

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

April 13, 2016

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

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

| Roll call of Commission Members: | | | Term Expires |
|----------------------------------|-----------------|---------|--------------|
| | Gwen Brainard | Present | 12/31/2015 |
| Chair | Bernard Pratte | Present | 12/31/2016 |
| Vice-Chair | Nancy Wallerer | Present | 12/31/2017 |
| | Dennis Keatley | Present | 12/31/2018 |
| | Steve Weymiller | Present | 12/31/2019 |

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

Wallerer made a motion to appoint Bernard Pratte as Chairperson. Keatley seconded. Nays-Pratte. Ayes-Brainard, Wallerer, Keatley, Weymiller. Motion Carried.

Weymiller made a motion to appoint Wallerer to Vice-Chair position. Pratte seconded. MCU.

Board consensus to approve the Agenda as presented.

Weymiller made a motion to approve the December 16, 2015 minutes as presented. Wallerer seconded. MCU.

Public Hearings

1. Beneke, Andrew—Application for a variance to allow an accessory building to be built in the front yard 27 feet from right of way. 1917 Sandpiper Road, Waukon, IA. Blake presented the staff report regarding the application. Beneke had been issued a permit for a smaller building that would have met setbacks. Came back in and applied for a larger building and needing a variance. Blake noted that the building could have been moved away from the road, except a shed was placed (without a permit) that would need to be moved to accommodate new building. Board members and applicant discussed situation on-site. Because applicant could build smaller shed without variance, Wallerer made a motion to deny the variance application. Brainard seconded. Ayes: Wallerer, Keatley, Brainard, Pratte, Weymiller. Nays: None. MCU.
2. Bernau, Travis—Application for a conditional permit to allow contractor yard use at 236 Bear Creek Drive, Dorchester, IA. Blake presented staff report detailing the history of the use and what prompted the application for conditional use, home industry. He presented correspondence from the neighboring property owners, Knoke and Williams. No other neighbors opposed the conditional use request. Bernau advised that he wanted to put up a new building to house his business. Everything will be kept inside and there will not be an expansion of activity for the site. Board discussed all of the conditional use requirements and found that each would be met. Weymiller made a motion to approve the conditional use request. Brainard seconded. MCU.

3. Bernau, Travis—236 Bear Creek Drive, Dorchester, IA—Application for a variance from the front yard of 40' to allow a structure to be placed 20 feet from the right of way of Bear Creek Drive. Blake presented a staff report regarding the request. He recommended denial since owner could build without variance. It would result in additional cost for earthmoving, but did not feel it was a hardship. Walleser made a motion to deny the variance request. Members discussed the situation and found that the right of way was wider than normal, but the road was recently paved and it would not need to be widened in the future. Brainard seconded motion to deny. Discussion regarding right of way width and costs for leveling site and future expansion options was held. Vote on motion to deny was called for. Ayes—Walleser, Brainard. Nays—Weymiller, Keatley, Pratte. Motion failed. Weymiller made a motion to grant a reduction of the 40' front yard setback to 23 feet to allow structure to be set a standard distance from shoulder of highway. Keatley seconded. Ayes—Weymiller, Keatley, Pratte, Brainard. Nays—Walleser. Motion carried.
4. Jackman, Charles and Mary—Variance request from lot area to allow an accessory dwelling be placed/built on a 1.78 acre lot in an A-1 zone. Blake presented the staff report detailing that this use was allowed in the A-1 zone as long as it was servient or accessory to the use of the main dwelling. Jackman's son wanted to move his home onto the site so that he could live near his aged parents and assist them. Blake advised that the septic system was approved for the new dwelling and owners had no options regarding expansion of the lot. No objections had been received. Walleser made a motion to approve the variance. Pratte seconded. MCU.

Walleser made a motion to adjourn. Pratte seconded. MCU.

