range and distance to the farm. Mr. Dudley said he did not want two permanent homes on the property because he intends on taking possession of his parents' existing home when they decide to move.

Speaking to the board was John Nickol, 2699 Dudley Lane, Worthington. 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. Nickol said he is a neighbor and received the notification letter regarding the Dudley case and said he was concerned about the temporary/permanent status of the home. He said the mobile home could be located there for 25 years and as far as he was concerned, he considers that as a permanent home. Ms. Henry said a mobile home is never considered a permanent residence. Mr. Nickol asked if would have a foundation. Ms. Henry said no, it must have wheels, a tongue and it must be mobile.

Mr. Nickol asked if the septic tank had to be certified through the County Health Department and Ms. Henry said yes. Ms. Henry said the two homes would be sharing a well. Mr. Nickol questioned the large size of the mobile home and Mr. Dudley said it was a double wide mobile home that is delivered in two pieces and then place on cement pillars.

Mr. Nickol said that his son would like to complete the application process on his property. Ms. Henry said it maybe possible depending on the land, zoning and if he could prove farming by filing a Schedule F. Ms. Henry instructed him to contact our office for further information. Mr. Nickol said he was always told that a second home could not be placed on farmland. Ms. Henry said there are conditions that must be followed and if they are not then the applicants would be in violation. Mr. Nickol asked what the violation consisted of. Ms. Henry said they would be fined \$750 a day. Mr. Nickol asked if Mr. Dudley could have additional renters in the mobile home and Ms. Henry said no, this mobile home is just for the applicants. She said the mobile home could not be used as a rental and if they did it would be a violation.

Mr. Schroeder said he would rather see this type of temporary request rather than the alternative and that would be a permanent home built in the middle of the adjacent crop ground.

Mr. Nickol agreed that this request was more cost-effective for Mr. Dudley. Ms. Henry said Mr. Dudley was trying to preserve some of the land for agricultural use and this is what she and the board would encourage him to do.

Ms. Henry asked Mr. Nickol if all his questions were answered with the information that was provided to him and he said yes.

Speaking to the board was Joyce Dudley, 2625 Dudley Lane, Worthington. 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. Dudley introduced herself as Adam Dudley's mother and said she was in favor of the Special Use Permit to add the mobile home to her property.

Speaking to the board was Mark Dudley, 2625 Dudley Lane, Worthington. 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. Dudley introduced himself as Adam Dudley's father and said he was in favor of the Special Use Permit. He said that he had personally talked to his neighbors Mary Urbain and Rita Dudley. They were sent letters and they were both in favor of the Special Use Permit.

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

A motion was made by Mr. Klein, **seconded by Mr. Link to approve the Special Use Permit with the condition that there must be gutters and down spouts that direct the water onto the owner's property. The motion passed unanimously. Vote: 5-0.**

4. BA#04-10-23 ADAM DUDLEY/MARK & JOYCE DUDLEY VARIANCE

The applicants are requesting to place a second residential home on the farm (mobile home) in an A-1, Agricultural zoning district. They are requesting to build 45' from the front lot line, they will need a 35' variance to the 80' required. The property, located along Dudley Lane approximately 4.12 miles South of the City of Worthington, is legally described as SW SW NE Section 20, (T87N-R2W), Cascade Township, Dubuque County, Iowa.

The property is 9.50 acres with a Single-Family Home and barn. The applicants would like to place the mobile home on the farm for their son to assist in the family farming business. The location of the mobile home will allow for a 45' distance between the mobile home and existing barn while maintaining a close enough distance to access the well. Four (4) letters were sent, (3) were delivered. Rita Dudley did not pick up her letter. There were no comments regarding this case.

Mr. Schroeder asked Ms. Henry if Dudley Lane would ever be extended in the future. Ms. Henry said no. She said a while back she had a conversation with the former county engineer regarding the road and they have no plans to extend Dudley Lane in the future. She said if they did decide to develop Dudley Lane in the future the approved variance request for the mobile home would not affect the development.

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

A motion was made by Ms. Switzer, **seconded by Mr. Schroeder to approve the variance request with the condition that there must be gutters and down spouts that direct the water onto the owner's property. The motion passed unanimously. Vote: 5-0.**

D. PUBLIC COMMENTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

Ms. Henry said she will have more information regarding the upcoming COZO training in May.

G. ADJOURNMENT: A motion was made by Mr. Klein, seconded by Mr. Schroeder and passed unanimously to adjourn. Vote: 5-0. The meeting adjourned at 7:37 p.m.