

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
March 9, 2021
Supervisors Office, First Floor, Courthouse, Waukon, IA**

Meeting was called or order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2021
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024
	VACANT		12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator and Mandy O'Neill, Administrative Assistant. All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Others Present: Ann Langford, Mary Kay Shepard, Henry Shepard, Dawn Henning, Patty Frana, Jim Lass, Keith Frana via Zoom, John and Phyllis Verdon via Zoom, Brad Winters via Zoom

Klees made a motion to approve the agenda as presented. Keatley seconded. MCU.

Keatley made a motion to approve the July 23, 2020, September 30, 2020, and November 23, 2020 meeting minutes as presented. All in Favor. MCU.

Public Hearing:

1. Runkle presents staff report regarding Jim Lass's application for a variance request at 1915 Blue Heron Lane in Lansing, Iowa to reduce the side yard setback of 30' to 13' and the front yard setback to 23'. The owner plans to put in a new 1-stall garage that will be attached and constructed to match the house. The property has a detached 1-stall garage and covered breezeway connecting it to the home. The new garage would match the footprint of the existing garage and attach to the home providing ADA accessibility to the home from the garage. The new garage would also match the house in material and height. Lass informs the board that after the surveyor located the edge of the property he realizes he actually needs a variance for a 5' side yard setback, rather than a 13' side yard setback. Runkle informed the board that the variance application states 13' feet, so if Lass need 5' he needs to reapply with correct distance and the board is only able to vote yes or no on the variance submitted. Bud Pratte clarified that they could not change the application at a meeting, Runkle concurred. Hank Shepard asked the board to be able to address Lass. Pratte granted Shepard permission. Hank Shepard asked Lass about his plans and stated that more clarification was needed and could have been better described that the northwest corner of the property was going to be unchanged. Pratte questions the visibility of the people living behind the property, Averhoff asked about an overhang on the garage, Lass commented the overhang of the new garage will be 24" versus the current 48" overhang of the house. Brad Winters expressed his objection to the project via zoom, stating previous boards decisions as his basis for opposition. Klees reads aloud section 507.3 of the Allamakee County Zoning Ordinance. Keith Frana, via zoom, inquired about the height, width, and length within the building permit. Lass mentions that with the new survey shows that he actually needs a 5' variance for the set back on the side yard, instead of the original 13'. Pratte states Lass will have to re-apply and the process will have to start over because of the need for the 5' instead of 13'. Klees made a motion to table the decision, resubmit with correct measurements and start over. Averhoff seconds motion. All in favor. MCU

Keatley made a motion to adjourn. Klees seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator and Mandy O'Neill Administrative Assistant- Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
March 23, 2021
Supervisors Office, First Floor, Courthouse, Waukon, IA**

Meeting was called or order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2021
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024
	VACANT		12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator and Mandy O'Neill, Administrative Assistant. All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Others Present: Mary Kay Shepard, Henry Shepard, Jim Lass, Brad Winters, Mark Boland, Brenda Lass via zoom, Keith and Patty Frana via zoom & Laurie Moody, Environmental Health Sanitarian via zoom.

Klees made a motion to approve the agenda as presented. Averhoff seconded. MCU.

Klees made a motion to approve the March 9, 2021 meeting minutes as presented; Keatley seconded. All in Favor. MCU.

Public Hearing:

2. Runkle presents staff report addendum regarding the continuation of Jim Lass's public hearing of his application for a variance request at 1915 Blue Heron Lane in Lansing, Iowa to reduce the side yard setback of 30' to 5.3' and the front yard setback of 25' to 24.1'. The owner plans to put in a new 1-stall garage that will be attached and constructed to match the house. The property has a detached 1-stall garage and covered breezeway connecting it to the home. The new garage would match the footprint of the existing garage and attach to the home providing ADA accessibility to the home from the garage. The new garage would also match the house in material and height.

Pratte asked if the audience had anything they would like to add.

-Brad Winters spoke of his frustration of prior projects done in their neighborhood.

- James Lass stated his roofline of the newly constructed garage will not have higher roofline and that the NW corner will be in the same exact spot as the current detached garage.

