

Dubuque County Zoning Commission Minutes of February 21, 2023

Chairperson Dave George 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, Kathleen Scherrman, Ron Breitbach, Dave George and Lisa Flanagan. Member Sam Boyes 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 Mr. Breitbach, **seconded by Mr. Soppe, and passed unanimously to approve the minutes of the January 17, 2022 meeting. Vote: 5-0.**

3. PLAT APPROVAL:

Plat of Survey of Jecklin Farm Subdivision – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Jecklin Farm Subdivision comprised of Lot 1 of Lot 5 of the E ½ of the SW ¼ and of the SE ¼ of Section 36, T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by Jecklin Family Farm LLC c/o Donald Jecklin and is located .08 miles east of the City of Dubuque along Cottingham Road with a total of 29.05 acres surveyed. The property is zoned R-1, Rural Residential. The purpose of the plat is to allow the construction of a new home. The applicant was approved for variances to the setbacks on BA#02-02-23 because of the way the lot falls off to the rear of the property.

The survey creates 2 lots. Lot 1 has a total of 1.26 acres surveyed and will be used for the construction of a new home. Lot 2 has a total of 27.79 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 will use an approved residential entrance, permit #22-61 off of Cottingham Road. Lot 2 will use an existing field entrance off of Cottingham Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said the Jecklin Family did not have any intention of developing the remainder of The property so they did not want to go through the rezoning process. The Jecklin's applied for the variance from the Board of Adjustment to create the lot so the home could be placed where the owner wanted and it allowed them to retain the R-1, Rural Residential zoning.

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

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

Member Carmen Dunkel joined the meeting via zoom at 6:07 p.m.

Plat of Survey of Adam Sherald Homestead Plat 2 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Adam Sherald Homestead Plat 2 comprised of Lot 4 of Adam Sherald Homestead Section 22, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by Richard & Jill Dodds and is located 1.52 miles west of the City of Sherrill along South Mound and Mill Road with a total of 50.230 acres surveyed. The property is zoned A-1, Agricultural with an approved BA#02-02-23 for a special use permit to be able to build the home this lot that has heavy vegetation and many steep slopes unsuitable for agriculture.

The survey creates 2 lots. Lot 1 has a total of 4.968 acres surveyed and will be sold to their son for the construction of a new home. Lot 2 has a total of 45.262 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 will use an approved residential entrance, permit #23-02 off of Mill Road. Lot 2 will use an existing field entrance off of Mill Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley, and Richard & Jill Dodds, 11131 High Ridge Dr, Dubuque. Mr. Schneider said the Dodds purchased the property for hunting ground and the owners did not want to go through rezoning for Lot 1 because it would slow down the platting process. They applied for the Special Use Permit to build the house on the scrub parcel. Mr. Schneider said it made more sense to build the home on the scrub parcel because it could not be used for crop ground.

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

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

4. REZONING CASES:

ZC#02-02-23 Gerald J & Margie A Behnke Trust/Levi Behnke A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2.5 acres to allow their son and daughter-in-law to build a new home on the family farm to continue to help with the daily farming operations. The property is located 1.85 miles northwest of the City of Bankston along Duggan Lane and is legally described as the SW SE Section 5, T89N, R1W, Iowa Township, Dubuque County, Iowa.

The property is owned by Gerald & Margie Behnke Trust. Zoning in the area includes A-1, Agricultural to the north, south, east and west. A-2, Agricultural Residential to the south and southeast. The A-2, Agricultural Residential to the south on ZC#07-16-17 was to allow the construction of a single-family home. The A-2, Agricultural Residential to the southeast on ZC#05-17-22 was to allow the owner to sell the crop ground.

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 and the City of Bankston 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.

Ms. Henry said the property is currently 80 acres and would be platted. She said there will be a condition that there will only be two homes on the 80 acres. This is because the current home sits in the middle of the 80 acres.

Speaking to the board Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said if the Behnke's purchased another 40 acres in the future they would request to rezone for an additional home.

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

A motion was made by Mr. Breitbach **seconded by Ms. Dunkel to approve the rezoning with the conditions that 2.5 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 SW SE and the entire SE SE both in Section 5, T89N, R1W, Iowa Township are not allowed to have another dwelling unless the property is rezoned for that use. The motion passed unanimously. Vote: 6-0.**

ZC#02-03-23 Todd F George/Jon Mausser A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential one acre to finance a new home to replace the existing home. The property is located .28 miles west of the City of Balltown and is legally described as Lot 2-1 S ½ NE Section 6, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by Todd George. Zoning in the area includes A-1, Agricultural to the north, south, east and west. A-2, Agricultural Residential to the northeast. R-1, Rural Residential to the east. R-2, Single Family Residential to the southeast. The A-2, Agricultural Residential to the northeast on ZC#10-25-13 was to allow an existing farm house to be separated from the crop ground. The R-2, Single Family Residential to the southeast both on ZC#07-21-06 was to allow for two residential building lots.

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 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.

Ms. Henry said the original plan was to build a new home and tear down the existing home but she was recently notified they may just remodel the existing home and the rezoning was needed for financing purposes.

Speaking to the board Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said the property buyers needed to separate off Lot 1 so they could finance the property with a home loan. The remainder of the property would be financed by an agricultural loan.

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

A motion was made by Ms. Scherrman **seconded by Ms. Flanagan to approve the rezoning with the conditions that 1 acres more or less be rezoned around the existing home 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. Vote: 5-0. Mr. George abstained from the motion.**

Plat of Survey of Ridge Road Farm Subdivision – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Ridge Road Farm Subdivision comprised of Lot 2 of Lot 1 of the S ½ of the NE ¼ in Section 6, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by Todd George and is located .28 miles west of the City of Balltown along Ridge Road with a total of 17.815 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#02-03-23 to rezone one acre to A-2, Agricultural Residential. The purpose of the plat is to allow the buyer to finance a new home to replace the existing home.

The survey creates 2 lots. Lot 1 has a total of 1 acre surveyed and will be sold and used for the construction of a new home. Lot 2 has a total of 16.815 acres surveyed and will be sold and remain in agricultural use. Both lots will be sold to Jon Mausser.

Lot 1 and Lot 2 will use an existing 30' wide access and utility easement off of Ridge Road.

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

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

A motion was made by Mr. Soppe, **seconded by Mr. Breitbach to approve the plat. The motion passed. Vote: 5-0. Mr. George abstained from the vote.**

5. OLD BUSINESS: Ms. Henry said case ZC#01-01-23 Betty Tigges/Miller Companies R-1, Rural Residential to B-2, Highway Business was approved by the Board of Supervisors.

6. NEW BUSINESS: Ms. Henry said the work session with the Board of Supervisors for the PC, Planned Complex that was scheduled for February 27 would have to be rescheduled due to the Board of Supervisors switching their meetings from four meetings a month to only two. Ms. Henry said she is working on rescheduling the meeting. Ms. Henry said Supervisor Harley Pothoff and The Farm Bureau contacted her with additional information that they would like to see within the Dubuque County Solar Ordinance. Ms. Henry said she will obtain the information and she is hoping to bring it before the Zoning Board for review by next meeting.

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Mr. Breitbach., **seconded by Ms. Flanagan to adjourn the meeting. The motion passed unanimously. Vote: 6-0. The meeting ended at 6:38 p.m.**