

## Dubuque County Zoning Commission

### Minutes of May 17, 2016

Chairperson Mary Klostermann called the meeting to order at 6 p.m.

**1. ROLL CALL:** Members present: Mary Klostermann, John Goodmann, Kevin Soppe and Jerry Sigwarth. Staff Present: Anna O’Shea & Tammy Henry.

**2. APPROVAL OF MINUTES:** A motion was made by Mr. Goodmann, **seconded by Mr. Soppe, and passed unanimously to approve the minutes of the April 19, 2016 meeting. Vote: 4-0.**

### **3. PLAT APPROVAL:**

#### **a. Plat of Molony Timber No.2-Final Plat**

Plat of Survey of Lot 1 and Lot 2 of Molony Timber No. 2 a division of Lot 1 of Molony Timber Section 25, (T87N R1E) Prairie Creek Township, Dubuque County, Iowa.

The property is owned by Anastasia Molony-Klimek and Patrick & Margaret Hutchins and is located 1.97 miles east of the City of Bernard along Higginsport Road. The property is zoned A-1 Agricultural with a total of 38.96 acres surveyed. The purpose of the plat is to plat off 7.17 acres of timber to sell to the adjacent neighbor.

The survey creates 2 lots. Lot 1 has a total of 31.79 acres surveyed and will remain in current ownership and use. Lot 2 has a total of 7.17 acres surveyed and will remain in current use, but will be sold to the adjacent neighbor. A second survey will attach Lot 2 of Molony Timber No.2 to the home in the SW corner of the lot.

Lot 1 will use a residential access off of Higginsport Road. Lot 2 will use a residential access off of Fisher Road.

Speaking to the Board was Mike Weber, 26789 46<sup>th</sup> Ave, Bernard. He stated they are creating lots so that a neighbor can purchase some property and combine it with his property. It is not creating additional building sites.

Ms. Klostermann asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 4-0.**

#### **b. Plat of Rolwes Farms 2<sup>nd</sup> Addition**

Plat of Survey of Lot 1 and Lot 2 of Rolwes Farms 2<sup>nd</sup> Addition comprised of Lot 1 of Lot 1 of the NE ¼ of the NW ¼ Section 25, (T88N R2W) Dodge Township, Dubuque County, Iowa.

The property is owned by Dale & Charlene Rolwes and is located 1.59 miles south of the City of Farley along Farley Road. The property is zoned A-1 Agricultural and A-2 Agricultural Residential with a total of 34.72 acres surveyed. The purpose of the plat is to allow the existing farm home and some out buildings to be separated from the rest of the farm property to allow the son to move into the home and assist with the farming operation.

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Zoning Case#4-16-16 to rezone from A-1 Agricultural to A-2 Agricultural Residential was approved on May 9, 2016 to allow the home to be split off the farm.

The survey creates 2 lots. Lot 1 has a total of 32.83 acres surveyed and will remain in current ownership and use. Lot 2 has a total of 1.89 acres surveyed and will be sold to the son.

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

A motion was made by Mr. Goodmann, **seconded by Mr. Soppe to table the plat until the end of the meeting to allow someone to arrive to represent the plat. The motion passed unanimously. Vote 4-0.**

**c. Plat of Nauman Wille Lane**

Plat of Survey of Lot 1 and Lot 2 of Nauman Wille Lane comprised of Lot 2 of K&N Acres, Lot 2 of the NW ¼ of the NW ¼, part of Lot 1 of the NW NW as described in instrument #929-92, all of Section 18, (T90N R2E) Peru Township, and part of Lot 2 of the NE NE in Section 13 (T90N R1E), Jefferson Township, Dubuque County, Iowa.

The property is owned by Greg & Roxanne Wille & Dale Nauman & David Nauman and is located 0.35 miles north of the City of Sherrill along Wille Lane and Circle Ridge Road. The property is zoned A-1 Agricultural and R-1 Rural Residential with a total of 39.21 acres surveyed. The purpose of the plat is to allow a non-conforming residential property to get into compliance.

