

**Dubuque County Zoning Board of Adjustment
Minutes of April 5, 2016**

Chairperson Pat Hickson called the meeting to order at 7 p.m.

A. ROLL CALL: Members Present: Pat Hickson, Ron Koppes, Darlene Burds, & Connie Nolan. Staff Present: Anna O’Shea & Angela Steffens.

B. APPROVAL OF MINUTES: A motion was made by Mr. Koppes, **seconded by Ms. Burds and passed unanimously to approve the Minutes of the March 1, 2016 meeting. Vote: 4-0.**

C. PUBLIC HEARINGS:

1. BA#04-07-16 KENNETH & ANDREA JAEGER VARIANCES

The applicants are requesting a 34’ right side yard variance to the 50’ required to build 16’ from the right side and a 53’ front yard variance to the 80’ required to build a 30’ x 80’ home addition and a 24’4” x 34’4” attached garage addition 26’ from the front street line, Koltas Lane, in an R-1, Rural Residential zoning district. The property, located along Koltas Lane approximately 1.75 miles north of the city of Sageville, is legally described as Lot 2A Wells Ferry Add; Lot 2-1-1-1-1-1-1-1-1-1 SE ¼ NE ¼ Section 21, (T90N R2E) Peru Township, Dubuque County Iowa.

Ms. O’Shea stated this property is approximately .83 of an acre with an existing home and garage. The Jaegers want to attach the garage to the home and expand the size of the home. The well is in the front yard and the septic system is in the back yard. Six letters were sent, six were delivered and the city of Sageville was notified.

Speaking to the Board was Ken & Andrea Jaeger, 10369 Boleyn Rd, Dubuque. Mr. Hickson administered the following Oath asking the participants to raise their right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” They both said yes.

Ms. Jaeger stated they purchased the home after her father passed. They want to add onto the garage so that will attach to the home. She stated the home is currently about 1,000 square feet and the addition will allow more square footage for their family.

Ms. Burds asked if there were any comments from their neighbors? Ms. Jaeger stated one of the neighbors is her sister. The other neighbors are ones that lived there when she was growing up in the home and had no concerns.

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

Mr. Koppes asked what is the size of original garage? Mr. Jaeger said it is 60’ x 24’.

Mr. Koppes asked what is the purpose of such a large garage? Ms. Jaeger said the portion that is being added to the existing garage is for their personal vehicles. The rest of the garage would be for their storage so that things can be stored inside and not sitting outside.

A motion was made by Ms. Burds, **seconded by Mr. Koppes to approve the variances with the condition that the attached garage addition is for personal use only and no business use is allowed. The motion passed unanimously by a vote of 4-0.**

2. BA#04-08-16 BRENT MANTERNACH & RUTH FRIEDMANN

SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to place a 40' x 72' accessory building on a non-conforming A-1, Agricultural zoning district. The property, located along Olde Worthington Road approximately 1.52 miles north of the city of Worthington, is legally described as Lot 1 NW ¼ NW ¼ Section 20, (T88N R2W) Dodge Township, Dubuque County Iowa.

Ms. O'Shea stated this property is 6.8 acres and has a home and accessory structure. The property owners want to add a 40' x 72' storage shed next to the existing accessory structure. There was a previous Special Use Permit approved in 1988 for a 24' x 36' accessory structure. The property is a residential use in an A-1, Agricultural district so a Special Use Permit is needed. Three letters were sent, three were delivered and the city of Worthington was notified.

Speaking to the Board was Brent & Ruth Manternach, 8867 Olde Worthington Rd, Worthington. Mr. Hickson administered the following Oath asking the participants to raise their right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" They both said yes.

Mr. Manternach stated they want to build a shed for their tractors, mowers, camper and other personal storage. He said he would also have a workshop for his own personal use.

Ms. Nolan asked what is currently stored in the shed that is already on the property? Mr. Manternach said he parks his car in the shed, mowers, lumber storage and a small shop.

Ms. Burds asked if there were any comments on the case? Ms. O'Shea said there were no comments on this case.

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

A motion was made by Ms. Nolan, **seconded by Mr. Koppes to approve the Special Use Permit with the condition that the accessory building is for personal use only and no business use is allowed. The motion passed unanimously by a vote of 4-0.**

3. BA#04-09-16 RONALD & DEBRA HERBST VARIANCE

The applicants are requesting a 28' variance to the 50' required to place a 30' x 30' accessory building 22' from the left side lot line in an R-1, Rural Residential zoning district. The property, located along Hammerand Road approximately 2.05 miles east of the city of Sherrill, is legally described as Lot 1 Joyce's Place Section 16, (T90N R2E) Peru Township, Dubuque County Iowa.

Ms. O'Shea stated this property is 7.6 acres with a home. The property owner wants to place an accessory structure on the property but will not meet the left side yard setback. Six letter were sent, six letters were delivered and no city was notified.

Ms. O’Shea stated there was one comment. Sherene Lochner, 10289 Boleyn Rd, Dubuque. She stated she is for the variance and has no problem with the new shed.

