

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

DATE: December 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: 6:00 P.M. by Chairperson Klostermann.

ROLL CALL: Present: Board Members: Steve Boeckenstedt, Derek Bredeson,
Jeff Geistkemper, Jeff Jacque, Mary Klostermann
Absent: Tara Rahe, Ann Salter

Item #1: Approve Minutes of the September 15, 2021 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 September 15, 2021 meeting. Motion seconded by Steve Boeckenstedt.

Voice Call Vote:

Ayes: Steve Boeckenstedt, Derek Bredeson, Jeff Geistkemper,
Jeff Jacque, Mary Klostermann

Nays: None

Motion Carried

CASE NO. 03-2021

TYPE OF REQUEST: Approve Variance to the Neighborhood Conservation Overlay at 610 2nd Avenue SE based on section 165.06.18(f) of the City Code of Ordinance.

(CASE SHEETS ATTACHED)

BOARD OF ADJUSTMENT CASE SHEET

December 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. 03-2021

TYPE OF REQUEST: Approve Variance to the Neighborhood Conservation Overlay at 610 2nd Avenue SE based on section 165.06.18(f) of the City Code of Ordinance.

Pasquale Cialfi, the property owner was present and stated he purchased this property about 10 years ago and had good tenants for a while. The last tenant had destroyed the inside of the building and was evicted. The building has been empty for 4 years. Cialfi wants to fix up the property and make it livable again, he also wants to make a few additions to the structure. The existing garage is 3 steps from the house and is not usable as a garage because the entrance from the street is no longer there. He would like to connect the garage to the house and make it a living area, but the floor is a couple feet lower than the floor in the house. He also wants to raise the garage roof and change the pitch of the roof because the current roof is flat and leaks. The bedroom does not have a closet and Cialfi wants to extend out the wall to make a closet. The door to the basement is also on the outside of the house and he would like to extend out the back to make an enclosed stairway to the basement. Cialfi also stated that the building is empty. He does have a tenant upstairs that pays rent but does not really stay there. The Board wanted clarification on the diagram they had in their packet and what the additions were. It was stated the areas in yellow were the additions or extensions to the structure.

City Administrator Mick Michel advised the Board they are not granting a traditional variance. This structure falls under the Neighborhood Outlay area which means the structure and any changes need to stay in line with the character and period of the neighborhood. Changes or remodeling can not remove the existing characteristics. The Board needs to determine if the proposed changes meet the criteria of the Neighborhood Outlay.

Board Member Geistkemper asked how long the permit was valid or when the project needed to be completed. Michel advised there is no expiration date, but the project must be started within 6 months unless the Board approves the project and requires an end date. Board Member Jacque questioned the \$7000 value of work listed on the permit. Cialfi stated he will do all the work and he estimated what the cost of material would be. Cialfi was told he needed to have a value and he had no idea what that would be, so he estimated the dollar amount. Cialfi said he could change that amount. Geistkemper asked if the additions and roof changes were approved, would Cialfi also update the rest of the outside like the siding. Cialfi said yes, he would eventually reside the whole house.

Chairperson Klostermann asked if the neighbors had any issues or concerns. Craig Osterhaus at 611 2nd Avenue SE had no idea what the meeting was going to be about. He stated that in the last 10-15 years nothing has been done to the property and is an eye sore. He would like to see improvements done but since nothing has been done there in years, he is concerned it will not be completed. Osterhaus also felt the cost of \$7000 is way off. Osterhaus stated he has no objection to the improvements but wants them done in a timely manner. The Board asked if Osterhaus was representing the neighborhood or just himself. Osterhaus stated he was speaking for himself. The Board asked if Michel had any calls from other neighbors and he did not. Dave Dunkel, 602 2nd Avenue SE owner, joined the meeting at 6:40. Dunkel stated he thought the Code of Ordinance said if a multifamily dwelling was empty for a period of time the use would change. Michel stated he would have to check on that, but the meeting now was about the proposed building permit not the use.

