

Zoning Board of Adjustment Minutes – June 7, 2016

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

A motion was made by Mr. Koppes, **seconded by Ms. Nolan to approve the variance with the condition that the new home meets all Health Department requirements for well and septic systems. The motion passed unanimously by a vote of 4-0.**

2. BA#06-17-16 SHEREE KUTSCH DALBKERMAYER VARIANCES

The applicant is requesting a 25' right side yard variance to the 50' required to build 25' from the right side yard, a 45' left side yard variance to the 50' required to build 5' from the left side yard and a 59' front street line variance to the 80' required to replace the existing home with a 54' x 28' new home and a 24' x 26' detached garage 21' from the front street line Mud Lake Road in an R-1, Rural Residential zoning district. The property, located along Mud Lake Road approximately .95 miles northeast of the City of Sageville, is legally described as Lot 2-2-1-2-1-2 SE ¼ NE ¼ Section 28, (T90N R2E) Peru Township, Dubuque County Iowa.

Ms. O'Shea stated this lot is only .54 acres and has flood plain in the back half of the lot. The property owner wants to replace the home with a new doublewide manufactured home and add a 24' x 26' detached garage. Because the lot is only 100' wide in the R-1, Rural Residential zoning district and there is flood plain in the rear of the yard, a variance is needed. Eight letters were sent, eight letters were delivered and the City of Sageville was notified. Ms. O'Shea also spoke with the County Engineer about this property because they are working on Mud Lake Road and he did not have any problems with the request.

Speaking to the Board was Sheree Kutsch-Dalbkermeier, 12324 Sleepy Hollow Road, Dubuque. Mr. Hickson administered the following Oath asking the participant to raise her right hand. "Do you solemnly swear you will tell the truth, the whole truth and nothing but the truth?" She said yes.

Mr. Hickson asked if there were any comments on this case? Ms. O'Shea said no comments were received for this case.

Ms. Kutsch-Dalbkermeier stated she would like to replace the existing doublewide on the property with a new doublewide and a garage. She said because she is going a little longer and wider that is why the variances are needed.

Mr. Hickson asked if any of the neighbors expressed concerns? Ms. Kutsch-Dalbkermeier said she spoke to the neighbors on each side of her and she said they did not have any problems.

Mr. Hickson asked where the septic system is located? Ms. O'Shea said in the back yard and the well is located in the front. Ms. Steffens stated that the Health Department has signed off on the septic system stating it is up to code.

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

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A motion was made by Ms. Burds, **seconded by Ms. Nolan to approve the variance with the condition that the new home meets all Health Department requirements for well and septic systems. The motion passed unanimously by a vote of 4-0.**

3. BA#06-18-16 CHAD & JENNIFER WERNIMONT VARIANCE

The applicants are requesting a 16' right side yard variance to the 20' required to build a 30' x 40' detached garage 4' from the right side yard in an R-2, Single Family Residential zoning district. The property, located along Asbury Road approximately .05 miles west of the City of Asbury, is legally described as Lot 3 Ken Hartig Sub No. 1 Section 13, (T89N R1E) Center Township, Dubuque County Iowa.

Ms. O'Shea stated that this lot is .92 acres and the Wernimont's own the lots on either side of their home. The new shed is going in the rear yard away from their septic system and will be accessed by the existing driveway. Eight letters were sent, eight letters were delivered and the City of Asbury was notified. There was one comment submitted to the Zoning Office from Hiram Heysinger, 15773 Clover Ln, Dubuque. Mr. Heysinger stated he did not have any issues with the variance.

Speaking to the Board was Chad Wernimont, 15850 Asbury Rd, 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. Wernimont stated he wants to build a 30' x 40' detached garage for his personal use only. The reason for the placement of the garage is to avoid the septic as well as there is a 3' height difference in the concrete in the driveway and this is so the concrete to the driveway runs straight down to the shed.

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

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

4. BA#06-19-16 ROBERT & RAMONA CONRAD SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to build a 16' x 30' addition onto an existing accessory structure thereby expanding a non-conforming residential use in the A-1, Agricultural zoning district. The property, located along Flannagan Road approximately 1.63 miles north of the City of Rickardsville, is legally described as Lot 2 SE ¼ NE ¼ Section 14, (T90N R1W) Concord Township, Dubuque County Iowa.

Ms. O'Shea stated this lot is 1.06 acres and has a home and two accessory structures. The well and septic system are behind the home. The property owner wants to add a 16' x 30' addition to his existing shed. In 2012, the Conrad's received a Special Use Permit for the 30' x 60' building, which they are adding onto. The addition will not need a variance but it is a non-conforming use in an agricultural district and will require a Special Use Permit. Five letters were sent, five were delivered and the City of Rickardsville was notified. There was one comment submitted to the Zoning Office from Ken & Diane Hannan, 21975 Flannagan Rd, Holy Cross. The Hannan's stated they have no problem with the Special Use Permit.

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Speaking to the Board was Robert Conrad, 22005 Flannagan Rd, Holy Cross. 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. Conrad stated he is wanting to add an addition to the existing shed. He will be using it for storage and for a truck that his son and him are restoring. It will be for his personal storage only and he said he has no desire to run any type of business out of the building. The new addition will not be heated.

Ms. Nolan asked what the size of the existing structure? Mr. Conrad stated 30’ x 60’.

