

**BOARD OF ADJUSTMENT
DYERSVILLE, IOWA**

DATE: February 21, 2018

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 Chairperson Klostermann

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

Item #1: Approve Minutes of the September 21, 2016 Meeting.

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

Jacque made a motion to approve the minutes of the September 21, 2016 Meeting. Motion seconded by Timp.

Voice Call Vote:

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

Motion Carried

CASE NO. 01-2018

TYPE OF REQUEST: Request for a Special Exception Use for family dwelling at 1300 15th Avenue SE as required in section 165.24 of the City Code. Request submitted by Kevin Kienzle with Dyersville Storage LLC.

(CASE SHEETS ATTACHED)

Item #3: Receive and File Boards & Commissions Public Notice.

A copy of the advertisement for openings to the cities boards and commissions was included in the agenda packets. This was for informational purposes only. They should encourage people they think would be good for the position to fill out an application

Timp made a motion to receive and file boards and commissions public notice. Motion seconded by Boeckenstedt.

Voice Call Vote:

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

BOARD OF ADJUSTMENT CASE SHEET

February 21, 2018

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. 01-2018

TYPE OF REQUEST: Request for a Special Exception Use for family dwelling at 1300 15th Avenue SE as required in section 165.24 of the City Code. Request submitted by Kevin Kienzle with Dyersville Storage LLC.

Kevin Kienzle and Linda Sweet, 10468 Lake Eleanor Road, Dubuque, were present for comment and questions. Kienzle advised he acquired this property in September 2017. He would like to convert the front of the building to living quarters. They will keep the back for his business. Kienzle and Sweet currently live in Dubuque and due to health reasons, he is looking to have a one level home. Kienzle advised he tried to rent the property but had no success. He now would like to move from Dubuque to Dyersville and live in the building.

Kienzle and Sweet provided the board with layout plans on the renovation. The building currently has office space and a kitchen. They will redo the main offices and the boardroom but keep the kitchen. Kienzle advised he does not want to disrupt any of the other area businesses. He keeps a clean business and plans to keep it clean. He has plans to fix up the property.

Chairperson Klostermann asked City Administrator Mick Michel the position of the city. Michel advised this request is for a single-family dwelling. The code requires them to have one off-street parking space. Kienzle and Sweet advised they have a garage on the east end of the building they can park in and do not plan to park on the street. Michel advised since this is a special exception they do not have to demonstrate a hardship, they just need to provide the off-street parking area. The board asked how this is monitored. Michel advised if complaints are called in, the situation will be reviewed. If it is found there is no off-street parking a municipal infraction is enforced. Michel also stated that since this is a

C-1 district, single family dwellings are allowed with a special exception use granted by the board. This is the same as the downtown area.

Timp asked how this is different from the Fitzgerald request a couple years ago. Michel advised that was zoned I-2 and the code is different for industrial versus commercial. Michel stated this will require 5 affirmative votes to pass. Timp asked Kienzle what his future plans were and Kienzle advised for business. They do not plan on any expansion. They do plan to install a sliding and create a patio area. They also have plans for landscaping.

The board asked if this is approved, does the use stay with the current owner or does it stay with the property forever. Michel advised they can make it conditional to this owner but if they don't it will stay with the property forever. Michel thinks it is a good idea to make this conditional. Kienzle stated he understands why that would be a good idea.

After no further discussion, Jacque made a motion to approve the request for a special exception use for family dwelling at 1300 15th Avenue SE as required in section 165.24 of the City Code conditional to the current property owner. Motion was seconded by Geistkemper.

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

Nays:

Motion Carried

ADJOURNMENT: Motion: Jacque Second: Timp Time: 6:14 pm
Voice Call Vote: Ayes: All Nays: None
Motion Carried

Lori A. Panton

Lori A. Panton – Recording Secretary

2/21/18
Date