



Dubuque County Zoning Board Zoning Board Meeting Minutes -June 18,2024

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

Chairperson Dave George, Vice-Chairperson Ron Breitbach, Kevin Soppe, Kathleen Scherrman, Jerry Sigwarth, Sam Boyes, and Lisa Flanagan.

The Zoning Commission Board met at the NICC-Peosta Campus, 104A Conference Room-Lower Level, 8342 NICC Drive, Peosta, IA, 52068. You have the option to attend Zoning Board meetings. The County offers Zoom with both audio and video available. Every agenda will include information on how to login to attend that meeting. Those wishing to attend meetings in person may do so. All Zoning Board official meetings are recorded and available to be viewed at

<https://www.dubuquecountyiowa.gov/467/Agendas-Minutes>

ROLL CALL - Members present: Dave George, Kevin Soppe, Kathleen Scherrman, Ron Breitbach, Jerry Sigwarth, Lisa Flanagan, and Sam Boyes. Staff Present: Tammy Henry, Ed Raber, Lindsey Schreiber and Amy Schmerbach.

APPROVAL OF MINUTES - A motion was made by Ms. Boyes, **seconded by Mr. Soppe, and passed unanimously to approve the minutes of the May 21, 2024 & May 28, 2024 meeting. Vote: 7-0.**

PLAT APPROVAL:

Plat of Survey of Cobblestone Place – Final Plat – Speaking to the board was Jolene Biver. **The motion passed unanimously. Vote 7-0.**

Plat of Survey of Rea Acres – Final Plat – Speaking to the board was Mike Weber, Weber Land Surveying. **The motion passed unanimously. Vote 7-0.**

Plat of Survey of Skahill Acres – Final Plat – Speaking to the board was Mike Weber, Weber Land Surveying. **The motion passed unanimously. Vote 7-0.**

Plat of Survey of Stoffel Farm No 2 – Final Plat - Speaking to the board was Mike Weber, Weber Land Surveying. **The motion passed unanimously. Vote 7-0.**

Plat of Survey of Reitinger Farm Subdivision Plat 3 – Final Plat – Speaking to the board was Dave Schneider, Schneider Land Surveying. **The motion passed unanimously. Vote 7-0.**

Plat of Survey of Hammerand Farm Sub Plat 2 – Final Plat – Withdrawn

REZONING CASES:

ZC#06-13-24 On the Fence LLC/William & Jane Heiar A-1 Agricultural to M-1 Industrial. Speaking to the board was Doug Heiar. A motion was made to approve rezoning ½ acre from A-1 Agricultural to M-1 Industrial a portion of the land that sits in the business area. **The motion passed unanimously. Vote 7-0.**

ZC#06-14-24 William & Jane Heiar A-1 Agricultural to R-2, Single Family Residential. Speaking to the board was Doug Heiar. A motion was made to approve the rezoning of 1.33 acres from A-1, Agricultural to R-2, Single Family Residential to allow a non-conforming property to get into compliance with its residential use. **The motion passed unanimously. Vote 7-0.**

ZC#06-15-24 Kenneth & Debra Link and Andy Link A-1 Agricultural to A-2 Agricultural Residential. Speaking to the board was Dave Schneider, Schneider Land Surveying. A motion was made to approve the rezoning request with the conditions that 1.8 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 7-0.**

ZC#06-16-24 Matthew & Kaci Simon A-1 Agricultural to A-2 Agricultural Residential-Speaking to the board was Dave Schneider, Schneider Land Surveying. A motion was made to approve the rezoning request with the conditions that 1.12 acres from A-1, Agricultural 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 7-0.**

ZC#06-17-24 Flanagan Family Trust/George & Lisa Flanagan A-1 Agricultural to R-2 Single Family Residential – ****Note: Board Member Lisa Flanagan abstained and left the meeting room during the hearing of her case**** Speaking to the board was Dave Schneider, Schneider Land Surveying. Mr. Schneider said he was asked to create a plat to separate a parcel off for the Flanagan's child to build a home and noticed that the parcel was zoned R-2, Single Family Residential on the zoning map however, the zoning office could not locate a rezoning case to verify that the property was properly rezoned from A-1, Agricultural to R-2, Single Family Residential. Mr. Schneider said the zoning office suggested applying for the rezoning request to correct the error that was made. Speaking to the board was George Flanagan. Mr. Flanagan said when the Flanagan's purchased the property they were told the property was zoned R-2, Single Family Residential. Speaking to the board was Stephen Alt, Fuerste, Carew, Coyle Law Firm, Representing Attorney for Michael & Mary Jane Wolter who is the adjacent landowners. Mr. Alt presented a letter to the zoning board in opposition to the zoning request. See Attached. Mr. Alt informed the board there is a pending litigation case Wolter's vs Flanagan's regarding a lot line/fence line dispute. Speaking to the board was Michael Wolter, 6908 Olde Davenport Rd. Mr. Wolter said he originally owned the property, and it was always zoned A-1, Agricultural and he was in opposition to the rezoning request. Speaking to the board was Richard Hoffman, 6891 Olde Davenport Rd. Mr. Hoffman said he was against the rezoning request because adding new homes would create more access points and feared the additional home/homes would create additional safety concerns. After much discussion a motion was made to table the rezoning request until the fence line litigation case was solved and the

property would remain zoned as A-1, Agricultural. **The motion passed unanimously. Vote 6-0. Lisa Flanagan abstained.**

ZC#01-01-24 Renewable Energy Ordinance

Mr. Raber presented the board working drafts of the Renewable Energy Overlay District and Renewable Energy Ordinance. See attached. Mr. Sigwarth rescinded his previous motion of excluding A-1, Agricultural land from the Renewable Energy overlay district. The board discussed the amount of highly sensitive areas that are unsuitable for such projects because of karst, steep slopes, highly erodible soils, and sinkholes which makes this proposed overlay very restrictive in these areas. The board discussed having broader definitions of setbacks from adjacent landowners, requested defined information on the HUC 08 map areas for the Turkey River, Grant-Little Maquoketa River and Apple-Plum River, adding USBESS definition, adding livestock to Part 5-10.1.O.b and provide more information regarding the renewable energy overlay district.

OLD BUSINESS: Update on previous zoning cases. Ms. Henry said ZC#05-11-24 Arling Estates LLC/Adam Arling B-1 Business to B-2 Highway Business and ZC#05-12-24 Robert & Joyce Stoffel A-1 Agricultural to A-2 Agricultural Residential were approved by the Dubuque County Supervisors.

NEW BUSINESS:

PUBLIC COMMENTS:

Speaking to the board was Wayne Demmer, 9018 Lone Pine Rd, Epworth. Mr. Demmer asked if A-1, Agricultural land is added to the renewable energy overlay if they would be exempt, or would they have to follow and comply with the Storm Water Ordinance for water runoff. Mr. Raber said the overlay ordinance would require them to follow the Storm Water ordinance.

Mr. Breitbach read a prepared letter to the public regarding his expiring term on the Zoning Commission Board. See Attached

ADJOURNMENT: A motion was made by Mr. Soppe, **seconded by Mr. Sigwarth to adjourn the meeting. The motion passed unanimously. Vote: 7-0. The meeting ended at 9:36 p.m.**