

Dubuque County Zoning Board of Adjustment Minutes of the December 5, 2023 meeting

Vice Chairperson Michelle Switzer called the meeting to order at 7 p.m.

A. ROLL CALL: Members present at the Dubuque County West Campus, 1225 Seippel Road: Michelle Switzer, Loras Link, Dave Klein and Penny Wulfekuhle. Ben Schroeder 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 Mr. Link, **seconded by Mr. Klein and passed unanimously to approve the Minutes of the November 8, 2023 meeting. Vote: 4-0.**

C. PUBLIC HEARINGS:

BA#12-45-23

PATRICK & TAMMY KLEIN

VARIANCE

The applicants are requesting to build a 30' x 22' detached garage in a R-1, Rural Residential zoning district. They are requesting to build 50' from the front lot line along Gregory Lane, they will need a 30' variance to the 80' required. The property is located at the corner of Mueller Parkway and Gregory Lane approximately 1.31 miles southeast of the City of Sherrill and is legally described as Lot 7 Woodland Park Sub, Section 20, T90N, R2E, Peru Township, Dubuque County, Iowa.

The property is 1.23 acres with a Single-Family Home. The applicants will use the existing access off Gregory Lane to access the detached garage. The applicants plan to match the siding to the existing home. Ten (10) letters were sent, (8) were delivered and the City of Sherrill was notified. Richard & Diane Grace and James Hall & Molly Dougherty did not pick up their letters. There were no comments regarding this case.

Speaking to the board was Patrick & Tammy Klein, 13724 Mueller Parkway, Sherrill. Ms. Switzer 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. Ms. Switzer asked if they had anything to add to their case.

Mr. Klein said they would like to build the detached garage for additional personal storage. Mr. Klein asked if they intend to place gutters and downspouts on the detached garage to direct the water runoff onto their own property. Mr. Klein said yes.

Ms. Switzer asked if anyone had additional questions, no one spoke.

A motion was made by Mr. Klein, **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.**

BA#12-46-23

JOSEPH & SARAH FOLEY

VARIANCE

The applicants are requesting to build a 30' x 26' detached garage in a R-3, Single Family Residential zoning district. They are requesting to build 5' from the right-side lot line, they will need a 10' variance to the 15' required. The property is located along Robin Hood Dr approximately .17 miles northwest of the City of Dubuque and is legally described as Lot 12 Block 4 in Sherwood Park, Section 10, T89N, R2E, Dubuque Township, Dubuque County, Iowa.

The property is .37 acres with a Single-Family Home and detached shed. The applicants will remove the existing shed and replace it with an upgraded shed in the same location. Fifteen (15) letters were sent, thirteen (13) were delivered and the City of Dubuque was notified. William & Janet Laban and Nathan & Karin Harbin did not pick up their letters. Derek Schumacher and Jacob Foley said they were in favor of the variance request. Daniel Call said he purchased the existing shed from the applicants, and he was also in favor of the variance request.

Speaking to the board was Joseph Foley, 11353 Robin Hood Dr., Dubuque. Ms. Switzer 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. Ms. Switzer asked if he had anything to add to their case.

Mr. Foley said the existing shed that was removed was placed on the property line and the new shed will be placed 8' to 10' feet away from the property line so this will be a better location for the shed. Mr. Foley said he will add gutters and down spouts to the detached garage.

Speaking to the board was Leisha Schumacher via zoom, 11339 Robin Hood Dr., Dubuque.. Ms. Switzer 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. Switzer asked if she had anything to add to the case.

Ms. Schumacher said that she has spoken to the Foley's regarding the placement of the detached garage, and she is in favor of the variance request.

Speaking to the board was Jacob Foley, 16587 Corey Daniel Court, Dubuque. Ms. Switzer 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. Ms. Switzer asked if he had anything to add to the case.

Mr. Foley said he was a neighbor, and he was in favor of the variance request.

Ms. Switzer asked if anyone had additional questions, no one spoke.

