

Dubuque County Zoning Commission Minutes of April 19, 2022

Vice Chairperson Kathleen Scherrman called the meeting to order at 6 p.m.

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Sam Boyes. Members present at the Dubuque County West Campus, 1225 Seippel Rd: Kevin Soppe, Jerry Sigwarth, Kathleen Scherrman, Dave George and Ron Breitbach. 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. Sigwarth, **seconded by Mr. Breitbach, and passed unanimously to approve the minutes of the March 15, 2022 meeting. Vote: 6-0.**

3. PLAT APPROVAL:

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

Plat of Survey of Lot 1 and Lot 2 of Smith Acres No. 2 a consolidation and division of the SE 1/4 of the SW 1/4 Section 27 and Lot 2 Smith Acres Section 27, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by Robert & Nannette Smith and is located 1.2 miles east of the City of Rickardsville along Route 3 with a total of 48.12 acres surveyed. The property is zoned A-1, Agricultural and R-2, Single Family Residential. The purpose of the plat is to be able to sell Lot 1 to Martin Kass the adjoining land owner who will continue to crop farm the land.

The survey creates 2 lots. Lot 1 has a total of 22.84 acres surveyed and will be sold to the adjoining neighbor and will remain in agricultural use. Lot 2 has a total of 25.28 acres surveyed with an existing home, agricultural buildings and a winery.

Lot 1 will use an existing field entrance off of Route 3. Lot 2 will use an existing residential entrance off of Route 3.

Speaking to the board was Mike Weber, Weber Land Surveying, 26789 46th Ave, Bernard. He had nothing to add.

Ms. Scherrman asked if there were additional questions. No one spoke.

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

b) Plat of Survey of Demmer Acres No. 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Demmer Acres No. 2 a consolidation and division of the NW 1/4 of the NE 1/4, the SW 1/4 of the NE 1/4 and that part of the NW 1/4 of the SE 1/4 lying North of the road all Section 20, T88N, R1E, Vernon Township, Dubuque County, Iowa.

The property is owned by Joseph Demmer and is located 1.07 miles south of the City of Peosta along Pilot Grove Road with a total of 88.82 acres surveyed. The property is zoned A-1, Agricultural and A-2, Agricultural Residential on ZC#02-03-22. The purpose of the plat is to separate the existing home and buildings to sell to a relative to continue helping in the family farm operation.

The survey creates 2 lots. Lot 1 has a total of 84.22 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 4.60 acres surveyed with a home and buildings and will be sold to a relative.

Lot 1 will use an existing field entrance off of Pilot Grove Road. Lot 2 will use an existing residential entrance off of Pilot Grove Road.

Speaking to the board was Mike Weber, Weber Surveying, 26789 46th Ave, Bernard. He said this plat was follow up to the zoning case that was recently filed to split it into 2 lots.

Ms. Scherrman asked if anyone had additional questions. No one spoke.

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

c) Plat of Survey of Adams Acres-Final Plat

Plat of Survey of Lot 1, Lot 2 and Lot 3 of Adams Acres a consolidation and division of the following lots: Lot 1 of Lot 1 of Lot 2 of Lot 1 of the NE NE, Lot 1 of Lot 1 of Lot 1 of Lot 1 of Lot 1 of the NE NE, Lot 2 of Lot 1 of Lot 1 of Lot 1 of Lot 1 of the NE NE, Lot 1 of Lot 1 of the SE NE and Lot 2 of the SE NE all in Section 35, T88N, R2E, Table Mound Township, Dubuque County, Iowa.

The property is owned by Garry James & Illa Kay Adams Rev. Trust and Illa Kay Adams Farm Trust and is located .88 miles south of the City of Dubuque along Airview Drive with a total of 78.13 acres surveyed. The property is zoned R-2, Single Family Residential and A-1, Agricultural. The purpose of the plat is to increase the lot size around each house to get the lot sized into compliance for at least one acre. The remainder of the crop ground will be sold to a neighbor.

The survey creates 3 lots. Lot 1 has a total of 75.76 acres surveyed and will remain in current agricultural use and be sold to a neighbor. Lot 2 has a total of 1.21 acres surveyed with a home and will remain in current ownership and residential use. Lot 3 has a total of 1.16 acres surveyed with a home and will remain in current ownership and residential use.

Lot 1 will use an existing field entrance off of Airview Drive.
Lot 2 and Lot 3 will use existing residential entrances off of Airview Drive.

Ms. Henry stated that this plat will have to be tabled due to a third home on the property that needs to be torn down before the plat can be created and Mr. Weber is aware of this.

Ms. Scherrman asked if anyone had additional questions. No one spoke.