The survey creates 2 lots. Lot 1 has a total of 1.62 acres surveyed and will remain in current ownership and use. Lot 2 has a total of 37.59 acres surveyed and will remain in current ownership and use.

Lot 1 will have access across a 20' wide access easement off of Wille Lane. Lot 2 will have access off of Circle Ridge Road and a 20' easement off of Wille Lane.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to table the plat until the end of the meeting to allow someone to arrive to represent the plat. The motion passed unanimously. Vote 4-0.**

**d. Plat of Gansemer Farm 2<sup>nd</sup> Addition**

Plat of Survey of Lot 1 thru 4 of Gansemer Farm 2<sup>nd</sup> Addition comprised of the NE ¼ of the NW ¼ except Lot 1 of Gansemer Farm Addition, and the NW ¼ of the NW ¼ all in Section 1, (T89N R1W) Iowa Township, Dubuque County, Iowa, and the SW ¼ of the SW ¼ in Section 36, (T90N R1W) Concord Township, Dubuque County, Iowa.

The property is owned by Theresa Gansemer and Jane Geselbracht and Kenneth Ruden and Janet Engelken and is located 1.93 miles southwest of the City of Rickardsville along Park Hollow Road. The property is zoned A-1 Agricultural with a total of 123.76 acres surveyed. The purpose of the plat is to divide the property for estate purposes.

The survey creates 4 Lots. Lot 1 has a total of 29.10 acres surveyed and is part of the estate. Lot 2 has a total of 10.00 acres surveyed with a home on it and it will remain in current ownership and use. Lot 3 has a total of 25.28 acres surveyed with a home on it and it will remain in current ownership and use. Lot 4 has a total of 59.38 acres surveyed and is part of the estate.

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Lot 1 will have general ingress/egress across Lot 1 of Gansemer Farm Addition. Lot 2 will use an existing residential access off of Park Hollow Road. Lot 3 will use an existing residential access off of Park Hollow Road. Lot 4 will use an existing field entrance off of Park Hollow Road.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to table the plat until the end of the meeting to allow someone to arrive to represent the plat. The motion passed unanimously. Vote 4-0.**

**e. Plat of Schrobilgen Place**

Plat of Survey of Lot 1 and Lot 2 of Schrobilgen Place comprised of the West ½ of the NW ¼ NW ¼ and the North 14 2/3 acres of the East ½ of the NW ¼ NW ¼ all in Section 16, (T89N R1E) all in Center Township, Dubuque County, Iowa.

The property is owned by Irma Schrobilgen Revocable Trust and is located 1.88 miles northwest of the City of Asbury along Five Points Road and Hill Ridge Lane. The property is zoned A-1 Agricultural and R-1 Rural Residential with a total of 34.186 acres surveyed. The purpose of the plat is to allow the son to build a home on the lot and assist with the farming operation.

The survey creates 2 Lots. Lot 1 has a total of 4.976 acres surveyed and will belong to the son and have a home on it. Lot 2 has a total of 29.210 acres surveyed and will remain in current ownership and use.

Lot 1 will use a residential access off of Five Points Road. Lot 2 will use an existing field entrance off of Five Points Road.

Speaking to the Board was Dave & Jenny Schrobilgen, 2163 St John Dr, Dubuque. Ms. Schrobilgen stated she grew up there and would like to build a home in that area.

Ms. Klostermann asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Soppe, **seconded by Mr. Sigwarth to approve the plat. The motion passed unanimously. Vote 4-0.**

**f. Plat of Kemp Addition**

Plat of Survey of Lot 1 and Lot 2 of Kemp Addition comprised of the NW ¼ NE ¼ except Lot 1 of the NW ¼ NE ¼ Section 19, (T88N R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by James & Kathy Kemp and is located 1.40 miles southeast of the City of Dubuque along Kane Road. The property is zoned R-2 Single Family Residential and B-2 Highway Business with a total of 39.01 acres surveyed. The purpose of the plat is to allow for a single family home for the daughter.