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

A motion was made by Mr. Koppes, **seconded by Ms. Burds to approve the Special Use Permit with the condition that the addition to the existing accessory structure is for personal use only. The motion passed unanimously by a vote of 4-0.**

5. BA#06-20-16 EPWORTH SPORTSMENS GUN CLUB/GERALD & BARBARA FELDMANN/MARY LASSANCE SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to build a 28’ x 44’ storage shed on an existing shooting range and thereby expanding a non-conforming use in the A-1, Agricultural zoning district. The property, located along Gun Club Road approximately 1.58 miles north of the City of Epworth, is legally described as Lot 3 Hefel Farm Sub in Section 34 and Lot 2 of the E ½ of the SW ¼ NW ¼, Lot 1-1-2 NW ¼ SW ¼, Lot 2-1 NE ¼ SW ¼, Lot 1 NW ¼ SW ¼, Lot 2-2 NW ¼ SW ¼ all in Section 35, (T89N R1W) Iowa Township, Dubuque County Iowa.

Ms. O’Shea stated this property is 8.66 acres and is being used as a shooting park in the A-1, Agricultural zoning district. A Special Use Permit is being requested to expand a non-conforming use. Epworth Sportsmen’s Gun Club want to build a storage shed on their property. They will be platting the property to acquire all of the land they are currently using for the shooting park. Five letters were sent, four were delivered and the City of Epworth was notified. There was one comment submitted to Zoning Office from Clair Hefel, 12792 Gun Club Rd, Epworth. Mr. Hefel stated that he has no problem with the request for the Special Use Permit.

Speaking to the Board was Duane Ahmann, 609 W Main, Epworth and Rick Boffeli, 111 4th Ave Court SW, Epworth. 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 said yes.

Mr. Ahmann stated they are in the process of platting the property with the neighbors to obtain the property that they currently occupy. The reason for the building is for storage for their grills they use for the events they have on the property and it will also allow them to create parking closer to the facility for handicapped people who access the property. The new shed will be 18’ x 32’ with a covered patio, with a total of the new shed being 28’ x 44’.

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

A motion was made by Mr. Koppes, **seconded by Ms. Burds to approve the Special Use Permit. The motion passed unanimously by a vote of 4-0.**

6. BA#06-21-16 EPWORTH SPORTSMENS GUN CLUB/GERALD & BARBARA FELDMANN/MARY LASSANCE VARIANCE

The applicants are requesting a 25' rear yard variance to the 50' required to place a 28' x 44' storage shed at 25' from the rear yard in an A-1, Agricultural zoning district. The property, located along Gun Club Road approximately 1.58 miles north of the City of Epworth, is legally described as Lot 3 Hefel Farm Sub in Section 34 and Lot 2 of the E ½ of the SW ¼ NW ¼, Lot 1-1-2 NW ¼ SW ¼, Lot 2-1 NE ¼ SW ¼, Lot 1 NW ¼ SW ¼, Lot 2-2 NW ¼ SW ¼ all in Section 35, (T89N R1W) Iowa Township, Dubuque County Iowa.

Ms. O'Shea stated that the new property lines that will be created with the plat that is being filed will allow each property owner to maintain the ground they are currently using. The new shed will need to have a variance. Four letters were sent, three were delivered and the City of Epworth was notified. There was one comment submitted to Zoning Office from Clair Hefel, 12792 Gun Club Rd, Epworth. Mr. Hefel stated that he has no problem with the request for the variance.

Mr. Hickson stated to Mr. Ahmann and Mr. Boffeli that they are still under oath. Mr. Ahmann said the variance is needed so the new shed can be placed as far against the hill as it will go to keep it level.

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

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

7. BA#06-22-16 ROBERT & BARBARA CALLAHAN SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to replace an existing building with a new 50' x 80' accessory building and to expand a non-conforming residential use in the A-1, Agricultural zoning district. The property, located along Sundown Road approximately 3.35 miles northwest of the City of Bernard, is legally described as Lot 2 O'Briens Second Addition Section 8, (T87N R1E) Prairie Creek Township, Dubuque County Iowa.

Ms. O'Shea stated this property is 9.7 acres and has a home and several buildings on it. The Callahan's want to tear down the current 40' x 80' building and replace the building with a new 50' x 80' accessory structure. The residential use is a non-conforming use in the A-1 zoning district. Two letters were sent, two were delivered and no city was notified.

Mr. Hickson asked if there were any comments on this case? Ms. O'Shea said no comments were received for this case.

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Speaking to the Board was Bob Callahan, 4037 Sundown Road, Bernard. 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. Callahan stated the current building on the property is in bad shape and he wants to replace it with a new 50’ x 80’ shed. The new shed will face the home and be set back further than the current shed from the road.

Mr. Koppes asked what the shed is used for? Mr. Callahan said he stores vehicles, lawn mower, golf cart and storage.

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 Ms. Burds to approve the Special Use Permit. The motion passed unanimously by a vote of 4-0.**

D. PUBLIC COMMENTS: None

E. OLD BUSINESS:

1) Discussion on Court Hearing

Ms. O’Shea stated there has not been a decision made on the court case involving the Shooting Range at this time. There also have not heard anything else regarding the Merfeld Case.

F. NEW BUSINESS: None

G. ADJOURNMENT: A motion was made by Ms. Burds, **seconded by Ms. Nolan and passed unanimously to adjourn. Vote: 4-0. The meeting adjourned at 7:42 p.m.**