

Dubuque County Zoning Commission Minutes of October 18, 2022

Chairperson Dave George called the meeting to order at 6 p.m.

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Ron Breitbach. Members present at the Dubuque County West Campus, 1225 Seippel Rd: Kevin Soppe, Dave George, Sam Boyes, Carmen Dunkel and Lisa Flanagan. Kathleen Scherrman was absent. 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 Ms. Boyes, **seconded by Ms. Dunkel, and passed unanimously to approve the minutes of the September 20, 2022 meeting. Vote: 6-0.**

3. PLAT APPROVAL:

Plat of Survey of Trails End Ranch – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Trails End Ranch a consolidation and a division of Lot 2 of the SW ¼ of the SW ¼, Lot 1 of Perleth Place and Lot 1 of Hilken Hill Place all in Section 22, T88N, R3E, Mosalem Township, Dubuque County, Iowa.

The property is owned by Randy & Lynne Roussel and is located 3.51 miles southwest of the City of Dubuque with a total of 106.93 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose for the plat is to be allowed to sell Lot 2 to the Trappistine Nuns Inc. and sell Lot 1 to the owners daughter.

The survey creates 2 lots. Lot 1 has a total of 18.62 acres surveyed with a home and agricultural buildings and will be sold to the owners daughter. Lot 2 has a total of 88.31 acres surveyed and will be sold to the Trappistine Nuns Inc.

Lot 1 will use an existing easement off of Route 52 South. Lot 2 will have access from Hilkin Hill Road thru land in common ownership by the Trappistine Nuns Inc.

Speaking to the Board was Mike Weber, Weber Land Surveying, 26789 46th Ave, Bernard. Mr. Weber said they were just consolidating 3 lots down to 2.

Mr. George asked if anyone had questions, and no one spoke.

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

Plat of Survey of Grant-Gaber Place – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Grant-Gaber Place comprised of Lot 2-1-1 of the NE ¼ SW ¼ and Lot 1-1-1 of the NE ¼ SW ¼ lying East of the Center Line of County Road in aforesaid NE ¼ SW ¼ all in Section 20, T88N, R3E, Mosalem Township, Dubuque County, Iowa.

The property is owned by Donald & Michelle Grant and Carol & William Gaber and is located 2.33 miles east of the City of Dubuque along Schloth Lane with a total of 7.755 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the

plat is to allow the Grant's to expand their current lot for storage of their camper and to do some landscaping.

The survey creates 2 lots. Lot 1 has a total of 6.071 acres surveyed with a home and will remain in current ownership and residential use. Lot 2 has a total of 1.684 with a home and will remain in current ownership and residential use.

Lot 1 will use an existing residential entrance off of Schloth Lane. Lot 2 will use an existing residential entrance off of Schloth Lane.

Speaking to the board was Don Grant, 8376 Schloth Lane, Dubuque. Mr. Grant said they would like to build a shed as well as store their camper.

Mr. George asked if anyone had questions, and no one spoke.

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

Plat of Survey of Datisman's Place Plat 2 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Datisman's Place Plat 2 comprised of the S ¼ of the N ½ of the NW fractional ¼ lying west of Durango Road in Section 31, T90N, R2E, Peru Township, Dubuque County, Iowa,

The property is owned by John S. Datisman and is located .32 miles north of the City of Durango along Durango Road with a total of 12.296 acres surveyed. The property is zoned C-1, Conservancy and R-2, Single Family Residential. The purpose of the plat is to create a residential lot in the residentially zoned area of the lot to sell to Jordan Schemmel for a new home.

The survey creates 2 lots. Lot 1 has a total of 1.163 acres surveyed and will be sold to Jordan Schemmel for the construction of a new home. Lot 2 has a total of 11.133 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 will use a pending residential entrance off of Durango Road. Lot 2 will use an existing field entrance off of Hochrein Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st North, Farley & Jordan Schemmel, 18611 Hochrein Rd., Durango. Mr. Schneider said the plat meets the zoning ordinance and the meets the 1 acre septic requirement.

Mr. George asked if anyone had questions, and no one spoke.

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

Plat of Survey of Rose Spur Subdivision – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Rose Spur Subdivision comprised of Lot 2 of Lot 1 of Lot 1, Lot 2 of Lot 1 of Lot 1 of Lot 1, and Lot 2 of Lot 1; all in the NE ¼ of the SE ¼ of Section 27; and Lot 1 of Lot 1 of Lot 1 of Government Lot 3 of Section 26, all in T90N, R2E, Peru Township, Dubuque County, Iowa.

