

Dubuque County Zoning Commission Minutes of June 21, 2022

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

1. ROLL CALL: Members present at the Dubuque County West Campus, 1225 Seippel Rd: Kevin Soppe, Jerry Sigwarth, Sam Boyes, Kathleen Scherrman, Ron Breitbach and Dave George. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Amy Schmerbach.

2. APPROVAL OF MINUTES: A motion was made by Mr. Breitbach, **seconded by Ms. Scherrman, and passed unanimously to approve the minutes of the May 17, 2022 meeting. Vote: 6-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Kendrick Subdivision - Final Plat (Tabled from May 17, 2022 meeting)

Plat of Survey of Lot 1 and Lot 2 of Kendrick Subdivision in the S ½ of the NE ¼ of the NW ¼ And in the SE ¼ of the NW ¼ both in Section 6, T90N, R2W, Liberty Township, Dubuque County, Iowa.

The property is owned by the Timothy F. Kendrick Revocable Trust, Timothy F. Kendrick and Rhonda L. Kendrick, Trustees and is located 3.17 miles northwest of the City of Luxemburg Borne Lane with a total of 59.88 acres surveyed. The property is zoned A-1, Agricultural and PC Planned Complex. The purpose of the plat is to separate the 10 acres that are zoned PC Planned Complex on ZC#03-12-22.

The survey creates 2 lots. Lot 1 has a total of 49.88 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 10 acres surveyed with two homes, a pavilion, a cabin, a kitchen shed and 6 cement pads and is zoned PC Planned Complex and will remain in current ownership and use.

Lot 1 and Lot 2 will use a 66' wide access easement off of Borne Lane.

Speaking to the board was Kirby Kendrick, 105 E. Maple St, Edgewood. Mr. Kendrick did not have anything to add.

Ms. Boyes asked if anyone had additional questions, and 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.**

b) Plat of Survey of Y-Camp Place No. 2 - Final Plat

Plat of Survey of Lot 1 and Lot 2 of Y-Camp Place No. 2 comprised of Lot 1-1 and Lot 2 of Ege-Muntz Road Place & Lot 2 of Y-Camp Place & the East 14' of the South ½ of the SW ¼ NW ¼ all in Section 10, T89N, R2E, Dubuque Township, Dubuque County, Iowa.

The property is owned by the Young Men's Christian Association and is adjacent to the City of Dubuque along John F. Kennedy Road with a total of 34.110 acres surveyed. The property is zoned A-1, Agricultural. The purpose of the plat is to create a children's arboretum on Lot 2 that will be abutting the existing arboretum.

The survey creates 2 lots. Lot 1 has a total of 15.393 acres surveyed with a recreational building/facility and an office building for the Young Men’s Christian Association, it will remain in current ownership and agricultural use. Lot 2 has a total of 18.717 acres surveyed and will be sold to the Dubuque Arboretum to create a children’s arboretum.

Lot 1 will use an existing residential entrance off of John F. Kennedy Road. Lot 2 will have access from the existing arboretum residential entrance.

Speaking to the board was Attorney Stephen Alt, Fuerste & Carew Law Firm, 890 Main St Ste 200, Dubuque. Mr. Alt did not have anything to add.

Ms. Boyes asked if anyone had additional questions, and no one spoke.

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

c) Plat of Survey of Domeyer Farm Subdivision Plat 2 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Domeyer Farm Subdivision Plat 2 comprised of Lot 1 and Lot 2 in Domeyer Farm Subdivision Section 29, T90N, R1W, Concord Township, Dubuque County, Iowa.

The property is owned by Dale & Jody Domeyer and Domeyer Brothers LLC and is located .97 miles south of the City of Holy Cross along Holy Cross Road with a total of 22.185 acres surveyed. The property is zoned A-1, Agricultural. The purpose of the plat is adjusting the lot line to accommodate current and future expansion of the Agricultural facility.

The survey creates 2 lots. Lot 1 has a total of 14.224 acres surveyed with house, garage, bins and four sheds and will remain in current ownership and agricultural use. Lot 2 has a total of 7.961 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 will use two existing residential accesses off of Holy Cross Road. Lot 2 will use an access along the lane on the south boundary of this subdivision off of Holy Cross Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St N., Farley. Mr. Schneider did not have anything to add.

Ms. Boyes asked if anyone had additional questions, and no one spoke.

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

d) Plat of Survey of Schmerbach Farm Plat 2 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Schmerbach Farm Plat 2, Dubuque County, Iowa comprised of Lot 1 of Lot 1 of Lot 1 of “Schmerbach Farm” in Section 12, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by Donald Schmitt and is located .75 miles north of the City of Sherrill along Circle Ridge Road with a total of 60.035 acres surveyed. The property is

zoned A-1, Agricultural. The purpose of the plat is to be able to sell the crop ground to the adjacent neighbor-Richard & Judy Brimeyer.

