

Dubuque County Zoning Commission Minutes of October 19, 2021

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

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

Cathy Caitlin joined the meeting via zoom at 6:01 p.m.

2. APPROVAL OF MINUTES: A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe and passed unanimously to approve the minutes of the September 21, 2021 meeting. Vote: 5-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Decker Acres No. 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Decker Acres No. 2 a division of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ except Lot 2 of Decker Acres, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ except Lot 1 & Lot 2 of Decker Acres all in Section 30, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by Dale Decker and is located 1.79 miles southeast of the City of Dubuque along Schueller Heights Road with a total of 35.33 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to separate the existing home that will be sold to Dale Decker's daughter.

The survey creates 2 lots. Lot 1 has a total of 33.25 acres and it will remain in current ownership and agricultural use. Lot 2 has a total of 2.08 acres with an existing home that will be sold to the daughter.

Lot 1 will use an existing shared residential entrance and field entrance off of Schueller Heights Road. Lot 2 will use an existing shared residential entrance off of Schueller Heights Road.

Speaking to the Board was Mike Weber, Weber Surveying, 26789 46th Ave., Bernard. Mr. Weber said this is a residential district and the applicants want to split the house from the farm ground.

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

A motion was made by Mr. Soppe, **seconded by Ms. Caitlin to approve the plat. Motion passed unanimously. Vote: 5-0.**

b) Plat of Survey of Lot 1-15 & Lot 2-15 of Spring Valley Heights Subdivision No. 1-Final Plat

Plat of Survey of Lot 1-15 and Lot 2-15 of Spring Valley Heights Subdivision No. 1 a division of Lot 15 of Spring Valley Heights No. 1 in Section 24, (T88N-R2E) Table Mound Township, Dubuque County, Iowa.

The property is owned by Isidore & Dayna Haverland and is located .53 miles east of the City of Dubuque along Hidden Valley Road with a total of 10.02 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to separate lots for sale purposes.

The survey creates 2 lots. Lot 1-15 has a total of 3.86 acres surveyed with an existing home and building and it will be sold. Lot 2-15 has a total of 6.16 acres surveyed and it will be sold.

Lot 1-15 will use an existing residential entrance off of Hidden Valley Road. Lot 2-15 will use an approved residential entrance on permit #21-40 off of Hidden Valley Road.

Speaking to the Board was Nick Moler & Emily Weig, 609 Melrose Ave., Iowa City. Mr. Moler said they want to build a single family home at some point in the future.

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. Motion passed unanimously. Vote: 5-0.**

Ken Runde joined the meeting at 6:07 p.m.

c) Plat of Survey of Stone Quarry Subdivision Plat 4-Final Plat (Tabled from the September 21, 2021 Meeting)

Plat of Survey of Lot 1 and Lot 2 of Stone Quarry Subdivision Plat 4 a division of Lot 1 in Stone Quarry Subdivision Section 8, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by River City Stone Company and is located .85 miles south of the City of Dubuque along Olde Massey Road with a total of 151.34 acres surveyed. The property is zoned M-1, Light industrial with an approved rezoning on ZC#09-18-21 that requested to rezone 10 acres to M-1, Light Industrial to expand an existing business Dubuque Hardwoods. The purpose of the plat is to separate a Lot 2 to allow the adjoining business Dubuque Hardwoods room to expand their outdoor storage of their materials.

The survey creates 2 lots. Lot 1 has a total of 141.34 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 10 acres and will be sold to the adjoining land owner to allow for expansion of their Logging Business.

Lot 1 and Lot 2 will use a 66' wide ingress and egress easement off of Olde Massey Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N., Farley. Mr. Schneider said this plat is to follow up on the rezoning from the month earlier. He said the plat was approved by the City of Dubuque.

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

A motion was made by Ms. Scherrman, **seconded by Mr. Soppe to approve the plat. Motion passed unanimously. Vote: 6-0.**

d) Plat of Survey of Ellerbach Place Plat 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Ellerbach Place Plat 2 comprised of the W ½ of the SE ¼ of the NW ¼, the E ½ of the SE ¼ of the NW ¼ and part of the NE ¼ of the NW ¼ all in Section 29, (T90N-R1W) Concord Township, Dubuque County, Iowa.

The property is owned by Dorothy Ellerbach Revocable Trust and is located .45 miles southeast of the City of Holy Cross with a total of 77.85 acres surveyed. The property is zoned A-1, Agricultural. The purpose of the plat to adjust a lot line which would allow the property owners to own the property that they currently maintain.

