

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
February 27, 2024
Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA**

Meeting was called to order at 4:30 P.M. by Chair Anne Klees.

Roll Call of Commission Members:

			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Present	12/31/2027
	Bernard Pratte	Absent	12/31/2026
	Vicky Peterson	Present	12/31/2025
	Shawn Gibbs	Present	12/31/2028

Staff & Others Present: Stephanie Runkle-Zoning Administrator and Mandy O'Neill-Administrative Assistant; Trent & Jayne McCormick, Colton & Tessa Willie, Jim Bartels, Lonnie Tiedt, Denis Kuhens. Via zoom was Steve Bodensteiner, Paul Schmitt and Jay Schmitt.

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

Peterson made a motion to approve the agenda, moving McCormick Conditional Use update to the first agenda item; Gibbs seconded. All in favor. MCU.

11/28/23 Minutes: Averhoff made a motion to approve; Peterson seconded. All in favor. MCU

Old Business:

Trent McCormick 548 Lonnings Lane Dorchester Runkle explained the easement in perpetuity through Upper Iowa Resort. McCormick was granted his private campground through a Conditional Use Permit in November 2020. Runkle read the minutes from that meeting. The current Conditional Use Permit is for 5 campsites. Runkle read section 508.9 in the ordinance for minor modifications to the existing permit. Trent McCormick speaks about how he'd like to add more electrical boxes and water lines. Klees asks him if he plans to become commercial and he stated that no, he will remain a private campground. The Willies, who own Upper Iowa Resort, speak in agreeance that 10 more sites will mean more traffic and they feel that 10 total sites are enough. Averhoff asks if there are any UTVs and McCormick agrees there are not. The Willies are concerned that their permanent people would leave Upper Iowa Resort and rent from the McCormick's. The discussion ended with the intent of having 5 additional permanent sites, for a total of 10 permanent sites from Spring to Fall to be allowed on this Conditional Use Permit, which will not be granted until after Trent brings a written letter to Stephanie with his request.

Public Hearing:

Lonnie Tiedt 642 Schmitt Lane Harpers Ferry, IA

A petition for a **Variance** has been filed by Lonnie Tiedt at 642 Schmitt Ln. Harpers Ferry, IA. The petition request is in consideration of a Variance in order to have a Rear Yard Setback of 1' rather than the 40' required in order to place a 12' x 24' carport on the North side of his property. The property is zoned A-1, Agricultural District. Runkle states the easement disagreement is amongst the neighbors, while the title opinion states there is an easement and also a recorded plat showing the easement, this is a neighbor argument. Lonnie owns 1.87 acres that he purchased from Kerndt Brothers Savings Bank in 2020. There is a holding tank on the property and 3 people on a well located on Robert Renz lot at 637 Schmitt Lane. Steve Bodensteiner and Denis Kuhens, both neighbors stated they received the letter from the

County about the Public Hearing and neither returned it, but they are both in favor of this variance. Runkle read aloud the opposed letter from Paul Schmitt, neighbor. Schmitt then speaks stating he bought that land in 1998 from the Downing family and had an agreement with them and the DNR that this land would not be disrupted. He is worried about the depth of the water lines on Lonnie's property. Schmitt states he granted KBSB an 8' easement on the South end of the property with the option to widen if rerouting power was needed, but it has never been recorded and no paperwork was sent proving this. He prefers Lonnie to use what Schmitt deems the correct easement. Klees asks Tiedt if he can level anywhere and logically place building elsewhere? Tiedt responded no, there is not. Averhoff asks if there's a well agreement for the three who share? Tiedt says he pays Mr. Renz and has only a verbal agreement. Tiedt explains that currently he has placed gravel 1' from the property line to prepare for his shed to be put up. It is unanimous amongst the board to have a site visit at the Tiedt property, which Gibb makes a motion to set the on-site visit for Wednesday, March 6 at 2:30 and Peterson seconds. AIF. MCU.

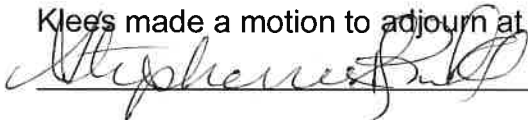
Old Business:

Jim Bartels 1670 River View Rd Unit 5, Lansing, IA

Bartels was granted a variance on 11/28/2023 to have a Side Yard Setback of 3' rather than the 8' required in order to place a 12' x 20' carport on the North side of his property. He would like this variance to be on the South side of his property, not the North. The carport will be placed on dirt, not concrete. Gibbs makes a motion to allow the carport to be 3' from the South property line; Averhoff seconds. All in favor. MCU.