Board Member Jacque asked what the city's position was on the matter. City Administrator Mick Michel stated the property owner needs to use traditional construction methods to keep any changes and updates in line with the neighborhood characteristics. Michel sees these changes as cover ups and not a true repair/remodel. If the owner would present a better proposal and a truer estimate Michel would have a better idea of what the project would be. Michel believes the owner is a good gentleman but doesn't want to see the property devalued. Michel is concerned about the building as a whole since there is no water service to the property but the owner is renting the upstairs. Michel wants the property owner to start showing good faith to the city and neighbors by doing other improvements to the building that don't require a permit or changes to the characteristics. Michel would also like to see plans from a 3rd party contractor or architect to ensure the additions will be structurally safe, nothing has been engineered. Michel is not in agreement with this permit and feels it does not pass the criteria for approval. Michel would like the owner to fix what is there first and then provide a more traditional plan. Cialfi stated he has been a contractor for 20 years and doesn't have the money to hire contractors and architects.

Board Member Jacque stated that if Cialfi started fixing up the outside to make it look better he would not have a problem approving the request. The owner could start with repairing the outside stairway, the siding, and the roof. Cialfi stated the roof leaks because it is too flat and needs the pitch raised. Michel stated that raising the roof pitch is in violation of the code. If Cialfi wants a new garage, tear down the old and construct a new one. Cialfi said he was told that if he tore down the existing building, he could not build a new one. Michel advised he would need a new permit and if it remained in the same

boundaries Michel would review it. Michel believes this proposal will be a continuation of the deterioration of what is there. Board Member Geistkemper stated that the back remodel for the basement steps cannot happen because the utility service lines are in the back of the house where the addition would be going. Ciafi was told that he could update and improve anything already existing without a permit if he did not change the current footprint of the building. The staircase leading upstairs could be improved but he could not add a landing midway because it does not currently have one. He could update the front porch as long he did not change the size of it. He could also update the siding and windows. Board Member Boeckenstedt stated he had concerns regarding the cost of the work and how Ciafi came up with the numbers. Ciafi said he could change the cost, but Boeckenstedt does not want them changed just to change it. Boeckenstedt would like to see a breakdown on how the cost is determined. Board Member Boeckenstedt also asked Ciafi what his time frame would be to complete the project if the permit were approved and Ciafi stated about 6 months on the outside work. There was continued discussion on what could and could not be done without a permit.

Chairman Klostermann stated she would like to see a better vision of the updates and would feel better if they were done by a professional. Board Member Bredeson stated he would like to see a professional final project rendering and in the meantime have the owner start fixing up some of the smaller stuff that can be done without a permit to show his good faith. Board Member Geistkemper stated he was hesitant to approve the horizontal improvements to the structure, but he understands the roof is a concern since it leaks. He feels the roof is a priority but feels the construction costs are too low. Also, how this is being presented makes him very hesitant to approve anything without seeing any other improvements. Chairman Klostermann and Board Member Bredeson would like to see third party designs of the work. The Board and City Administrator advised Ciafi on what could and could not be done without a permit.

After no further discussion, Jeff Jacque made a motion to deny a Variance to the Neighborhood Conservation Overlay at 610 2nd Avenue SE based on section 165.06.18(f) of the City Code of Ordinance. Motion was seconded by Jeff Geistkemper.

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

Motion Carried

Receive & File Appointment of Derek Bredeson and Tara Rahe to the Board of Adjustment.

Chairperson Klostermann asked for a motion.

Steve Boeckenstedt made a motion to receive and file Board of Adjustment appointments. Motion seconded by Jeff Geistkemper.

Voice Call Vote:

Ayes: Steve Boeckenstedt, Derek Bredeson, Jeff Geistkemper,
Jeff Jacque, Mary Klostermann

Nays: None

Motion Carried

ADJOURNMENT: Motion: Jeff Jacque Second: Steve Boeckenstedt Time: 6:45 pm
Voice Call Vote: Ayes: All Nays: None

Motion Carried

Lori A. Panton

Lori A. Panton – Recording Secretary

12/15/21

Date