

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

March 13, 2019

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
	Steve Weymiller	Present	12/31/2019
	Gwen Brainard	Present	12/31/2020
Chair	Bernard Pratte	Present	12/31/2021
Vice-Chair	Nancy Walleser	Present	12/31/2022
	Dennis Keatley	Present	12/31/2023

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 meeting agenda as presented. Walleser seconded. MCU.

Board consensus is to approve the October 31, 2018 minutes.

Public Hearings

Schroeder, Richard—Blake presented a staff report detailing the proposed project and the history of the property. Schroeder had an agreement to purchase the land if the variance was approved. William and Beth Ann Dixon are the current owners and they request approval of the variance. Blake noted that the existing site had received a variance for front yard setback for a small cabin. Schroeder was requesting to replace that structure with a larger storage building. Blake advised that Environmental Health was in favor since this use would not require a well or septic/holding tank. Blake recommended approval. Weymiller made a motion to table action on the request, subject to applicant providing evidence of property ownership. Keatley seconded. MCU.

Wennes Communications Stations, Inc— Blake presented a staff report. Notices had been sent to all adjacent property owners. The access was via an easement across Schutte-meier Property. Weymiller inquired of Wennes Representative Greg Wennes about why this location? Wennes advised it was to allow them to broaden radio station coverage to the North. Blake noted that no objections had been filed in his office. Walleser made a motion to approve the request for a conditional use permit, finding that all of the standards had been met. Weymiller seconded. MCU. **(Note; this decision was later determined to be void due to a notice error, invalidating the public hearing and subsequent decision.)**

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

Thomas Blake, Zoning Administrator and Board Secretary

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

April 10, 2019

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
	Steve Weymiller Present	12/31/2019
	Gwen Brainard Present	12/31/2020
Chair	Bernard Pratte Present	12/31/2021
Vice-Chair	Nancy Walleser Present	12/31/2022
	Dennis Keatley Present	12/31/2023

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 meeting agenda as presented. Walleser seconded. MCU.

Blake advised that the meeting minutes (draft) were not yet available. Board consensus is to table action on the March 13, 2019 minutes.

Public Hearings

Schroeder, Richard—Continuation of the hearing from March 13, 2019. Blake advised that Dixon’s had responded, approving of the variance requested for this parcel and asking that the variance be approved. Blake recommended approval of the variance for a building 24’ x 60’ on the conditions that there will be no water or sewer to the site. **Brainard made the motion to approve the variance upon the conditions that the building will not exceed 24’ x 60’ and there will be no water or sewer on site. Keatley seconded. Pratte, Weymiller, Keatley, Brainard voted Aye; Walleser voted Nay. Motion Carried.**

Wennes Communications Stations, Inc— Blake advised that the notices to the neighboring property owners had a date error and therefore, the hearing notice did not meet the minimum time standard required by the ordinance or state code. Therefore, the decision on the Wennes Conditional Use application at the March 13, 2019 meeting was not valid and is void. Proper notice for this hearing has been accomplished. Blake presented a staff report. The access for this use was via an easement across Schuttenmeier Property. Blake presented the comments received in opposition and in favor of the conditional use request. Of those in attendance (21 in regards to Wennes) 13 were opposed and 8 were in favor. Of those in favor, two owned property in the area (Luttchens) and were party to the application (site owners). Of those in opposition, 13 owned or resided in the area. Wennes presented a typed statement and commented on the need to expand the KNEI audience and that new technology was coming that would reduce the power available to broadcast, the tower could be used for co-location opportunities, will work with Emergency Service providers and other users in Winneshiek, Allamakee, and Houson Counties, further, they have had no complaints regarding reduced property values due to proximity to any towers of theirs. Les Askelson (Wennes) commented that the current tower serving KVIK also served Minnesota Public Radio, National Weather Service, Decorah Fire, Hospital and Sherrif. The main work of that tower was the provision of public service. Schutteimeier opposed the request, commenting that the access through his parcel was immediately in front of his house and presented a danger to him and his family. Neighboring property owners Paus, Fruechte, and Schuttenmeier (along with others) had submitted statements opposing the request. Jack Sweeney advised that the area around the proposed tower is agricultural in nature and a tower will have no impact on agricultural land values. Gaylen Fruechte stated that his land has an implied premium value due to good access and elevation for possible residential development and a tower would negatively impact that. Schuttenmeier stated that it would affect the value of his site.

