

Dubuque County Zoning Commission Minutes of May 16, 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: Dave George, Kevin Soppe, Ron Breitbach, Carmen Dunkel and Lisa Flanagan. Members present via zoom: Sam Boyes & Kathleen Scherrman. 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. Dunkel, **seconded by, Mr. Breitbach and passed unanimously to approve the minutes as amended of the April 18, 2023 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Hosch Acres – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Hosch Acres comprised of the SW ¼ of the SW ¼ of the SW ¼ of Section 25, T88N, R1W, Taylor Township, Dubuque County, Iowa.

The property is owned by Kenneth & Darla Hosch and is located 2.58 miles south of the City of Epworth along Then Road with a total of 10.17 acres surveyed. The property is zoned A-1, Agricultural and A-2, Agricultural Residential. The A-2, Agricultural Residential on ZC#04-12-23 was to allow them to sell the existing farm home to their son. The purpose of the plat is to allow their son to purchase the existing home and continue to help in the farming operations.

The survey creates 2 lots. Lot 1 has a total of 9.10 acres surveyed with multiple agricultural buildings and will remain in current ownership and agricultural use. Lot 2 has a total of 1.07 acres surveyed with a home and will be sold to their son.

Lot 1 and Lot 2 will use a 33' wide access and utility easement off of Then Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said the A-2, Agricultural Residential rezoning request was just approved by the Board of Supervisors, and this was the follow up plat to split off the lot for the son to continue helping with family farming operations.

Mr. George if anyone had additional questions and no one spoke.

A motion was made by Mr. Soppe, **seconded by Ms. Boyes to approve the plat. The motion passed unanimously. Vote: 7-0.**

b) Plat of Survey of Windy Ridge Subdivision Plat 3 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Windy Ridge Subdivision Plat 3 comprised of Lot 4 in Windy Ridge Subdivision, Section 16, T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by Ronald & Jessalyn Breiner and is located 1.81 miles northwest of the City of Asbury along Five Points Road with a total of 17.510 acres surveyed. The

property is zoned R-2, Single Family Residential. The purpose of the plat is to be able to sell Lot 1.

The survey creates 2 lots. Lot 1 has a total of 8.765 acres surveyed with two grain bins and a shed and will remain in current ownership and agricultural use. Lot 2 has a total of 8.745 acres surveyed and will be sold.

Lot 1 will use an existing field entrance off of Five Points Road. Lot 2 has existing field entrances off of Five Points Road and Hill Ridge Lane.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said the Breiner's do have a purchaser for the property that is a disabled veteran, and he is looking for a flat piece of ground to purchase.

Mr. George if anyone had additional questions and no one spoke.

A motion was made by Mr. Soppe, **seconded by Ms. Boyes to approve the plat. The motion passed unanimously. Vote: 7-0.**

ZC#05-15-23 Daniel & Maureen Leytem life estate to John Leytem A-1 Agricultural to R-2 Single Family Residential

The applicants are requesting to rezone from A-1, Agricultural to R-2, Single Family Residential 37 acres to be allowed to separate the existing home that their son lives in. They would also like to make adjustments to the lot lines around existing homes for their daughter, and Daniel's brother, and an adjacent neighbor. The property is adjacent to the City of Asbury along Hales Mill Road and is legally described as Lot 1 Leytem Place 2nd Subdivision and SW NE both in Section 18, T89N, R2E, Dubuque Township, Dubuque County, Iowa.

The property is owned by Daniel & Maureen Leytem. Zoning in the area includes C-1, Conservancy to the north and west. A-1, Agricultural to the north and northeast. R-2, Single Family Residential to the north, east and west. B-1, Business and B-2, Highway Business to the east.