Iowa State University is holding the Planning & Zoning workshop in Decorah on April 25 and all our board members are encouraged to join.

Klees made a motion to adjourn at 6:20 PM. Gibbs seconded. All in favor. MCU.



Stephanie Runkle, Zoning Administrator

3/26/24

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments Site Visit
March 6, 2024**

Meeting was called to order at 3:05 P.M. by Chair Anne Klees on site at 642 Schmitt Ln, Harpers Ferry, IA.

Roll Call of Commission Members:

			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Present	12/31/2027
	Bernard Pratte	Present	12/31/2026
	Vicky Peterson	Present	12/31/2025
	Shawn Gibbs	Present	12/31/2028

Staff & Others Present: Stephanie Runkle-Zoning Administrator, Sherrif Clark Mellick and Mandy O'Neill- Administrative Assistant; Lonnie Tiedt, Denis Kuhens, Robert Renz, David Silavage, and Jay Schmitt.

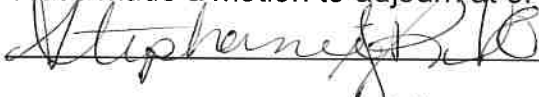
All Board Members voting AYE, unless noted. MCU means Motion Carried Unanimously.

Pratte made a motion to approve the agenda; Gibbs seconded. All in favor. MCU.

Lonnie Tiedt 642 Schmitt Lane Harpers Ferry, IA

The board walked the site and saw the location of proposed shed. Property line boundaries were established. Klees stated as an option the area could be leveled and filled.

Gibbs made a motion to adjourn at 3:18 PM. Peterson seconded. All in favor. MCU.


Stephanie Runkle, Zoning Administrator

3/26/24

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
March 26, 2024**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:30 P.M. by Chair Anne Klees.

Roll Call of Commission Members:

			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Present	12/31/2027
	Bernard Pratte	Present	12/31/2026
	Vicky Peterson	Present	12/31/2025
	Shawn Gibbs	Present	12/31/2028

Staff & Others Present: Stephanie Runkle-Zoning Administrator and Mandy O'Neill-Administrative Assistant; Trent & Jayne McCormick, Colton & Tessa Willie, Lonnie Tiedt, Lynette & Jerry Kansier and Jerod Morris.

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

Pratte made a motion to approve the agenda; Peterson seconded. All in favor. MCU.

2/27/24 Minutes: Averhoff made a motion to approve; Pratte seconded. All in favor. MCU

3/6/24 Minutes: Averhoff made a motion to approve; Pratte seconded. All in favor. MCU

Public Hearing:

Jared Morris 384 Hwy 51 Postville A petition for a **Variance** has been filed by Jared Morris. The petition request is in consideration of a Variance in order to have a Front Yard Setback of 25' rather than the 50' required in order to have a 30' x 50' garage. The property is zoned C-1, Commercial District. Discussion is had on the back road usage and Morris states it is for utilities. Septic is located to the North and well is located to the South. Runkle questioned Morris on using the new building as kennel usage and he said no, just storage. Averhoff made a motion to approve the variance as presented; Gibbs seconded. All in favor. MCU

Jerry Kansier 1624 Squirrel Drive, Monona A petition for a **Variance** has been filed by Jerry Kansier. The petition request is in consideration of a Variance in order to have a Front Yard Setback of 13' rather than the 40' required in order to have a 28' x 60' shed. The property is zoned A-1, Agricultural District. Runkle reads staff report stating the shed is previously built and does not have a building permit. When Kansier came into the office after receiving his violation letter Runkle noticed he needed a variance for the prior build. Kansier built the shed in this location due to easy access to bring his truck and trailer in. Averhoff asks why he didn't obtain a building permit and Kansier stated he didn't think he needed one. Peterson makes a motion to approve the 13' variance with a \$200 penalty assessed for building without a permit; Pratte seconded. All in favor. MCU.

Old Business:

Trent McCormick 548 Lonnings Lane Dorchester Trent brought the written letter to Stephanie with his request. The motion from Novembers BOA meeting in 2020 was reviewed.

Klees asks the Willies if they have any responses to the disruption. Tessa states she sent a survey to 17/24 of the permanent sites most affected. The other 7 are new campers. 12/17 surveys were completed. Averhoff asks about UTV usage. Trent stated he trailers his UTV. After discussion on UTV usage in the campground or too the McCormick's site, it is stated that the easement is running through Upper Iowa Resorts property that they have granted the other properties access, but Upper Iowa Resort has a rule that no UTV usage is allowed in their business. Colton states Trent is good about respecting UTV usage. Klees states she is concerned that everyone needs to cooperate.

