

**BOARD OF ADJUSTMENT
DYERSVILLE, IOWA**

DATE: September 21, 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: Steve Boeckenstedt, Jeff Geistkemper,
Jeff Jacque, Mary Klostermann, Steve Timp
Absent: Robin Bauer, Janet Willenbring

Item #1: Oath of Office to Steve Boeckenstedt.

Oath of Office was administered to Steve Boeckenstedt by Recording Secretary Lori A. Panton.

Item #2: Approve Minutes of the August 17, 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 August 17, 2016 Meeting. Motion seconded by Timp.

Voice Call Vote:

Ayes: Steve Boeckenstedt, Jeff Geistkemper,
Jeff Jacque, Mary Klostermann, Steve Timp,
Nays: None

Motion Carried

CASE NO. 06-2016

TYPE OF REQUEST: Request for a Special Exception Use for extraction of minerals or raw material on the Kronlage property as required in section 165.21 of the City Code. Request submitted by BARD Materials.

(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. 06-2016

TYPE OF REQUEST: Request for a Special Exception Use for extraction of minerals or raw material on the Kronlage property as required in section 165.21 of the City Code. Request submitted by BARD Materials.

Ben Schroeder with BARD Materials was present and advised they are looking to get a special exception use. They were originally going to rezone the property industrial but in talking with the neighbors, there were concerns with the rezoning. The neighbors are worried about what could happen once BARD was finished with the mining and what type of industry could move into the area. Schroeder said BARD reconsidered and went with the special exception use. He said the neighbors he talked to were ok with that.

The board asked if this was in the city limits and City Administrator Mick Michel advised it was recently added to the city. The property was zoned D-1 and when it was annexed to the city it automatically became A-1 Ag. Under A-1 zoning it allows the board to grant a special exception use for mineral extraction. The city also wanted the property to become I-1 industrial but with the concerns of the neighbors Michel feels it is better to remain A-1.

The board asked if BARD could install temporary concrete plants like they do at the current location. Michel advised yes those would be conditional to the mining. Any permanent plants would not be allowed.

Schroeder advised for now the plan is for using the western part of the property which is away from the row of houses along the highway. The board asked where the entrance

would be. Schroeder submitted to the board a copy of the Final Plat and indicated the entrance to be along old highway 20. The board asked how close it would be to the viaduct. Schroeder advised it wouldn't even be close. The board questioned if there would be any problems with the proposed round-a-bout. Michel advised the entrance has not officially been determined but the round-a-bout has been taken into consideration.

The board asked if there would be any fencing around the site. Schroeder advised they do not plan on it because they would continually need to move the fence as mining progressed. He advised they are however required to have a berm in place. Unless the neighbors request fencing they won't install any. They will have gated areas with locks.

Chairperson Klostermann asked if the City had any issues and Michel advised they did not. There is already mineral extraction in the area and that is an approved use under A-1.

There were no comments from those in attendance.

After no further discussion, Jacque made a motion to approve the request for a special exception use for extraction of minerals or raw materials on the Kronlage property as required in section 1621 of the City Code. Motion was seconded by Geistkemper.

Roll Call Vote: Ayes: Steve Boeckenstedt, Jeff Geistkemper,
Jeff Jacque, Mary Klostermann, Steve Timp

Nays:

Motion Carried

ADJOURNMENT: Motion: Timp Second: Jacque Time: 6:11 pm
Voice Call Vote: Ayes: All Nays: None

Motion Carried



Lori A. Panton – Recording Secretary

9/21/16

Date