The survey creates 2 Lots. Lot 1 has a total of 1.232 acres surveyed and will be used for a single family home. Lot 2 has a total of 37.778 acres surveyed and will remain in current ownership and use.

Lot 1 will have a residential entrance off of Kemp Road. Lot 2 will use an existing entrance off of Kemp Road.

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Speaking to the Board was Jim Kemp, 8364 Kane Rd, Dubuque. He stated the farm would be sold someday to his daughter and this will allow them to build a home.

Ms. Klostermann asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 4-0.**

**4. REZONING CASES:**

**1. ZC#05-18-16 Jacob & Beverly Reiter A-1 Agricultural to M-1 Industrial**

The applicants are requesting to rezone from A-1 Agricultural to M-1 Industrial 1.38 acres more or less, to allow a maintenance shop for the storage and maintenance of Ag equipment, including operation of a trucking/sanitation business, excluding the processing and/or sorting of garbage or recycling materials. The property is located adjacent to the City of Cascade along Garryowen Road and is legally described as Lot 1 Menster Place No.4 Section 32, (T87N R1W) White Water Township, Dubuque County, Iowa.

The property is owned by Jacob & Beverly Reiter. Zoning in the area includes A-1 Agricultural to the south, east and west. R-1 Rural Residential to the north. B-2 Highway Business to the south. The R-1 Rural Residential to the north on ZC#02-09-96 was to allow for the construction of a single family home. The B-2 Highway Business to the south on ZC#02-03-04 was to rezone 16 acres to allow for Trailer/Tent camping and recreational use. There are no previous rezoning cases attached to this property. There is one Special Use Permit for a Tower attached to this property. Seventeen (17) rezoning notification letters were sent to the property owners and the City of Cascade was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 135 objective 3.3 and 5.4 may apply to this case.

Speaking to the Board was Jacob Reiter, 6955 245<sup>th</sup> St, Cascade. He stated he is requesting the zoning change so he can perform activities he was unaware that he could not perform while being zoned agricultural. He would also like to store his son's sanitation vehicles and containers in the building. The sanitation business runs two days a week and provides a roll-off service. His sons started this business to supplement their farming operation, which about 60% of their pickups are used for agricultural customers.

Mr. Reiter wanted to address the issues that were brought up by the City of Cascade. The City of Cascade stated they are looking to annex in the future and the Reiter rezoning case is one of those areas that would be affected. Mr. Reiter said that the property surrounding his is mostly agricultural and annexing property can take time to complete and should not prohibit his business plans going forward. He said farming the property is undesirable because it is mostly rock and other areas in Cascade were developed without being annexed into the city.

The City of Cascade stated that Mr. Reiter's business was located in the city limits and zoned properly, then he moved the business out of the city limits because he did not want to pay city taxes. Mr. Reiter stated he did not pick up his land and building from the City

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of Cascade and move them in the county. He found a buyer and sold the property. He feels no revenue was lost by the City.

The City of Cascade stated the County issued a permit for Mr. Reiter as an agricultural building, not for commercial or industrial use. Mr. Reiter stated the primary use of the building currently is agricultural.

The City of Cascade stated the Industrial Park has plenty of area for his business. Mr. Reiter stated he could not be assessed as agricultural within the city limits.

The City of Cascade has the concern that having an industrial use across from a residential district would negatively affect the value of the homes in the area. Mr. Reiter stated his location is not in the city limits but his property and the Industrial Park are approximately the same distance from the nearest city residence.

The City of Cascade had the concern that allowing an industrial business across from a residential district will create additional & excess traffic. Mr. Reiter stated that Hwy D-61 is a public highway and the City of Cascade has designated a portion inside the city limits as a truck route. He feels it is counterproductive for the City of Cascade to restrict or reduce the legitimate traffic of the highway.

