

**BOARD OF ADJUSTMENT
DYERSVILLE, IOWA**

DATE: July 20, 2016

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 Chairman Timp

ROLL CALL: Present: Board Members: Jeff Geistkemper, Jeff Jacque,
Mary Klostermann, Steve Timp, Janet Willenbring
Absent: Robin Bauer

Item #1: Oath of Office to Jeff Geistkemper

Oath of office was administered to Jeff Geistkemper by Recording Secretary Lori Panton.

Item #2: Election of Chairperson

Jacque nominated Mary Klostermann for Chairperson. Nomination seconded by Timp.

Voice Call Vote:

Ayes: Jeff Geistkemper, Jeff Jacque, Mary Klostermann, Steve
Timp, Janet Willenbring
Nays: None

Motion Carried

Item #3: Election of Vice Chairperson

Jacque nominated Steve Timp for Vice Chairperson. Nomination seconded by Klostermann.

Voice Call Vote:

Ayes: Jeff Geistkemper, Jeff Jacque, Mary Klostermann, Steve
Timp, Janet Willenbring
Nays: None

Motion Carried

Mary Klostermann took over meeting as Chairperson.

Item #4: Approve Minutes of the June 15, 2016 Meeting.

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

Willenbring made a motion to approve the minutes of the June 15, 2016 Meeting. Motion seconded by Timp.

Voice Call Vote:

Ayes: Jeff Geistkemper, Jeff Jacque, Mary Klostermann, Steve Timp, Janet Willenbring
Nays: None

Motion Carried

CASE NO. 05-2016

TYPE OF REQUEST: Request for a variance to the front yard setback as required in section 165.23 of the City Code. Variance requested by Joyce Meyers at 818 2nd Street NE.

(CASE SHEETS ATTACHED)

BOARD OF ADJUSTMENT CASE SHEET

July 20, 2016

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. 05-2016

TYPE OF REQUEST: Request for a variance to the front yard setback as required in section 165.23 of the City Code. Variance requested by Joyce Meyers at 818 2nd Street NE.

Joyce Meyers was present and advised the Board that she would like to add a garage to the house and an overhang over the front door. She is getting older and would like a garage. She is building to this size to include storage.

She stated there is a utility pole in her back yard preventing her from moving the garage back. She contacted Alliant and they said the pole could be removed and lines buried but there would be a cost associated. They would pick up some of it but not all. She found out the pole also serves the neighbor and they are having financial issues and she doesn't want to burden them any further. She stated the other homes along the street have front entrances that stick out just as far as her proposal. She has spoken to the neighbors and none of them have any issues with her project. She also stated she had a surveyor come in, at the suggestion of the City Administrator, to verify her property lines.

Meyers said she currently has a cement front stoop and she wants to add a gable with pillars as shown in one of the photos in the packet. The front of the garage will not go out any farther than the gables. She stated she would like a double car garage but there is not enough room so she will compromise with this.

The Board questioned where the utility pole was in the back yard. She said is 4' from her patio and 12' from the rear property line. They asked if the neighbor's driveway was encroaching on her property and she advised it was not even though the aerial view looks like it is. The Board also questioned if she would be going over or near any utilities. Meyers advised she had everything marked and the gas and cable run along the grass line but she is far enough away from those. The water and sewer line comes in on the south

side of the property. They asked how high the garage would be and she said the same as the house. City Administrator Mick Michel advised it is about 12'.

Chairman Klostermann asked if the City had any problems and Michel advised he did not. Currently the house is a non-conforming structure and she obviously cannot move the house and he understands not moving the pole. The hardship of the house location and moving of the pole would allow granting the variance based on section 165.33(7)(b) due to the extraordinary situation.

The Board asked if the city received any correspondence from neighbors, we stated we had not.

Recording Secretary Lori Panton asked for verification if this was a 9' variance. Meyer stated it would be 9 ½'.

After no further discussion, Jacque made a motion to approve a 9 ½' variance to the front yard setback at 818 2nd Street NE based on section 165.33(7)(b) of the City Code. Motion was seconded by Geistkemper.

Roll Call Vote: Ayes: Jeff Geistkemper, Jeff Jacque, Mary Klostermann, Steve Timp, Janet Willenbring

Nays:

Motion Carried

ADJOURNMENT: Motion: Timp Second: Willenbring Time: 6:15 pm
Voice Call Vote: Ayes: All Nays: None

Motion Carried

Lori A Panton

Lori A. Panton – Recording Secretary

7/20/16
Date