

BOARD OF ADJUSTMENT

DYERSVILLE, IOWA

Lower-Level Council Chambers

DATE: August 17, 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: Derek Bredeson, Jeff Geistkemper (arrived at 6:02 pm), Mary Klostermann, Tara Rahe, Ann Salter, Ralph Weber

Absent: Steve Boeckenstedt

Item #1: Approve Minutes of the February 16, 2022 Meeting.

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

Ann Salter made a motion to approve the minutes of the February 16, 2022 meeting. Motion seconded by Derek Bredeson.

Voice Call Vote:

Ayes: Derek Bredeson, Mary Klostermann, Tara Rahe, Ann Salter, Ralph Weber

Nays: None

Motion Carried

CASE NO. 02-2022

TYPE OF REQUEST: Request for a variance to the front and side yard setbacks of Lots 28, 31 and 33 of Castle Hill Plat 3 as required in Section 165.06.04.01 of the City Code. Variance submitted by Hageman Homes.

(CASE SHEETS ATTACHED)

BOARD OF ADJUSTMENT CASE SHEET

August 17, 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. 02-2022

TYPE OF REQUEST: Request for a variance to the front and side yard setbacks of Lots 28, 31 and 33 of Castle Hill Plat 3 as required in Section 165.06.04.01 of the City Code. Variance submitted by Hageman Homes.

Tom Hageman, property owner, was present. He stated he is requesting a variance to 3 lots of his subdivision because of the land layout. Hageman stated Lots 28 and 31 have a fast drop off in the back of the lots. It would be very difficult to get a home built on the lot with meeting the current setback. Bringing the setback forward will help with a better foundation. The current front yard setback is 40' and he is requesting a 10' variance for 30'.

Hageman stated he is also requesting a side yard setback for Lot 33. He is requesting a 30' setback for this lot when the required is also 40'. He envisions the front of the house facing Deer Run Drive, but because of the shape of the lot, this is considered the side yard. There is a ravine in the back of this lot and that is why the variance is requested. Hageman said it could be filled in but would probably cause problems in the future.

Hageman stated he may not need the full 10' variance in all cases depending on the houses built, but would like to have the option to make the lots more sellable. Hageman stated the development has large lots with some houses set back farther than others making consistency a non-issue. These lots are on a curve which will help with the perception. Chairperson Klostermann asked if there would be any more lots in the development that would need a variance. Hageman stated there should not be.

Chairperson Klostermann asked if there was any correspondence regarding the request. Recording Secretary Panton advised there were a couple inquiries regarding the issue but did not receive any comments. Hageman stated he had inquires from a few of the property owners but did not have any negative comments.

Randy Mahoney, 2061 Timber Ridge Drive SE, was present and advised he lives behind Lot 27 and wanted to know if this would affect him. Hageman stated it would not. Mahoney said he is okay with the proposal and that it makes sense to change the setback.

Chairman Klostermann asked City Administrator, Mick Michel, if the city had any issues. Michel stated when the 3rd phase of the development was presented, they understood there would be some topography issues and found they were impossible to avoid. It makes practical sense to move the setbacks for Lots 28, 30 and 31. Michel also stated it makes economical sense and does not have any issues and supports the request.

After no further discussion, Jeff Geistkemper made a motion to approve a 10' front yard variance to Lots 28 and 31 and a 10' side yard variance to Lot 33 of Castle Hill Plat 3 based on topographical issues. Motion was seconded by Ann Salter.

Roll Call Vote: Ayes: Derek Bredeson, Jeff Geistkemper,
Mary Klostermann, Tara Rahe, Ann Salter, Ralph Weber
Nays: None

Motion Carried

ADJOURNMENT: Motion: Ann Salter Second: Tara Rahe Time: 6:09 pm
Voice Call Vote: Ayes: All Nays: None

Motion Carried

Lori A. Panton

Lori A. Panton – Recording Secretary

8/17/22
Date