The survey creates 2 lots. Lot 1 has a total of 22.241 acres surveyed and will be sold to an adjacent neighbor and remain in current agricultural use. Lot 2 has a total of 37.794 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 will have access off of Basswood Lane across Richard & Judy Brimeyer's property. Lot 2 will have access from an existing field entrance off of Circle Ridge Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St N., Farley. Mr. Schneider had nothing to add to the case.

Ms. Boyes asked if anyone had additional questions, and no one spoke.

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

e) Plat of Survey of Lot 1-3 & Lot 2-3 of Clifford South Mound Addition-Final Plat

Plat of Survey of Lot 1-3 & Lot 2-3 Clifford South Mound Addition a division of Lot 3 of Clifford South Mound Addition Section 21, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by Tim Lahey and Andrew Lahey and is located .97 miles northeast of the City of Rickardsville along South Mound Road with a total of 25.43 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#06-18-22 to rezone 2.240 acres to A-2, Agricultural Residential. The purpose of the plat is to allow Andrew to build a home to continue to assist in the family farming operation.

The survey creates 2 lots. Lot 1-3 has a total of 23.03 acres surveyed and will remain in current ownership and agricultural use. Lot 2-3 has a total of 2.40 acres surveyed and will be used for the construction of a new home.

Lot 1-3 will use a 35' wide access easement across Lot 2-3. Lot 2-3 will use an approved residential entrance, permit #22-22 off South Mound Road.

Speaking to the board was Andrew Lahey, 16411 S. Mound Rd, Sherrill. Mr. Lahey had nothing to add to the case.

Ms. Boyes asked if anyone had additional questions, and no one spoke.

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

f) Plat of Survey of Wilwert Farm Subdivision Plat 2 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Wilwert Farm Subdivision Plat 2 comprised of Lot 2 and Lot 3 in Wilwert Farm Subdivision Section 35, T88N, R1W, Taylor Township, Dubuque County, Iowa.

The property is owned by Steven & Dawn Wilwert and Eric & Meredith Lahey and is located 2.54 miles south of the City of Epworth along Placid Road with a total of 33.172 acres surveyed. The property is zoned A-1, Agriculture with a pending ZC#06-20-22 requesting to rezone 2.767 acres to A-2, Agricultural Residential. The purpose of the plat is to separate Lot 1 to allow Eric & Meredith Lahey to build a farm home on the property that they are purchasing, and they will continue to use the property for agricultural purposes.

The survey creates 2 lots. Lot 1 has a total of 2.767 acres surveyed is being sold to Eric and Meredith Lahey and will remain in agricultural use. Lot 2 has a total of 30.405 acres surveyed with farm buildings and a lagoon and will remain in current ownership and agricultural use.

Lot 1 will use an approved residential entrance on permit #21-52 off of Placid Road. Lot 2 will use an existing field entrance off of Placid Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St N., Farley. Mr. Schneider had nothing to add to the case.

Ms. Boyes asked if there were additional questions, and 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.**

g) Plat of Survey of Markham Acres – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Markham Acres comprised of the NE ¼ of the SE ¼ in Section 15, T90N, R1W, Concord Township, Dubuque County, Iowa. Except Lot 1.

The property is owned by James & Linda Markham and is located 2.13 miles northwest of the City of Rickardsville along Flanagan Road with a total of 37.965 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#06-21-22 requesting to rezone 11.437 acres to A-2, Agricultural Residential. The purpose of the plat is to separate the buildings and pasture area off of the crop land for future sale.

The survey creates 2 lots. Lot 1 has a total of 11.437 acres surveyed with a farm home and buildings and will remain in current ownership and agricultural use. Lot 2 has a total of 26.528 acres surveyed and will be sold.

Lot 1 will use an existing residential entrance off of Flanagan Road. Lot 2 will use a 33' wide access and utility easement off of Flanagan Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St N., Farley. Mr. Schneider had nothing to add to the case.

Ms. Boyes asked if there were additional questions, and no one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote: 5-0. Ms. Boyes abstained from this case.**

4. REZONING CASES:

ZC#06-18-22 Tim Lahey and Andrew Lahey A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2.240 acres to allow Andrew to build a home to continue to assist in the family farming operation. The property is located .79 miles northeast of the City of Rickardsville along South Mound Road and is legally described as Lot 3 Clifford South Mound Addition Section 21, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by Tim Lahey and Andrew Lahey. Zoning in the area includes A-1, Agricultural to the north, south, east and west. A-2, Agricultural Residential to the west. R-2, Single Family Residential to the south and southwest. C-1, Conservancy to the south. The A-2, Agricultural Residential to the west on ZC#11-26-21 was to allow the construction of a new home to replace an existing mobile home.

There are no previous zoning cases attached to this property. There are no special use permits attached to this property. Eight (8) letters were 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 Andrew Lahey, 16411 S. Mound Rd, Sherrill. Mr. Lahey had nothing to add to the case.

