

**BOARD OF ADJUSTMENT**  
**DYERSVILLE, IOWA**  
**Lower-Level Council Chambers / Zoom**

**DATE: September 15, 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:** 6:03 P.M. by Chairperson Klostermann.

**ROLL CALL:** Present: Board Members: Jeff Geistkemper (via Zoom),  
Mary Klostermann (via Zoom), Steve Boeckenstedt,  
Jeff Jacque, Ann Salter (via Zoom)

Absent:

**Item #1: Approve Minutes** of the June 16, 2021 Meeting.

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

Steve Boeckenstedt made a motion to approve the minutes of the June 16, 2021 meeting. Motion seconded by Jeff Jacque.

**Voice Call Vote:**

Ayes: Steve Boeckenstedt, Jeff Geistkemper, Jeff Jacque,  
Mary Klostermann, Ann Salter

Nays: None

**Motion Carried**

**CASE NO. 02-2021**

**TYPE OF REQUEST:** Approve Conditional Use for Single Family Dwelling at 103 5<sup>th</sup> Street SE, Dyersville, Iowa

**(CASE SHEETS ATTACHED)**  
**BOARD OF ADJUSTMENT**  
**CASE SHEET**

September 15, 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. 02-2021**

**TYPE OF REQUEST:** Approve Conditional Use for Single Family Dwelling at 103 5<sup>th</sup> Street SE, Dyersville, Iowa

Craig Kramer, property owner was present.

Jacob & Eryn Wernimont, potential buyers were present

Theresa Neuhaus, realtor was present

Theresa Neuhaus advised there are potential buyers interested in the property but would like to use it for a single-family dwelling only and keep it zoned as C-3 Commercial.

City Administrator, Mick Michel stated the city had no issues. Chapter 165 of the city code allows a single-family dwelling at this location with a conditional use approved by the Board of Adjustment.

Chairperson Klostermann asked if there was anyone opposing this request. There was no one present in opposition.

Craig Kramer stated that this is a wonderful opportunity for the potential buyers. He was raised in that house and feels it is a great location for a commercial business. It is great to have the conditional use with the option available for them to have a business in the future.

After no further discussion, Jeff Jacque made a motion to approve a Conditional Use for Single Family Dwelling at 103 5<sup>th</sup> Street SE based on Chapter 165. Motion was seconded by Jeff Geistkemper.

**Roll Call Vote:** Ayes: Steve Boeckenstedt, Jeff Geistkemper, Jeff Jacque,  
Mary Klostermann, Ann Salter  
Nays: None

**Motion Carried**

**ADJOURNMENT:** Motion: Jeff Jacque Second: Ann Salter Time: 6:08 pm  
Voice Call Vote: Ayes: All Nays: None

**Motion Carried**

*Lori A. Panton*

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Lori A. Panton – Recording Secretary

9/15/21  
Date