

Dubuque County Zoning Commission Minutes of November 16, 2021

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

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

2. APPROVAL OF MINUTES: A motion was made by Mr. Runde, **seconded by Mr. Sigwarth, and passed unanimously to approve the minutes of the October 12 & 19, 2021 meetings. Vote: 6-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Dietz Farm Subdivision Plat 6-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Dietz Farm Subdivision Plat 6 a division of Lot 2 of Dietz Farm Subdivision Plat 5 Section 14, (T89N-R1E) Center Township, Dubuque County, Iowa.

The property is owned by Dietz Century Farm LLC and is located .58 miles northwest of the City of Asbury along Lewis Road with a total of 15.282 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to create a lot that will sold for the construction of a new home.

The survey creates 2 lots. Lot 1 has a total of 1.377 acres surveyed and will be sold for the construction of a new home. Lot 2 has a total of 13.905 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 will use an approved residential entrance on permit #21-50 off of Lewis Road. Lot 2 will use an existing shared entrance off of Lewis Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st. North, Farley. Mr. Schneider said this parcel is zoned residential and was approved by the City of Asbury.

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

A motion was made by Mr. Soppe, **seconded by Mr. Sigwarth to approve the plat. The motion passed unanimously. Vote 6-0.**

b) Plat of Survey of Mayme Place #2-Final Plat

Plat of Survey Lot 1 thru Lot 4 of Mayme Place #2 comprised of Lot 2 Windy Acres, Lot 3, 4, & 5 Mayme Place and Lot 1-2-2-1-1-3, Lot 2-2-2-1-1-3 & Lot 1-2-2-3 all in the NW ¼ of Section 27, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by Mac Trailer Sales Inc, Paul & Sue Kemp and Bailey Neuwohner & Hannah Mayberry and is located 3.96 miles southeast of the City of Dubuque along Windy Ridge and Route 52 South with a total of 13.822 acres surveyed. The property is zoned R-2, Single Family Residential and B-2, Highway Business. The purpose of the plat

is to increase the size of the lots to be in compliance with the current ordinance and allow for property line adjustments.

The survey creates 4 lots. Lot 1 has a total of 9.911 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 1.150 acres surveyed with a residential home and will remain in current ownership and use. Lot 3 has a total of 1.490 acres surveyed with a Trucking Business that will remain in current ownership and use. Lot 4 has a total of 1.271 acres surveyed with a residential home that will remain in current ownership and use.

Lot 1 thru Lot 4 all have existing access off of the frontage road Windy Ridge.

Ms. Henry said this is a plat to follow a rezoning they approved at a previous meeting.

Speaking to the Board was Jody Neuwohner, 5174 St. Catherine Rd, Dubuque. Ms. Neuwohner 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 6-0.**

4. REZONING CASES:

ZC#11-24-21 Knuth Farms Inc and Amanda Schlemme A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 3.95 acres to allow the construction of a new home for Amanda who is a shareholder and fulltime employee of her family farm. The property, located .25 miles north of the City of Cascade along Farley Road and is legally described as NW SE Section 30, (T87N-R1W) White Water Township, Dubuque County, Iowa.

The property is owned by Knuth Farms Inc. Zoning in area includes A-1, Agricultural to the north, south, east and west. R-1, Rural Residential to the south. M-1, Light Industrial to the south. M-2, Heavy Industrial to the east. The R-1, Rural Residential to the south on ZC#9000-15-78 was to allow for the construction of a single family home. The M-1, Light Industrial to the south on ZC#9000-03-80 was to allow 8 acres to be rezoned for a precast company. The M-1, Light Industrial to the south on ZC#10-24-97 was to allow 11 additional acres to be rezoned to expand the existing precast business. The M-2, Heavy Industrial to the east on ZC#05-07-15 was to allow 2.85 acres to be rezoned for propane storage only.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. One (1) rezoning notification letter was sent to the property owners and the City of Cascade 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 Amanda Schlemme, 920 3rd Ave SE, Cascade. Ms. Schlemme said she wants to build her home there.

Mr. Sigwarth asked why they were rezoning so much ground. Ms. Schlemme said they want

to build a shop in the future and want to make sure they have enough room to do that.

A motion was made by Mr. Sigwarth, **seconded by Ms. Scherrman to approve the rezoning with the conditions that 3.95 acres 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. The motion passed unanimously.**

Vote: 6-0.

ZC#11-25-21 Philip & Colleen McCarthy A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2.84 acres to be allowed to separate an existing home and buildings from the crop ground for sale purposes. The property, located 3.54 miles northeast of the City of Bernard along Larkin Road and is legally described as SW SW Section 7, (T87N-R2E) Washington Township, Dubuque County, Iowa.

The property is owned by Philip & Colleen McCarthy. 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. Four (4) 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 Dave Schneider, Schneider Land Surveying, 906 1st. North, Farley. Mr. Schneider said the applicants inherited this property and don't need the house and extra buildings and would like to sell them sometime in the future. He said some of the buildings are not there anymore.

Ms. Boyes asked if the house will stay there. Mr. Schneider said yes.

A motion was made by Mr. Soppe, **seconded by Mr. Runde to approve the rezoning with the conditions that 2.84 acres 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. The motion passed unanimously.**

Vote: 6-0.