The survey creates 2 lots. Lot 1 has a total of 57.75 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 20.10 acres surveyed and it will be sold to the adjoining property owner and will remain in current agricultural use.

Lot 1 and Lot 2 will use existing entrances off of Holy Cross Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N., Farley. Mr. Schneider said the reason for this plat is to fix a title issue with one of the adjacent farmers. He said the southern 40 acres needed to have the lot lines fixed before the sale of the property. He said the City of Holy Cross has approved this plat.

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

e) Plat of Survey of Zewen Acres Plat 2, City of Luxemburg and Dubuque County-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Zewen Acres Plat 2, City of Luxemburg and Dubuque County comprised of Lot 1 Zewen Acres in Section 16, (T90N-R2W) Liberty Township, Dubuque County, Iowa and Lot 2 Zewen Acres in Section 16, (T90N-R2W) Liberty Township, Dubuque County, Iowa and the City of Luxemburg.

The property is owned by Daniel & Julie Zewen Revocable Trust and John Zewen and is located partially located within the city limits of the City of Luxemburg with the remainder located in the unincorporated portion of Dubuque County with a total of 33.22 acres surveyed. The purpose of the plat is to add additional property and the existing buildings to the residential lot. The new Lot 2 will be annexed into the City of Luxemburg.

The survey creates 2 lots. Lot 1 has a total of 32.05 acres surveyed and it will remain in current ownership and agricultural use. Lot 2 has a total of 1.17 acres surveyed and it will be completely annexed into the City of Luxemburg.

Lot 1 and Lot 2 will use existing entrances off of Highway 3.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N., Farley. Mr. Schneider said that Dan & Julie Zewen want to purchase a little more land from John Zewen to include the area around his home and sheds. He said the best way to do this is to annex the whole lot into the City of Luxemburg because the Zewen,s are already paying city taxes on the house and sheds because of the partial zoning.

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.**
Motion passed unanimously. Vote: 7-0.

f) Plat of Survey of Country View Acres-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Country View Acres a division of Lot 9 in Country View Estates 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 24.045 acres surveyed. The property is zoned R-2, Single Family Residential and C-1, Conservancy. The purpose of the plat is to separate 24.045 acres that will be retained by the owners, Ronald & Jessalynn Breiner and sell the remainder of the property to the developer of Country View Estates.

The survey creates 2 lots. Lot 1 has a total of 10.348 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 13.697 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 and Lot 2 will use approved residential entrances on permit #21-03 off of Hales Mill Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N., Farley. Mr. Schneider said they are splitting this lot so the owners can keep Lot 1 and Lot 2 will be part of the second phase of Country View Estates. He said the City of Dubuque has approved this plat.

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

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

4. REZONING CASES:

ZC#10-22-21 Sandra Rolwes Trust and Richard Rolwes Jr. A-1 Agricultural to R-1 Rural Residential

The applicants are requesting to rezone from A-1, Agricultural to R-1, Rural Residential 8.16 acres to be allowed to separate 8.16 acres to allow for one (1) home to be built for the son on the scrub ground. The property, located 1.38 miles northwest of the City of Balltown along Waupeton Road S and is legally described as SE SE Section 30, (T91N-R1E) Jefferson Township, Dubuque County, Iowa.

The property is owned by Sandra Rolwes Trust. Zoning in the area includes A-1, Agricultural to the north, south, east and west. R-1, Rural Residential to the south. R-3, Single Family Residential to the north. B-1, Business to the north. The R-1, Rural Residential to the south on ZC#9000-19-77 was to allow for a single family home. The R-3, Single Family Residential to the north which is approximately 67 acres that was created as a Manufactured Home Park, Seasonal Trailer-Camp as well as Summer Cottage's and Single Family Homes since the 1950's. The B-1, Business to the north was to allow for Anthony's Resort that was established in the 1960's.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Ten (10) rezoning notification letters were sent to the property owners and the City of Balltown 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 Pat Rolwes, 20897 Golden Rd. Sherrill. Mr. Rolwes said this was his Father's farm and he would like to have this parcel of ground.

Ms. Caitlin asked why they weren't asking to rezone to A-2, Agricultural Residential. Ms. Henry said because it is not in the name of farming. She said there is residential zoning to the north so that is what they decided was best and Mr. Rolwes is willing to sign something saying it will only be allowed one house.

Ms. Caitlin said that changing the eight acres to residential would make it possible to have eight homes built. She asked why they can't leave it zoned A-1. Ms. Henry said it will not meet the platting ordinance if they leave it. She said Mr. Rolwes would have to prove to them that he is farming this ground to meet the platting ordinance but that is not what he is doing. Also, she said, Mr. Rolwes doesn't know if or where he would build the home so the A-2 just doesn't fit this situation.

