

BOARD OF ADJUSTMENT

DYERSVILLE, IOWA

Lower Level Council Chambers

DATE: October 15, 2019

THE ZONING BOARD OF ADJUSTMENT IS A QUASI-JUDICIAL BOARD CREATED BY THE CITY OF DYERSVILLE. THE BOARD'S PURPOSE IS TO DECIDE ON APPLICATIONS FOR VARIANCES FROM THE ZONING ORDINANCE (CHAPTER 165 OF THE MUNICIPAL CODE), APPEALS OF DECISIONS OF THE ZONING OFFICIAL, AND APPLICATIONS FOR SPECIAL PERMITS AND FOR EXCEPTIONS REQUESTED UNDER THE ZONING ORDINANCE.

WE ARE AN INDEPENDENT BOARD OF CITIZENS AND NOT PART OF THE CITY ADMINISTRATION. WE ARE SERVED IN OUR EFFORTS BY A CITY ATTORNEY AND STAFF MEMBERS.

MEETING CALLED TO ORDER: 6:00 P.M. by Vice Chairperson Boeckenstedt

ROLL CALL: Present: Board Members: Robin Bauer, Jeff Geistkemper,
Steve Boeckenstedt, Jeff Jacque, Ann Salter
Absent: Mary Klostermann, Steve Timp

Item #1: Approve Minutes of the August 21, 2019 Meeting.

Vice Chairperson Boeckenstedt asked for questions or comments regarding the minutes and there were none.

Jeff Jacque made a motion to approve the minutes of the August 21, 2019 Meeting. Motion seconded by Robin Bauer.

Voice Call Vote:

Ayes: Robin Bauer, Steve Boeckenstedt, Jeff Geistkemper,
Jeff Jacque, Ann Salter
Nays: None

Motion Carried

CASE NO. 02-2019

TYPE OF REQUEST: Variance to the front yard setback at 302 5th Street NW, Dyersville, Iowa as required in Section 165.26 of the City Code. Request submitted by Tegeler Wrecker & Frame.

(CASE SHEETS ATTACHED)

BOARD OF ADJUSTMENT CASE SHEET

October 15, 2019

THE ZONING BOARD OF ADJUSTMENT is authorized to grant a Variance or Special Exception provided **ALL OF THE FOLLOWING REQUIREMENTS** have been addressed:

I. UNNECESSARY HARDSHIP:

To support a Finding of Unnecessary Hardship, the Board must, upon competent evidence, determine:
That the land in question **cannot yield a reasonable return** if used only for the purpose allowed in the zone.

A. The plight of the owner is due to **unique circumstances** and not to the general conditions in the neighborhood, which may reflect the unreasonableness of the Zoning Ordinance itself.

B. The use to be authorized by this variance will not alter the **essential character** of the area.

II. THE VARIANCE will not be contrary to the Public Interest.

III. THE SPIRIT of the Ordinance is protected.

IV. SPECIAL EXCEPTION:

Use of a property not otherwise permitted by Ordinance but permitted as Special Exception Uses as stated in the Dyersville Municipal Code.

CASE NO. 02-2019

TYPE OF REQUEST: Variance to the front yard setback at 302 5th Street NW, Dyersville, Iowa as required in Section 165.26 of the City Code. Request submitted by Tegeler Wrecker & Frame.

Jason Rauen, owner of Tegeler Wrecker & Frame was present and asked the board if they had any questions.

The commission said, by the looks of the application, it seems he plans to enhance the front of his building. Rauen advised he plans to remove the existing office portion and rebuild a two story 20' x 27' office. The board asked how much higher the new building would be compared to the shop area behind it. Rauen advised it would probably be a couple feet higher. Board Member Jacque stated Rauen needed to provide a hardship for the Board to approve this request. Right now the building is non-compliant. When the building was built, there wasn't an ordinance in place now the code requires a 40' front setback.

Rauen advised they are trying to expand and the best option was to tear down the existing office and rebuild. Rauen stated that City Administrator Mick Michel suggested building on the north side of the shop area. Rauen stated there is a pit in the shop that the office staff would need to constantly walk around and that would not be safe for them. The pit also prohibits him from taking shop space for the office.

City Administrator, Mick Michel, stated the code provides hardships such as shape of the property, topographical issues or other extraordinary circumstances. Since Rauen can not expand to the north of his property due to the pit in the shop, the pit can be considered the hardship, therefore, satisfying the requirements set by the code. This request could be approved based on Chapter 165.33(7)(b) due to the extraordinary issue of the pit.

The board asked why this permit was originally denied. Michel advised because it did not meet the required 40' front setback. The whole building is out of compliance right now. If this variance is approved, it means Rauen is building right up to the property line.

The board confirmed that only the office portion was being replace and the shop area was remaining. They also confirmed that the office portion is going to be 20' x 27' and told Rauen he could not make it any wider than 20'. Michel also advised there can not be any overhangs on the office other than the roof. Board Member Geistkemper stated the elevation sheet looks like there are plans for overhangs. Michel advised they can approve the variance excluding overhangs.

Chairman Boeckenstedt said since no one else was present in the audience there were no comments either for or against. He then asked if the board had any more questions.

After no further discussion, Jeff Jacque made a motion to approve a 40' variance to the front yard setback at 302 5th Street NW, Dyersville, Iowa as required in Section 165.26 of the City Code based on Chapter 165.33(7)(b) with an extraordinary circumstance of the pit inside the property and excluding any overhangs. Motion was seconded by Ann Salter

Roll Call Vote: Ayes: Robin Bauer, Steve Boeckenstedt, Jeff Geistkemper,
Jeff Jacque, Ann Salter

Nays:

Motion Carried

ADJOURNMENT: Motion: Robin Bauer Second: Ann Salter Time: 6:16 p.m.
Voice Call Vote: Ayes: All Nays: None

Motion Carried

Lori A. Panton

Lori A. Panton – Recording Secretary

10/15/19
Date