Thomas Blake, Zoning Administrator and Board Secretary

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

June 1, 2016

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

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

| Roll call of Commission Members: | | | Term Expires |
|----------------------------------|-----------------|---------|--------------|
| | Gwen Brainard | Present | 12/31/2015 |
| Chair | Bernard Pratte | Present | 12/31/2016 |
| Vice-Chair | Nancy Walleser | Present | 12/31/2017 |
| | Dennis Keatley | Present | 12/31/2018 |
| | Steve Weymiller | Present | 12/31/2019 |

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

Walleser made a motion to approve the Agenda as presented. Weymiller seconded. MCU

Walleser made a motion to table action on the April 13, 2016 minutes. Keatley seconded. MCU.

Public Hearings

1. Bernau, Travis—Application for a conditional permit to allow contractor yard use at 236 Bear Creek Drive, Dorchester, IA. This item had to be re-heard due to not sending certified delivery notices to Knoke/Williams. Blake presented staff report detailing the history of the use and what prompted the application for conditional use, home industry. He presented correspondence from the neighboring property owners, Knoke and Williams. No other neighbors opposed the conditional use request. Board discussed all of the conditional use requirements and found that each would be met. Walleser made a motion to approve the conditional use request. Keatley seconded. MCU.
2. Bernau, Travis—236 Bear Creek Drive, Dorchester, IA—Application for a variance from the front yard of 40' to allow a structure to be placed 20 feet from the right of way of Bear Creek Drive. Blake advised that this item needed to be reheard due to not sending certified notices to the neighboring property owners. Blake presented a staff report regarding the request. He recommended denial since owner could build without variance. It would result in additional cost for earthmoving, but did not feel it was a hardship. Members discussed the situation and found that the right of way was wider than normal, but the road was recently paved and it would not need to be widened in the future. Discussion regarding right of way width and costs for leveling site and future expansion options was held. Keatley made a motion to grant a reduction of the 40' front yard setback to 23 feet to allow structure to be set a standard distance from shoulder of highway. Pratte seconded. MCU.
3. Iowa RSA #12 LLP (US Cellular)—871 Waterville Road, Waterville, IA—Request for a conditional use permit to allow a communications tower be constructed on the Barton and Marilyn Hamm property. Blake presented a staff report and the plans and other documents submitted by the applicant. Blake also advised that this was an area that was under served for wireless communication services. This tower will improve the service to this area substantially. Weymiller made a motion to approve the conditional use permit request upon the condition that the tower be built to support up to four co-locations and that Owner make

the tower available to other providers upon a fair, market based lease rate. Brainard seconded. MCU.

4. Heim, Ron—Application for a variance to allow signs be placed less than 20 feet to the right of way (0 feet) at intersection of Dry Ridge Drive and Lansing Harpers Road and at the intersection of Heim Hollow Lane and Dry Ridge Drive. Blake presented staff report and communication from Brian Ridenour, County Engineer. Blake recommended approval of variances, but upon condition that the applicant determine exact location of edge of right of way, to the satisfaction of Zoning Administrator. Walleser made a motion to approve variances request upon the condition that the applicant determine the right of way location to the satisfaction of the Zoning Administrator through survey or other means. Brainard seconded. MCU.

Walleser made a motion to adjourn. Pratte seconded. MCU.

Thomas Blake, Zoning Administrator and Board Secretary

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

June 22, 2016

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

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

| Roll call of Commission Members: | | | Term Expires |
|----------------------------------|-----------------|---------|--------------|
| | Gwen Brainard | Present | 12/31/2015 |
| Chair | Bernard Pratte | Present | 12/31/2016 |
| Vice-Chair | Nancy Wallerer | Present | 12/31/2017 |
| | Dennis Keatley | Present | 12/31/2018 |
| | Steve Weymiller | Present | 12/31/2019 |

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

Weymiller made a motion to approve the Agenda as presented. Wallerer seconded. MCU

Wallerer made a motion to approve the April 13, 2016 minutes and the June 1, 2016 minutes. Keatley seconded. MCU.

Public Hearings

Board member advised the Board that the applicant is married to her niece, however, she did not feel this constituted a conflict of interest in regards to the application.