A motion was made by Ms. Wulfekuhle, **seconded by Ms. Switzer 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.

BA#12-47-23

RIVER CITY STONE

SPECIAL USE PERMIT

LAVONNE STEFFENSMEIER

STEFFENSMEIER FAMILY REVOCABLE TRUST

The applicants are requesting a Special Use Permit to add approximately 3.7 acres to be allowed to expand an existing quarry in an A-1, Agricultural zoning district. The property, located along Nature Trail Lane approximately .59 miles southwest of the City of Dyersville, is legally described as Lot 1 NE NW, Section 7, T88N, R2W, Dodge Township, Dubuque County, Iowa.

The property is 14.26 acres with an aggregate quarry that has been operational for decades. The property is a local and reliable source that provides substantial aggregate resources for Dubuque County and Northeast Iowa. A plat will be created to add the 3.7 acres to the existing 14.26-acre parcel of quarry ground subject to the approval of the Special Use Permit. Six (6) letters were sent, six (6) were delivered and the City of Dyersville was notified. There were no comments regarding this case.

Ms. Henry explained that when the Special Use Permit was requested the Zoning Office and Surveyor noticed that a small portion of the property was sitting in the public right of way so when the plat is drawn up for the sale it will correct the property line issue.

Ms. Henry said the current platting ordinance will not allow to create a piece of A-1, Agricultural land less than 35 acres, however, Ms. Henry explained to the board that the Steffensmeier Family was able to prove they were farm exempt. She said this is why they can create the 3.7-acre piece of A-1, Agricultural land to add it to the existing 14.26-acre parcel for expansion of the quarry.

Speaking to the board was Lavonne Steffensmeier, Steffensmeier Family Revocable Trust, 124 6th Street NW, Dyersville. Ms. Switzer 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.

Speaking to the board was Tristan Gardner, Manager of Mathy Construction dba River City Stone, 1350 Wachter Ave, Plaines, Illinois. Ms. Switzer 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?” He said yes. Ms. Switzer asked if he had anything to add to the case.

Mr. Gardner said they had an accepted offer to purchase the 3.7-acres to expand the quarry. Mr. Link asked if the expansion would affect the water flow and Mr. Gardner said no.

Ms. Henry said River City Stone will still have to meet all state regulations operating the quarry and if there are any complaints filed with the zoning office regarding the quarry it would then be brought back to the Board of Adjustment for review of the Special Use Permit.

Ms. Wulfekuhle asked Mr. Gardner if they obtain the 3.7-acre piece of land do they intend to expand further in the future? Mr. Gardner said no. He said 3.7-acres will provide a large amount of material for future production.

Ms. Switzer asked if anyone had questions, no one spoke.

A motion was made by Mr. Link, **seconded by Ms. Switzer to approve the Special Use Permit. Ms. Switzer, Mr. Link and Ms. Wulfekuhle voted in favor of the motion. Mr. Klein abstained from the vote. The motion passed unanimously. Vote: 3-0.**

D. PUBLIC COMMENTS:

E. OLD BUSINESS:

F. NEW BUSINESS:

Ms. Henry said the next meeting will be January 9, 2024.

Discussion on the extension of BA#07-26-22 & Zoning Certificate #8163-22-100 Jared Urbain/Bernard & Mary Urbain-Special Use Permit. Ms. Henry said it was the Zoning Offices error that this extension request was not placed on the November agenda. Mr. Urbain said he was unable to finish the project due to financing issues. However, he has installed the well, septic system, and electrical. Mr. Urbain says with the extension he will be able to complete the construction of the building.

A motion was made by Ms. Wulfekuhle, **seconded by Ms. Switzer to approve the extension of Special Use Permit/Zoning Certificate until September 23, 2024. The motion passed unanimously. Vote: 4-0.**

G. ADJOURNMENT: A motion was made by Mr. Link, seconded by Ms. Switzer and passed unanimously to adjourn. Vote: 4-0. The meeting adjourned at 7:27 p.m.