



9'11" frame from sidewalk
5'4" stairs from sidewalk
7'8" wide

For Office Use Only	
Date Filed	_____
Fee	\$80.00
Receipt #	_____
Case #	_____
Task #	_____

APPLICATION BOARD OF ADJUSTMENT

☐ Conditional Use Permit ☐ Variance ☐ Appeal

Property Owner Justin & Paige Elledge 704 2nd Ave SE Dyersville IA 52040 (563) 608-2817
Name Address Zip Phone #

Applicant Justin Elledge " "
Name Address Zip Phone #

Representative N/A
Firm Name Address Zip Phone #

Contact " "
Name Address Zip Phone #

jdeanelledge@gmail.com
E-Mail Address

General Location/Address 704 2nd Ave SE Dyersville

Legal Description _____

Zoning _____

Proposed Use Type _____ Existing Use _____
(Section 165.05.14 Use Matrix)

Description of the reason for requesting a conditional use, variance, or appeal of a decision. Please provide additional information on a separate sheet.

There was some miscommunication upon turning in the building permit. I was told to print off and turn in the permit, and Mick would be in touch if there was any issues. We waited over a week and didn't hear anything so I incorrectly assumed we were good to proceed. I should have called to confirm. We were not told to wait for 30 days, nor directed to read any city ~~ordinance~~ ^{ordinance} chapters as ~~what~~ Mick informed me I should have done. If we had been told it was a 1 month wait, we absolutely would have. The deck was →

If you have any questions about this application, please contact the City at 563-875-7724.

Justin E. Elledge
Owner's Signature

05/30/23
Date Submitted

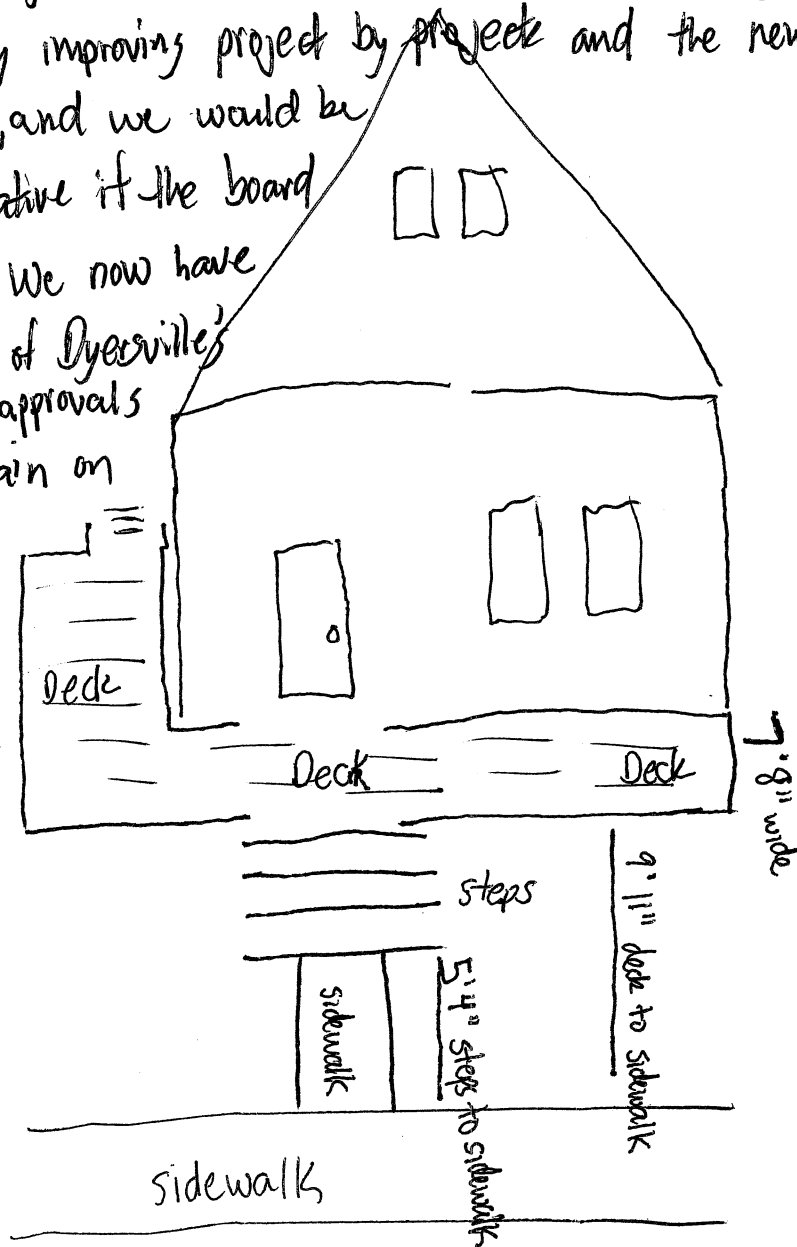
Owner/Applicant Signature
(If not the property owner, the applicant certifies with this signature to be the authorized agent of the property owner.)