1. Herbst, Christopher—Application for a variance from the front yard of 25' to allow an addition to the existing principal structure (residence) to be built as close as 10 feet from the right of way/front property line. Blake presented staff report, recommending the variance be approved due to lack of available area for garage/addition and the need to preserve the the area to the east/northeast for a septic system drainfield. A review of the construction plans and the site showed that the addition would be approximately 15 feet from the front property line. Members discussed the situation and found that applicant suffered a hardship in that he could not build an addition without a variance, that the need for the variance was not of his making and that the granting of a variance would not alter the character of the neighborhood. Weymiller made a motion to grant a variance to allow the addition to be built to within 15' of the front property line. Keatley seconded. MCU.

Blake advised that a new application for a variance had been received in his office and asked the members for a new meeting date. Consensus to set meeting for July 13th @ 4:30 PM.

Wallerer 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**

August 8, 2016

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

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

| Roll call of Commission Members: | | | Term Expires |
|----------------------------------|-----------------|---------|--------------|
| Chair | Bernard Pratte | Present | 12/31/2016 |
| Vice-Chair | Nancy Walleser | Present | 12/31/2017 |
| | Dennis Keatley | Present | 12/31/2018 |
| | Steve Weymiller | Absent | 12/31/2019 |
| | Gwen Brainard | Present | 12/31/2020 |

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

Walleser made a motion to approve the Agenda as presented. Brainard seconded. MCU

Keatley made a motion to approve the June 22, 2016 minutes. Walleser seconded. MCU.

Public Hearings

1. Schulze, Robert—Application for a variance from the side yard of 10' to allow a 12' x 48' lean-to addition to an existing accessory structure to be built as close as 6 feet from the side property line. Blake presented staff report, recommending the variance be denied due to not showing an unnecessary hardship. Members reviewed the other building options and found that the slope of the lot and the location of the septic system did not allow building on the other side of the building because a lot of fill would have to be placed. The replies from neighbors were reviewed. The building would be screened from view by the neighbors trees and the addition would house trailers that were currently sitting where the addition was planned. Drainage from the structure was discussed and found that it would drain away from closest neighbor. After further discussion of the situation and Keatley made a motion to approve the variance request, finding that applicant suffered a hardship in that he could not build an addition without substantial fill, the addition was as small as was needed, that the need for the variance was not of his making and that the granting of a variance would not alter the character of the neighborhood. Walleser seconded. MCU.
2. Brodigan, Jean LuAnn—Application for a conditional use permit to allow a single RV campsite or personal, non-commercial use at 1490 Lansing Harpers Road, Lansing, IA. Blake presented a staff report and neighbor comments regarding the request. No one opposed the use as long as it was restricted to non-commercial use and was limited to one RV on an intermittent use. Finding that all of the criteria for a conditional use was met, Walleser made a motion to approve, Keatley seconded. MCU.
3. Calvin Snitker Estate—Application for a variance from the three acre minimum lot area for a non-farm residential use in an A-1 Zone to allow a lot to be divided and sold that was approximately 1 1/2 acres. Blake presented a staff report, recommending the variance request be denied. Curt Snitker advised that the house was built in 1987, before the change in minimum lot area for non-farm residences. The original plan was that he would move

into the house when Curt's son took over the farm, but that plan has changed. At that time, the lot was created to meet the three acre rule, but the prospective owner does not want that much land and Snitker's would have to increase the price if they were to sell that much land with the house. Discussion was held regarding the County's intent when the three acre rule was adopted. Board felt this should be discussed by the Planning and Zoning and maybe the Commission would consider changing the zoning to R-2 to allow a one acre or larger lot. Walleser made a motion to not approve the variance and refer the matter to the Planning and Zoning Commission to consider changing the zoning district. Brainard seconded. MCU.