- Mark Boland stated the board assured neighbors 2 years ago that their view would be protected, and he doesn't want to get burned again.

A discussion took place on if the board can write a stipulation for life long of the property which resulted in "No".

-Brad Winters spoke about a new ordinance needing to be developed for our county which has community involvement in the planning. Runkle advised that there is hope to be working on an updated zoning ordinance in the next year.

Klees made a motion to accept the variance as it stands under the condition that the roof line of the new garage be no higher than house roof line. Averhoff second's motion. All in favor. MCU

Keatley made a motion to adjourn. Klees seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator and Mandy O'Neill Administrative Assistant- Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
March 30, 2021
Supervisors Office, First Floor, Courthouse, Waukon, IA**

Meeting was called or order at 4:33 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2021
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024
	VACANT		12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator and Mandy O'Neill, Administrative Assistant. All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Others Present: Russ Seay and Jake Steele representing AMG via zoom; Loren Fiet, Cynthia Fiet and Wayne Kloke

Klees made a motion to approve the agenda as presented. Keatley seconded. MCU.

Keatley made a motion to approve the March 23, 2021 meeting minutes as presented; Pratte seconded. All in Favor. MCU.

Public Hearing:

3. Runkle presents staff report regarding AMG Technology Investment Group's public hearing of their application for a consideration of a conditional use permit to build a telecommunications tower to provide high speed internet at 816 Teeple Creek Road in Waukon, Iowa. The tower under consideration would be a 120' high mono pole with a base of 4' wide in diameter and a 4'-0" x 4'-0" concrete pad surrounding the base.

-Loren & Cynthia Fiet are adjoining property owners to the South and have concerns about Lorens pacemaker and merlin transmitter having interruption with the new tower proposal. They explain there is a repeater on their phone, and they have concerns about it interfering with the tower. Russ Seay speaks, on behalf of AMG Technology, stating that cable TV, cell phones and computer use have the same waves as this tower will produce. Fiet did speak with his cardiologist, who has never had a patient live that close to a tower. Wayne Kloke is a neighbor to the North of the property, who has the same concerns as Fiet. Seay states this tower will be run through the Connect America Fund that utilizes 5.1-5.8 GHZ, which is below FCC output thresholds.

-Klees asks AMG Technology if there is any consideration of an alternative location? Fiet states he heard they would like to place the towers every 10 miles. Seay stated they are in hopes of applying to spread the towers every 6-8 miles. Steele said they need flat land next to power availability. They don't intend to ever cut into harvestable land.

-Jake Steele showed maps of current towers they have placed and also showed their licensed areas in Iowa. Seay makes mention that the tower will not have a light on top nor anything flashing. There will also not be any guidewires from the tower to the ground, based on soil conditions. The tower will be embedded and rebar will reinforce the concrete pad.

-Fiet is requesting a written guarantee of no interference with the merlin system. Klees asks Seay if this is possible and he agrees that someone in engineering can provide this in writing.

Motion made by Klees and seconded by Keatley to approve the conditional use permit with the condition in writing that someone within the AMG company can assure medical devices, such as the merlin, will not be affected.

New Business: Pratte goes over the newly proposed 2021 Allamakee County Comprehensive Plan and zoning ordinance restructure needs.

Averhoff made a motion to adjourn at 5:40PM. Klees seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator and Mandy O'Neill Administrative Assistant- Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
May 4, 2021
Supervisors Office, First Floor, Courthouse, Waukon, IA**

Meeting was called or order at 4:33 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:

			Term Expires
Chair	Bernard Pratte	Present	12/31/2021
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024
	VACANT		12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator and Mandy O'Neill, Administrative Assistant. All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Others Present: Tim Hogan and Brian Jermeland via zoom; Scott Berg, Ray & Jill Palmer, Fred Meierkord, Don Humes

Klees made a motion to approve the agenda as presented. All In Favor. MCU.

Keatley made a motion to approve the March 30, 2021 meeting minutes as presented. All in Favor. MCU.

Public Hearing:

1. Lansing Properties LLC 1456 Highway 9, Lansing-Consideration of a 7' Variance in order to redraw the property line from its current location to in between two of the buildings.