The City of Cascade had the concern that allowing the property to be rezoned will allow Mr. Reiter to run a garbage/recycling business across from a residential district and could create bad odors for the residents of the area. Mr. Reiter stated he is not, and is not planning to sort or recycle trash. That is a baseless rumor and prohibited in an M-1 zoning district. He said he stated in his application that is exactly what they do not intend to do.

Mr. Reiter also collected signatures on a petition of people in support of the rezoning. He said among those signatures are the former mayor of Cascade, members of the Utilities Board, members of the Economic Development Board and business & residents of Cascade.

Ms. Klostermann asked if the purpose of the rezoning is to allow storage of the trucks for the business? Mr. Reiter stated it is for maintenance and storage of the trucks for the business. He also said he would not be opposed to a condition if the property is ever sold that the zoning would revert back to A-1.

Ms. Klostermann asked if anyone wished to speak in favor of this case?

Speaking to the Board was Justin Reiter, 28598 9<sup>th</sup> Ave, Bernard. He stated the building is currently used as farm shop. The shop was built to have it in a central location to between their farms and to have close access to town. They were unaware of how restricted things are with an A-1 zoning and they want to do things correctly. He addressed the issue that the City of Cascade mentioned about annexing the property into the city. He said when this property was for sale and the City of Cascade was going to be annexing it, they should have been pursuing annexation before they built their building.

Speaking to the Board was Tom & Tammy Connolly, 25648 Garryowen Road, Cascade. Mr. Connolly stated they are in favor of the rezoning. Ms. Connolly stated they use the

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same driveway as the Reiter's to access their home. She also stated they keep the property neat and orderly.

Ms. Klostermann asked if anyone wished to speak against this case?

Speaking to the Board was Jim Trumm, 1921 2<sup>nd</sup> Ave SE, Cascade. He stated he is speaking on behalf of property owners most affected by the rezoning request, which would include the Hoffman's, Manternach's, Trumm's and Mike Beck. They are asking that the request be denied because one, they are not in compliance with current zoning regulations, two, there are several unanswered questions and three, due to the negative effect on their property values. He also wants to know why they did not ask for the rezoning when they originally applied for their permit to build. The neighbors are concerned about how much their property values are depreciating with having a sanitation business near their properties. Mr. Trumm said other issues that concern the neighbors are that the Reiter's built the building too close to the road so it will not meet the M-1 setbacks, the odors, excessive noise, increased dust, constant traffic and if the property is sold, possible expanded uses without being in an industrial park. He stated that they are unanimously opposed to the rezoning request.

Ms. Klostermann said in regards to what Mr. Trumm stated about the event of the property being sold, that there would be conditions on the property if the property is sold or the business ceases, then the property would revert back to the current A-1 zoning.

Speaking to the Board was Markus Behnken, Mayor of Cascade, & Deanna McCusker, City Administrator for Cascade, 320 1<sup>st</sup> Ave W, Cascade. Mayor Behnken stated the City of Cascade is opposed to the rezoning request. He stated the City of Cascade is also receiving legal counsel on the County's Land Use Plan. The concerns are why the building could be built in the first place with the area showing future use as R-1, Rural Residential. Spot zoning can cause problems and it would make sense to do the right thing now before it costs people time and money. He pointed out when Mr. Reiter purchased the property, he should have looked into what the property is zoned and what that district allows.

Ms. Klostermann asked Ms. O'Shea if the proposed Future Land Use is discussed before they are mapped? Ms. O'Shea stated that this property is right next to the city limits and has the potential to be annexed into the city in the near future. The way the county determines the future land uses of the area around the city is by going to that city and having an interactive map drawing session with them. It coincides with what the city and the residents would like to see in the future. Future Land Use Mapping is done at a very local level.