Carol Stokman, lives just behind St. Luke's church. There is no need for this tower and doesn't want to look at a tower on this site. Amanda Schutte-meier stated that their driveway was the access to the tower and she is concerned about the traffic dangers from this proposal. Steve Belay (Wennes) stated that the Board can place conditions on an approved conditional use permit and indicated that the applicant would be glad to give prior notice, before accessing site.

Weymiller stated that if this could be used for emergency services, it would prove to be a benefit to the area. Belay advised that this was the exact same application that was approved at the last meeting. The tower would provide additional public safety benefits, property values would not be impacted, safety and tower appearance were addressed in the application. "Not In My Back Yard" is not a proper reason to deny request. Blake advised that the previous Board action was before a proper public hearing and the Board was now receiving pertinent data regarding the tower proposal.

The Board Chair called for discussion and decision on the individual standards. Transition—after discussion, the **Board consensus is that no transition is necessary/required.** Traffic—The Board discussed the traffic issue. Wennes advised that once the tower is constructed, very little traffic will be generated. The construction period will be around a week long. Keatley advised that he had concern about the driveway access crossing through the neighbors property, very near the house. Schutte-meier advised that he does not want them to use driveway and a new road would destroy valuable crop ground. Wennes advised that they would restore the driveway after the construction period. Weymiller advised that he knows there will be driveway damage during the construction period, but that it can be repaired once constructed. Dave Mellick stated that no one wants another business to use their private driveway. **The Board did not decide on the traffic standard** due to these concerns. Pratte moved the Board onto Environmental Protection. Pratte addressed the visual resources component of Environmental Protection will be decided in the compatibility standard of that section and not with this vote. **Board consensus that the Environmental Protection Standard, not including visual resources, is met by the application.**

Pratte then read the compatibility standard for approving a conditional use permit. Pratte advised that he did not believe this standard is met after hearing the testimony of the neighbors. Belay asked what the finding was in the March meeting? Pratte advised that we did not have all of the needed input at that meeting. Walle-ser stated that the proposed development would appear to be obnoxious and offensive to neighboring and/or abutting property owners. Belay advised that if you don't look to precedent, then the Board's decision could be arbitrary and capricious. Wennes spoke briefly indicating that they would work with all concerned to alleviate any issues. Due to the arbitrary and capricious claim, Blake recommended that the County Attorney be consulted regarding the decision and process to date. Pratte stated that they could make the decision based on the ordinance. Walle-ser stated that she wanted to consult with legal counsel. **Walle-ser made a motion to close the public hearing. Keatley seconded. MCU.**

Walle-ser made a motion to table action on the Wennes Conditional Use Permit application to May 1, 2019 at 4:30, after consult with legal counsel. Keatley seconded. MCU.

Dettmer, Wayne—Consideration of a request for a setback variance to allow an existing dwelling be replaced with a new structure that will be setback the same distance from the access road, but will have a wider building frontage, thereby increasing the setback violation of the current building. Blake presented a staff report regarding the request and gave the Board a history of the property. Blake recommended the variance request be approved because a new structure needed to meet the minimum 16 foot width and the structure could not be moved further away from the road, due to septic system location. After discussion, **Weymiller made a motion to approve the variance request. Brainard seconded. MCU.**

The Board discussed the ordinance language and grounds for approval or denial. Blake advised that he would communicate with the County Attorney regarding the application and process and would ask that he attend the meeting on May 1, 2019.

Brainard 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**

May 1, 2019

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
	Steve Weymiller	Present	12/31/2019
	Gwen Brainard	Present	12/31/2020
Chair	Bernard Pratte	Present	12/31/2021
Vice-Chair	Nancy Walleser	Present	12/31/2022
	Dennis Keatley	Present	12/31/2023

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

Board Consensus to approve the meeting agenda after removing Item IV, Meeting minutes.

Public Hearings

Weber, Joe and Jill—535 Cottage Road, Harpers Ferry, IA--Consideration of an application for a variance, reducing the rear yard from 25 feet to 10 feet to allow construction of a new cabin and attached deck on the river side. Blake presented a staff report, recommending approval of the request due to the legal non-conforming lot area/size and limited options for property owner. **Keatley made the motion to approve the variance. Brainard seconded. Pratte, Weymiller, Keatley, Brainard voted Aye; Walleser voted Nay. Motion Carried.**

