

# **BOARD OF ADJUSTMENT**

**DYERSVILLE, IOWA**

**Lower Level Council Chambers**

**DATE: June 20, 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:** 6:04 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 February 21, 2018 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 February 21, 2018 Meeting. Motion seconded by Boeckenstedt.

**Voice Call Vote:**

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

**Motion Carried**

**Item #2: Receive & File** City of Dyersville Retail Sale of Consumer Fireworks Policy.

Timp made a motion to Receive & File the City of Dyersville Retail Sale of Consumer Fireworks Policy. Motion seconded by Geistkemper.

**Voice Call Vote:**

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

**Motion Carried**

**CASE NO. 02-2018**

**TYPE OF REQUEST:** Approve Special Exception Use for Sale of Fireworks to Bellino Fireworks at 1207 12<sup>th</sup> Avenue SE, Dyersville, Iowa.

**CASE NO. 03-2018**

**TYPE OF REQUEST:** Special Exception Use for Sale of Fireworks to LJ Fireworks at 1987 20<sup>th</sup> Avenue SE, Dyersville, Iowa.

**(CASE SHEETS ATTACHED)**

**BOARD OF ADJUSTMENT  
CASE SHEET**

June 20, 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. 02-2018**

**TYPE OF REQUEST:** Approve Special Exception Use for Sale of Fireworks to Bellino Fireworks at 1207 12<sup>th</sup> Avenue SE, Dyersville, Iowa.

At the time of this item no one from Bellino Fireworks was present. Reed Spore, 2602 Feather Run Trail, Cedar Falls, arrived during the next item.

City Administrator Mick Michel advised the request was reviewed and it meets the Dyersville Retail Sale of Fireworks Policy. He recommends approval of the request.

There was no public comment or objections.

After no further discussion, Boeckenstedt made a motion to approve the Special Exception Use for Sale of Fireworks to Bellino Fireworks at 1207 12<sup>th</sup> Avenue SE, Dyersville, Iowa. Motion was seconded by Jacque.

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

**Nays:**

**Motion Carried**

**CASE NO. 03-2018**

**TYPE OF REQUEST:** Approve Special Exception Use for Sale of Fireworks to LJ Fireworks at 1987 20<sup>th</sup> Avenue SE, Dyersville, Iowa.

Recording Secretary advised the Board that additional information regarding this item was given to them prior to the meeting. Those items included Certificate of Liability, Rental Agreement, and layouts of the sales area.

Levi Benn was present and advised he would like to sell fireworks in Dyersville. He received approval from the State Fire Marshall today but has not received the license yet.

City Administrator Mick Michel was asked if there were any city concerns. Michel advised the request was reviewed and has everything except the License from the State Fire Marshall. He recommends approval contingent on the city receiving the License from State Fire Marshall.

Timp asked if the State Fire Marshall handles and controls the safety issues and if they physically inspect the location. Michel advised he did not know. Benn has met the city requirements except for providing the license.

Timp asked if upon Board approval are they ready to sell. Michel advised the minutes of the meeting need to go to the City Council for approval. If the Council wants further review on the matter, it will come back to the Board of Adjustment.

Chairman Klostermann asked for any public comment. Reed Spore, 2602 Feather Run Trail, Cedar Falls advised he was here for the Bellino request. Due to the weather he was late. He was advised his item was approved. Regarding the inspection question, Spore advised the Fire Marshall will physically come to the site and do an inspection.

After no further discussion, Timp made a motion to approve the Special Exception Use for Sale of Fireworks to LJ Fireworks at 1987 20<sup>th</sup> Avenue SE, Dyersville, Iowa contingent on the city receiving a copy of the License from the State Fire Marshall. Motion was seconded by Boeckenstedt.

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

**Nays:**

**Motion Carried**

**ADJOURNMENT:** Motion: Timp                      Second: Geistkemper                      Time: 6:12 pm  
Voice Call Vote:                      Ayes: All                      Nays: None

**Motion Carried**

*Lori A. Panton*

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Lori A. Panton – Recording Secretary

6/20/18  
Date