Justin Elledge
Print or Type Name of Applicant

a donated gift from friends and family because I am fighting stage 4 cancer and they wanted an area that I could get outside for fresh air & sunshine during treatment. The contractor found out that is why we were putting the deck on so he worked extremely hard and the deck went up fast. We really did not have any ill-intent by having our deck be 7'8" wide or not waiting for 30 days post permit submission. We are only trying to fix up and improve this old foreclosed house, and make it into something we, our neighborhood, and the town can be proud of. We're new to town and we've received numerous "the new deck looks great" comments from neighbors and just people walking by. The house is rapidly improving project by project and the new deck is a small piece of that puzzle, and we would be very grateful & appreciative if the board allowed us to keep it. We now have a solid understanding of Dyersville's building permit steps & approvals and this won't happen again on future projects.

Thank you,
Justin, Paige, & family.

05/30/23



CONDITIONAL USE AND VARIANCE APPLICATIONS

The procedures for all applications are listed in the Dyersville Code of Ordinances, Chapter 165. The application review procedure will not begin until a complete application is submitted to the city, according to Chapter 165 of the Dyersville Code of Ordinances. **Incomplete Applications Cannot Be Processed. Call the City at 563-875-7724 for meeting dates and deadlines.**

Site Layout

A general site plan, drawn to scale with dimensions, must be included as a part of a conditional use or variance request. The site plan is required to show the following, however, the City may waive items for inclusion after a pre-application meeting:

- _____ The date, scale, north point, title, name of owner and name of the person preparing the plan.
- _____ The location and dimensions of boundary lines, easements, and setbacks of all existing and proposed buildings and parking areas from the boundary lines.
- _____ The location, size, height, and use of proposed and existing structures on the site.
- _____ The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
- _____ Landscape concept plan showing location and type of existing trees over 6 inches in diameter and proposed plantings, berms, bufferyards, screening, fencing, and lighting schemes.
- _____ Any other information that may be required for review by the Administrator, or his/her designee, such as stormwater management plans, utility plans, landscaping plans, architectural elevations, and off-site improvements.
- _____ Site Layout Waived by _____, City of Dyersville.

Application Checklist

- ☐ Completed and Signed Application Form
- ☐ Filing Fee \$80.00 made payable to City of Dyersville.
- ☐ Site Layout and Written Statement

Task Detail

Task ID	Activity	Asset
49930	Permit	Building Facility 1189



Basic Information

Department Start Date 5/16/2023 Stop Date

Notes Building Permit 23-2282 submitted for your review. Adding a deck.

Costs

Equipment \$0.00 Labor \$127.50 Material \$0.00 Other \$0.00
Total \$127.50

Labor			
ID	Full Name	Hours	Cost
01-2211	Mick Michel	2.00	\$127.50

Task Log

Entry Date	Employee	Log Entry
5/16/2023	Michel	I reviewed the building permit 23-2282 for a patio/deck and checked the City Code Sections 165.06.18, 165.06.21(D)(ii), and 165.06.06. The property is in the Neighborhood Conservation Overlay District and the property owner built the patio/deck without an approved building permit. I visited the site and assessed the situation to decide how best to proceed with the permit application. Justin Elledge, the owner, called me after my site visit and I explained the zoning rules to him. He claimed he did nothing wrong and blamed the city staff for not informing him of the law when he applied for the permit. I told him that he had to follow the zoning code, which is available online, and that it was not the staff's duty to tell him. I also reminded him that the city has 30 days to review the permit. I found that the patio/deck is 8 feet from the front setback and extends 8 feet from the building. The City Code Section 165.06.21(D)(ii) allows only 6 feet of encroachment on the front setback. Therefore, I denied the permit and advised the owner to seek a front setback variance for a deck from the Board of Adjustment