Robinson, Marvin and Wanda—1911 Blue Heron Lane, Lansing, IA--Consideration of a request for a setback variance to allow a structure addition and a detached garage to be set zero feet from the frontage on the Lane and a setback of 7 feet from the side lot line. Blake presented a staff report regarding the request and gave the Board a history of the property. Blake recommended that a variance request be approved but to require at least 2 to 4 feet setback from the Lane because of the issue of snow clearing and maintenance of structure without being located on the right of way. After discussion and review of variance standards and applicant plans, **Weymiller made a motion to approve a variance approving of a 7 foot side yard setback and a 2 foot minimum setback for the front yard facing the Lane upon the conditions that the garage entrance not be directly onto the Lane and owners locate property lines. Keatley seconded. MCU.**

Donovan Family Trust—1179 Iowa River Drive, New Albin, IA--Consideration of a request for a setback variance to allow a detached garage to be set zero feet from the frontage on the County Right of Way. Blake presented a staff report regarding the request and gave the Board a history of the property. Blake recommended that a variance request be approved but to require at least 2 to 4 feet setback from the ROW because of the issue of maintenance of structure without being located on the right of way and to maintain some separation for ROW maintenance. After discussion and review of applicant plans and variance standards, applicant indicated that they could reduce the size of the structure and increase the setback from the ROW, **Pratte made a motion to approve a variance approving of a 4 foot minimum setback for the front yard facing the County ROW. Keatley seconded. MCU.**

Kelly Rentals—866 Volney Road, Waukon, IA--Consideration of a request for a setback variance to allow a structure addition (commercial storage facility) to be set zero feet from the side lot line. Blake gave a report on the request and the drainage issues raised regarding this structure and the crushed rock surface for the remainder of the property. Kelly owns the lot where the variance is requested, but it is zoned residential, abutting a commercial zone and use. The minimum setback from a residential lot is 10 feet and Kelly is requesting a 0 foot setback and to use part of the lot for a crushed rock driveway for the rental storage unit. Blake presented a staff report regarding the request and gave the Board a history of the property. He had visited the site and the neighbors have expressed concern regarding drainage. Blake recommended that a variance request be approved, but to require that the residential lot be kept as green space to help absorb drainage and that Kelly Rentals be required to address and resolve any drainage issues from his property. After discussion and review of applicant plans, **Weymiller made a motion to approve a variance approving of a 0 foot side yard setback and to allow the owner to use part of the residential zoned lot for a graveled driveway upon the condition that Kelly Rentals agree to address and solve any subsequent drainage issues (aggravated by his building and property use) on neighboring property. Walleser seconded. MCU.**

Old Business

Wennes Communication—Blake advised that he had communicated to the County Attorney regarding the application and the Board’s application of the Conditional Use Standards in the Ordinance. The Attorney advises that the Board apply the standards as set forth in the ordinance and make a decision based on those. Board discussed the ordinance language and grounds for approval or denial. Weymiller stated that we did approve this application once, but that decision was based on incomplete information regarding the impact on neighboring property. The information was incomplete because of a faulty hearing process. Once the process was corrected, we heard a lot of opposition to the proposal from the neighbors to the site. Weymiller cited the section of the ordinance regarding the compatibility standard and that this site was only 1,500 feet from nearby residences. Weymiller stated that he was opposed to approval of the use. Walleser stated she agreed with Weymillers assessment. Walleser made a motion to deny the conditional use application citing that the use did not meet the minimum standard of compatibility, (508.4 1.a) and that it was obnoxious or offensive in appearance to abutting and nearby properties. Brainard seconded. Ayes; Pratte, Weymiller, Keatley, Walleser, Brainard. Nays; None.

Pratte 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**

May 15, 2019

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
	Steve Weymiller	Absent	12/31/2019
	Gwen Brainard	Present	12/31/2020
Chair	Bernard Pratte	Present	12/31/2021
Vice-Chair	Nancy Walleser	Present	12/31/2022
	Dennis Keatley	Present	12/31/2023

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

Pratte made a motion to remove Item V.3—NEIT Properties LLC, Communications Tower at 1684 Iowa River Drive and remove Item IV—Minutes and to approve the meeting agenda as amended. Walleser seconded. MCU.

