

Mr. Sarazin stated they built the fence because the neighbor's behind their property were running atv's late at night. The neighbors were also shooting a gun into the gravel driveway towards his property. He said they decided to build a fence for the safety of their family. They called the Zoning Office to see if he would need a permit to build a fence. He said he was told a permit was not needed for the fence and was not informed that the fence could only be 6' tall in the rear yard. They started a year and half ago building the fence. Ms. Sarazin stated they wanted the fence for privacy and also because it is safer to be in the backyard with the grandkids further away from the road.

Ms. Burds asked how tall the fence is currently? Mr. Sarazin approximately 8' tall. Mr. Sarazin said they installed a high quality sturdy fence that will blend in the scenery.

Mr. Hickson asked Ms. O'Shea what is the ordinance for fences? Ms. O'Shea stated in the residential areas it is 6' tall maximum in the rear of the property.

Ms. Burds asked what the reasoning for the 6' tall requirement? Ms. O'Shea stated it is because residential fences are between neighbors and 6' tall tend to be high enough.

Mr. Koppes asked if anyone from the Zoning Office went out and looked at the fence? Ms. O'Shea said yes, pictures were taken before the Letter of Violation was sent out. Then once Mr. Sarazin received the Letter of Violation, he confirmed the fence was 8' tall.

Ms. O'Shea stated that she was unaware of the height of the fence being 8'8" and was informed within the last few days that may be the case.

Mr. Sarazin stated he used 8' tall lumber and depending on the dips in the yard, the height of the fence might vary.

Ms. O'Shea stated the Zoning Office did not go on the property to measure the fence. Ms. O'Shea stated she could go and measure the fence if the Board would request it.

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

Ms. Burds said she would like to have the fence measured before a decision is made. Ms. O'Shea said she could do that as long as they have permission from the Sarazin's. Mr. Sarazin said that would be fine with him.

Mr. Griep asked if anyone has objected to the variance request? Ms. O'Shea said no one actually objected to the request. Mr. Sarazin said they would also agree to not to extend the fence any further.

Ms. O'Shea said she would be concerned if there was a lawsuit that the fence be a 8' tall maximum. She would prefer that the case be tabled so she can go out and measure the fence.

A motion was made by Mr. Koppes, **seconded by Ms. Burds to table the variance until the December 6, 2016 meeting so Ms. O'Shea can measure the fence. The motion passed unanimously by a vote of 5-0.**

2. BA#11-54-16 JAMES & JULIE GROSS SPECIAL USE PERMIT

The applicants are requesting a Special Use Permit to replace an existing mobile home with a new 12' x 56' mobile home with a 12' x 20' screened in porch which will expand a non-conforming residential use in the M-2, Heavy Industrial zoning district. The property, located on Riverside Road approximately .10 miles north of the City of Dubuque, is legally described as Lot 2-6A of Gov Lots 5 & 6 and the W ½ of the SW ¼ all in Section 36, (T90N R2E) Peru Township, Dubuque County Iowa.

Ms. O'Shea stated that this property is .81 acres and had a mobile home on the property with a well & septic system. The new owners would like to replace the mobile home with a new 12' x 56' mobile home, with a 12' x 20' screened porch. There is a well, septic and address still on the property although the Health Department said the Gross's would need to get the septic system inspected. Three letters were sent, three letters delivered and the City of Dubuque was notified. There were no comments submitted regarding this case.

Speaking to the Board was James & Julie Gross, 18040 Riverside 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.

Mr. Gross stated they would like to replace a mobile home that was previously on the property prior to them purchasing the property. There was a mobile home on the property that was removed within the last two years. There is currently a 900 gallon septic tank on the property that has been inspected already and passed. There is a well pump pressure tank that is in working condition as well as 200 amp electric service on the property. Ms. Gross said there are no close neighbors that would be effected by the mobile home being placed on the property.

Ms. Nolan asked if the water from the river has reached the property? Ms. Gross said the train tracks are located along the property and are about 15' lower than this property and the water has never reached the train tracks.

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

Mr. Thomas Buelow, 2881 North Ridge Dr, Dubuque came forward. 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. Buelow stated he owns property that adjoins the Gross's property. He said that he is in favor of the requests. He stated the Gross' have been cleaning up the property and removing a large amount of tires that have littered the property prior to their purchase.

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 Special Use Permit. The motion passed unanimously by a vote of 5-0.**

3. BA#11-55-16 JAMES & JULIE GROSS VARIANCE

The applicants are requesting a 10' left side yard variance to the 20' required to replace an existing mobile home with a new 12' x 56' mobile home with a 12' x 20' screened in porch 10' from the left side yard, which will expand a non-conforming residential use in the M-2, Heavy Industrial zoning district. The property, located on Riverside Road approximately .10 miles north of the City of Dubuque, is legally described as Lot 2-6A of Gov Lots 5 & 6 and the W ½ of the SW ¼ all in Section 36, (T90N R2E) Peru Township, Dubuque County Iowa.