Speaking to the Board was Rick & Carol Smith, 10327 Dixie Dr, Dubuque. Mr. Hickson administered the following Oath asking the participants to raise their right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” They both said yes.

Mr. Smith stated they want to build a storage shed. Where they are going to place the shed it is flat on the left side of the lot and will not be able to meet the 20’ setback. It would be for storage and his personal wood working tools.

Ms. O’Shea said that the aerial maps are off slightly and the Smith’s had a survey preformed, which shows the lot lines that they used to do their measurements.

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

A motion was made by Ms. Burds, **seconded by Ms. Nolan to approve the variance. The motion passed unanimously by a vote of 4-0.**

7. BA#04-13-16 DARIN & JENNIFER SHULISTA VARIANCES

The applicants are requesting a 36’ front yard variance to the 80’ required to build at 44’ from the front lot line and a 42’ right side variance to the 50’ required to place a 24’ x 32’ attached garage 8’ from the right side yard in an R-1, Rural Residential zoning district. The property, located along Melissa Court approximately .55 miles south of the city of Dubuque, is legally described as Lot 13 Country Haven Sub Section 22, (T88N R2E) Table Mound Township, Dubuque County Iowa.

Ms. O’Shea stated this lot is 1.14 acres and is narrow along the front by the cul de sac. The Shulista’s had the lot surveyed to be able to add a 24’ x 32’ attached garage onto the home. They will need two variances to be able to build the attached garage. Nine letters were sent, seven were delivered and the city of Dubuque was notified.

Mr. Hickson asked if there were any comments for this case? Ms. O’Shea stated there were no comments for this case.

Speaking to the Board was Darin Shulista, 8746 Melissa Ct, Dubuque. Mr. Hickson administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Shulista stated that he wants to add a 24’ x 32’ attached garage for storage. The home is not currently at the correct setback from the front street line so that is the reason for the front street line variance. He said the garage would be set back 4’ from the front of the home. He spoke to Mr. Stocks who is the neighbor closest to where the garage addition will be added and he has no problem with the garage. He stated he is the fourth owner of the property. He would like to be able to keep things from being stored outside and park his truck inside that currently is parked outside.

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

Speaking to the Board was Larry Gansen, 8749 Melissa Ct, Dubuque. Mr. Hickson administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Gansen stated his concern is who would be responsible if there is damage done to the road during construction?

Mr. Hickson asked who maintains the road currently? Mr. Gansen stated it is a private drive that the homeowners contribute to a fund. He said if there is any damage, they all have to contribute. Ms. O’Shea said Melissa Ct is a private road and the county has no responsibility for the road.

Mr. Shulista said he spoke with his contractor and he is going to haul ½ loads of concrete instead of full loads. They will be pouring three walls and the garage floor. They have propane deliveries on the road, other neighbors have replaced their driveways, also Mr. Gansen poured a wall around his shed. Mr. Gansen stated he has no problem with Mr. Shulista putting up a garage he just does not want the expense of fixing the road if there is damage.

Mr. Hickson asked Mr. Gansen how many yards of concrete were on the truck? Mr. Gansen said maybe about 2 ½ yards. Mr. Hickson said the road issue is something the homeowners are going to have to dispute.

Mr. Koppes asked if there is a homeowners association? Mr. Shulista said there is no homeowners association or covenants. They all pay a share to maintain the road. Ms. O’Shea stated that there could be a condition on the variance, but they have not done any condition pertaining to roads before.

Speaking to the Board was Ben Krapfl, 8800 Melissa Ct, Dubuque. Mr. Hickson administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Krapfl stated he had work done on his home and had trucks into his property and did not cause any damage to the road.

Speaking to the Board was Keith Stocks, 8762 Melissa Ct, Dubuque. Mr. Hickson administered the following Oath asking the participant to raise his right hand. “Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?” He said yes.

Mr. Stocks stated he is the closest neighbor to the new garage that would be built and has no issues with the garage. He said in regards to the road, it would be something that would have to be dealt with when it happens.

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

A motion was made by Ms. Burds, **seconded by Ms. Nolan to approve the variances. The motion passed unanimously by a vote of 4-0.**

D. PUBLIC COMMENTS:

Introduction of Jay Wickham-New Board of Supervisor Member

Ms. O’Shea introduced Mr. Wickham to the Board. He stated he is going to the various Board meetings to help in his understanding of how each Board operates. He thanked the Board for their service and commitment.

E. OLD BUSINESS:

Discussion Regarding Court Hearing

Ms. O’Shea stated in regards to the Shooting Range Court Case, the judge agreed with the county’s attorney and is going to review the evidence first and then if there were questions or additional testimony it will be heard on Wednesday, April 20, 2016 at 2:30 P.M. at the Courthouse.

F. NEW BUSINESS: None

G. ADJOURNMENT: A motion was made by Mr. Koppes, seconded by Ms. Burds and passed unanimously to adjourn. Vote: 4-0. The meeting adjourned at 8:22 p.m.