

**MINUTES OF THE MEETING OF THE
ALLAMAKEE COUNTY BOARD OF ADJUSTMENTS**

January 29, 2020

Board of Supervisors Office, First Floor, Courthouse, Waukon, Iowa

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

Roll call of Commission Members:			Term Expires
	Gwen Brainard	Absent	12/31/2020
Chair	Bernard Pratte	Present	12/31/2021
Vice-Chair	Nancy Walleser	Present	12/31/2022
	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024

Staff present: Tom Blake, Zoning Administrator. All Board members voting “AYE” unless noted. MCU means Motion Carried Unanimously.

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

Walleser made a motion to approve the November 21, 2019 meeting minutes as presented. Keatley seconded. MCU.

Public Hearings

Brian Barrett, 367 Smoky Hollow Road, Harpers Ferry – Consideration of an application for a variance, reducing the front yard setback from 40 feet to 24 feet to allow the construction of a residence. Blake presented the list of property owners notified and advised that one neighbor opposed the granting of a variance. The Staff Report was presented, recommending that the structure could be built without a variance if it was moved as close as possible to the north property line. Barrett indicated that the ground sloped upwards there and it would make maintenance and access to that side of the building very difficult. Pratte made a motion to approve the smallest variance necessary to allow placement of the structure and directed Blake and the property owner to verify property line locations and place house, using as little of the variance as possible and still allow access to north side of house. Klees seconded the motion. Ayes: Pratte, Walleser, Klees and Keatley. MCU.

Klees made a motion to adjourn. Keatley seconded. MCU.

Thomas Blake, Zoning Administrator and Board Secretary

Minutes of the Meeting of the
Allamakee County Board of Adjustments
July 23, 2020
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
	Vacant	Absent	12/31/2020
Chair	Bernard Pratte	Present	12/31/2021
Vice-Chair	Vacant	Absent	12/31/2022
	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024

Staff Present; Tom Blake, Zoning Administrator. All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

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

Klees made a motion to approve the January 29, 2020 meeting minutes as presented. Pratte seconded. MCU.

Public Hearings:

- a. Hansmeier, Daryl, 1320 Elon Drive, Waukon, IA – Consideration of an Application for a Conditional Use, establishing a campground in an A-1 district, thereby allowing a cabin/guest house as a short term rental on a parcel with the owners residence and a second residences. Blake presented a staff report and a site plan for the property submitted by Hansmeier. The owner plans to move a house from another site onto this one. The septic and well has the approval of the Environmental Health Department. No one had filed an objection to the request. Blake recommended that the use be approved, in accordance with the site plan submitted. Pratte made a motion to approve the request. Klees seconded. MCU.

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

Thomas J. Blake, Secretary and Zoning Administrator

Minutes of the Meeting of the
Allamakee County Board of Adjustments
September 30 , 2020
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
	Vacant	Absent	12/31/2020
Chair	Bernard Pratte	Present	12/31/2021
Vice-Chair	Vacant	Absent	12/31/2022
	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024

Staff Present; Tom Blake, Zoning Administrator. All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Keatley made a motion to remove the July, 2020 minutes from the agenda and to approve the agenda as so amended. Klees seconded. MCU.

Public Hearings:

- b. Gallagher, Michael C. 932 Forest Mills Road, Waukon, IA – Consideration of an Application for a Conditional Use, allowing a campground (private, single use) in an A-1 district. Blake presented a staff report and a site plan for the property submitted by Gallagher. The site would be used for the owners RV and not as a commercial RV park. Blake advised that the property owner lived outside of the area and would use this site when he was in the area, visiting and maintaining the property. No one had filed an objection to the request. Blake recommended that the use be approved, in accordance with the site plan submitted. Pratte made a motion to approve the request. Keatley seconded. MCU.

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

Thomas J. Blake, Secretary and Zoning Administrator

Minutes of the Meeting of the
Allamakee County Board of Adjustments
November 23, 2020
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
	Vacant	Absent	12/31/2020
Chair	Bernard Pratte	Present	12/31/2021
Vice-Chair	Vacant	Absent	12/31/2022
	Dennis Keatley	Present	12/31/2023
	Anne Klees	Present	12/31/2024

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

Keatley made a motion to remove the September minutes from the agenda and to approve the agenda as so amended. Klees seconded. MCU.