Task Detail

Task ID	Activity	Asset
---------	----------	-------

49930

Permit

Building Facility 1189



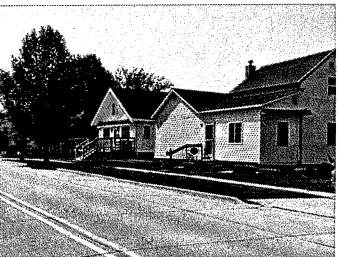
mmichel52040 5/16/2023 4:37:49 PM



mmichel52040 5/16/2023 4:37:49 PM



mmichel52040 5/16/2023 4:37:49 PM



mmichel52040 5/16/2023 4:37:48 PM

City of Dyersville

BUILDING PERMIT APPLICATION

Task# 49930

PERMIT NUMBER
23 - 2282

JOB ADDRESS 704 2nd Ave SE		COUNTY		
LEGAL DESCR.	LOT NO.	BLK.	SUBDIVISION	<input type="checkbox"/> SEE ATTACHED SHEET
OWNER OF RECORD Justin + Paige Elledge		TELEPHONE (563) 608-2817		
CONTRACTOR PERMIT #		PLUMBING PERMIT #		ELECTRICAL/MECHANICAL PERMIT #
ARCHITECT OR DESIGNER Brian Daker		ADDRESS Peosta 345 Wyatt Drive		TELEPHONE 563 929 1489
USE OF BUILDING <input checked="" type="checkbox"/> RESIDENTIAL		<input type="checkbox"/> COMMERCIAL		<input type="checkbox"/> INDUSTRIAL
CLASS OF WORK: <input checked="" type="checkbox"/> NEW		<input type="checkbox"/> ADDITION		<input type="checkbox"/> ALTERATION
DESCRIBE WORK putting a deck on		Type of Const. new (deck)		Basement <input type="checkbox"/> No <input type="checkbox"/> Yes
SET BACKS TO FOUNDATION WALL		Size of Bldg. Total Sq. Ft.		Automatic Extinguishing System <input type="checkbox"/> No <input type="checkbox"/> Yes
FRONT	CORNER	No. of Dwelling Units		Off Street Parking Req. Prov.
REAR	ALLEY	No. of Stories		Zoning District R-2
SIDE	OPEN SPACE			
LOT DIMENSIONS		SPECIAL APPROVALS		REQUIRED
SPECIAL CONDITIONS		ZONING AMENDMENT		RECEIVED
		SITE PLAN		
		PLAN REVIEW		
		EXCAVATION PERMIT		
		ARCHITECT/ENGINEER		
		HEALTH DEPT.		
		FIRE DEPT.		
		HANDICAPPED CERTIFICATE		
		BOARD OF ADJUST.		
		FLOOD PLAIN CERT.		
		FLOOD PLAIN EXEMP.		
		SIGNS		
		SPECIAL USE PERMIT		
		WATER METER		
VALUE OF WORK \$ 7000				
FEES		AMOUNT		REC'D
BUILDING PERMIT				
WATER METER CHARGE				
WATER CONNECTION				
SEWER CONNECTION				
EXCAVATION				
ZONING / B OF A				
TOTAL				

NOTICE

SEPARATE PERMITS ARE NOT REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING. THE ISSUANCE OF THIS PERMIT IN NO WAY RELIEVES THE RESPONSIBILITY FOR COMPLYING WITH LOCAL, STATE AND FEDERAL LAWS, ORDINANCES, REGULATIONS, RESTRICTIVE COVENANTS, OR OTHER REQUIREMENTS APPLICABLE. THIS PERMIT DOES NOT AUTHORIZE THE USE OF STREETS, ALLEYS OR SIDEWALKS FOR THE DEPOSITING OF BUILDING MATERIALS.