Public Hearings

Interstate Power and Light Company, 1791 Great River Road, Lansing Iowa—Consideration of an application for a conditional use, communications tower. Blake presented a staff report, advising that the existing tower will be removed, but not until after the new tower was up. The new tower and compound would be in the immediate vicinity of the existing tower. Richard Kullander, Alliant Energy, confirmed that the existing tower would be removed after the new tower was complete. **Pratte made the motion to approve the conditional use permit to Alliant Energy. Keatley seconded. Motion Carried Unanimously.**

NEIT Properties, LLC—Consideration of an application for a conditional use, Communications Tower—955-957 Lansing Harpers Road, Harpers Ferry, IA. Blake presented a staff report, advising that this tower was a governmental public project and was to be used for the Iowa First Net System and that the Board could not reject this application under the Iowa Cell Siting Act. Phil Hammel addressed the Board regarding what First Net was and that the company was evading the County Bluffland Ordinance for private gain and that it was not a governmental project. Genda responded, advising that it was indeed a government project. Pratte asked about co-location. NEIT responded that it had been considered but was not feasible for them in this instance. Walleser asked how much was government funded. NEIT advised that the government has invested 6.5 billion and the spectrum being used to fund the project. There being no other comments, the hearing was closed. **Keatley made a motion to approve the conditional use permit request allowing for the installation and use of a communication tower at 955-957 Lansing Harpers Road, Harpers Ferry, IA for use as an Iowa First Net Communications Tower. Brainard seconded. Keatley, Brainard, Walleser voted Aye. Pratte Nay. Motion Carried.**

Genda asked that the Board re-consider the decision to remove Item V-3 from the agenda and to hold the hearing for the New Albin tower. He argued that the application should be considered a new application due to new evidence and the change in State Law. Pratte asked if there was any change of substance to the application. Genda indicated that the application was changed, due to the law change. Phillip Hammel stated

he was opposed to any change in the agenda now. NEIT asked if new evidence was required? There was no statement that the application needed to be changed.

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

Thomas Blake, Zoning Administrator and Board Secretary

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

July 24, 2019

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
	Steve Weymiller	Present	12/31/2019
	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

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 meeting agenda as presented. Walleser seconded. MCU.

Walleser made a motion to approve the May 15, 2019 meeting minutes as presented. Keatley seconded. MCU.

Public Hearings

Joseph Hochstetler—Consideration of an application for a conditional use, Home Industry. Blake presented a staff report, advising that the applicant wanted to have a metal fabrication business in a building on his property at 1197 Maud Road, Waukon, IA. No responses had been received from the neighbors notified. Applicant wants to press rolls of steel into roof and siding panels for sale to the general public. He will not be doing any processing, painting or modifying the steel in any other method. The steel will be brought in on semi and will be hauled out via straight truck or trailers. Blake recommended that the use be approved upon the condition that the use will not be changed to include any processing or painting and truck traffic will be limited to no more than 10/month on average. **Weymiller made a motion to approve the conditional use, limiting the activity to only forming and cutting steel panels and limiting the traffic to no more than 10 truck trips per month. Keatley seconded. Motion Carried Unanimously.**

Kossman, Adam, 1161 Maud Road, Waukon, IA—Request for a front yard setback variance, reducing the front yard from 40 feet to 20 feet. Blake presented a staff report, recommending the variance be granted due to the topography of the property and the shallow soil depths forced them to keep the house close to the road and this limited the possible locations for an accessory building. Walleser made a motion to approve the variance request. Weymiller seconded. MCU.

NEIT Properties, LLC—Consideration of an application for a conditional use, Communications Tower—1684 Iowa River Drive, New Albin, IA. Blake presented a staff report, advising that this tower was a governmental public project and was to be used for the Iowa First Net System and that the Board could not reject this application under the Iowa Cell Siting Act. Correspondence from the County Attorney, recommending that the Board approve the application due to recent changes to the Iowa Code and the individual liability of the Board if they violated Iowa law, was discussed. Phil Hammel addressed the Board regarding the presence of Indian artifacts on the Marzen property. NEIT advised that the site was investigated and nothing was found. Also, the tribes that have requested it, will be notified of the construction so that they

can monitor the work and site if desired. Pratte asked if improvements would need to be made to the road, in view of the possibility of artifacts there. The applicant advised that no improvements were planned at this time, but if there were modifications to be made, it would be under the supervision of the tribes, if they wanted to monitor. The discussion of the new law (Iowa) in regards to Allamakee County's population (just under 14,000). Pratte asked about reducing the tower height or an alternate location. NEIT advised that they needed this height to provide the service and another location was not feasible. **Keatley made a motion to approve the conditional use permit for NEIT Properties, LLC for a 300 foot tall guyed tower, to be used for the Iowa First Net system, as applied for.** Regarding the request for reducing the tower height, Hanson (NEIT) indicated that they could reduce the height to the 295 foot height. Blake asked if the application for a 295 foot tower would be withdrawn if the 300 foot tall tower was approved? NEIT responded that, yes, the 295 foot tall tower application would be withdrawn, if the 300 foot tall tower application was approved. **Weymiller seconded the motion. MCU.**

NEIT Properties, LLC—Consideration of an application for a conditional use, Communications Tower—1684 Iowa River Drive, New Albin, IA. (295' height). This application was withdrawn due to the approval of the 300 foot tall tower for the same site.

