

Dubuque County Zoning Commission Minutes of July 18, 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, Kathleen Scherrman, Ron Breitbach, Jerry Sigwarth and Lisa Flanagan. Member present via zoom: Sam Boyes. 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. Scherrman, and passed unanimously to approve the minutes of the June 20, 2023 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

Plat of Survey of Dietz Farm Subdivision Plat 7 – Final Plat

Plat of Survey of Lot 1 thru Lot 3 Dietz Farm Subdivision Plat 7 comprised of Lot 2 of Dietz Farm Subdivision Plat 2 and Lot 2 of Dietz Farm Subdivision Plat 6 all in Section 14, T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by Dietz Century Farm LLC and is located .58 miles northwest of the City of Asbury along Lewis Road with a total of 15.153 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to create a lot around an existing home that was mistakenly built over the lot line.

The survey creates 3 lots. Lot 1 has a total of 1.270 acres surveyed with a home and will remain in current ownership and residential use. Lot 2 has a total of 1.088 acres surveyed with a home and will be sold to the owners grandson. Lot 3 has a total of 12.795 surveyed and will remain in current ownership and agricultural use.

Lot 1 and Lot 2 will use an existing shared access and utility easement off of Lewis Road. Lot 3 will use an existing field entrance across Lot 1 of Dietz Farm Subdivision Plat 5 off of Derby Grange Road and a pending residential entrance off of Lewis Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said the plat was being done because the owners pulled a permit to build a shouse for their grandson and mistakenly built over the property line. He said the mistake was caught when Mr. Dietz wanted to transfer the property to his grandson.

Mr. George asked if anyone had 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: 7-0.**

Plat of Survey of Leytem Place Fourth Subdivision – Final Plat

Plat of Survey of Lot 1 thru Lot 7 of Leytem Place Fourth Subdivision comprised of Lot 1, 2, 3, 4 and 5 of Leytem Place Second Subdivision, Lot 2 of Leytem Place Third Subdivision and the SW ¼ of the NE ¼ of Section 18, T89N, R2E, Dubuque Township, Dubuque County, Iowa.

The property is owned by Daniel & Maureen Leytem, Daniel & Maureen Leytem Life Estate, Dane & Chelsea Cox, John & Lois Leytem and Ronald & Janet Cook with a total of 154.6335 acres surveyed. The property is zoned R-2, Single Family Residential on ZC#05-15-23 to allow them the separation of the existing home that their son lives in and make some lot line adjustments for their daughter, Daniel's brother and an adjacent neighbor. The purpose of the plat is to reconfigure Lots 2, 3, 4 and 6 for residential and then two (2) lots will make up remainder of the land.

The survey creates 7 lots. Lot 1 has a total of 82.7384 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 2.2616 acres surveyed with a home and will remain in current ownership and residential use. Lot 3 has a total of 3.3045 surveyed with a home and will remain in current ownership and residential use. Lot 4 has a total of 3.8377 acres surveyed and will remain in current ownership and residential use. Lot 5 has a total of 59.9196 acres surveyed with several agricultural buildings and will remain in current ownership and agricultural use. Lot 6 has a total of 1.4309 acres surveyed with a home and will remain in current ownership and residential use. Lot 7 has a total of 1.1408 acres surveyed with a home and will be sold to Daniel & Maureen Leytem's son.

Lot 1 will use existing field entrances off of Lenore Lane and Derby Grange Road. Lot 2, Lot 3 and Lot 4 will use existing entrances off of Lenore Lane. Lot 5 will use an existing field entrance off of Hales Mill Road. Lot 6 will use an existing residential entrance off of Hales Mill Road. Lot 7 will use an existing residential entrance off of Hales Mill Road.

Ms. Henry said the property had just gone through rezoning and the plat is being done to prepare for future development.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Sigwarth asked if Lot 7 was the existing farmhouse. Mr. Schneider said yes, Mr. Leytem's son lives in the home and helps with the family farming business.

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

Plat of Survey of Peter Kramer Place No. 2 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Peter Kremer Place No. 2 a consolidation and a division of Lot 2 and Lot 3 of Peter Kramer Place of the SE ¼ of Section 15, T87N, R2W, Cascade Township, Dubuque County, Iowa.