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

d) Plat of Survey of Brehm Acres Plat 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Brehm Acres Plat 2 comprised of Lot 1 Brehm Acres in Section 36, T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by John & Dianne Brehm and is located adjacent to the City of Dubuque along Cottingham Road with a total of 123.62 acres surveyed. The property is zoned R-1, Rural Residential. The purpose of the plat is to separate the home so their son can buy the house and assist in the farming operation.

The survey creates 2 lots. Lot 1 has a total of 122.40 acres surveyed with many farm buildings and will remain in current ownership and agricultural use. Lot 2 has a total of 1.22 acres surveyed with a home and will be sold to their son.

Lot 1 will use an existing field entrance on the north side off of Cottingham Road. Lot 2 will use a 66' wide access and utility easement off of Cottingham Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St N Farley. Mr. Schneider stated that the Brehm's son Doug has been running the dairy and farming the ground. He said that the son is looking to move into the home to be closer to the operation. Mr. Schneider said Jack & Dianne are looking to move closer to town and are trying to set up the property so their son can keep the family farm running. He said this property is within the two mile jurisdiction of the City of Dubuque so they will have to go through the cities process as well.

Ms. Boyes asked if the property is currently an R-1, Rural Residential that they are currently farming. Mr. Schneider said the property was always zoned R-1, Rural Residential. Ms. Henry said that the property could be used farm use with its current zoning.

Ms. Scherrman asked if anyone had additional 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.**

e) Plat of Survey of Albrecht Farm Subdivision-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Albrecht Farm Subdivision comprised of Lot 2 of Lot 1 of Lot 1 in the NE of the NE and Lot 3 in the SE of the NE of Section 13, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by David & Susan Albrecht and is adjacent to the City of Sherrill along Circle Ridge Road with a total of 29.551 acres surveyed. The property is zoned A-1, Agricultural and R-2, Single Family Residential on ZC#03-09-22. The purpose of the plat is for the construction of a new home.

The survey creates 2 lots. Lot 1 has a total of 28.441 acres surveyed with a home and farm buildings and will remain in current ownership and agricultural use. Lot 2 has a total of 1.110 acres surveyed and will be sold for the construction of a new home.

Lot 1 will use an existing residential entrance off of Circle Ridge Road. Lot 2 will use an approved residential entrance, permit #22-09 off of Circle Ridge Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St N, Farley. Mr. Schneider said this was just a follow up plat from the rezoning case that was

completed last month. He said that Dylan Kutsch is look to purchase Lot 2, which is directly south of his parents home on the northeast side of Sherrill.

Ms. Scherrman asked if anyone had additional questions. No one spoke.

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

4. REZONING CASES:

ZC#04-13-22 Faber Family Rev. Trust/Al & Maureen Faber A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 1.95 acres to allow for the construction of a new home to be able to continue to assist in the farming operation. The property is located 4.30 miles west of the City of Cascade along Goose Hill Road and is legally described as the NE NE Section 31, T87N, R2W, Cascade Township, Dubuque County, Iowa.

The property is owned by Faber Family Rev. Trust, Al & Maureen Faber as Trustees. Zoning in the area includes A-1, Agricultural to the north, south, east and west. They are requesting to put a home on a 40-acre parcel that currently has an existing home on it. They are asking to do this to preserve the crop ground. They will plat off the new home site and create its own lot.

There are no previous zoning cases attached to this property. There are no Special Use Permits attached to this property. Five (5) letters were sent to the property owners.

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 Mike Weber, Weber Land Surveying, 26789 46th Ave, Bernard. He said he will be working with Al & Maureen in platting this property. He said they are currently living in the existing home however, their daughter and son-in-law will move into the existing home once the Faber's build their new home. Mr. Weber said that the piece of property that is being zoned is sand and rock so it is not suitable for corn. Mr. Weber stated that the owners are ok with the condition that a new home can't be built on the remaining land.

Ms. Henry said that instead of having one home on each forty (40) acre parcels they understand that one of the forty acre parcels would be locked up so there would be two (2) homes total on the eighty (80) acres. She said they reason they are doing this is to avoid using the good crop ground. Mr. Weber said the two homes would share the existing driveway.

Ms. Boyes commented that looking at the map that this makes most sense and is reasonable when it comes to preserving the land. Ms. Henry explained that she knows it is a concern when it comes to preserving the crop ground and the owners were made very clear that the adjacent forty (40) acres would no longer be buildable.

Ms. Scherrman asked if there were additional questions. No one spoke.

A motion was made by Mr. Breitbach, **seconded by Ms. Scherrman to approve the rezoning with the conditions that 1.95 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 NE NE and the entire NW NE both in Section 31, T87N, R2W, Cascade Township are not allowed to have another dwelling unless the property is rezoned for that use. The motion passed unanimously. Vote: 6-0.**

ZC#04-14-22 Clarence & Florence Kennicker Trust A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 1.94 acres to allow for the construction of a new home for their granddaughter so she can continue to assist in the family farming operation. The property is located .68 miles southwest of the City of Rickardsville along Route 3 and is legally described as the SW NE Section 26, T90N, R1W, Concord Township, Dubuque County, Iowa.