New Business: Blake advised that an appeal of his decision to issue a permit to Marvin and Wanda Robinson was filed by Brad Winters, a nearby property owner, with the possibility of other property owners joining in the appeal. Blake had met with Robinson's and neighbors on site. The issue at the time was the height of the structure. After this site visit, Blake determined that the structure did not meet the setback requirement approved under a variance and had issued a 'stop work order'. Robinson's advised that they would modify the structure to meet the setback authorized and that it was an honest mistake. They further stated that they had offered to reduce the height by 3 ½ feet, but that offer was refused by the neighbors. Blake advised that the stop work order would be lifted if the structure would meet the 2' setback authorized on May 1, 2019. Blake asked that the Board set a date for a meeting to hear the appeal. Consensus to set the hearing for August 14, 2019, at 4:30 PM. The Board recommended that the Robinsons work with the neighbors to work out a possible solution to the views problem before the hearing, if possible.

Walleser 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 14, 2019

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
	Steve Weymiller	Present	12/31/2019
	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

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 meeting agenda as presented. Keatley seconded. MCU.

Walleser made a motion to approve the March 13, 2019, April 10, 2019, May 1, 2019 (as modified) and July 24, 2019 meeting minutes as presented. Keatley seconded. MCU.

Public Hearings

Brad Winters and Shelly Brustkern (and others)—Consideration of an appeal of the Board of Adustment decision to issue a variance to Marvin and Wanda Robinson, 1911 Blue Heron Lane, Lansing IA (approved on May 1, 2019) and the Zoning Administrator decision to issue a permit to the Robinson’s for a new/replacement structure located at the same address. Blake presented a staff report and asked that the Board consider the two issues separately, recommending that the Board dismiss the Variance appeal since appeals of the Board’s decisions should be taken to the District Court. Blake further recommended the Board reject the appeal of the permit issuance upon a finding that the permit was not issued in violation of any section of the Zoning Ordinance. The appellant Brad Winters presented a presentation that highlighted sections of the ordinance that he claimed were violated by the Robinsons’ and the permit issuance. Photo’s of the property were displayed. Discussion was held regarding the impact the new structure had on views of the Mississippi by neighboring properties. Blake advised that the variance and permit as issued did not address any height restrictions placed on the Robinson’s and that the new structure did not exceed the maximum height of 35 feet (structure is approximately 25 feet tall. After discussion, the Board asked if the Robinson’s could arrive at a proposal to lower the structure. The appellant’s asked that the structure be lowered to the previous sunroom roof peak height. **Keatley made a motion to table the issue and requested additional information regarding structural modifications to provide compatibility in the neighborhood. Pratte seconded. Motion Carried Unanimously.**

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**

September 11, 2019

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
	Steve Weymiller	Present	12/31/2019
	Gwen Brainard	Present	12/31/2020
Chair	Bernard Pratte	Present	12/31/2021
Vice-Chair	Nancy Walleser	Present	12/31/2022
	Dennis Keatley	Present	12/31/2023

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 meeting agenda as presented. Keatley seconded. MCU.

Weymiller made a motion to approve the August 14, 2019 meeting minutes as presented. Walleser seconded. MCU.

Public Hearings

Brad Winters and Shelly Brustkern (and others)—Consideration of an appeal of the Board of Adjustment decision to issue a variance to Marvin and Wanda Robinson, 1911 Blue Heron Lane, Lansing IA (approved on May 1, 2019) and the Zoning Administrator decision to issue a permit to the Robinson’s for a new/replacement structure located at the same address. Blake re-introduced the staff report issued at the August meeting and asked that the Board consider the two issues separately, recommending that the Board dismiss the Variance appeal since appeals of the Board’s decisions should be taken to the District Court. Blake further recommended the Board reject the appeal of the permit issuance upon a finding that the permit was not issued in violation of any section of the Zoning Ordinance.

Brustkern + Don McCormick commented that the ZBA had previously issued a decision that restricted the height of a neighboring structure. This was done at 1923 Blue Heron Lane and the minutes of the meeting were referred to.