4. NEIT Properties—Application for a conditional use to allow a 240' communications tower to be located at 2215 Rossville Road, Waukon, IA. The property is zoned A-1 and a communications tower is a conditionally permitted use in that district. Blake presented a staff report, recommending the use be approved. Discussion was held and it was found that the proposal met the conditional use permit standards. However, co-location on other towers was preferable. After discussion with applicant, it was decided that was not an option. Walleser made a motion to approve the request upon the condition that the tower be designed to allow up to 4 co-locations on the tower and that lease rates for said co-location not be excessive, but be at market rates for similar uses and locations. Keatley seconded. MCU.
5. Bensing, Randy—Application for a variance from the front and side yard setbacks to allow an addition to the principal structure to be located as close as zero feet from Blue Heron right of way and the north property line. Blake presented a staff report, neighbor comments, and easement information, recommending the variance be denied due to conflicts with the easement location and impacts on neighbors. There is a sewer line from the neighbors that runs along this side of the lot and will likely be under the proposed addition. If the addition was built and the line failed, it would be very difficult to replace, at that time. Two neighbors were present and both opposed granting a variance to zero feet from property lines. Osgaard, neighbor to the north, opposed granting any side yard variance. Discussion was held regarding the owners options. Blake advised that Moody, County Env. Health Officer, was opposed to building over the line, but if they did, it would have to be found, and replaced so that it was very unlikely to ever fail. She recommended casing it in cast iron and installing new PVC at this time, prior to building. Keatley made a motion to conditionally approve a variance, allowing Bensing to place a wall no closer than three feet to the property line to the north and no closer than the existing structure to Blue Heron Lane (front line) upon the condition that the lot lines are surveyed and location proven to Zoning Administrator and that the sewer line be found and inspected and addressed per the recommendation of the County Environmental Health Officer, Laura Moody. Brainard seconded. MCU>

Blake advised that he had no further business for discussion or any new applications yet.

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

Thomas Blake, Zoning Administrator and Board Secretary

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

September 21, 2016

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

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

| Roll call of Commission Members: | | | Term Expires |
|----------------------------------|-----------------|---------|--------------|
| Chair | Bernard Pratte | Present | 12/31/2016 |
| Vice-Chair | Nancy Walleser | Absent | 12/31/2017 |
| | Dennis Keatley | Present | 12/31/2018 |
| | Steve Weymiller | Present | 12/31/2019 |
| | Gwen Brainard | Absent | 12/31/2020 |

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

Weymiller made a motion to approve the Agenda as presented. Keatley seconded. MCU

Keatley made a motion to approve the August 8, 2016 minutes. Weymiller seconded. MCU.

Public Hearings

1. Yoder, Anna—Application for a conditional use to allow a Home Industry (retail store) on her land at 1307 Sherman Ridge Road, Waukon, Iowa. Anna advised that she has outgrown her space in her basement and that she needed that area for residential uses. She wants to build a building to house the use. Blake advised that the Home Occupation (currently permitted as) would not apply because it would not qualify because it will no longer be located in the main home. Laurie Moody, County Sanitarian and the County Engineer, Brian Ridenour had no objections to the proposal. Blake further advised that no objections were filed by neighboring property owners. Weymiller, finding that all of the required conditions were met, made a motion to approve the conditional use for Anna Yoder, 1307 Sherman Ridge Road, Waukon, Iowa to allow a Home Industry (grocery/retail store) in a separate building. Keatley seconded. MCU.

Blake advised that he had no further business for discussion or any new applications yet.

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

Thomas Blake, Zoning Administrator and Board Secretary

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

November 16, 2016

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

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

| Roll call of Commission Members: | | | Term Expires |
|----------------------------------|-----------------|---------|--------------|
| Chair | Bernard Pratte | Present | 12/31/2016 |
| Vice-Chair | Nancy Walleser | Present | 12/31/2017 |
| | Dennis Keatley | Present | 12/31/2018 |
| | Steve Weymiller | Present | 12/31/2019 |
| | Gwen Brainard | Present | 12/31/2020 |

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

Walleser made a motion to approve the Agenda as presented. Weymiller seconded. MCU

Weymiller made a motion to approve the September 21, 2016 minutes. Keatley seconded. MCU.