The property is owned by the Kennicker Family Trust. Zoning in the area includes A-1, Agricultural to the north, south, east and west.

There are no previous zoning cases attached to this property. There are no Special Use Permits attached to this property. Nine (9) 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 Dave Schneider, Schneider Land Surveying, 906 1st St N, Farley. Mr. Schneider said he was working with Keisha Mueller and her husband to build a house on her Grandmother's farm. He said that Ms. Mueller and her brother are to inherit this through the trust. He said the grandmother lives in the existing house to the west of the new house and they are looking to assist her in the operation of the farm. Mr. Schneider said they have been working with the Iowa Department of Transportation because of the entrance permit will be issued through them because of the Iowa Highway 3. Mr. Schneider said they approved by them but still need to submit a letter from the grandmother. He said the Department of Transportation requires that the driveway must be at least fifty (50') feet from the property line unless there is a waiver from the grandmother who's owns that property line. He said the grandmother is willing to sign the waiver. Mr. Schneider stated that Keisha Mueller was present if the Zoning Board had any additional questions for her.

Ms. Scherrman asked if there were additional questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the rezoning with the conditions that 1.94 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#04-15-22 John P Taylor Declaration of Trust Dated 08/23/2013 Etal and Barbara A Taylor Declaration of Trust Dated 08/23/2013 A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 4.396 acres to allow for a lot line adjustment. The property is located 2.19 miles north of the City of Holy Cross along Heiderscheit Road and is legally described as Lot 1 NW and Lot 2 NW all in Section 6, T90N, R1W, Concord Township, Dubuque County, Iowa.

The property is owned by John P. Taylor Declaration of Trust Dated 08/23/2013 Etal and Barbara A. Taylor Declaration of Trust Dated 08/23/2013. Zoning in the area includes A-1, Agricultural to the south, east and west. The property owners plan to sell this lot to a family member in the future.

There are no previous zoning cases attached to this property. There are no Special Use Permits attached to this property. Six (6) letters were sent to the property owners.

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 that John & Barb purchased this property in the early 1980's as a small three (3) acre parcel. He said the farm the crop ground around which is short 160 acres and it is roughly a quarter of a section. He said they expanded what they purchased initially outside of their original boundary and wanted to reconfigure the property for their family.

Mr. George asked if Mr. Schneider was moving the west lot line over and Mr. Schneider said yes about sixty-two (62) feet to include the rest of the driveway and wind break on the west side of the buildings.

Ms. Boyes asked if the house that is on the four (4) acres is what they intend to sell off or was it the remainder of the land that they wanted to sell. Mr. Schneider said they don't plan on selling anything at this time. He said that they have two children and they thought that the daughter would end up with the house site and Lot 2 on the south side of the road and the son would end up with the remainder on the north side of Heiderscheit Road. Mr. Schneider said when they originally consolidated the land, they took the four forty's and created the lot and through all the rest of the quarter section into one parcel. Mr. Schneider said they were just trying to split the property back out to make it more manageable if the property was to sell again.

Ms. Schermann asked if there were additional questions. No one spoke.

A motion was made by Mr. George, **seconded by Ms. Scherrman to approve the rezoning with the conditions that 4.396 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: 6-0.**

f) Plat of Survey of Taylor Farm Subdivision-Final Plat

Plat of Survey of Taylor Farm Subdivision comprised of Lot 1 and Lot 2 in the NW 1/4 of Section 6, T90N, R1W, Concord Township, Dubuque County, Iowa.

The property is owned by John P Taylor Declaration of Trust Dated 08/23/2013 Etal and Barbara A Taylor Declaration of Trust Dated 08/23/2013 and is located 2.19 miles north of the City of Holy Cross with a total of 151.491 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#04-15-22 to rezone 4.396 acres to A-2, Agricultural Residential. The purpose for the plat is to adjust the lot line to include the driveway and row of trees that is being utilized by that parcel. The property owners plan on selling Lot 2 to a family member in the future.

The survey creates 3 lots. Lot 1 has a total of 75.797 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 4.396 surveyed with a home, farm buildings and grain bins and will remain in current ownership. Lot 3 has a total of 71.298 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 will use an existing field entrance off of Heiderscheit Road. Lot 2 and Lot 3 will use existing accesses off of Heiderscheit Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St N, Farley. Mr. Schneider said the purpose of the plat was to give them options when they give the property to their children in the future.

Ms. Scherrman asked if there additional questions. No one spoke.