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMPLETED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE OF CONTRACTOR

(DATE)

SIGNATURE OF OWNER

(DATE)

WHEN PROPERLY VALIDATED THIS IS YOUR PERMIT

CHECKED & APPROVED BY

(DATE)

APPROVED BY CITY COUNCIL

(DATE)

Certificate of Occupancy

This Certificate of Occupancy is hereby issued to the above signed in accordance with the provisions set out in the City of Dyersville Municipal Code and all revisions thereto.

Your building and proposed use thereof shall comply with the provisions of the above-cited permit and other building and health ordinances of the City of Dyersville. No change or use shall be made in your building, or in any part thereof, nor may it be structurally altered, unless a Certificate of Occupancy is issued. This certificate shall be authorized after the lawful completion or alteration of the building, or occupancy and use of land.

CITY OF DYERSVILLE

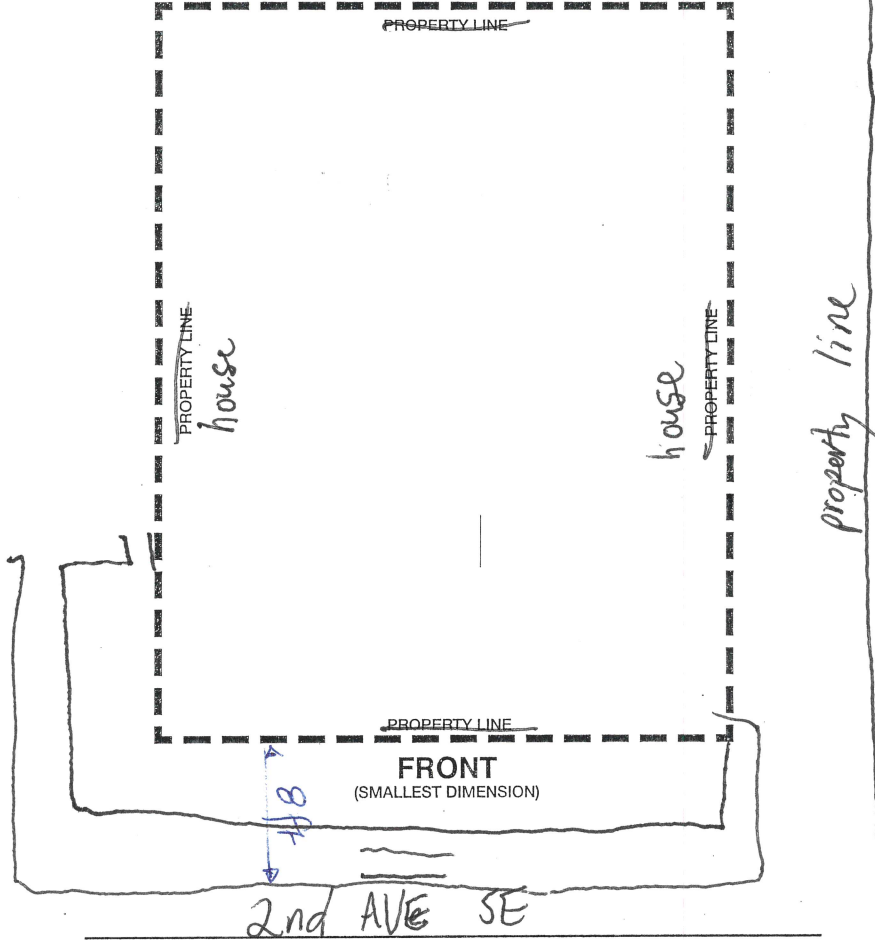
(DATE)

704 2nd Ave SE

Street

7th St SE

STREET NAME (If applicable)



STREET NAME (If applicable)

Neighbor

USE SPACE BELOW FOR NOTES, FOLLOW-UP, ETC.

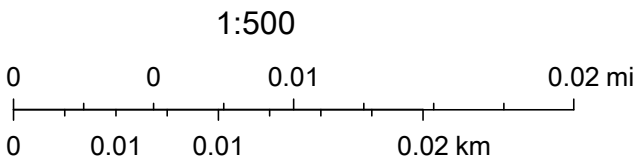
wrap around deck
front of house to wrap around to side entry
planning to go 7-8' off of front of house

ArcGIS Web Map



8/25/2023, 11:07:15 AM

 Tax Parcels



Esri, Inc., Dubuque County, Iowa