

Dubuque County Zoning Commission

Minutes of June 15, 2021

Chairperson Sam Boyes called the meeting to order at 6 p.m.

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Cathy Caitlin, Kathleen Scherrman and Ron Breitbach. Members present at the Dubuque County West Campus, 1225 Seippel Rd: Kevin Soppe, Jerry Sigwarth, Sam Boyes and Ken Runde. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Angela Steffens.

2. APPROVAL OF MINUTES: A motion was made by Mr. Sigwarth, **seconded by Mr. Runde, and passed unanimously to approve the minutes of the May 11, 2021 work session and May 18, 2021 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Interstate Forest Subdivision-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Interstate Forest Subdivision comprised of Lot 4 of Lot 2 in the N ½ of the SW ¼ of Section 30, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by ITC Midwest LLC and is located 1.19 miles southeast of the City of Dubuque along Olde Davenport Road with a total of 44.58 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to create a lot to allow Dubuque County Conservation to build a parking lot for visitors.

The survey creates 2 lots. Lot 1 has a total of 43.25 acres surveyed with an existing power substation and it will remain in current ownership and use. Lot 2 has a total of 1.33 acres and will be sold to Dubuque County to create a parking lot for visitors.

Lot 1 will use an existing access off of Olde Davenport Road. Lot 2 has submitted an Entrance Permit request to the County Engineer's office for review and approval.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N, Farley. Mr. Schneider said the plat is being done so that the Conservation can have more parking.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Ms. Caitlin, **seconded by Ms. Scherrman to approve the plat. The motion passed unanimously. Vote 7-0.**

b) Plat of Survey of Country View Estates-Preliminary Plat

Preliminary Plat Survey of Lot 1 thru Lot 10 of Country View Estates comprised of the S ½ of the SW ¼ of the NE ¼, the SE ¼ of the NE ¼, except Lot 1, Lot 1 of Lot 1 and Lot 2 of Lot 1 in the NE ¼ of the SW ¼, Lot 1 and Lot 2 in the NW ¼ of the SE ¼ and Lot 2 of Lot 1 in the NE ¼ of the SE ¼ all in Section 7, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Ronald & Jessalynn Breiner and is located .19 miles northwest of the City of Dubuque along Hales Mill Road with a total of 83.708 acres surveyed. The

property is zoned R-2, Single Family Residential and C-1, Conservancy. The purpose of the plat is to create a residential subdivision.

The survey creates 10 lots. Lots 1 thru 8 are a minimum of 1 acre in size and each lot shall have its own individual septic system. Lot 7 has an existing home that will remain in the subdivision. Lot 9 has a total of 24.105 acres and will remain in agricultural use. Lot 10 has a total of 46.693 acres surveyed and it will remain in agricultural use until the crops are removed and it will be the future site of expansion of the subdivision.

There will be two (2) shared wells and the Dubuque Water Department would recommend service lines from water main to building structures to be copper with a control valve (curb stop and box) near the right of way line. A copy of the water utility plan showing the water distribution piping from water wells and individual water services lines will be submitted by review by the Dubuque Water Department. Lots 1 thru 8 and Lot 10 have an approved residential entrance permit #21-03 off of Hales Mill Road. Lot 9 has an existing field entrance off of Hales Mill Road.

The survey creates a 66' wide right of way private access easement that will be utilized as a public utility easement and storm water conveyance easement. The site grades and storm water management facilities are subject to change in size, shape, location and type based on the final design as dictated by the storm water calculations, cut/fill calculations and concerns generated during the preparation of construction documents and the review process.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N, Farley. Mr. Schneider said he has been working with everyone involved and making sure they have what they need and keep it as simple as possible as not to disturb a lot of dirt. He said it's a basic plat in the R-2 zoning district.

Ms. Boyes asked if the developers have to follow the recommendation of the Dubuque Water Plant. Ms. Henry said yes and the developer is aware of this.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 7-0.**

4. REZONING CASES:

ZC#06-12-21 Eldon & Kathleen Trumm A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2.25 acres to be allowed to separate an existing home & buildings from the crop ground for sale purposes. The property, located 2.87 miles northwest of the City of Cascade along Steger Road and is legally described as SW NE Section 14, (T87N-R2W) Cascade Township, Dubuque County, Iowa.

The property is owned by Eldon & Kathleen Trumm. Zoning in the area includes A-1, Agricultural to the north, south, east and west. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Two (2) rezoning notification letters were sent to the property owners and the City of Cascade was notified.