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

ZC#04-16-22 Spring Valley Investments/Michael Friederick PC Planned Complex to PC Amended Planned Complex

The applicant is requesting to rezone from PC Planned Complex to Amended PC Planned Complex ½ acre to be allowed to build a 50' x 90' storage building for additional storage for the Mobile Home Park. The property is located 5.11 miles southeast of the City of Dubuque along Route 52 South and is legally described as Lot 2 Spring Valley Park Addition #2 and Lot 2 NW NW (N & E of Hwy 52) Section 26, T88N, R3E, Mosalem Township, Dubuque County, Iowa.

The property is owned by Spring Valley Investments. Zoning in the area includes A-1, Agricultural to the south. PC-Planned Complex to the north. R-1, Rural Residential to the east and west. There are two rezoning cases attached to this property on ZC#9000-1-78 to allow to subdivide and sell residential lots in a private development compatible with the present mobile home park and on ZC#08-19-17 to amend the current PC-Planned Complex to allow for the addition of Mini Storage Units with indoor and outdoor storage. The storage units have not yet been built.

There are no Special Use Permits attached to this property. Ninety-five (95) letters were sent to the property owners.

Comprehensive Plan Chapter 12 Land Use Page 180 objective 9.1 and 9.5 may apply to this case.

Ms. Henry explained where he was planning to placing the new storage building. She said the other storage units were previously approved however, they were never built and they would have been storage units that he would have rented out.

Speaking to the board was Mike Friederick, Spring Valley Investments, 6838 Hwy 52 South, Bellevue. Mr. Friederick said he wanted to build a 50 x 90 storage building to eliminate the complaints of the items sitting outside. Ms. Henry stated that he had pulled the Erosion Control Permit with the soil & water department for the digging of the ground. Mr. Breitbach asked if he had to get approval for the new building because it was not planned in the original PC, Planned Complex. Ms. Henry said correct. She said he will have two amendments to his PC, Planned Complex. She said the first amendment was when he asked for the self-storage units to rent them out and the second would be to build the 50 x 90 storage building to store equipment for the mobile home park. Mr. Breitbach asked if he could still put up the self-storage units that he could rent out. Ms. Henry said yes because he was previously approved for them and this new amendment has nothing to do with the self-storage units. She said Mr. Friederick stated that he was not sure if the self-storage units would ever be built. Mr. Friederick said the ground it too rough. Mr. Breitbach said he thought this was a great idea to store everything in a building.

Ms. Boyes asked if this storage building was going to be used for personal use or was it just strictly for the mobile home park. Mr. Friederick said it was just for the mobile home.

Ms. Boyes asked Ms. Henry if the amendment from 2017 for the rental storage units would expire. Ms. Henry said no.

Ms. Scherrman asked if there were additional questions. No one spoke.

Ms. Scherrman asked if there was anyone that wanted to speak in favor or against the case. No one spoke.

A motion was made by Ms. Boyes, **seconded by Mr. Sigwarth to approve the amendment to the PC, Planned Complex with the condition that the applicant can build one 50' x 90' storage building for additional storage for the Mobile Home Park. The motion passed unanimously. Vote:6-0.**

5. OLD BUSINESS:

Ms. Henry said Plat of Survey of Country View Estates Plat 2-Final Plat, ZC#03-07-22 Paul & Jean Deutmeyer A-1 Agricultural to A-2 Agricultural Residential, ZC#03-08-22 State of Iowa A-1 Agricultural to R-2 Single Family Residential, ZC#03-09-22 David & Susan Albrecht and Dylan Kutsch A-1 Agricultural to R-2 Single Family Residential, ZC#03-10-22 Thomas J. Budde Rev. Family Trust A-1 Agricultural to A-2 Agricultural Residential, ZC#03-11-22 JJS Real Estate, LLC and Jeffrey & Jamie Hammerand and Scott Breiner A-1 Agricultural to A-2 Agricultural Residential and ZC#03-12-22 Timothy Kendrick Trust and Kirby Kendrick A-1 Agricultural to PC, Planned Complex were all approved by the Board of Supervisors.

6. NEW BUSINESS:

Ms. Henry said she would like to discuss with the board about having a special meeting to work on the PC, Planned Complex Ordinance. The board would like to hold discussion at the next zoning meeting on May 17th and if additional time is needed then they would plan to schedule something on May 24th.

Ms. Henry stated that Ms. Cathy Caitlin has resigned her position on the board and the position will need to be filled.

Ms. Henry said Mr. May was still researching the potential 10 acre Agricultural change and she is hoping to have something confirmed by next months meeting.

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Ms. Boyes, seconded by Ms. Scherrman to adjourn the meeting. The motion passed unanimously. Vote: 6-0 . The meeting ended 6:46 at p.m.