Public Hearings

1. Bruening Rock Products—Application for a conditional use to allow for an expansion of an existing limestone quarry (Green Quarry) located at 309 Yellow River Drive, Postville, Iowa. Blake presented a staff report on the topic. The property acquired by Bruenings has been mined into without first requesting a permit to do so. Originally, the property was only to meet setback requirements, but was subsequently mined. The neighboring property owner, Duvel advised that he might be willing to sell additional property to Bruening to enable them to meet the setbacks. Board consensus to continue hearing as requested by Bruening, but to convey to applicant that they will need to meet setback requirements or the permit may not be approved. It was recommended that a stop work order for the quarry be discussed with the County Attorney. Walleser made a motion to continue the hearing until 12/14/2016 at 4:30 PM.
2. Skyways, a division of Allamakee Clayton Electric Cooperative, had requested a conditional use permit for a communications tower located at the intersection of Highway 76 and Patterson Creek Drive. Blake presented his staff report. A neighboring property owner, Earl Schulte was present and asked about the scope of the project. After discussing details of the application, Weymiller made a motion to approve the conditional use permit upon a finding that it met all of the standards imposed. Brainerd seconded. MCU.

Blake advised that he had no further business for discussion or any new applications yet.

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

Thomas Blake, Zoning Administrator and Board Secretary

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

December 14, 2016

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

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

| Roll call of Commission Members: | | | Term Expires |
|----------------------------------|-----------------|---------|--------------|
| Chair | Bernard Pratte | Present | 12/31/2016 |
| Vice-Chair | Nancy Wallerer | Present | 12/31/2017 |
| | Dennis Keatley | Present | 12/31/2018 |
| | Steve Weymiller | Present | 12/31/2019 |
| | Gwen Brainard | Present | 12/31/2020 |

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

Weymiller made a motion to approve the Agenda as presented. Wallerer seconded. MCU

Keatley made a motion to approve the November 16, 2016 minutes. Brainard seconded. MCU.

Public Hearings

1. Bruening Rock Products— Continued hearing from November 16, 2016 regarding an application for a conditional use to allow for an expansion of an existing limestone quarry (Green Quarry) located at 309 Yellow River Drive, Postville, Iowa. Blake presented a staff report on the topic. The neighboring property owner, Duvel, advised that Kleve (from Bruening's) had contacted them Tuesday and conveyed that Bruening's were interested in acquiring additional property to enable them to meet setback requirements. Duvel indicated he would consider it and Kleve advised they would begin negotiations. Blake presented a request from Bruening's Ron Fadness that the hearing be continued to give them time to further pursue acquiring the property. Discussion was held that the current site appeared to be in violation of the zoning ordinance and state law and that the hearing had been continued once already. Wallerer made a motion to deny the conditional use permit application due to the existing setback and use violations and directed Blake to contact IDALS to convey to the State that the quarry was in violation of local and state law and ask them to review the state license for the site. Keatley seconded. MCU.

Dean Gordon advised that Bruenings' well and pond were on his property. Bruenings located the well and pond there without obtaining permission from the previous owners. He felt this demonstrated how they treated neighboring land owners. Blake advised that the DNR should be made aware of this, separate, issue.

2. Stanley and Jodi Harpstead were represented by Wally Mahr. Harpsteads had applied for a variance to allow an addition and improvement of a structure less than 40 feet to the County Right of Way. The structure was 29 feet from the right of way. Blake presented a staff report regarding the request and recommending conditional approval. Blake recommended approval upon the condition that the majority of the foundation would be saved and used for

the re-constructed building. If it was found that a majority of the foundation could not be salvaged, that the structure would need to meet setback requirements. Weymiller made a motion to approve the variance, conditionally, as recommended by Blake, finding that the cost of reconstructing the foundation in another location was a financial hardship and the variance would help preserve historic features at the current location. Walleser seconded. MCU.

Blake advised that he had received new applications and asked the Board to set a meeting date. Board consensus obtained to select January 13th, 2017 as the tentative date for the next meeting.

Walleser reminded Blake that mileage reimbursements should be approved prior to year end.

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

Thomas Blake, Zoning Administrator and Board Secretary