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Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 134
Objective 3.1 and Chapter 8 Housing page 122 Objective 12.7 may apply to this case.

Speaking to the Board was Eldon Trumm, 301 1st St S., Worthington. Mr. Trumm said he was keeping livestock in the barn on this property but he no longer does. He said he wants to sell the property because he does not want to maintain it any longer.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Runde, **seconded by Mr. Sigwarth to approve the rezoning with the conditions that 2.25 acres more or less be rezoned around the existing home and buildings to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural. That the balance of the parcel is not allowed to have another dwelling unless the property is rezoned for that use.**
The motion passed unanimously. Vote 7-0.

ZC#06-13-21 Norma Weber/Jodi Russell & Gary Weber, Executors and Marlene Weber A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2.85 acres to be allowed to split the existing house and machine shed off of the farm and it will be given to Marlene Weber, daughter of Norma Weber. The property, located 3.24 miles north of the City of Bernard along Callahan Road and is legally described as NE NW Section 10, (T87N-R1E) Prairie Creek Township, Dubuque County, Iowa.

The property is owned by Norma Weber. Zoning in the area includes A-1, Agricultural to the north, south, east and west. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Three (3) rezoning notification letters were sent to the property owners and the there was no city notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 134
Objective 3.1 and Chapter 8 Housing page 122 Objective 12.7 may apply to this case.

Speaking to the Board was Jodi Russell, 361 Cedar River Rd., Mt. Vernon. Ms. Russell said that before her mom passed away she told the family she wanted Norma Weber to have the house so they would like to rezone and plat the area so she can have it.

Ms. Boyes asked if anyone had any questions. No one spoke.

Ms. Caitlin asked if the well and septic were in the area that is being rezoned. Ms. Russell said yes.

A motion was made by Ms. Caitlin, **seconded by Mr. Soppe to approve the rezoning with the conditions that 2.85 acres more or less be rezoned around the existing home and building to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural. That the balance of the parcel is not allowed to have another dwelling unless the property is rezoned for that use.** The motion passed unanimously. **Vote: 7-0.**

ZC#06-14-21 Robert & Leta Breiner A-1 Agricultural to R-1 Rural Residential

The applicants are requesting to rezone from A-1, Agricultural to R-1, Rural Residential 1 acre to be allowed to expand the existing lot to include the sheds and the property they already use and maintain. The property, located .89 miles northeast of the City of Graf along Graf Road & Leta Lane and is legally described as Lot 2-2 Breiner Bridge Site Section 20, (T89N-R1E) Center Township, Dubuque County, Iowa.

The property is owned by Robert & Leta Breiner. Zoning in the area includes A-1, Agricultural to the north, south, east and west. A-2, Agricultural Residential to the southwest. R-1, Rural Residential to the north, east and south. R-2, Single Family Residential to the east. R-3, Single Family Residential to the east and south. The A-2, Agricultural Residential to the southwest on ZC#06-11-12 was to allow an existing single family farm dwelling to be split off from the remaining farm ground. The R-1, Rural Residential to the north on ZC#05-24-96 was to allow for a single family home. The R-1, Rural Residential to north on ZC#01-03-98 was to allow for a single family home.

There was one (1) rezoning case attached to this property on ZC#05-23-96 to allow for a single family home. There are no Special Use Permits attached to this property. Four (4) rezoning notification letters were sent to the property owners and the City of Graf was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 134 objective 3.1 and Chapter 8 Housing page 122 objective 12.7 may apply to this case.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N, Farley. Mr. Schneider said the applicants want to rezone this area to include the sheds and property that they already take care of.

Mr. Sigwarth asked if they could put another house on the rezoned property. Mr. Schneider said they are including this piece with the parcel that Robert Breiner already owns so they would have to do another plat to build another home.

Ms. Caitlin said if they rezone this to R-1, there would be nothing they could do to stop another home getting built. Ms. Henry said it will all be one lot and they would have to do another plat to create an acre piece to build on. Ms. Henry said they never allow two homes on one lot.

Mr. Soppe asked why they couldn't leave this piece zoned A-1 and add it to the existing lot. Ms. Henry said that would create double zoning and it has been brought up in the past that some people don't like the double zoning.

Mr. Sigwarth asked if they could put conditions on an R-1 zoned lot. Ms. Henry said they have never done that and it would be hard to enforce because it is a residential lot. She said the only way to do that would be to drop the acreage of the piece that is being added so their wouldn't be a one acre piece to plat off.