Mr. Goodmann asked if the Reiter's have been cited for a violation by the Zoning Office? Ms. O'Shea stated yes. Ms. Henry stated the violation was regarding the use of the property. Ms. O'Shea stated if the building is used as agricultural then it is legal.

Ms. Klostermann asked when the original permit was issued, did the Future Land Use Plan come into effect? Ms. O'Shea stated when the permit was issued the building was only going to be used for agricultural, which is what the property is currently zoned and what was allowed. Then it expanded into something that is not allowed in the A-1, Agricultural district. The only other thing the property owner can do is to request the property to be rezoned. There was a concern by staff about what the building would be used for because of the large size. The Reiter's were told it could only be used for ag purposes.

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Mr. Sigwarth asked if the City of Cascade had a timeline for annexing the property? Mayor Behnken stated that the last annexation study in Cascade was done in 2004. They hope to do another study within the next five to ten years.

Speaking to the Board was Mike Beck, 7432 244<sup>th</sup> St, Cascade. He stated he owns a residential lot across the road from the Reiter's property as well as subdivision lots and property in the Industrial Park. He said he went to the Zoning Office with concerns when the Reiter's were issued their permit to build the building, because they were running two business out of the existing building in the Industrial Park. He was told the building was to be used for agricultural only. He feels it is not right to go around the rules and build the building then ask to be rezoned.

Speaking to the Board was Carla Hoffman, 25561 Garryowen Road, Cascade. She stated that the area is desirable to build a home because it is close to town. She feels the rezoning would make their existing homes less valuable.

Speaking to the Board was Stan Reiter, 23347 Bowens Prairie Road, Monticello. He stated he is the son of Jacob Reiter, owner of R & R Sanitation and owner of the farm equipment. He said they do meet M-1 setback already. They are asking for the rezoning not just for the business but because there are guidelines when there is not a residential home on the property. He stated they do not run a manure pumping business. They have also been in business for thirteen years and have never had a littering charge, odor complaint, and no complaint from the city. The plan is to park everything inside and there are three trucks associated with the sanitation business.

Speaking to the Board was Ed Manternach, 25601 Garryowen Road, Cascade. He stated his concern is once the property is rezoned and the Reiter's would sell it, someone else could come in and not take care of the property or expand the business. He said he lives right across from the building.

Ms. Klostermann asked if anyone wished to speak in favor or against this case? No one spoke.

Mr. Goodmann stated that when Wayne Demmer, a Dubuque County Supervisor, approached the Board about spot zoning, he was strongly against it. Mr. Goodmann said he is not in support of the rezoning request.

Mr. Sigwarth said he would have liked the Reiter's to approach the Board about rezoning before they put up the building.

A motion was made by Mr. Goodmann to deny. **Motion died for lack of a second.**

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to table the rezoning until the June 21, 2016 meeting when a full board is present. The motion passed. Vote 3-1. Mr. Sigwarth, Mr. Soppe and Ms. Klostermann vote aye. Mr. Goodmann voted nay.**

## **5. Tabled Plats**

### **b. Plat of Rolwes Farms 2<sup>nd</sup> Addition**

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Plat of Survey of Lot 1 and Lot 2 of Rolwes Farms 2<sup>nd</sup> Addition comprised of Lot 1 of Lot 1 of the NE ¼ of the NW ¼ Section 25, (T88N R2W) Dodge Township, Dubuque County, Iowa.

The property is owned by Dale & Charlene Rolwes and is located 1.59 miles south of the City of Farley along Farley Road. The property is zoned A-1 Agricultural and A-2 Agricultural Residential with a total of 34.72 acres surveyed. The purpose of the plat is to allow the existing farm home and some out buildings to be separated from the rest of the farm property to allow the son to move into the home and assist with the farming operation. Zoning Case#4-16-16 to rezone from A-1 Agricultural to A-2 Agricultural Residential was approved on May 9, 2016 to allow the home to be split off the farm.

