

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
January 11, 2022**

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	12/31/2026
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Ann Klees	Present	12/31/2024
	VACANT		12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator; Mandy O'Neill, Administrative Assistant; Laurie Moody, Environmental Health Sanitarian

Others Present: Colton & Tessa Willie; Teresa Severson; Jack Knight; Samantha Sherwood; Robert Johnson

Others Present Via Zoom: Melissa Collum- Postville Herald

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

****PUBLIC IS MADE KNOWN MEETING IS BEING RECORDED****

Approval of Agenda: Motion by Pratte; Keatley seconded. All In Favor. MCU.

Appointment of Chair and Vice Chair: Motion by Averhoff to appoint Bud Pratte as BOA Chair and Dennis Keatley as Vice Chair; Klees seconded. All in Favor. MCU.

Approval of December 14 Minutes: Motion by Keatley; Klees seconded. All In Favor. MCU.

Public Hearings:

- 1. Robert Johnson and Samantha Sherwood at 1835 Lycurgus Rd, Waukon, Iowa**
Parcel ID: 1003300018. The petition request is in consideration of a Variance in order to have a structure with a 3' Rear Yard Setback, where a 30' would be required. The property is zoned A-1, Agricultural. 8 neighbor's letters were mailed out and 5 were returned, all in favor of the project to build a 36'X48' garage. Moody makes comment that when the building permit is issued, the structure must remain 10' from the septic area and if it doesn't, a smaller footprint may be needed. Klees makes a motion to accept the proposed variance for 3' from rear lot line; Pratte seconded. All in Favor. MCU.
- 2. Tessa and Colton Willie for their property at 578 Lonnings Dr, Dorchester, IA.** The property is zoned A-1, Agricultural. The petition request is an appeal of Zoning Administrator's decision concerning the Bluffland Protection Overlay Districts. The definition of bluffland, impact zone and protection district are all reviewed. No building or excavating is allowed whatsoever in the impact zone which is the bottom 10' and the top 50'. With Planning & Zoning approval in the bluff protection district, it can be a buildable or an excavated area in the bottom 30' and top 50'. Explanation given by Runkle that 45-degree incline or decline that runs longer than 50' is bluffland. Runkle presents slide presentation with a timeline of contact with the Willies that began in the Planning and Zoning office on 11/15/21. Runkle tells Tessa it was evident from the Beacon website there was no Bluffland on parcel 0502200037. Parcel 0502200040 however had one spot on the west side of the parcel that clearly contained bluffland and another spot to the east had bluff, but there was a question as to how much. It was hard to identify where the bluffland started and where it stopped, including the location of the Top of Bluff and the Toe of Bluff. Willie was encouraged to

effect in 2008- so any trail to be cut, needed to be done before 2008, so logging trails were there then. The safety factor with this huge pit behind where they want campsites is a big concern- not just public safety, but well and septic placement as sand nearby is not good. Laurie can avoid these issues when she does the planning and currently, they don't have a permit to have what they've installed, and they cannot get near the sidewall of the sandpit. Decorah Electric has put in the electric poles and Averhoff asks if there was a permit for that. Runkle states our office wouldn't need to know about that. Willies are told they shouldn't have started without consulting Planning and Zoning. Willie mentions they have a lot of money into this project to stop now, a \$250,000 loan. Runkle states with the board of adjustments making exceptions is what we do- some things in our county are arbitrary and some aren't- this case is not arbitrary- they are not applying for a variance; they are applying to do what they've already done in the bluffland, and it is a really big deal. Pratte states it could have been dealt with ahead of time. Tessa asks about using the newly created road and Runkle states right now they are not allowed to use the road. Averhoff asks if campsites are going to have cement slabs and Tessa said yes. Averhoff asks about setbacks for the campsites on said parcel. Runkle states we haven't gotten that far as no building permit was applied for and no site plan given other than what they proposed to Laurie Moody for septic needs, but that they would need to be 30' off the rear, 40' off front of property line and 10' from the side before placing sites. Averhoff states, so we're going to need to be working on a variance next and Runkle agreed. Klees asks how do you get yourself into a \$250,000 loan and not know what you're getting into? Colton states again, "we didn't think we needed approval, as we pay the taxes on our land." Runkle states she would have asked them to get a soil engineer to prove its strippings, before work, not after. Jack Knight speaks on behalf of Planning and Zoning Commission and says that between these two boards, they always try to make things work for property owners, but property owners need to provide proof before a project, not after. Averhoff states the boards job is to make exceptions and compromises, but they don't know where to start now. Colton states they need to figure something out as they have too much skin in the game, and they've worked too hard to get this place as he's came along ways and doesn't agree they keep saying the bluff is ignorance as he didn't know. Runkle said in her job she can't go door knocking to ask if they know about flood plain or bluffland. She's sorry they didn't know, but this is on a property owner to check. Keatley explains he's sympathetic to the situation, but they are here to determine if this property is or isn't bluffland. Willie's state Benzing Surveying was out to mark the property line in September and has been to the property three times to mark different things and no mention of bluffland was made to them. Severson, Moody and Runkle explained its unfortunate Ryland hadn't said anything about the bluffland. Knight mentions there's nothing in the ordinance stating a manmade pile at the end of a quarry can't be a bluff. Now that the bluff is destroyed, the only way to know is from utilizing Beacon as our tool and Benzing Surveying's lidar map.