After discussion and review it was determined that the variance is appropriate in between the two buildings as it is necessary for the newly proposed re-zoning from I-1 to R-2 and C-1. Klees made a motion to accept the 7' variance and Keatley seconded. All in favor. MCU

2. Timothy and Brenda Hogan at Lot 30 Harpers Highlands, Harpers Ferry

Hogan is requesting to build a residence 25' into the 40' front yard setback. Per the Allamakee County Supervisors meeting this morning, Hogan was granted his application to build 15' into the bluffland protection district. Hogan mentions he is purchasing the neighboring lot for space only, not building on it. Averhoff made a motion to approve variance and Klees seconded. All in favor. MCU

3. Brian and Patricia Jermeland 1751 Views End Lane, Lansing

This property is triangular shaped with multiple easements at the front of the property and a steep grade toward the back of the property. To build further away from the front yard would require an enormous amount of fill to get the property to a buildable level, which is why they are requesting the 21' variance from the front yard setback of 40'. Keatley made a motion to approve the variance and Averhoff seconded. All in favor. MCU

4. Donald and Jaime Humes at 560 Cottage Road, Harpers Ferry

The Humes property has county ROW angling through it which creates an interesting lot to consider setbacks. They would like to build a 24'x42' cabin resulting in a zero-foot front and rear yard setback. Discussion took place on septic plans and floodplain permits. Keatley made a motion to approve the variance of a zero-foot setback under the condition that Humes' gets their floodplain permits with DNR and CORE approval. Averhoff seconded. All in favor. MCU

5. Ray and Jill Palmer at 657 Hwy 364 Unit 11, Harpers Ferry

Palmer's request for a variance is to build on a lot with less than 3 acres of buildable area excluding ROW and easements. DNR and CORE have approved their flood plain permit. After discussion and review, Averhoff made a motion to approve the variance for Palmer's to build their new home on the lot and Klees seconded. All in favor. MCU

Averhoff made a motion to adjourn at 6:05PM. Klees seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator and Mandy O'Neill Administrative Assistant- Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
June 8, 2021
Supervisors Office, First Floor, Courthouse, Waukon, IA**

Meeting was called or order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2021
	Gene Averhoff	Absent	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024
	VACANT		12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator and Mandy O'Neill, Administrative Assistant. All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Others Present: Russ Seay with AMG, Larry & Angela Plaht, property owners.

Keatley made a motion to approve the agenda as presented; Klees seconded. All In Favor. MCU.

Pratte made a motion to approve the May 4, 2021 meeting minutes as presented; Klees seconded. All in Favor. MCU.

Public Hearing:

1. **AMG Technology Investment Group Nextlink**, of 95 Parker Oaks Ln Hudson Oaks, Texas has applied for a conditional use permit for a telecommunications tower to provide high speed internet to be placed at **518 Hardin Drive Postville, IA**; The tower under consideration would be a 120' high mono pole with a base of 4' wide in diameter and a 4'-0" x 4'-0" concrete pad surrounding the base. The property is located 3 miles from Postville, right on the county line. Discussion took place about other companies in the area providing internet and will they want to join this tower, resulting in the answer of no due to the towers size. Seay, with AMG stated the construction of the tower will begin the end of July. Klees made a motion to approve the conditional use permit and Keatley seconded. All in favor. MCU

Pratte made a motion to adjourn at 4:50PM. Keatley seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator and Mandy O'Neill Administrative Assistant- Date

ALLAMAKEE COUNTY PLANNING AND ZONING COMMISSION MEETING
June 21, 2021

Roll call of Commission Members:			Term Expires
Vice-Chair	Jack Knight	Present	2021
	James Garrett	Absent	2022
Chairperson	James Pladsen	Present	2023
	Duane Leppert	Present	2024
Vacant	Absent		2025

Members Present: Duane Leppert, Jack Knight, Jim Pladsen

Members Absent: James Garrett

Others Present: Mandy O’Neill, Administrative Assistant and Stephanie Runkle- Zoning Administrator

