

Dubuque County Zoning Board of Adjustment Minutes of the March 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 and Michelle Switzer. Member Penny Wulfekuhle was absent. 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 Ms. Switzer, **seconded by Mr. Klein and passed unanimously to approve the Minutes of the February 7, 2023 meeting. Vote: 4-0.**

C. PUBLIC HEARINGS:

1. BA#03-04-23 DANIEL & SUSAN LARKIN VARIANCES

The applicants are requesting to build a 60' x 40' shop building in an R-1, Rural Residential zoning district. They are requesting to build 21' from the McCarthy Road front lot line, they will need a 69' variance to the 80' required. They are also requesting to build 4' taller than the 13' required, they will need a 4' height variance. The property, located along Higginsport Road and McCarthy Road approximately .82 miles west of the City of Bernard, is legally described as Lot 1-1 S ½ SE Section 28, (T87N-R1E), Prairie Creek, Dubuque County, Iowa.

The property is 1.80 acres with a Single Family Home. The applicants believe this is the best place for the shop building because of the location of the septic and well. This property has 2 fronts. The front along Higginsport Road is their driveway entrance to the front of their home. The applicants do not want the building in front of their Single Family Home. The front along McCarthy Road is where they would like to place the shop building which creates the front variance request. Five (5) letters were sent out, five (5) were delivered. There were three (3) comments regarding this case. Beverly Jasper, 906 McCarthy Rd. has no problem with the variance request. Mike Gassman, 18617 Higginsport Rd. Bernard, has no problem with the variance request. Stan & Samantha Reiter and Justin & Amber Reiter just purchased the crop ground to the north of the Larkin residents from the Lois Sweeney Revocable Trust. The Reiter's said they have no problem with the variance request.

Speaking to the board was Dan & Susan Larkin, 18465 Higginsport Rd, Bernard. 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. Larkin said he planned to retire soon and would like the building for additional storage for his antique tractors and wants to use it as a personal workshop. Mr. Larkin said the placement of the building was to avoid disturbing the mature trees, well and septic system on the property.

Mr. Schroeder asked if they still use the existing driveway and Mr. Larkin said yes.

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 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: 4-0.**

2. BA#03-05-23 RIVER CITY PAVING/MATHY CONSTRUCTION

SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to operate a portable asphalt plant in an A-1, Agricultural zoning district. The property, located along Route 151 approximately 2.50 miles northeast of the City of Cascade, is legally described as NE SW & PT SE NW lying South of Hwy 151 Section 26, (T87N-R1W), White Water Township, Dubuque County, Iowa.

The property is 39.65 acres and is currently used as a quarry. The applicants would like to place a portable asphalt plant within the quarry to improve local roadways. The location of the plant will reduce bid cost with the transportation & reduces the number of trucks needed which will reduce the amount of truck traffic. This temporary portable plant will not have long term impacts. The plant will be placed in an existing quarry where the materials will be readily available. The applicants would like to operate through the 2023 construction season. Four (4) letters were sent out, four (4) were delivered. There were no comments regarding this case.

Speaking to the board was Eli Cousins, 3747 Contractors Court, Kieler, Wisconsin. Mr. Schroeder administered the following Oath asking the participant 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. Schroeder asked if he had anything to add to his case. Mr. Cousins said no.

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

A motion was made by Mr. Link, **seconded by Mr. Schroeder to approve the Special Use Permit. The motion passed unanimously. Vote: 4-0.**

3. BA#03-06-23

BRAD & ELIZABETH HEYING

VARIANCE

The applicants are requesting to build a 8'x 8' Hot Tub with a 4'x 4' surrounding deck in an R-1, Rural Residential zoning district. They are requesting to build 17' feet from the left side property line, they will need a 33' 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 Second Addition, Section 10, (T90N-R2E), Peru Township, Dubuque County, Iowa.

The property is 1.81 acres with a Single-Family Home. The applicants were recently approved for a 25' left side variance on BA#08-28-22 to build a 12' x 17' screened in porch. They applicants would like to place the hot tub with surrounding deck next to the screened in porch. Fourteen (14) letters were sent out, twelve (12) were delivered. James Zmudka Trust & Gregory & Carla Freiburger did not pick up their letters. There were no comments regarding this case.

Speaking to the board was Attorney Kevin Deeny, Kane, Norby & Reddick Law Firm, 2515 Clarke Dr., Dubuque. Mr. Schroeder administered the following Oath asking the participant 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. Schroeder asked if he had anything to add to this case.

Mr. Deeny said they are requesting the variance because of the existing zoning ordinance. He said that every property on Starview Drive don't meet the setbacks in the zoning ordinance and anytime anyone in the neighborhood wants to make an improvement to their property a variance is requested.

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

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

D. PUBLIC COMMENTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

**Discussion on the extension of BA#12-40-21 Joliet Building corp. Variances
BA# 12-40-21 JOLIET BUILDING CORP VARIANCES**

The applicants were granted to construct a new 16' x 16' platform foundation with a 10' x 10' concrete bunker structure to raise the existing cross to a height of 125' and to continue to allow for the existing 25' arms of the cross to be over the property lines in an A-1, Agricultural District. They are requesting to build the bunker 5' from the left and right-side yards; they will need a 45' variance to the 50' required. The property, located along Military Road approximately .66 miles west of the City of Dubuque, is legally described as Lot 1-1-2-1-1-1-1-1 SW Section 11, (T88N-R2E) Table Mound Township, Dubuque County, Iowa.

Ms. Henry said the applicants were requesting an extension of the variance request because they ran into issues completing the project.

Speaking to the board was Tim McCaffery, 4722 Prairie Bird Rd., Anamosa. Mr. Schroeder administered the following Oath asking the participant to raise his hands. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" He said yes.

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Mr. McCaffery said the hired engineer had retired before the project was complete. They had to hire a new engineer which took time and it set the project behind schedule. He said that they want to start back up with the project in the spring and have it finished by the end of the summer. Mr. McCaffery said there are no changes in the initial plans. Ms. Henry said it was up to the board to decide the length of the extension.

A motion was made by Mr. Link, **seconded by Ms. Switzer to approve the extension of the variances until December 31, 2023. The motion passed unanimously. Vote: 4-0.**

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 7:23 p.m.