Jim Burns was present on behalf of Robinsons – Blake advised that Offerman (contractors for Robinsons) had submitted estimates of \$13k+ to lower the peak approximately 42” and \$40k+ to lower the sidewalls an additional 2 feet. Offerman advised that there were additional difficulties that were not included in the estimates and costs would be higher than given in the estimates.

Pratte – Roof modifications are feasible. Couldn’t some mod’s be done to arrive at an agreement with the neighbors?

Offerman – The neighbors should have approached Robinsons at the time of construction and not waited until the structure was built.

Brustkern and others advised that they had told Robinsons that the building was too tall.

Frana advised that they did not know that the plan had changed. He asked if the blueprint of the structure had been reviewed? Did the Administrator visit the site to see what was going on? Blake advised that the County did not require blueprints in this instance and that yes, he had visited the site. After Robinsons corrected the setback violation, the Stop Work Order issued had been lifted.

Winters asked about the curb/retaining wall that was still on Blue Heron Drive R.O.W. Blake advised that the owners of the lane could require the curb/wall be removed.

After discussion regarding the appeal of the decision to issue the variance, Pratte made a motion to reject the appeal on the grounds that the appeal should have been taken to the District Court and not to the Board of Adjustment. Walleser seconded the motion. Ayes: Pratte, Walleser, Weymiller, Keatley, Brainard. MCU.

Pratte, in regards to the decision of the Zoning Administrator to issue a permit for the new/replacement residential structure (rather than an addition to the existing residence and a garage), opined that the new structure did impact the neighboring property values. Pratte presented section 335.5 (5) and stated that the decision did not preserve the value of the neighbors property.

Burns – This is the wrong venue for that argument. It should be taken to Iowa Courts and Iowa Courts make or establish no view protections. The Board should not create standards that are not explicitly in the ordinance already.

Weymiller asked if neighborhood character is in the ordinance. Walleser commented that this use is single family and that is the character of the neighborhood.

Pratte made a motion to find in favor of the appellants, finding that Blake issued the permit in violation of Section 335.5 and that the building was not in character with the neighborhood. Walleser commented that the structure met the single family requirement. Weymiller commented that he did not feel we could defend a neighborhood character standard that is not in Allamakee County ordinance. Pratte stated that it should be in the ordinance but it is in the Iowa Code and doesn't that override County regulations? There being no further discussion regarding the motion, Pratte asked for a second. Motion dies for lack of second.

Walleser made a motion to reject the appeal, finding that Blake issued building permit correctly. Keatley seconded. Ayes; Walleser, Keatley, Waymiller, Brainard. Nays; Pratte. Motion Carried.

Walleser 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 21, 2019

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
	Steve Weymiller	Present	12/31/2019
	Gwen Brainard	Present	12/31/2020
Chair	Bernard Pratte	Present	12/31/2021
Vice-Chair	Nancy Walleser	Present	12/31/2022
	Dennis Keatley	Absent	12/31/2023

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 meeting agenda as presented. Walleser seconded. MCU.

Walleser made a motion to approve the September 11, 2019 meeting minutes as presented. Brainard seconded. MCU.

Public Hearings

Allamakee Clayton REC, 1251 Teeple Creek Drive, Waukon, IA – Consideration of an application for a conditional use permit to allow the construction of a Communications Tower for the provision of broadband internet service. Blake presented the list of property owners notified and advised that no responses had been made to the notice. The site plan was reviewed and, after discussion regarding location, site plan and tower height, Pratte made a motion to approve the conditional use permit. Brainard seconded the motion. Ayes: Pratte, Walleser, Weymiller, Brainard. MCU.

Veenschoten, John and Dawn, 1872 Majestic View Lane, Lansing, IA – Consideration of a request for a variance to reduce the front yard setback from 40 feet to 20 feet to allow a new home to be located more distance from the top of the bluffland impact line. Blake presented a site plan and responses from neighbors, all in favor of the variance request. Blake also presented an opinion from the Planning and Zoning Commission in favor of the request. The Commission felt that the home on a quiet cul-de-sac would be better sited if it were closer to the edge of the road easement. After discussion, and finding that the setback created a hardship due to septic system requirements and proximity to the bluff, Weymiller made a motion to approve the variance as requested. Pratte seconded. Ayes: Weymiller, Pratte, Walleser and Brainard. MCU.

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

Thomas Blake, Zoning Administrator and Board Secretary