Ms. Caitlin said she thinks this part of the ordinance does not make sense and thinks it should be changed.

Mr. Sigwarth said Mr. Rolwes needs this rezoning changed now because they want to sell the rest of the farm by the end of the year. He said there is residential zoning a stone's throw away so it is not spot zoning. He said people should be able to buy smaller pieces to have a farm.

Ms. Caitlin said the Board's job is not to give everyone what they want.

Mr. Breitbach asked if they can put a condition for one home only. Ms. Boyes said yes.

Speaking to the Board was Sandy Rolwes, 16038 Woodmoor Dr., Dubuque. Ms. Rolwes said this piece of property is one big hill and it will be tough to build a house or run cattle on it. She said that is why it has never been used for crops.

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 rezoning with the condition that 8.16 acres more or less is only allowed to have one (1) home. Motion passed unanimously. Vote: 7-0.**

ZC#10-23-21 Greg & Roxanne Wille and Miles & Jamie Wille A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2.26 acres to allow their son and daughter-in-law to build a house on the corner of farm to continue to assist in the farming operation. The property, located 2.53 miles

southwest of the City of Rickardsville and is legally described as Lot 2 NE NW Section 34, (T90N-R1W) Concord Township, Dubuque County, Iowa.

The property is owned by Greg & Roxanne Wille. 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 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 Miles & Jamie Wille, 12934 Circle Ridge Rd., Sherrill and Greg Wille 21908 Wille Ln., Sherrill. Mr. Miles Wille said they would like to move closer to the family farm so they can continue to help with the farming operations.

Ms. Caitlin asked if there were any other houses on this parcel. Ms. Henry said no.

A motion was made by Mr. Runde, **seconded by Mr. Soppe to approve the rezoning with the conditions That 2.26 acre more or less be rezoned 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. Motion passed unanimously. Vote: 6-0.**

5. OLD BUSINESS:

Update on previous zoning cases:

Ms. Henry said ZC#09-18-21 River City Stone Company and Robert Miller A-1 Agricultural to M-1 Light Industrial, ZC#09-19-21 Paul & Sue Kemp, Mac Trailer Sales Inc and Jody Neuwohner R-2 Single Family Residential to B-2 Highway Business and ZC#09-20-21 Herrig Family Trust/Ronald Herrig A-1 Agricultural to A-2 Agricultural Residential were all approved by the Board of Supervisors.

6. NEW BUSINESS:

Ms. Henry said they are waiting to hear about the zoning code update. She said they are hoping to get it to the Supervisors on November 15. She said they hope to start working on the platting ordinance in this next year. Ms. Caitlin said that they have been talking about working on this for two years. Ms. Henry said with getting a new Auditor it slowed things down but said the new Auditor plans on working on it after the election.

Ms. Boyes asked if there is something, they as a Board, can do to get ready for the platting ordinance. Ms. Henry said not really.

Mr. Breitbach asked who decides and is responsible for the platting ordinance. Ms. Henry said the Auditor is responsible but it also goes before the Board of Supervisors for approval.

Ms. Caitlin feels like this ordinance needs to be updated as soon as possible. She said it stops the Zoning Board from doing their job correctly and feels they need to put pressure on the Auditor's office.

Mr. Schneider said the Auditor under state code is responsible for auditing real estate within their county.

Ms. Henry said previous members on the Board of Supervisors decided that the platting ordinance should say a farm has to be 35 acres or more.

The Board discussed how many acres they think is reasonable to be able to buy or build on in the A-1 zoning district.

Mr. Schneider said he feels that this part of the platting ordinance definitely needs to be changed.

Ms. Caitlin said there is a movement towards small agricultural producing food that is 1 to 3 acres of property. She said you can grow a lot of food on this much land.

Ms. Henry said she would reach out to the Auditor and see if he would like to have a work session with the Zoning Board regarding the platting ordinance. She said she has no control over this ordinance.

Ms. Henry said she will send an email to the Auditor with Ms. Boyes and a couple surveyors attached and let him know that the Zoning Board would like to start looking at the platting ordinance. She asked the Board if they wanted her to get some information put together for the next meeting.

Ms. Henry asked the Board members to send her any ideas they have or want to talk about regarding the platting ordinance. She could put all of their ideas together and make something up that she could bring back to them next month and then she could forward it to the auditor for review.

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Mr. Sigwarth, seconded by Mr. Runde to adjourn the meeting. The motion passed unanimously. Vote: 7-0. The meeting ended at 7:16 p.m.