Ms. O'Shea stated the property owners are replacing an old mobile home with a new mobile home. They want to stay closer to the left side yard where the property is flat and is out of the Flood Plain. Two letter were sent, two letters were delivered and the City of Dubuque was notified. There were no comments submitted regarding this case.

Mr. Hickson reminded Mr. & Mrs. Gross that they were still under oath. The Gross' had nothing else to add.

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 5-0.**

4. BA#11-56-16 BRUCE & LAURA WUERTZER VARIANCE

The applicants are requesting a 79' front yard variance to the 80' required to build a 26' x 28' attached garage 1' from the front lot line in a C-1, Conservancy zoning district. The property located along Mud Lake Road approximately 2.79 miles north of the City of Sageville, is legally described as Lot 2-7 Parson's Ferry Hollow Section 15, (T90N R2E) Peru Township, Dubuque County Iowa.

Ms. O'Shea stated that this property is 2.1 acres with a home. The county purchased right of way to build a wall and then decided not to build the wall on Mud Lake Road. The Wuertzer's asked for a 78' variance in March of 2015 to build a 26' x 24' garage but never built. Now they would like to build a 26' x 28' garage and need a 79' variance. The County Engineer had no problem with the 1' setback from Mud Lake Road but would like the shed moved out of the right of way or be removed from the property. Fifteen letters were sent, thirteen were delivered and there was no city notified. There were no comments submitted regarding this case.

Speaking to the Board was Bruce & Laura Wuertzer, 11299 Rock Grove Ct, 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. Wuertzer stated they would like to build a garage slightly larger than what they asked for in 2015. In regards to the shed being moved, in an agreement with the county when right of way was purchased, the County was supposed to build a level pad so the shed could be moved on the property. Ms. Wuertzer said since the county only resurfaced the road the shed is not in the way since a wall was never built. The shed has been on the property in the same location for the last 30 years.

Ms. Burds asked why would they want the shed moved if the wall is not going to be built? Mr. Wuertzer stated because it is located in the right of way the county purchased.

Mr. Koppes asked Ms. O’Shea if the shed has anything to do with the variance request? Ms. O’Shea stated the shed was granted a 5’ variance as part of the variance request in 2015 to move the shed. The shed was not part of this request for the larger garage.

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 Mr. Koppes to approve the variance. The motion passed unanimously by a vote of 5-0.**

D. PUBLIC COMMENTS: None

E. OLD BUSINESS:

1) Review & Take Comments on Home Industry Zoning Amendment

Ms. O’Shea said there was no new information to present to the Board at this time. The Board said they are still against the Home Industry.

F. NEW BUSINESS:

1) Discussion on extension of BA#09-47-06 Steve & Tammy Juran

Ms. O’Shea stated Mr. Juran was approved for a 28’ x 30’ garage with a 15’ left side yard variance, 25’ right side variance and 10’ rear yard variance in 1998. In 2006, Mr. Juran requested to add onto the existing garage another 20’ so the new garage would be 20’ x 28’ with the same variances and moving a 1 car garage 15’ from the right side property line was approved at the same time. Fifty-three property owners were notified and the City of Asbury was notified. Mr. Juran never built the addition in 2006 and is now asking for an extension to build the addition within the next few months.

Speaking to the Board was Steve Juran, 15570 Hales Mill Rd, Dubuque. He stated he was very ill after the variances were approved and medical bills had to be taken care of first. Then the City of Asbury was going to annex the property.

Mr. Koppes said 10 years is too long to ask for an extension and the case should be presented to the Board if the he would like to still build the garage addition.

Mr. Juran said he is unable to do anything with his property unless he asks for a Special Use Permit or Variance. Ms. O’Shea said that this property is zoned A-1, Agricultural and is the most strict in regards to setbacks. She said Mr. Juran has the option to ask to have the property rezoned, but at this time he is just asking for the extension. She feels that the area has new property owners and they might not be the same ones that were notified 10 years ago.

Mr. Juran said he spoke to the adjoining neighbors and stated they had no objection but has nothing in writing.

Ms. Nolan asked Mr. Juran how many times in the last 10 years did he contact Ms. O’Shea? Mr. Juran stated he came in about 3 years ago to see what he could do.

A motion was made by Mr. Koppes, **seconded by Ms. Nolan to deny the extension of the Special Use Permit and variance request. The motion passed unanimously by a vote of 5-0.**

G. ADJOURNMENT: A motion was made by Ms. Burds, **seconded by Ms. Nolan and passed unanimously to adjourn. Vote: 5-0. The meeting adjourned at 8:05 p.m.**