

**BOARD OF ADJUSTMENT
DYERSVILLE, IOWA**

DATE: August 17, 2016

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: Robin Bauer, Jeff Jacque,
Mary Klostermann, Steve Timp, Janet Willenbring
Absent: Jeff Geistkemper

Item #1: Approve Minutes of the July 20, 2016 Meeting.

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

Jacque made a motion to approve the minutes of the July 20, 2016 Meeting. Motion seconded by Timp.

Voice Call Vote:

Ayes: Robin Bauer, Jeff Jacque,
Mary Klostermann, Steve Timp, Janet Willenbring
Nays: None

Motion Carried

CASE NO. 05-2016

TYPE OF REQUEST: Further review of request for a variance to the front and side yard setback as required in section 165.23 of the City Code. Variance requested by Joyce Meyers at 818 2nd Street NE.

(CASE SHEETS ATTACHED)

BOARD OF ADJUSTMENT
CASE SHEET

August 17, 2016

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. 05-2016

TYPE OF REQUEST: Further review of request for a variance to the front and side yard setback as required in section 165.23 of the City Code. Variance requested by Joyce Meyers at 818 2nd Street NE.

Joyce Meyers was present and advised the Board that she is requesting a 3' side setback variance on the north side of her property. This case was brought back for further review of the north side setback. This side setback variance request was not included in the motion at the previous meeting. This will be a continuation of the original variance of 9½' on the front request.

After no further discussion, Jacque made a motion to grant a 3' variance to the north side yard setback at 818 2nd Street NE along with the original 9½' variance to the front yard setback at 818 2nd Street NE based on section 165.33(7)(b) of the City Code. Motion was seconded by Timp.

Roll Call Vote: Ayes: Robin Bauer, Jeff Jacque, Mary Klostermann,
Steve Timp, Janet Willenbring

Nays:

Motion Carried

ADJOURNMENT: Motion: Timp Second: Bauer Time: 6:07 pm
Voice Call Vote: Ayes: All Nays: None

Motion Carried

Mary Jo Goldsmith – Recording Secretary

8/17/16
Date