

# **BOARD OF ADJUSTMENT**

**DYERSVILLE, IOWA**

**Lower-Level Council Chambers**

**DATE: February 16, 2022**

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,  
Mary Klostermann, Tara Rahe, Ann Salter, Ralph Weber  
Absent: Jeff Geistkemper

**Item #1: Approve Minutes** of the December 15, 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 December 15, 2021 meeting. Motion seconded by Derek Bredeson.

**Voice Call Vote:**

Ayes: Steve Boeckenstedt, Derek Bredeson,  
Mary Klostermann, Tara Rahe, Ann Salter, Ralph Weber  
Nays: None

**Motion Carried**

**CASE NO. 01-2022**

**TYPE OF REQUEST:** Approve Multi-Family Residential Use at 123 1<sup>st</sup> Avenue West as required in Section 165.05.14.01 of the City Code of Ordinance. Request submitted by Adam and Elizabeth Sheets Vorwald.

**(CASE SHEETS ATTACHED)**

# BOARD OF ADJUSTMENT CASE SHEET

February 16, 2022

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. 01-2022**

**TYPE OF REQUEST:** Approve Multi-Family Residential Use at 123 1<sup>st</sup> Avenue West as required in Section 165.05.14.01 of the City Code of Ordinance. Request submitted by Adam and Elizabeth Sheets Vorwald.

Attendees: Adam & Elizabeth Vorwald (1003 S Grandview, Dubuque) and Jesse & Amy Tegeler (111 5<sup>th</sup> Street NW, Dyersville).

Elizabeth Vorwald stated they are under contract to purchase the property at 123 1<sup>st</sup> Avenue W. The current building includes a 2-bedroom apartment upstairs and 3-bedroom apartment downstairs with no commercial space. The commercial space (laundry mat) was turned into a third bedroom. During the purchase process they were advised they needed to receive approval from the Board of Adjustment to keep both unit's as multifamily dwellings. They do not want the expense to revert the downstairs back to commercial use.

City Administrator Mick Michel advised the Board that a conditional use permit will be required for the property to remain as all multifamily. He stated there were certain criteria that needed to be met. Which he felt it does. It needs to be in harmony with the city comprehensive plan and the city is looking for more multifamily residential units. Michel felt all the criteria was met and recommends approval. Michel also advised the board they could put conditions on a positive motion and suggests, that if approved, it be on the condition that any future changes to the building use be brought before the Board of Adjustment again.

Chairman Klostermann asked for comments from the audience that there were none. Recording Secretary Panton advised that an email was received from Engler

Oberbroeckling Insurance with concerns about the parking. Panton stated she advised them that off-street parking was being provided for the tenants but the issue of them parking on the insurance parking area was a matter between the property owners. Michel advised that one of the criteria was to provide one off-street parking space for the tenants and that is being met. He agreed the issue of where they park is between the property owners.

Michel stated he has not seen anything that does not meet the conditional use criteria and he recommends approval.

After no further discussion, Steve Boeckenstedt made a motion to approve a Conditional Use Permit for Multi-Family Use at 123 1<sup>st</sup> Avenue West, Dyersville, Iowa as required in section 165.05.14.01 of the City Code of Ordinance on the condition that any future changes in use be brought back to the Board of Adjustment. Motion was seconded by Derek Bredeson.

**Roll Call Vote:** Ayes: Steve Boeckenstedt, Derek Bredeson,  
Mary Klostermann, Tara Rahe, Ann Salter, Ralph Weber  
Nays: None

**Motion Carried**

**Receive & File** Appointment of Ralph Weber to the Board of Adjustment.

Chairperson Klostermann asked for a motion.

Derek Bredeson made a motion to receive and file Board of Adjustment appointments. Motion seconded by Ann Salter.

**Voice Call Vote:**

Ayes: Steve Boeckenstedt, Derek Bredeson,  
Mary Klostermann, Tara Rahe, Ann Salter, Ralph Weber  
Nays: None

**Motion Carried**

**ADJOURNMENT:** Motion: Ann Salter Second: Ralph Weber Time: 6:11  
Voice Call Vote: Ayes: All Nays: None

**Motion Carried**

*Lori A. Panton*

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Lori A. Panton – Recording Secretary

2/16/22  
Date