The property is owned by Scot J. Knepper Revocable Trust & Karen A. Knepper Revocable Trust and is located 2.9 miles northwest of the City of Cascade along Schemmel Road with a total of 54.64 acres surveyed. The property is zoned A-1, Agricultural and A-2, Agricultural Residential. The A-2, Agricultural Residential on ZC#06-18-23 was to

separate the home and buildings from the rest of the farm to allow the nephew to purchase them.

The survey creates 2 lots. Lot 1 has a total of 52.31 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 2.33 acres surveyed with a home, machine shed, chicken coop, silo, smoke house and miscellaneous sheds and will be sold to the nephew.

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

Speaking to the board was Mike Weber, 26789 46th Ave, Bernard. Mr. Weber said the plat was taking 2 lots and reconfigured them into 2 two lots.

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

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

4. REZONING CASES:

ZC#07-19-23 Paul & Karen Schwaegler A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 1 acre to separate the existing home from the farmland. The property is located 2.60 miles north of the City of Zwingle along Higginsport Road and is legally described as Lot 2 S1/2 SW, Section 14, T87N, R2E, Washington Township, Dubuque County, Iowa.

The property is owned by Paul & Karen Schwaegler. 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. Four (4) 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, 26789 46th Ave, Bernard. Mr. Weber said the home is currently sitting on a 9-acre piece of land. He said they would like to separate the home on its own 1-acre piece and combine the remaining 8-acres with the adjacent land that they own under the business name Harpa Farm Corporation. Ms. Henry said they have to combine the remaining 8-acres with the adjacent ground because she could not leave it sit as its own lot because of the platting rules. Mr. Weber said they have an interested purchaser for the remaining crop ground. Mr. Weber said once the plat is complete it will create a 1-acre A-2, Agricultural Residential piece and the approximately 76-78 acre piece remaining will stay A-1, Agricultural that will be sold.

Mr. Breitbach asked how the board would lock up 40-acres so no other home could be built. Ms. Henry said because the remaining farm ground is so large, they would not be able to place a condition on the property. She said it is a simple plat process and since the remaining property was larger than a 40-acre piece there was no way the board could tell them they could not have a home on it in the future. Mr. Breitbach asked by creating the 1-acre A-2, Agricultural Residential lot and

combining the remaining property to the adjacent property, this would eliminate tying up the remaining parcels. Mrs. Henry said that is correct. Mr. Weber said this process was not changing the density of the property however, it would still allow for a second home in the future. Ms. Henry said she could not create a 1-acre A-1, Agriculture parcel so that is why the rezoning must be done before she could sign off on the plat.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said for clarity reasons, by taking the remainder of a 40-acre piece and combining it to an existing 40-acre parcel you would still have 2 tax parcels and 2 buildable lots and the board would not have to place a condition on the property.

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

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the rezoning of 1.00 acre more or less be rezoned around the existing home to A-2, Agricultural Residential. The motion passed unanimously. Vote: 7-0.**

5. OLD BUSINESS:

Ms. Henry said ZC#06-16-23 CJMD LLC/Michael Gantz R-1, Rural Residential to B-2 Highway Business, ZC#06-17-23 Terry & Lynda Miller/Jay & Brittney Miller A-1 Agricultural to A-2, Agricultural Residential, ZC#06-18-23 Scot & Karen Knepper A-1 Agricultural to A-2, Agricultural Residential were all approved by the Board of Supervisors.

6. NEW BUSINESS:

Ms. Henry said that Jerry Sigwarth was appointed to the Zoning Board. She said Mr. Ed Raber did accept the Planning & Zoning Director position and his first day will be Monday July 24, 2023. Ms. Henry said she was contacted by a citizen that requested contact information for a board member, and she confirmed with the Dubuque County Auditor that we do indeed have to provide the information. Ms. Henry said she was working with the IT Director on how to find a safe, consistent, and effective way to provide the contact information to the public.

7. PUBLIC COMMENTS:

8. ADJOURNMENT: A motion was made by Mr. Soppe, **seconded by Mr. Breitbach. to adjourn the meeting. The motion passed unanimously. Vote:7-0. The meeting ended at 6:44 p.m.**