

BOARD OF ADJUSTMENT

DYERSVILLE, IOWA

Via Zoom

DATE: June 16, 2021

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: 6:16 P.M. by Chairperson Klostermann.

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

City Administrator, Mick Michel, stated that due to COVID-19 pandemic, the Board of Adjustment meeting was being held electronically. The meeting would not be Zoom recorded but there would be an audio recording.

Item #1: Approve Minutes of the October 15, 2019 Meeting.

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

Jeff Jacque made a motion to approve the minutes of the October 15, 2019 meeting. Motion seconded by Steve Timp.

Voice Call Vote:

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

Motion Carried

CASE NO. 01-2021

TYPE OF REQUEST: Approve Special Exception Use for Sale of Fireworks to Jakes Fireworks at Randy's Neighborhood Market, Dyersville, Iowa

(CASE SHEETS ATTACHED)

BOARD OF ADJUSTMENT CASE SHEET

June 16, 2021

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. 01-2021

TYPE OF REQUEST: Approve Special Exception Use for Sale of Fireworks to Jakes Fireworks at Randy's Neighborhood Market, Dyersville, Iowa

Thomas LaPage with Jakes Fireworks was present via Zoom.

City Administrator, Mick Michel, advised that the Board of Adjustment, according to the City Code of Ordinance, must approve a conditional use for fireworks sales. Jakes Fireworks submitted all the required paperwork, and the paperwork meets all requirements set forth in the Fireworks Policy.

Board member Jeff Jacque asked if the City had any issues with the request. Michel advised there were no issues. Michel did ask that if the Board approves this request they do it on the condition it is contingent on meeting the requirements of the city's Fireworks Policy.

Thomas LaPage with Jakes Fireworks stated they have 40 locations within the state of Iowa and 400 nationwide. He oversees the Iowa and Nebraska locations. They also have a contract with Walmart and sell at all locations where fireworks are permitted. LaPage stated they have never had any problems at any of their locations.

Chairperson Klostermann asked if the city received any comments regarding this request. Michel advised he did not. Michel stated all paperwork has been submitted and the location is appropriately zoned for fireworks sales. Michel again stated that if the board approves the request, they do it contingent on meeting the city's fireworks policy.

After no further discussion, Steve Timp made a motion to approve a Special Exception Use for Sale of Fireworks to Jakes Fireworks at Randy's Neighborhood Market, Dyersville, Iowa on the condition that it is contingent on meeting the requirements stated in the city's Fireworks Policy. Motion was seconded by Jeff Jacque.

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

Motion Carried

Item 3: Receive and File Delaware County Board of Supervisors July 6, 2020 Minutes appointing Steve Boeckenstedt.

Recording Secretary Panton stated this was on the agenda to make record of the appointment. The Board just needed make a motion to Receive and File the minutes.

After no further discussion, Jeff Jacque made a motion to receive and file Delaware County Board of Supervisors July 6, 2020 Minutes. Motion was seconded by Jeff Geistkemper.

Voice Call Vote: Ayes: Jeff Geistkemper, Jeff Jacque,
Mary Klostermann, Steve Timp
Abstain: Steve Boeckenstedt
Nays: None

Motion Died due to Lack of Quorum

Item 4: Receive and File Delaware County Board of Supervisors December 7, 2020 Minutes appointing Jeff Geistkemper

After no further discussion, Steve Boeckenstedt made a motion to receive and file Delaware County Board of Supervisors December 7, 2020 Minutes. Motion was seconded by Jeff Jacque.

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

Motion Carried

ADJOURNMENT: Motion: Steve Boeckenstedt Second: Steve Timp Time: 6:23 pm
Voice Call Vote: Ayes: All Nays: None

Motion Carried

Lori A. Panton

Lori A. Panton – Recording Secretary

6/16/21
Date