Pratte made a motion that parcel 0502200040 is a bluff, therefor the appeal is denied. Klees seconded. All in Favor. MCU. The Willies are told the next step is to go to Clerk of Court. Runkle told Willies they can use parcel 0502200037 as it isn't in question. Keatley tells Willies to work very closely with Stephanie from here on out. Runkle states they will all work together- Planning and Zoning Commission and Environmental Health included. No need to be setting a precedent as there have been three people in the office recently dying to bulldoze in the bluffland. It's time to look into redoing portions of the ordinance, as it is 13 years old. Moody makes mention of driveway permits and knowing the slope- these things need to be applied for. Runkle states with the past building permits, they didn't have to deal with setbacks as they were working with existing buildings. Planning and Zoning Commission will meet on 1/18/22 at 5pm and will discuss this.

Adjourn: Pratte made a motion to adjourn at 6:10 PM. Klees seconded. MCU. Pratte declared the meeting adjourned.

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
March 22, 2022**

Supervisors Office, First Floor, Courthouse, Waukon, IA

Meeting was called or order at 5:00 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Ann Klees	Present	12/31/2024
	VACANT		12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator; Mandy O'Neill, Administrative Assistant

New Business: Site Visit - Site Visit to Parcel ID: 0502200040, 578 Lonings Dr. in consideration of a variance from the rear yard setback of 10' rather than the 30' required. After a tour of the sight and discussion. No decision was made.

Adjourn: Klees made a motion to adjourn at 5:15 PM. Pratte seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
March 29, 2022
Supervisors Office, First Floor, Courthouse, Waukon, IA**

Meeting was called on 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: Zoning Administrator Stephanie Runkle, and Mandy O'Neill Administrative Assistant.

Others Present: Bonnie Smola, Melissa Collumn and Ric Zarwell via zoom. Colton & Tessa Willie, Merle Honn & Jim Pladsen in person.

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

****Meeting is being recorded and minutes are available in P & Z Office****

Klees made a motion to approve the January 11 meeting minutes; Pratte seconded. All In Favor. MCU.

Keatley made a motion to approve the March 22 meeting minutes; Klees seconded. All In Favor. MCU.

Public Hearing:

- 1. Tessa Willie (578 Lonnings Drive, Dorchester)** Requesting a variance for a 10' rear yard setback where a 30' setback is required for 10 concrete pads for camping. And one concrete pad at a 0' side yard setback. Property is zoned A1 Agricultural. Runkle reads staff report to the board. Klees then asks if Willies have any alternative plans to show.

Averhoff is concerned with erosion. Colton Willie states there will be a fence in place and vegetation and that they will haul dirt in. There will be plants and shrubbery. Averhoff asks what kind of fence they will place and Tessa states fiberglass posts that will stay with the property line. Klees states if someone gets their foot heavy on the gas pedal, they will be into the sand pit. Colton states it's the same on the river side. Klees advises Colton but this time they're creating something new, and safety is an issue. Keatley asks if campers can be angled and kept away from electric pedestal, and he also suggests a curbstop to prevent backing up too far.

Averhoff asks if the county is liable for something the board has made an exception for. Runkle states there is liability of the county by granting such a Variance. If the county were to grant the Variance the County Attorney insists on a Limited Liability Waiver between the property owners and the County, which would limit the liability of the County in the event of harm or injury to people or property utilizing the Upper Iowa Resort Campground. Jill Kistler will assist Runkle in preparation of this waiver.

Jim Pladsen asks how active the quarry is. Runkle states she spoke with Bill Croell and they are mostly pulling from the SW corner and about 2 loads of sand per week.

Colton states each site is 50' long and they are 47' apart from one another. Discussion then takes place of having the curbstop at 20' to get axle weight at the front and the concrete pad 10' from the electric pedestal.