(Gibbs left for a short time at 5:25 and was back at 5:32)

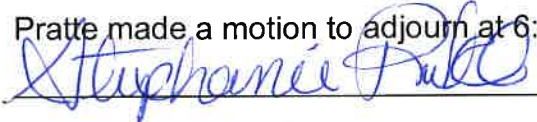
Colton asks where in the easement does it say all people going to McCormick's property get to go through the easement? After much discussion on traffic and easement, dumpster & bathroom usage and speeding, it is noted that at the previous meeting everyone was in agreement to the request of 5 additional sites and now the Willies aren't on board. Colton states more people equals more problems and he doesn't want to revoke their permit but he doesn't want more sites either. Pratte makes a motion approve the additional 5 sites; Averhoff seconded the motion. Peterson and Klees Nay. 3:2 vote, motion carried.

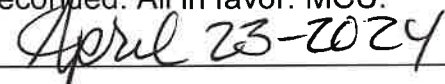
Lonnie Tiedt 642 Schmitt Lane Harpers Ferry, IA

Previous meeting on 2/27/24 for variance and site visit on 3/6/24 was had. A petition for a **Variance** has been filed by Lonnie Tiedt. The petition request is in consideration of a Variance in order to have a Rear Yard Setback of 1' rather than the 40' required in order to place a 12' x 24' carport on the North side of his property. The property is zoned A-1, Agricultural District.

After discussion and consideration, Gibbs makes a motion to approve a 3' variance for the rear yard setback; Peterson seconded. Averhoff abstains. Motion carried 4:1.

Pratte made a motion to adjourn at 6:15 PM. Peterson seconded. All in favor. MCU.





Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
May 28, 2024**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:32 P.M. by Chair Anne Klees.

Roll Call of Commission Members:

			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Present	12/31/2027
	Bernard Pratte	Absent	12/31/2026
	Vicky Peterson	Present	12/31/2025
	Shawn Gibbs	Present (arrived at 4:40)	12/31/2028

Staff & Others Present: Stephanie Runkle-Zoning Administrator, Dan Connelly, Rodney Smed and Barbara Smed.

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

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

03/26/24 Minutes: Averhoff made a motion to approve; Peterson seconded. All in favor. MCU

Public Hearing:

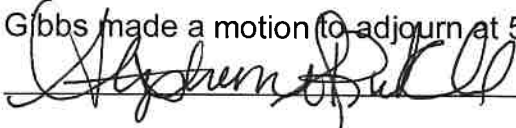
Rodney and Barbara Smed at LOT 9 ROYAL OAKS ESTATES SUB-DIV of Section 4, Township 96 North Range 3 West A petition for a **Variance** has been filed by Rodney and Barbara Smed. The petition request is in consideration of a Variance in order to have a Front Yard Setback of 10' rather than the 40' required in order to have a 116' x 50' home with attached garage. The Smed's bought a 3.79-acre vacant property in the Royal Oaks Subdivision. The front of the property towards Royal Lane is the highest elevation and it drops off towards the rear of the property. The discussion of the Variance included the observation of the existing neighboring lots which are also mainly vacant and if giving this Variance will set off a ricochet of Variances. The board members discussed doing a site visit to see all the properties. Averhoff made a motion to table the discussion until the board members had a chance to view the property, Gibbs seconded. All in favor. MCU. A site visit was scheduled for June 3, 2024 at 2:30 pm.

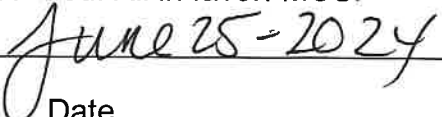
New Business:

ISU Training Discussion was had about the recent training some members attended. Parliamentary procedure was discussed and ways to correctly carry out motions and seconds. The members agreed the current way they are conducting meetings is in accordance with Parliamentary Procedures.

doesn't want more sites either. Pratte makes a motion approve the additional 5 sites; Averhoff seconded the motion. Peterson and Klees Nay. 3:2 vote, motion carried.

Gibbs made a motion to adjourn at 5:15 PM. Peterson seconded. All in favor. MCU.


Stephanie Runkle, Zoning Administrator


Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
June 25, 2024**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:31 P.M. by Chair Anne Klees.