Public Hearings:

- c. Tamling, David 108 Creek View Lane, Lansing, IA – Application for a variance from the front yard setback requirement in a residential district, allowing an accessory building (garage) to be constructed sixteen (16) feet from the front lot line/Street Right-of-Way where a setback of 25 feet is required. Blake presented the staff report, advising that upon a review of the construction site, it was noted that the new garage structure (that a building permit had been issued for) apparently did not meet the minimum front yard setback. Blake contacted the owner and advised them of their option, move the garage or apply for, and receive a variance from the required front yard building setback. Of the neighbors that replied to the notice mailed, none were in opposition to the variance being granted. Blake advised that the site sloped away to a gully in the rear yard and the owner had moved it forward, toward the street to avoid the gully. Since the variance was needed due to the topography of the lot and there was no other place to construct a garage that would have met the setback, Blake recommended approving the variance, bringing the new structure into compliance with the zoning ordinance. Keatley made a motion to approve the variance as requested. Klees seconded. MCU.
- d. Smerud, Randall O., 1480 Highway 9, Lansing, IA – Consideration of an Application for a temporary, conditional use, allowing the placement and use of a recreational vehicles/camping trailers as a temporary building/residence during demolition and re-construction of a single family residence. Smerud was not present. Blake advised that a certified letter and regular letter had been sent to Smerud at the address given and sent to a Decorah, Iowa address on file. Blake presented the staff report, advising that, upon receipt of a complaint from a neighbor, Blake had visited the site, meeting with the applicant (Randall Smerud) at that time. Smerud was told that using RV's as a residence, outside of an approved RV park, was a violation of the zoning ordinance. Smerud applied for a conditional use to allow an RV as a residence during demolition/construction of the single family residence on-site, advising that he was buying the property under a land contract.

Blake further advised that the property records on file at the Recorder's office did show a Rent with Option to Purchase agreement, however, it appeared that the purchase option in the contract had not been executed or acted upon as required in the contract. Therefore, Blake felt that Randall Smerud was not the owner of record of the property and that a notice to the owner, at the address on file for the property was returned as undeliverable. Blake felt that Randall Smerud, as a tenant, did not have the approval of the land owner and Blake added that the current use of the property (2 RV's on site used as residences and one RV used as a storage building) were an ongoing violation of the zoning ordinance. The neighbor spoke to the Board, advising that the property was an eyesore and that Smerud has been in possession of the property for several years and had simply allowed it to deteriorate. Due to the ownership question and the fact that Smerud has had ample time to demolish and rebuild the home without the conditional use, Blake recommended that the conditional use application be denied. Klees made a motion to deny the request, finding that the applicant did not qualify for a conditional use because he did not own the property and that the use would be a blight on the neighborhood. Keatley seconded. MCU.

- e. Wise, Dick, Lot 1, SE ¼ NW ¼, Section 2, T99S, R6W, Allamakee County, IA; Property located on the end of Lonnings Drive, Dorchester, IA – Consideration of an Application for a Conditional Use, allowing a campground (private) in an A-1 district. Blake presented a staff report and a site plan for the property owned by Wise. The site would be used for family and friends and not as a commercial RV park. Blake advised that the property owner had cleared the ground and installed 5 RV sites (electrical panels, etc.) without prior approval from the County. Blake informed the Board that most of the site was in the flood plain of the Upper Iowa River and that the panels had been installed without a flood plain development permit. Blake felt that the rest of the site work done did not violate the flood plain development ordinance. Blake advised that the site was a good site for an RV park, of a temporary nature (no permanent placement sites) and that it was adjacent to the Commercial RV use known as Upper Iowa Resort and Campground. Rober Hager was present and did not object to the private campgrounds as long as they did not interfere with the peace and enjoyment of his campgrounds tenants/users. Blake recommended that the use be approved, in accordance with the site plan submitted, upon the condition that the owner obtain a flood plain development permit for the site and use, that the Wise's and subsequent users not interfere with the peace and enjoyment of the neighboring property owners and users. Blake advised that, if complaints were filed with the zoning office, the conditional use application could be revoked if it was found that the use did not meet the conditions of the approval. Since the McCormick property use request was so similar, it was decided to discuss both before issuing a decision.
- f. McCormick, Trent, NE ¼ NW ¼, Lying East and South of the Upper Iowa River, Section 2, T99S, R6W, Allamakee County, IA; Property located on the end of Lonnings Drive, Dorchester, IA – Consideration of an Application for a Conditional Use, allowing a campground in an A-1 district. Blake advised that McCormick had applied for a 5 site use as a private, family campground and not as a commercial campground where sites would be rented. McCormick has not done any work on the site, but was looking at electrical, water and sewer (holding tank) for the property and that he had been planning the water and sewer system with Laurie Moody in Environmental Health. Blake made the recommendation that the request be approved in the same manner/conditions as the Wise request. Keatley made a motion to approve the Wise and McCormick conditional use requests for private (non-commercial) RV park uses for 5 RV sites each upon the conditions that the property development/use comply with the flood plain development ordinance and that the users of the property comply with the campground rules in place at Upper Iowa Resort and Campground (Lonnings Landing) and that they do not interfere with the peace and enjoyment of the users of

that resort and that, if it is found/determined that they are interfering with that use and enjoyment, that the use permit will be revoked. Klees seconded. MCU.

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

Thomas J. Blake, Secretary and Zoning Administrator