Ms. Caitlin said she would want to make the lot smaller.

Mr. Schneider said this is the way the owners wanted to do it.

Speaking to the Board was Robert Breiner, 19298 Leta Ln., Durango. Mr. Breiner asked if there were other 2-acre residential lots in the county. Ms. Henry said yes but in this situation he is asking to rezone part of it which creates a lot with potential to build another home. She said by changing the zoning it is changing the potential use of the property.

Mr. Schneider said the sheds sit very close to the lot line and it would take a lot to divide these two lots to build a house on each and be able to meet the setbacks.

Ms. Henry said the owners intentions is to keep it for personal storage and farm equipment. Mr. Breiner said yes they use it for that and will continue in the future.

Ms. Boyes said she proposes they rezone it to R-1 and put a condition on it so that in the future someone would have to come before the board to ask for any changes.

Mr. Runde said he agrees.

Ms. Scherrman said they did put a condition on a residential lot in an earlier case. Ms. Henry said yes they did and she had forgotten that.

Ms. Caitlin said she does not understand why this piece needs to be rezoned. Ms. Henry said that in the past some of the board members did not agree with double zoning on one parcel. Ms. Caitlin said she doesn't agree with it but that they have done it in the past.

A motion was made by Ken Runde, **seconded by Kevin Soppe to approve the rezoning with the condition that the property is only allowed for one home only on the 2.23 acres that will be zoned R-1, Rural Residential. The motion passed. Vote: 6-1. Mr. Soppe, Mr. Sigwarth, Ms. Boyes, Ms. Scherrman, Mr. Breitbach and Mr. Runde voted in favor of the rezoning. Ms. Caitlin voted against the rezoning.**

c) Plat of Survey of Breiner's Bridge Site Plat 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Breiner's Bridge Site Plat 2 comprised of Lot 1 and Lot 2 of Lot 2 in Breiner's Bridge Site Section 20, (T89N-R1E) Center Township, Dubuque County, Iowa.

The property is owned by Robert W & Leta Breiner and Robert M & Tina Breiner and is located .89 miles northeast of the City of Graf along Graf Road & Leta Lane with a total of 37.85 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#06-14-21 to rezone 1 acre to R-1, Rural Residential. The purpose of the plat is to be allowed to expand Lot 1 to include to the sheds and the property that Robert M & Tina Breiner already use and maintain.

The survey creates 2 lots. Lot 1 has a total of 2.23 acres surveyed with an existing home and shed and it will remain in current ownership and residential use. Lot 2 has total of 35.62 acres surveyed and it will remain in current ownership and agricultural use.

Lot 1 will use an existing residential access off of Graf Road. Lot 2 will use existing field entrance off of Graf Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N, Farley. Mr. Schneider said he would be happy to answer any questions.

A motion was made by Mr. Sigwarth, **seconded by Mr. Runde to approve the plat. The motion passed unanimously. Vote: 7-0.**

5. OLD BUSINESS:

Ms. Henry said case ZC#05-10-21 Dennis & Carol Schmitt A-1 Agricultural to R-3 Single Family Residential, which is the one that is on Robin Hood Dr., will move forward to them at the next meeting. She said the neighbors have presented a document to the County Engineer requesting to be a county road.

Regarding Case ZC#05-11-21 Timothy Kendrick Trust and Kirby Kendrick A-1 Agricultural to PC Planned Complex this will take a while. She said the Water Shed Department, the DNR, herself and the Engineering firm all did a site visit. She said this case could take months.

Ms. Scherrman asked what was going on with the Pape case. Ms. Henry said they are still working on an agreement.

6. NEW BUSINESS:

Zoning Code Update:

Ms. Henry said they are still working with Ed Raber to get information about the mobile homes and solar ordinances so they could get that to Supervisor McDonough because she wants to see it first. She said they have found some example ordinances from other counties that are very helpful. She said that Supervisor McDonough has been involved in mobile homes and has some experience in dealing with them.

Elections:

A motion was made by Mr. Runde, **seconded by Mr. Sigwarth to nominate Ms. Boyes as Chairperson. The motion passed unanimously. Vote: 7-0.**

A Motion was made by Ms. Caitlin, **seconded by Mr. Sigwarth to nominate Ms. Scherrman as Vice-Chairperson. The motion passed unanimously. Vote: 7-0.**

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Mr. Soppe, **seconded by Mr. Sigwarth to adjourn the meeting. The motion passed unanimously. Vote: 7-0. The meeting ended at 7:10 p.m.**