

**MINUTES OF THE BLACK HAWK COUNTY BOARD OF ADJUSTMENT MEETING HELD
ON JUNE 25, 2019 HAROLD E. GETTY COUNCIL CHAMBERS –
WATERLOO CITY HALL.**

Steven Rosauer called the regular monthly meeting of the Black Hawk County Board of Adjustment to order at 7:05 pm, Tuesday, June 25, 2019, in the Harold E. Getty Council Chambers - Waterloo City Hall.

I. Call to order and roll call

Members present: Steven Rosauer, Lucas Jenson, and Diane Depken

Members absent: Dr. Laval Peloquin and Larry Oltrogge

Also present: Black Hawk County Planning Staff – Seth Hyberger, and 6 members of the public

II. Approval of the Agenda

It was moved by Depken and seconded by Rosauer to approve the agenda. Motion carried unanimously.

III. Approval of Minutes of the March 26, 2019 meeting.

It was moved by Rosauer and seconded by Depken to approve the minutes of the March 26, 2019 meeting. Motion carried unanimously.

IV. Approval of Minutes of the May 30, 2019 meeting.

It was moved by Depken and seconded by Rosauer to approve the minutes of the May 30, 2019 Meeting. Motion carried unanimously.

V. New Business

1. 7034 Burton Avenue – Hesse Special Permit and Variance for Temporary Mobile Home

Request for special permit and variance to use a mobile home as temporary living quarters for a period of up to 3 years in the “A” Agricultural District.

Hyberger gave the staff report.

Jenson asked if the applicant was available to answer questions. The applicant was not available.

Juli Camarin, 7245 Burton Avenue, Indicated she lives just north of the project location. Camarin was concerned about what happens after 3 years when the permit expires for the mobile home and potential impacts to her property value. Jenson noted that the applicant could come back when the three year period is coming to an end. Hyberger indicated that they could come back to request a continuance or request a rezone/variance to allow for the mobile home to permanently remain on the property.

Rosauer asked whose responsibility it would be to track the three years when it is up. Hyberger noted that he would be tasked with enforcing the three year provision and contacting the

applicant when the 3 years are up. Hyberger noted that he does maintain a list to track properties with temporary variances. But most of the requests have been to allow for an accessory structure to be temporarily on the property for a few years before the principle permitted structure or home is built. Hyberger stated that he has not run into any issues with people having accessory structures on a lot temporary before a home can be built. Hyberger also noted the costs for installing a mobile home can be up to \$10,000. In addition a new septic system may be required to handle the additional mobile home and could be cost prohibitive as well. That determination would have to be done by the Black Hawk County Health Department. Rosauer indicated the addition of a mobile would have a direct impact on the site.

Jenson asked if staff had any concerns regarding the 3 year request for a mobile home and what was the rationale for that. Hyberger stated that they temporary variance was suggested by staff because a special permit may already be issued for a temporary mobile as the principal structure or home is being built. Hyberger also noted that it was going to be difficult for the applicant to get approval for a temporary or permanent mobile home, regardless.

Depken noted the true hardship was never presented regarding the need to have a temporary mobile home. Rosauer indicated that there is no hardship. Depken asked if the land where the mobile home will be placed has been in farm production over the last few years. Hyberger noted that is simply the LESA requirement, but there are several other components to the project.

It was moved by Depken and seconded by Rosauer, to deny a special permit and variance to use a mobile home as temporary living quarters for a period of up to 3 years in the "A" Agricultural District. Motion carried unanimously.

2. 930 Brook Road – Schons Side Yard Setback Variance

A request for variance to the 25' side yard setback requirement to construct a 20' X 33' (660 SF) attached garage addition in the "A" Agricultural District.

Hyberger gave the staff report.

Diedra Schons, 930 Brook Road, noted that she is requesting to have a side yard setback of 8' in order to construct a 660 SF attached garage. Schons later handed out pictures of her existing garage, noted that it was falling apart, and wanted the new attached garage so that she could park and immediately enter her home. In addition it will help her store all of her vehicles indoors and lessen the impacts of snow drifts in her front yard. Rosauer asked Schons where her septic system is located. Schons noted to the north and Rosauer stated on the other side of the home. Schons indicated yes. Schons noted she couldn't place it behind the garage because she has her well there and noted her only other option was to build a 20' X 24' (480 SF) instead of the 660 SF garage at the same location. Rosauer asked if the existing garage is over the existing property line now. Schons indicated yes. Rosauer asked what the new setback would be for the attached garage. Hyberger noted it would be 8' and it would be more compliant than the existing detached garage. Schons also noted removing the existing detached garage and building the attached garage addition will benefit the neighborhood by looking nicer.