Klees made a motion and Averhoff seconded to approve a Variance of 20' for the rear yard setback where 30' would be otherwise required on the condition of:

- Installation of a 4' high fence at/near the rear yard property line with visible caution signs,
- The installation of curb stops at 20' from the rear yard property line,
- Stabilization of the campsite grounds as needed with vegetation,
- The signing of a limited liability waiver which absolves the county of any liability between the county and the owners of Upper Iowa Resort to be drafted and approved by the Assistant County Attorney,
- Annual inspections of the campsite to be performed by the property owner to address possible erosion issues.

Klees made a motion to adjourn at 5:30 PM. Keatley seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
May 17, 2022
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
	Anastasia Cook	Present	12/31/2025

Staff Present: Zoning Administrator Stephanie Runkle, and Mandy O'Neill Administrative Assistant.

Others Present: Clark Mellick, Nathan Leas, Diane Nolting, Joe & Sarah Christen, Katelyn Abrams, Brian Vandebogart, Krystal Johnson, Lucy & Trevor Harwood, John Miller, Clark Stilwell and Nancy Harvey.

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

****Meeting is being recorded and minutes are available in P & Z Office****

Klees made a motion to approve the agenda today; Averhoff seconded. All in favor. MCU.

Averhoff made a motion to approve the March 29 meeting minutes; Keatley seconded. All In Favor. MCU.

Public Hearing:

- 2. David & Jeanette Heitman (1911 Gun Tower Rd, Lansing)** A petition request has been filed in consideration of a Variance in order to have a structure with a 5' Front Yard Setback, where a 40' would be required. The property is zoned A-1, Agricultural. Runkle states Heitman has been working on this variance for a long time, back to two years ago with previous Zoning Administrator, Tom Blake. Allamakee County Engineer, Brian Ridenour, states the County right of way is only 40' on Gun Tower Road. Motion by Averhoff to approve an 18' variance; Pratte seconded. All in favor. Motion Carried.
- 3. Krystal Johnson (1206 Elon Drive, Waukon)** A petition request has been filed in consideration of a Conditional Use in order to have a glamping site (campground) on her property. The property is zoned A-1, Agricultural. Laurie Moody, Environmental Health Sanitarian and Stephanie Runkle, Zoning Administrator went on a site visit to the property. There is no porta potty or electricity on site. There aren't neighbors visible for 250' to the East and North. Johnson states Air BNB covers insurance for the glamper person. Diane Nolting presented as an adjoining neighbor and has concerns about trespassing and fencing. Sheriff Mellick states no trespassing signs should be posted, as well as cameras and if there are noted issues, to contact the sheriff's office with a license plate number. Discussion took place that the fence shall be agreed upon with Johnson and Nolting for repairs. Keatley makes a motion to approve the conditional use and that adjoining landowners come to an agreement for maintaining fence. Klees adds to the motion that a finalized porta potty plan needs to be made; Klees seconded. All in favor. Motion carried.

- 4. Russel & Cynthia Berger (510 Radio Park Ln, Waukon)** A petition request has been filed in consideration of a Variance in order to have a structure with a 17' Front Yard Setback, where a 50' would be required and a 0' side yard setback, where 10' would be required. The property is zoned C-1, Commercial. Dave Ericson completed a survey for the proposed building site. Joe & Sarah Christen explained their objection due to blocking their view. Clark Stilwell voiced concerns about blocking the easement to the storage units. Trevor Harwood, renter and buying property on contract from Russel & Cynthia Berger, states the sheds siding will be vinyl to match the house and there will be 10' side walls. Klees makes a motion to table a decision until a site visit is completed; Cook seconds. All in favor. Motion carried. A site visit has been scheduled for May 23 at 4:30 with a meeting at the courthouse afterwards to make a decision.

- 5. Nathan Leas (604 Old Sixteen Rd, Waterville)** A petition for a Variance has been filed in order to have a Salvage Yard at his property in order to maintain and repair cars. This property is zoned Industrial-1 and would need to be zoned I-2 to have a salvage yard. Leas is asking for a use variance to have a salvage yard within his current zone. Discussion took place on used oil placement, as well as spent batteries and tires. Leas states he has a waste oil burner and will follow DNR & EPA regulations. Runkle states in essence, no body wants a salvage yard next to them due to visual barriers. There will be junk vehicles along West woods line and a fence along the road from the shop to the South. This is in an area along the Driftless Scenic Byway and Runkle hasn't heard a response from them. Leas states he needs to obtain a salvage license to buy and sell catalytic converters. Klees makes a motion to send this case to Planning & Zoning Commission to have property rezoned to I-2 prior to a conditional use permit; Cook seconded. All in favor. Motion carried.