The property is owned by Mathy Construction Company and is located .61 miles southwest of the City of Sageville along Rose Spur Lane with a total of 70.023 acres surveyed. The property is zoned M-2, Heavy Industrial. The purpose of the plat is to allow the owners to sell the land to Dittmer Recycling, which is currently being leased to them.

The survey creates 2 lots. Lot 1 has a total of 16.353 acres surveyed and will be sold to Dittmer Recycling. Lot 2 has a total of 53.670 acres surveyed and will remain in current ownership and will continue to be used as a quarry.

Lot 1 will use a 30' wide access and utility easement off of Rose Spur Lane. Lot 2 will 66' wide access and utility easement off of Rose Spur Lane.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st North, Farley. Mr. Schneider said Dittmer operates a recycling business and they use the property to sort the material they collect. Mr. Schneider said the land is a good location because it is secluded and keeps the recycling contained.

Mr. George asked if anyone had questions, and no one spoke.

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

4. REZONING CASES:

ZC#10-30-22 Matt & Annette Smith A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 3.553 acres to create a one acre lot for their son before the sale of the remainder of the farm. The property is adjacent to the City of Epworth along Placid Road and legally described as NW SW Section 14, T88N, R1W, Taylor Township, Dubuque County, Iowa.

The property is owned by Matt & Annette Smith. Zoning in the area includes A-1, Agricultural to the north, south, east and west. A-2, Agricultural Residential to the south and east on ZC#04-17-18 was to survey off two (2) existing homes on one farm to allow for the construction of a new home.

There are no previous zoning cases attached to this property. There are no special use permits attached to this property. Six (6) rezoning notification letters were sent to the property owners and the City of Epworth 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 North, Farley. Mr. Schneider said the Smith's inherited the land from his parents estate and have a small operation on the farm and they are selling the crop ground that is currently rented out. Mr. Schneider said Mr. Smith wanted to retain a 1 acre piece for this son to build and he explained to Mr. Smith that you could only put on home on a forty acre piece and with the A-2, Residential Agricultural zoning the remainder of the 40 acre parcel would be locked up as a condition that no other home could be built.

Ms. Henry stated that the plat does not meet the zoning ordinance having 2 homes on a 20 acre parcel especially knowing the remainder of the land is being sold. Ms. Henry said that the property is adjacent to the City of Epworth and they could annex into the city. They could then ask the City of Epworth for approval to build the second home. Ms. Henry said the request to plat the 20 acres would meet the zoning ordinance because they farm.

Mr. Soppe asked if the plat went before the City of Epworth and Mr. Schneider said yes, however, they were waiting to see what the decision of the Zoning Board is. Mr. Schneider said the Smith's have no intent to annex into the City of Epworth at this point.

Ms. Boyes asked Ms. Henry if we had a copy of the City of Epworth's Comprehensive Plan and Mr. Henry said she could request it.

Mr. Schneider told Mr. Breitbach they would still request the A-2, Agricultural Residential for the 3.55 acre area for one home if the request for the second home was denied because the one home on the 3.55 acres meets the zoning ordinance.

Ms. Henry said if the board approves the 3.55 acres for rezoning and adds a condition that there will be no other homes built, Mr. Schneider would come back with a new plat without the 1.184 acre lot for the second home. Ms. Henry said the Smith's plan to continue sheep farming on the 20 acres.

A motion was made by Mr. Breitbach **seconded by Ms. Dunkel to approve the rezoning with the conditions that 3.55 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.**

Plat of Survey of Placid Road Subdivision – Final Plat

A motion was made by Ms. Boyes, **seconded by Mr. Soppe to table the plat request for change. The motion passed unanimously. Vote: 6-0.**

5. OLD BUSINESS:

Ms. Henry said they had a meeting with different departments and the applicants for tabled ZC#09-29-22 Betty Tigges/Miller Companies R-1, Rural Residential to B-2, Highway Business. The applicants are gathering more information in hopes to bring the case back at the next Zoning meeting.

6. NEW BUSINESS:

Ms. Henry and the Board members discussed the changes to the PC, Planned Complex application that will be reviewed at the next meeting.

7. PUBLIC COMMENTS:

8. ADJOURNMENT: A motion was made by Mr. Soppe., seconded by Ms. Boyes to adjourn the meeting. The motion passed unanimously. Vote:6-0 . The meeting ended 6:51 at p.m.