Depken asked Schons if she had pursued other options such as maintaining a 12' setback or being a little further away. Schons noted putting the setback any closer would prevent her from having a 2 stall garage and maintaining a 25' side yard setback would not help her in any way. Rosauer commented that repairing the existing garage would keep her more out of compliance than approving an 8' side yard setback for the 660 SF attached garage addition. Hyberger also noted it is a 1947 home and back then they had no setbacks.

It was moved by Rosauer and seconded by Depken to approve a request for a variance to the 25' side yard setback requirement to construct a 20' X 33' (660 SF) attached garage addition in the "A" Agricultural District. Motion carried unanimously.

3. 6940 Dysart Road – Weber Front Yard Setback Variance

A request for variance to the 50' front yard setback requirement to construct a 26' X 30' (780 SF) attached garage addition in the "A" Agricultural District.

Hyberger gave the staff report.

David Weber, 6940 Dysart Road, indicated that the new 780 SF garage is needed because his pickup will not fit into his garage anymore. Weber noted that he has been parking his truck in the shed that is over a 100 feet away from his home and that he has had great difficulty getting back and forth as he gets older in the winter time with heavy ice and snow. Weber noted that his washer and drier are now in the garage as well, which makes things really tight. If he is approved for the garage addition, some of the existing garage area will be made into a laundry room for the washer and drier.

Jenson questioned if the variance should be for a side yard setback as opposed to a front yard setback off of E. Washburn road. Hyberger noted that the setback could potentially be considered a side yard setback. But per the staff report and site plan the variance is noted as a variance to the 50' front yard setback off of E Washburn road. Weber confirmed the garage addition will be built to the south of the home and it would line up with the existing garage. Depken question if it is considered a major rural intersection. Rosauer indicated that it was a major rural intersection. Weber noted that they have already made improvements to the intersection and added a turning lane four years ago. Depken asked staff if there are any known future improvements to that intersection. Hyberger noted he was unaware of any future changes to the roadway.

Jenson asked if the addition will come out to where the existing shed is. Weber indicated yes. Rosauer then wanted to confirm what the existing setback is. Hyberger noted it was 42'. Depken asked Weber if it would be possible to allow for a larger setback than 16'. Weber noted that there are not really any other options. They cannot come in on the other side to the west because they do not have an inadequate turning radius. In addition the west side drops to a lower elevation significantly from the home and a garage would not work on that side. Depken asked what the square footage for the new addition. Weber noted it is 780 SF. She was still concerned if there may be issues in the future with E Washburn Road. Rosauer asked if it would be possible to have the garage on the north side of the property. Weber indicated that isn't going to work and it would significantly increase the cost of the project. Depken noted that they have approved setback variances before, but this variance would be one of the largest she has seen going from a setback of 42' to 16'. She also has concerns because it is a major intersection. Weber noted there are homes and accessory structures along Dysart and E Washburn Roads that are already set close to the roadways.

Rosauer indicated there are several conundrums associated with creating a need for the setback and also noted that there is nothing out there or in the future that would require for either roadway to be widened further. In addition there a lot of homes out there that sit close to Dysart Road.

It was moved by Rosauer and seconded by Depken to approve a request for a variance to the 50' front yard setback requirement off of E. Washburn Road to construct a 26' X 30' (780 SF) attached garage addition in the "A" Agricultural District at 6940 Dysart Road. Motion carried unanimously.

V. Discussion Items

Rosauer indicated that he is retiring from the Board of Adjustment due to time constraints. Hyberger noted that he will contact the Board of Supervisors, so, that they can work on finding a replacement.

VI. Adjournment

It was moved by Rosauer and seconded by Depken to adjourn at 7:45 P.M. Motion carried unanimously.

Respectfully submitted,



Seth Hyberger,
Black Hawk County Zoning Administrator