The survey creates 2 lots. Lot 1 has a total of 32.83 acres surveyed and will remain in current ownership and use. Lot 2 has a total of 1.89 acres surveyed and will be sold to the son.

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

Speaking to the Board was Bill Burger, 510 3<sup>rd</sup> St West Court, Worthington. He said that Lot 2 will be sold to Mr. Rolwes' son. The property was rezoned to A-2 and the plat was the next step to separate the home from the rest of the farm.

Ms. Klostermann asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Goodmann, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 4-0.**

**c. Plat of Nauman Wille Lane**

Plat of Survey of Lot 1 and Lot 2 of Nauman Wille Lane comprised of Lot 2 of K&N Acres, Lot 2 of the NW ¼ of the NW ¼, part of Lot 1 of the NW NW as described in instrument #929-92, all of Section 18, (T90N R2E) Peru Township, and part of Lot 2 of the NE NE in Section 13 (T90N R1E), Jefferson Township, Dubuque County, Iowa.

The property is owned by Greg & Roxanne Wille & Dale Nauman & David Nauman and is located 0.35 miles north of the City of Sherrill along Wille Lane and Circle Ridge Road. The property is zoned A-1 Agricultural and R-1 Rural Residential with a total of 39.21 acres surveyed. The purpose of the plat is to allow a non-conforming residential property to get into compliance.

The survey creates 2 lots. Lot 1 has a total of 1.62 acres surveyed and will remain in current ownership and use. Lot 2 has a total of 37.59 acres surveyed and will remain in current ownership and use.

Lot 1 will have access across a 20' wide access easement off of Wille Lane. Lot 2 will have access off of Circle Ridge Road and a 20' easement off of Wille Lane.

Speaking to the Board was Bill Burger, 510 3<sup>rd</sup> St West Court, Worthington. He stated he nothing else to add.

Mr. Goodmann asked if compliance with the rezoning conditions needed to be addressed? Ms. Henry stated the purpose of the plat was they needed to acquire more property for the residential

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lot. Ms. O’Shea said one of the conditions was that the property already owned by Mr. Wille be combined by survey with what was purchased from the Nauman’s as one lot.

Ms. Klostermann asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 4-0.**

**d. Plat of Gansemer Farm 2<sup>nd</sup> Addition**

Plat of Survey of Lot 1 thru 4 of Gansemer Farm 2<sup>nd</sup> Addition comprised of the NE ¼ of the NW ¼ except Lot 1 of Gansemer Farm Addition, and the NW ¼ of the NW ¼ all in Section 1, (T89N R1W) Iowa Township, Dubuque County, Iowa, and the SW ¼ of the SW ¼ in Section 36, (T90N R1W) Concord Township, Dubuque County, Iowa.

The property is owned by Theresa Gansemer and Jane Geselbracht and Kenneth Ruden and Janet Engelken and is located 1.93 miles southwest of the City of Rickardsville along Park Hollow Road. The property is zoned A-1 Agricultural with a total of 123.76 acres surveyed. The purpose of the plat is to divide the property for estate purposes.

The survey creates 4 Lots. Lot 1 has a total of 29.10 acres surveyed and is part of the estate. Lot 2 has a total of 10.00 acres surveyed with a home on it and it will remain in current ownership and use. Lot 3 has a total of 25.28 acres surveyed with a home on it and it will remain in current ownership and use. Lot 4 has a total of 59.38 acres surveyed and is part of the estate.

Lot 1 will have general ingress/egress across Lot 1 of Gansemer Farm Addition. Lot 2 will use an existing residential access off of Park Hollow Road. Lot 3 will use an existing residential access off of Park Hollow Road. Lot 4 will use an existing field entrance off of Park Hollow Road.

Speaking to the Board was Bill Burger, 510 3<sup>rd</sup> St West Court, Worthington. He stated the main purpose of the plat was to increase the lot size for Lot 2 & Lot 3 into larger acreages due to estate purposes. Lot 1 & Lot 4 are the remainder.