The R-2, Single Family Residential to the north on ZC#02-03-02 to allow for the development of residential building lots. The R-2, Single Family to the east on ZC#06-26-95 and ZC#02-03-02 were both to allow the development of a subdivision. ZC#03-07-06 to the east was to resolve the zoning inconsistency. The B-1, Business to the east ZC#04-13-00 was to bring the existing business into a conforming district for future expansion. The B-2, Highway Business to the east on ZC#05-16-06 was to allow the continuance of contractor's offices and sales, service and storage of all types of classic vehicles.

There are no previous zoning cases attached to this property. There are no Special Use Permits attached to this property. Seventy-seven (77) notification letters were sent to the property owners and the City of Dubuque, and the City of Asbury were notified.

Comprehensive Plan Policy Chapter 12 Land Use page 179 Objective 3.7 and Page 181 Objective 11.1 may apply to this case.

Mr. George asked about the C-1, Conservancy zoning that runs through the center of the property. Ms. Henry said the property owners were not looking to rezone or change the use of the C-1, Conservancy that runs through the property. She said they are just requesting the R-2, Single Family Residential around the C-1, Conservancy zoning district. She said the property owner did not want to go through the rezoning process for the water way because it would have to go through the Conservation Board and they do not plan on developing there.

Ms. Henry said an adjacent property owner Daniel & Jennifer Griffin own a large building with a Single-Family Home and intend on purchasing some of the property, but they have no intention of developing the land. She said their property is in a subdivision and the homeowners association must grant permission for access through the subdivision onto the Griffins property. Ms. Henry said because of the property location, it could potentially be annexed into the City of Asbury.

Ms. Henry said the daughter is just trying to extend her backyard and the brother wants to move his property line so he has more space to build a garage. Ms. Henry said when the plat is constructed the son will obtain the existing farm home with building. Ms. Henry said the request was not spot zoning because it was the only piece A-1, Agricultural zoned property that had not yet been rezoned to the R-2, Single Family Residential. She said the property is located next to the City of Dubuque and the City of Asbury.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said he has worked with Mr. Leytem for years and his situation has changed from having stock cows to selling all his cows. He said the R-2, Single Family Residential zoning request made more sense than going to A-2, Agricultural Residential since the property is surrounded by the R-2, Single Family Residential.

A motion was made by Ms. Boyes, **seconded by Ms. Dunkel to approve the rezoning of 37 acres from A-1, Agricultural to R-2, Single Family Residential. The motion passed unanimously. Vote: 7-0.**

5. OLD BUSINESS:

Ms. Henry said ZC#04-07-23 Family of Dreams LLC/Abby & Tony Ball B-2 Highway Business to R-2 Single Family Residential, ZC#04-08-23 Mary T Arnold and Julie & Bob Arnold A-1 Agricultural to A-2 Agricultural Residential, ZC#04-09-23 Bruce & Connie Hoffman A-1 Agricultural to A-2 Agricultural Residential, ZC#04-10-23 Celester & Joan Feldmann Trust and John Feldmann A-1 Agricultural to A-2 Agricultural Residential, ZC#04-11-23 Dustin & Rachael Ploessl A-1 Agricultural to A-2 Agricultural Residential, ZC#04-12-23 Kenneth J & Darla J Hosch A-1 Agricultural to A-2 Agricultural Residential, ZC#04-13-23 Daryl & Roben Bee and Terry Koelker w/Buesing & Associates Inc R-2 Single Family Residential to A-1 Agricultural, and ZC#04-14-23 Butlers Children's Garden Foundation and Terry Koelker w/Buesing & Associates Inc A-1 Agricultural to R-2 Single Family Residential were approved by the Board of Supervisors.

Ms. Henry said they would not do a work session on the PC, Planned complex in tonight's meeting. Ms. Henry said the Solar Ordinance would be coming before the Zoning Board with more information. She said the Solar Decommissioning Plan needed to have more detail.

6. NEW BUSINESS:

7. PUBLIC COMMENTS:

8. ADJOURNMENT: A motion was made by Mr. Soppe, seconded by Ms. Dunkel to adjourn the meeting. The motion passed unanimously. Vote: 7-0. The meeting ended at 6:32 p.m.