ZC#11-26-21 Nathan Kutsch A-1 Agricultural to A-2 Agricultural Residential

The applicant is requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 1 acre to be allowed to be allowed to replace an existing mobile home with a new home for financing purposes. The property, located .50 miles east of the City of Rickardsville along South Mound Road and is legally described as Lot 1 Clifford South Mound Addition Section 21, (T90N-R1E) Jefferson Township, Dubuque County, Iowa.

The property is owned by Nathan Kutsch. Zoning in the area includes A-1, Agricultural to the north, east and west. C-1, Conservancy to the south. R-2, Single Family Residential to the south. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Seven (7) rezoning notification letters were

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sent to the property owners and the City of Rickardsville 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. North, Farley. Mr. Schneider said Mr. Kutsch wants to remove the mobile home and replace it with a house and keep the remainder in agricultural use.

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

A motion was made by Mr. Sigwarth, **seconded by Ms. Scherrman to approve the rezoning with the conditions that 1 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. The motion passed unanimously. Vote: 6-0.**

c)Plat of Survey of Clifford South Mound Addition Plat 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Clifford South Mound Addition Plat 2 a division of Lot 1 of Clifford South Mound Addition Section 21, (T90N-R1E) Jefferson Township, Dubuque County, Iowa.

The property is owned by Nathan Kutsch and is located .50 miles east of the City of Rickardsville along South Mound Road with a total of 51.12 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#11-26-21 requesting to rezone 1 acre to A-2, Agricultural Residential. The purpose of the plat is to replace an existing mobile home with a new home for financing purposes.

The survey creates 2 lots. Lot 1 has a total of 1 acre surveyed with an existing mobile home that will be replaced with a new home and will remain in current ownership. Lot 2 has a total of 50.12 acres surveyed with existing farm buildings and it will remain in current ownership and use.

Lot 1 will use a 40' wide access and utility easement across Lot 2. Lot 2 will use an existing residential entrance off of South Mound Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley.

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

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

ZC#11-27-21 Steven & Dawn Wilwert and Eric Lahey A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2.83 acres to be allow Eric Lahey to build a farm home on the property that he is purchasing and he will continue to use the property for agricultural purposes. The property, located 2.54 miles south of the City of Epworth along Placid Road and is legally described as NE NW Section 35, (T88N-R1W) Taylor Township, Dubuque County, Iowa.

The property is owned by Steven & Dawn Wilwert. Zoning in the area includes A-1, Agricultural to the north, south, east and west. R-3, Single Family Residential to the south. The R-3, Single Family Residential to the south on ZC#9000-09-70 was to allow 95,810 sq. ft. to be rezoned for future residential homes.

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 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 Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley. Mr. Schneider said Mr. Lahey would like to buy this land to add to the acres he already has. The land has some buildings and he would like to build a house and live on this property. Ms. Henry said he owns many more acres and is farm exempt.

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

A motion was made by Mr. Soppe, **seconded by Ms. Scherrman to approve the rezoning with the conditions that 2.83 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. The motion passed unanimously. Vote: 6-0.**

d) Plat of Survey of Wilwert Farm Subdivision-Final Plat

Plat of Survey of Lot 1 thru Lot 3 of Wilwert Farm Subdivision comprised of Lot 2 in the SE ¼ of the NW ¼ and the NE ¼ of the NW ¼ all in Section 35, (T88N-R1W) Taylor Township, Dubuque County, Iowa.

The property is owned by Steven & Dawn Wilwert and located 2.54 miles south of the City of Epworth along Placid Road with a total of 75.75 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#11-27-21 requesting to rezone 2.83 acres to A-2, Agricultural Residential. The purpose of the plat is to separate Lot 2 and Lot 3 for sale purpose to be allow Eric Lahey to build a farm home on the property that he is purchasing and he will continue to use the property for agricultural purposes.

The survey creates 3 lots. Lot 1 has a total of 42.58 acres surveyed with a home & buildings that will remain in current ownership and agricultural use. Lot 2 has a total of 30.34 acres surveyed that will be sold to Eric Lahey and remain in current ownership and

agricultural use. Lot 3 has a total of 2.83 acres surveyed and will be the site for the new home from Eric Lahey.

Lot 1 will use an existing residential entrance off of Placid Road. Lot 2 will use an existing field entrance off of Placid Road. Lot 3 will use an approved residential entrance on permit #21-51 off of Placid Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley. Mr. Schneider said this is a follow up from the rezoning.

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

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

5. OLD BUSINESS:

Update on Previous Zoning Cases:

Ms. Henry said ZC#10-22-21 Sandra Rolwes Trust and Richard Rolwes Jr. A-1 Agricultural to R-1 Rural Residential and ZC#10-23-21 Greg & Roxanne Wille and Miles & Jamie Wille A-1 Agricultural to A-2 Agricultural Residential were both approved by the Board of Supervisors.

6. NEW BUSINESS:

Ms. Henry said there is going to be a work session on November 22, 2021 with the Board of Supervisors to discuss the zoning code updates.

Ms. Henry said they will be losing Ken Runde. She said he can not serve on this Board anymore. Mr. Runde said he can't be on any other Government Board and be on the Compensation Board also.

7. PUBLIC COMMENTS:

8. ADJOURNMENT: A motion was made by Mr. Soppe, **seconded by Mr. Runde to adjourn the meeting. The motion passed unanimously. Vote: 6-0. The meeting ended at 6:40 p.m.**