Ms. Boyes asked if anyone had additional questions, and no one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the rezoning with the conditions that 2.240 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#06-19-22 Eric & Meredith Lahey A-2 Agricultural Residential to A-1 Agricultural

The applicants are requesting to rezone from A-2, Agricultural Residential to A-1, Agricultural 2.83 acres to reverse the rezoned area that was done on previous ZC#11-27-21 because the house has been built outside that area. 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 Eric & Meredith Lahey. Zoning in the area includes A-1, Agricultural to the north, south, east and west. R-3, Single Family Residential to the south, A-2, Agricultural Residential. The A-2, Agricultural Residential on zoning case ZC#11-27-

21 was to allow Eric & Meredith to build a farm home on the property. 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 three future residential homes.

The home was accidentally built outside of the A-2, Agricultural Residential zoning area so they need to reverse this zoning and have the correct area rezoned to A-2, Agricultural Residential. There is one zoning case attached to this property on ZC#11-27-21 to allow for the new home. 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 St N., Farley. Mr. Breitbach asked Mr. Schneider if there was another remedy to correct this and Mr. Schreiber said there is no other remedy to fix this mistake other than to reverse the A-2, Agricultural Residential to the A-1, Agricultural, then rezone the correct location from the A-1, Agricultural to A-2, Agricultural Residential and then replat the lots again so they can finance the home in the proper location.

Ms. Boyes asked if there were additional questions, and no one spoke.

A motion was made by Mr. Soppe, **seconded by Mr. George to approve the reverse the rezoning of 2.83 acres from A-2, Agricultural Residential to A-1, Agricultural.**
The motion passed unanimously. Vote: 6-0.

ZC#06-20-22 Steve & Dawn Wilwert and Eric & Meredith Lahey A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2.767 acres to relocate an existing A-2, Agricultural Residential to the location where the new home and associated improvements were built. 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 Eric & Meredith Lahey. Zoning in the area includes A-1, Agricultural to the north, south, east, and west. R-3, Single Family Residential to the south, A-2, Agricultural Residential. The A-2, Agricultural Residential on zoning case ZC#11-27-21 was to allow Eric & Meredith to build a farm home on the property. The rezoning on pending case ZC#06-19-22 is to reverse the A-2, Agricultural Residential back to A-1, Agricultural. 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 three future residential homes.

There are no special use permits attached to this property. Four (4) rezoning notification letters were sent to the property owners and there was not 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 N., Farley.

Mr. Schneider had nothing to add to the case.

Ms. Boyes asked if there were additional questions, and no one spoke.

A motion was made by Ms. Scherrman, **seconded by Mr. Sigwarth to approve the rezoning with the conditions that 2.767 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#06-21-22 James & Linda Markham A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 11.437 acres to survey the buildings and pasture area off of the crop land for future sale. The property is located 2.13 miles northwest of the City of Rickardsville along Flanagan Road and is legally described as NE SE except Lot 1 NE SE Section 15, T90N, R1W, Concord Township, Dubuque County, Iowa.

The property is owned by James & Linda Markham. 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. Five (5) 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 N., Farley. Mr. Schneider stated the owners were just preparing for the future and planned on eventually selling off the crop ground.

Ms. Boyes asked if anyone had questions.

Mr. Sigwarth questioned why the lot was such a large lot. Ms. Henry just explained they wanted to keep the home and farm buildings together and that this is why the lot covers a larger area.

A motion was made by Mr. Sigwarth, **seconded by Mr. Breitbach to approve the rezoning with the conditions that 11.437 acres more or less be rezoned to A-2, Agricultural/Residential for one home and agricultural buildings 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: 5-0. Ms. Boyes abstained from this case.**

5. OLD BUSINESS:

Ms. Henry said ZC#05-17-22 Ronald Joseph Steger A-1 Agricultural to A-2 Agricultural Residential was approved by the Board of Supervisors.

6. NEW BUSINESS:

a) Zoning Code Update-None at this time

b) Elections:

A Motion was made by Mr. Sigwarth, **seconded by Ms. Boyes to nominate Mr. George as Chairperson. The motion passed unanimously. Vote: 6-0**

A Motion was made by Mr. Sigwarth, **seconded by Ms. Boyes to nominate Ms. Boyes as Vice Chairperson. The motion passed unanimously. Vote: 6-0**

7. PUBLIC COMMENTS: The board discussed Mr. Sigwarth not being reappointed to the Zoning Board. Ms. Boyes made a public statement that it was a major loss to the Zoning Board. She said the process and background on how decisions are made is something that she believes the board needs to have a clear understanding of. She said she is concerned as a Dubuque County resident with the disarray that the county is currently in. She said at this point the board can continue to work hard with integrity and intention. Ms. Henry thanked Mr. Sigwarth for his service he has provided.

8. ADJOURNMENT: A motion was made by Mr. Sigwarth., **seconded by Mr. George to adjourn the meeting. The motion passed unanimously. Vote: 6-0. The meeting ended at 7:03 p.m.**