Others Present Via Zoom Meetings: Mark & Jeanne Haight, Sarah Grover

**All Board Members voting “AYE” unless otherwise noted. MCU = Motion Carried Unanimously*

Call to Order: P & Z meeting was called to order at 6:04 pm by Chair Jim Pladsen

Approval of Agenda: Motion by Leppert; Seconded by Knight. All in favor. MCU

Approval of Minutes: Motion by Knight. Seconded by Leppert. All in favor. MCU

Public Comment: None

New Business:

(A) Public Hearing- CONTINUATION- Sarah Grover- Amend zoning map from Agricultural (A1) to Low Density Residential (R2) to permit the split of the 3-acre parcel into three divisions with one portion to remain owned by Mrs. Grover, the second to be owned by Jeannie Haight, and the third to be given back to the adjoining Heffern Family, LLC. Parcel ID #1729400007. Sarah Grover and Mark & Jeanne Haight were on Zoom. Discussion took place for future generations use. Haight’s state per their lawyer, this is an investment with updating their cabin and its in their best interest to own the land their cabin is sitting on. The board has concerns of the future use of the land by allowing a residential subdivision in an ag district, stating they need to be caution of setting a precedent for future land use areas. At previous meetings there was discussion of an easement and septic issues. Grover states there is an easement being made with Shafer, their lawyer, for Haight and Jack Heffern, adjoining landowner. Grover states the septic plans are made with Laurie Moody, Environmental Health Sanitarian. Motion made to table zoning request by Leppert and seconded by Knight until further research can be done on how many R2 districts are created an existing in the middle of an A1 district.

(B) Subdivision Plats

- a. Trevor & Mary Ann Clark- After discussion of the Clark’s subdivision plat, where 40 acres +/- is being sold, Leppert made a motion for approval, Knight seconded, MCU.
- b. David & Pamela Kruger- After discussion of the Kruger’s subdivision plat of selling 4 acres to their son and daughter in law, Leppert made a motion for approval, Knight seconded, MCU.
- c. Dennis Curtin- After discussion of Curtin’s subdivision plat, where approximately 14 acres +/- is being sold, Knight made a motion for approval, Leppert seconded, MCU.
- d. Mark D & Barbara A Howe and Patrick J & Karran J Ryan have adjoining land which will be both sold to Allamakee County Conservation for a canoe access and restroom

area. After discussion took place, Knight made a motion for approval, Leppert seconded. MCU

Old Business: Discussed Leon & Regina Manning agreement letter for conditional zoning.

Reports: None

Adjourn: There being no further business to discuss, motion by Knight/Seconded by Leppert to adjourn. Motion stands with meeting adjourned at 7:10 pm MCU

Please notify the undersigned for any errors, omissions, or corrections.

Stephanie Runkle Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
June 29, 2021
Supervisors Office, First Floor, Courthouse, Waukon, IA**

Meeting was called or order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2021
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024
	VACANT		12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator and Mandy O’Neill, Administrative Assistant. All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Others Present: Gary Buresh, Bernice Fischels, Alan Janiszewski, Bob Hager, Jim Janett, Todd & Lori Balekos, Phil & Nadine Steines

Klees made a motion to approve the agenda as presented; Keatley seconded. All In Favor. MCU.

Pratte made a motion to approve the June 8, 2021 meeting minutes as presented; Klees seconded. All in Favor. MCU.

Public Hearing:

2. **Allamakee County Conservation-** Consideration of a Variance for two parcels less than 3-acres each and to allow for a 9’x8’ restroom to be built with a 10’ setback from the front yard. The properties are zoned A-1, Agricultural which has a minimum of 3 acre and a front yard setback of 40’. Jim Janett explained where restrooms and canoe access will be located. There is good site visibility in both directions and there is now one legal description for the two parcels. Keatley made a motion to approve the variance as it stands and Klees seconded. All in favor. MCU
3. **Balekos Property Holdings LLC-** Consideration of a Variance in order to build a new home on their parcel zoned R-1 (Low Density Residential District) which is less than three acres of buildable area and to build with a 0’ setback on the front and rear yard. Per Laurie Moody’s report, Environmental Health Sanitarian, the proposed structure is 10’ off the holding tank. Klees made a motion to approve the variance as it stands and Pratte seconded. All in favor. MCU
4. **Alan Janiszewski-** Consideration of a Variance in order to have a structure with a 10’ side yard setback, where a 30’ would be required. Janiszewski’s property is zoned A-1, Agricultural. The 660’ garage was built in 2018 without a building permit. The carpenter and Alan communicated while Alan was living in Illinois and not present at the property. Notices were mailed by Stephanie, Zoning Admin on 4/7/21 stating the building was in violation of the zoning ordinance, with another letter being mailed to the updated address on 5/3/21 to have the building moved by 6/15/21. Phil Steines spoke on behalf of the homeowners association maintenance agreement about concern future neighbors may have with how close the garage is to the property line. Klees made a motion to approve the variance on the condition that in the event Janiszewski sells or transfers the property the new owner must move or destroy the garage within 12 months. The building does not have to be moved as long as Alan owns the land. Averhoff seconded motion.