Katelyn Abrams was here to present on behalf of her and her husband Micah's property at 1121 Park Rd, Waukon. Her husband and father, Dave Howard, would like to build a shed and per Howard's banker, he must have ownership in the property. The Board of Adjustments agreed to hear the variance application, to create a parcel less than 3 acres, at the next meeting on June 14.

Keatley made a motion to adjourn at 6:30 PM. Klees seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
May 23, 2022**

**Site Visit at 510 Radio Park Lane, Waukon, Iowa @ 4:30 with a continuation
@ 5:15 in Supervisors Office, First Floor, Courthouse, Waukon, IA**

4:30 Site Visit: 510 Radio Park Lane, Waukon Iowa

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Ann Klees	Present	12/31/2024
	Ana Cook	Absent	12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator

Others Present: Trevor Harwood, Lucy Harwood, Joe Christen, and Sarah Christen

The Board of Adjustments arrived at 510 Radio Park Lane. The board was told the new revised garage plans by the Harwoods. The Harwoods had changed their plans from a 50' x 32' garage with a boat upholstery business to a 26' x 26' garage. Zoning Administrator, Stephanie Runkle, Board Member Ann Klees, and Trevor Harwood measured out the new building area so everyone could get a visual. After discussion the Board went back the Supervisor's room for the meeting.

5:15 Board of Adjustments meeting the Supervisor's Office

Meeting called to order at 5:15 P.M. by Chair Bernard Pratte.

Roll Call of Commission Members:			Term Expires
Chair	Bernard Pratte	Present	12/31/2026
	Gene Averhoff	Present	12/31/2022
Vice-Chair	Dennis Keatley	Present	12/31/2023
	Ann Klees	Present	12/31/2024
	Ana Cook	Absent	12/31/2025

Staff Present: Stephanie Runkle, Zoning Administrator

Others Present: Trevor Harwood, Lucy Harwood, Joe Christen, and Sarah Christen

New Business: Continuation of consideration of application of a variance at 510 Radio Park Lane, Waukon IA 52151. At the Site visit Trevor and Lucy explained

that they were willing to reduce the size of their structure from a 50' x 32' garage/boat upholstery to a 26' x 26' garage. Zoning Administrator Runkle had drawn up a site plan with the new dimensions and passed it around. Pratte asked about the official variance request which is now a 41' front yard variance where a 50' one is required and a 6' +/- depending on the exact location of the property line. The building is to be 26' east of the sidewalk to the front door. Averhoff asks the Christens if they can compromise on these new variances and the Christens said they could. Klees made a motion to approve the new plan of a 41' front yard setback and a 6' +/- side yard setback with the garage construction starting at the easterly side of the front door sidewalk and continuing east for 26'. Keatley seconded the motion, All in Favor, MCU.

Adjourn: Pratte made a motion to adjourn at 5:26 PM. Klees seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
June 14, 2022
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
	Anastasia Cook	Absent	12/31/2025

Staff Present: Zoning Administrator Stephanie Runkle, and Mandy O'Neill Administrative Assistant.

Others Present: Dave Heitman, Dave Howard & Kaitlyn Abrams

All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

****Meeting is being recorded and minutes are available in P & Z Office****

Keatley made a motion to approve the agenda today; Klees seconded. All in favor. MCU.

5/17/22 Minutes: Averhoff made a motion to approve; Pratte seconded. All in favor. MCU

5/23/22 Minutes: Klees made a motion to approve; Keatley seconded. All in favor. MCU

Old Business:

Dave Heitman present to discuss the 18' variance he was granted on 5/17/22. Dave explained his fence line being 5' from the 20' set back and he would like more of Brian's input. Board members are ok with whatever Brian says as his opinion was influential in the decision.

Public Hearing:

6. Micah & Katelyn Abrams (1121 Park Rd, Waukon)

The petition request is in consideration of a Variance for a future subdivision with a parcel less than 3-acres in an A-1 zoned area where a 3-acre minimum is required. parcel. Micah and Katelyn's father, Dave Howard, would like to build a shed and per Howard's banker, he must have ownership in the property to protect him financially. After discussion, Averhoff makes a motion to accept the variance but that the property must stay under the same ownership once subdivided/Keatley seconded. All in favor. MCU

Keatley made a motion to adjourn at 5:30 PM. Klees seconded. MCU. Pratte declared the meeting adjourned.

Stephanie Runkle, Zoning Administrator

Date