Roll Call of Commission Members:

			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Present	12/31/2027
	Bernard Pratte	Present	12/31/2026
	Vicky Peterson	Present (Zoom)	12/31/2025
	Shawn Gibbs	Absent	12/31/2028

Staff & Others Present: Stephanie Runkle-Zoning Administrator, Claire Opperman-Administrative Assistant, John Veenschoten

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

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

05/28/2024 Minutes: Pratte made a motion to approve; Peterson seconded. All in favor. MCU

06/03/2024 Minutes: Averhoff made a motion to approve; Pratte seconded. All in favor. MCU

Public Hearing:

Ryan Mathis at 2012 Houlihan Dr Harpers Ferry of Section 8, Township 97, Range 3 A petition for a **Variance** has been filed by Ryan Mathis. The petition request is in consideration of a variance to have a front yard setback of 15' rather than the 40' required to have a 60' x 80' shed. Mathis has had this property since 2015. The discussion of the Variance included the observation that there was an existing shed in that spot previously. The board members discussed the property size and the area surrounding the property. Pratte made a motion to approve as presented, Averhoff seconded. Klees Nay. 3:1. Motion Carried.

John Veenschoten at 1872 Majestic View Lane of Section 36, Township 100, Range 4

A petition for a **Variance** has been filed by John Veenschoten. This petition request is in consideration of a variance to build a garage with a 10' front yard setback rather than 40' required. The garage is 24' x 24' and detached from the house. The discussion of the variance included the observation that most of this property is bluff land. The board members discussed where the garage is outlined, is the only place to put it on the property due to having an easement as well. Averhoff made a motion to approve as listed, Pratte seconded. All if favor. MCU.

New Business:

Claire Opperman, the new assistant, attended the meeting and got introduced to the board members.

BOA fees were discussed by the board. When someone is fined for a late application submitted after construction or there has been a change in use, the board wants that listed in the staff report.

Pratte made a motion to adjourn at 5:36PM. Peterson seconded. All in favor. MCU.

Stephanie Runkle

July 23rd 2024

Stephanie Runkle, Zoning Administrator

Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
July 23, 2024**

Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA

Meeting was called to order at 4:34 P.M. by Chair Anne Klees.

Roll Call of Commission Members:

			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Present	12/31/2027
	Bernard Pratte	Absent	12/31/2026
	Vicky Peterson	Present (Zoom)	12/31/2025
	Shawn Gibbs	Present	12/31/2028

Staff & Others Present: Stephanie Runkle-Zoning Administrator, Claire Opperman-Administrative Assistant, Wally Mahr, Haaken Mahr, Tracy Mahr, Donald Elsbernd, Erik Elsbernd, Jean Troendle, Randy Kurk, Mary Anne Andregg, Sandy Beck

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

07/23/2024 Agenda: Gibbs made a motion to approve; Averhoff seconded. All in favor. MCU.

06/25/2024 Minutes: Averhoff made a motion to approve; Gibbs seconded. All in favor. MCU

Public Hearing:

Jean Troendle at 1710 Faegre Prairie Rd of Section 9, Township 98, Range 4

A petition for a **Variance** has been filed by Jean Troendle. This petition request is in consideration of a variance to build a house with a 10' rear setback rather than 30' required. The discussion of the variance included the observation that there was farm ground on all sides of her property with one neighbor close. The board also discussed that her property has slope, so this was the only good spot to put the house. Averhoff made a motion to approve as listed, Gibbs seconded. All in favor. MCU.

Haaken Mahr at 2782 Cliff Rd of Section 24, Township 100, Range 6

A petition for a **Variance** has been filed by Haaken Mahr. The petition request is in consideration of a variance to build a shop to have a garage door business with a 27' front yard setback rather than the required 50' along with a 6' side yard setback rather than the 30' required. The discussion of the variance included the observation that it is a small lot, which makes it hard to follow the required setbacks. They also discussed that the plan to build a shop is going to be the same size as the one that was there before. Gibbs made a motion to approve as listed, Averhoff seconded. All in favor. MCU.

Donald Elsbernd at 809 Pole Line Rd of Section 29, Township 97, Range 6

A petition for a **Variance** has been filed by Donald Elsbernd. The petition request is for consideration of a variance to split the house on 1.5 acres and remainder of the farm for financial purposes. This separation was a request from the bank. The board had a discussion of the variance which included the septic location and if there was enough room near the

house to put more lines if needed. This variance concluded asking Laurie Moody the environmental health sanitarian who does the septic permits for Allamakee County if she thinks there is enough room to add more septic lines. If Laurie approves, Gibbs makes a motion to approve, and Averhoff seconded. All in favor. MCU.