5. **Robert & Kristi Hager-** Consideration of a Variance for a future subdivision with a parcel less than 3-acres in an A-1 zoned area. A-1, Agricultural requires a minimum 3-acre parcel. Discussion took place of the third proposed parcel only being .05 acres short of the needed 3 acres for a conforming lot. The minimum acreage requirement for agriculturally zoned property is not necessarily a “hardship”. Consideration of allowing 2 larger lots instead of three smaller lots. Pratte made a motion to approve the variance as it stands and Keatley seconded. Klees-Nay. MCU

Pratte made a motion to adjourn at 6:08PM. Averhoff seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator

Date

Minutes taken by Mandy O'Neill, Administrative Assistant

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
July 27, 2021
Supervisors Office, First Floor, Courthouse, Waukon, IA**

Meeting was called or order at 4:30 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2021
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024
	VACANT		12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator. All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Others Present: Jacob and Dawn Colsch, Jan Ellingson, Shannon Breitenstein were present via Zoom.

Klees made a motion to approve the agenda with corrections; Keatley seconded. All In Favor. MCU.

Public Hearing:

6. **Jacob and Dawn Colsch (347 Thomas Road, Harper's Ferry)**- Consideration of a Variance in order to have a structure with a 14' front yard setback, where a 25' would be required. The Colsch's property is zoned R-1, Residential and has a front yard setback of 25'. Runkle presented the staff report and power point along with her recommendation of approval. The Board questioned the Colsches and reasoning for the attached garage at the location indicated. The Colsches explained that with the slope of the property and location of the current septic, right up against the house on the north side, having the attached garage on the north side was the best location. Averhoff questioned whether there were any neighbor notices received back, specifically in opposition. Runkle explained there was one and presented it to the Board to read. A discussion was had between the Colsches and the Board regarding the letter. Keatley made a motion to approve the Variance as it stands, Pratte seconded. All in favor. MCU

7. **Shannon Breitenstein (LOT 4 N 1/2 SE NE of Section 30, Township 97N, R5W, Parcel ID: 1530200015)** - Consideration of a Variance for a front and side yard setback of zero foot, where a 40' and 10' are required. The property is zoned A-1, Agricultural. Runkle presented the staff report, power point and recommendation for approval. In her report Runkle mentioned the erosion, which is occurring on the west side of the property and really hinders the amount of building space that Breitenstein has in order to build. Runkle has instructed Breitenstein to obtain a survey prior to applying for the next step on the process, which is building in the bluffland as the survey would accurately show what is considered buildable on this lot. Klees interjected that would be wise and made a motion to approve the Variance as it stands, Keatley seconded it. All in Favor. MCU.

8. **Jim Donithan (1822 Buck Lane, Harper's Ferry)** - Consideration of a Variance in order to have a structure with a structure with a 0' rear yard setback, where a 30' would be required. The Donithan's property is zoned A-1, Agricultural. Runkle presented the staff report, power

point, and recommendation for approval. After discussion amongst the Board Members Averhoff made a motion to approve the Variance as it stands, Pratte seconded. All in Favor. MCU.

9. Runkle mentioned the telecommunications act of 1996 as it had come up in a conversation amongst some Zoning Administrators as a way of not being able to address health concerns when deciding the location of tower. She clarifies that this information is out there and she will be researching it more and if they wanted to look at it more they could.

Kealtley made a motion to adjourn at 5:58 PM. Averhoff seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator

Date