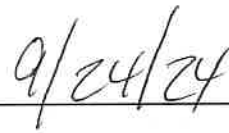
Randall Kurk at 1865 Trophy Run Ln of Section 12, Township 96, Range 4

A petition for a **Variance** has been filed by Randy Kurk. This petition is in consideration of a variance to keep his garage that is already built where it is. This garage is 19' from reaching the front yard setback requirement. Randy built this garage not knowing about the setbacks and was told this was the only area to put the garage on his property. Randy gave a little speech about the variance and what happened. The discussion of the variance by the board was that there is going to be a fee of \$150 charged to Randy as he did not follow the required setbacks when building. They also discussed that Randy just moved here and was not told by anyone about getting a building permit before building. Gibbs made a motion to approve as listed, Peterson seconded. All in favor. MCU.

Gibbs made a motion to adjourn at 5:58PM. Averhoff seconded. All in favor. MCU.



Stephanie Runkle, Zoning Administrator



Date

**Minutes of the Meeting of the
Allamakee County Board of Adjustments
September 24, 2024
Planning and Zoning Office at Allamakee County Courthouse, Waukon, IA**

Meeting was called to order at 4:35 P.M. by Chair Anne Klees.

Roll Call of Commission Members:

			Term Expires
Chair	Anne Klees	Present	12/31/2024
Vice-Chair	Gene Averhoff	Absent	12/31/2027
	Bernard Pratte	Present	12/31/2026
	Vicky Peterson	Present	12/31/2025
	Shawn Gibbs	Present	12/31/2028

Staff & Others Present: Stephanie Runkle- Zoning Administrator, Claire Opperman- Administrative Assistant, Brian Hamann, Justin Rincken, Gretchen Brummel- Zoom, Maria Brummel- Zoom, John Miller, Leslie Miller, Kelly Gavin, Greg Lea, Erik Kephart, Brian Brummel- Zoom, Susan Snow, Jonathon- Zoom

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

09/24/2024 Agenda: Gibbs made a motion to approve; Pratte seconded. All in favor. MCU.

07/23/2024 Minutes: Gibbs made a motion to approve; Peterson seconded. All in favor. MCU

Public Hearing:

Brian Hamann at 221 Hwy 76 of Section 28, Township 96, Range 3

A petition for a **Variance** has been filed by Brian Hamann. The petition request is in consideration to sell less than 3 acres of his property. He wants to sell .50 acres to Justin Rincken for him to put a camper on and bring his family here when he comes to hunt. The discussion of the variance included the observation that it is in the floodplain and there were 3 letters sent back that were opposed. One of the surrounding neighbors was on zoom and spoke up saying that it was a dangerous place for a camper to be put with the floodplain and is very concerned with having more people around. A member of the park reserve was also there to ask to wait on this until October at the earliest so they can get their land surveyed since it is a neighboring property. Runkle read aloud the staff report and further discussion took place. Gibbs made a motion to deny based on complications with Hamann's property, size and shape of new proposed lot and floodplain, Peterson seconded. MCU.

Fredrick L Miller Trust at 1155 Highway 76 of Section 8, Township 97, Range 5

A petition for a **Variance** has been filed by Erik Kephart on behalf of the Frederick L Miller Trust. The petition request is in consideration to split 0.8 acres from the farm operation for John Miller to have the residence. This variance is a stipulation to resolve the lawsuit. Erik Kephart spoke to the board about the variance as he is helping the family with the trust. Runkle also showed maps and spoke about the septic that Laurie and Erik have already figured out. Leslie, John's wife, said that they would like to move back to the house but do not want to do

any renovations or upkeep to the house unless they were for sure it was going to be there's. Gibbs made a motion to approve as listed, Pratte seconded. AIF. MCU.

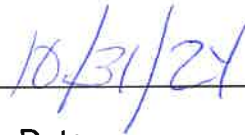
Kelly Gavin at 1707 Point Vista Ln of Section 11, Township 99, Range 4

A petition for a **Variance** has been filed by Kelly Gavin. The petition is in consideration to have a front yard setback of 27' instead of the required 40' to build a garage. Discussion took place within the board about the variance and that she received a variance in 2017 for a 20' front yard setback to build a house. Kelly would like this garage to be lined up with the house. The slope of Gavin's property makes it hard to build anywhere else. The well is also located on the north side of the house. Runkle showed the board maps to show the setback as 40' and 27'. Peterson made a motion to approve as listed, Pratte seconded. AIF. MCU.

Pratte made a motion to adjourn at 5:37PM. Peterson seconded. All in favor. MCU.



Stephanie Runkle, Zoning Administrator



Date