Ms. Klostermann asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Soppe, **seconded by Mr. Sigwarth to approve the plat. The motion passed unanimously. Vote 4-0.**

**5. OLD BUSINESS:**

**1) Update on previous zoning cases**

Ms. O’Shea stated the Gindorff/Wahlert, Dale Rowles and Wayne & Joan Demmer zoning cases were approved as recommended by the Zoning Board. In regards to the Riniker case, the County won the court appeal and they had until May 20, 2016 to appeal that ruling to the Iowa Supreme Court. It was not appealed. The Shooting Range case should have a final judgement soon.

**6. NEW BUSINESS:**

**1) Discussion on Zoning Code Update -Zoning Districts**

Ms. O’Shea stated the zoning districts for the Zoning Code Update was just received from Dan Fox. They were in the packets for the Board members to look over. It uses the most

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recent zoning code language, formatting was changed, parking was put into a table and illustrations were added. District descriptions will be worked on and reviewed by the Zoning Board and Ms. O’Shea. Mr. Fox wanted the Zoning Board to discuss if they wanted Special Use Permits and signs in separate sections from the district information.

### **2) Increase in Zoning Fees**

Ms. O’Shea stated the Board of Supervisors suggested she speak with the Zoning Board and Board of Adjustment about increasing the Zoning fees. It would change the simple plat fee from \$10.00 to \$50.00 and the final plat fee for 1-4 lots from \$135.00 to \$160.00. It is in line with what other counties are charging. Ms. O’Shea is recommending to change some of the fees such as the Board of Adjustment and Zoning Commission application fees, which would increase by \$50.00. With the increase in cases, it might result in additional revenue of \$5700.00 per year, which would be about a 16% increase for the department. The current fees were adopted in 2005.

A motion was made by Mr. Goodmann, **seconded by Mr. Sigwarth to approve the recommended fee increases. The motion passed unanimously by a vote of 4-0.**

### **3) E-mail from Board of Supervisors**

Ms. O’Shea stated the Board of Supervisors wanted to know if they could email the letters of approval or denial of zoning cases instead of mailing them. The Board stated that would be fine.

### **7. PUBLIC COMMENTS:**

Mr. Sigwarth asked, because they are an advisory board to the Board of Supervisors why are they not asked by the Board of Supervisors why the decisions were made the way they were, especially on the controversial cases? Ms. O’Shea said the Board of Supervisors receives the minutes from the meeting and then asks her at the Board of Supervisors meeting why the vote was split or when there is discussion, what was the issue.

Mr. Goodmann made the comment that the people that come in to the Zoning Board and ask for forgiveness rather than permission to operate their businesses, that it is not right. For people to build these properties and tell the Zoning Office that it is going to be for ag property and then it turns into a business property guess what guys it does not work that way. You cannot come in the backdoor. He said that Three Rivers FS tried to do the same thing. They came in and made the deal, bought the property, got the deed, did not ask for a building permit and then they came in to have the zoning changed. Mr. Goodmann said they are not the Small Business Administration they are not the Economic Development Board they are the Zoning Board who looks at long term zoning effects, not somebody’s particular business.

Ms. Henry spoke to the fact that Jake Reiter is a really nice person. As far as a personal issue to her, it does not affect her, it is not in her neighborhood. She was involved in the ag permit and it was made very clear when the permit was pulled. She also told the Board that the Assessor’s Office is having difficulty with it being an ag building tax-wise. Ms. Henry also stated that there was a gentleman in the crowd tonight for another case that will be on next month. It is a violation case that started as a business and has been there a year and half and the neighbors have turned it in and now they are asking for rezoning.

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Ms. Klostermann said she has been through the training sessions and it is not based off of that the person is a nice guy. She said even people on the Board have said that the person is a really nice guy and they won't do anything wrong, but that is not the point. Once you rezoned it, it is rezoned unless you put the conditions on. Mr. Goodmann said they have had other cases that come in under a violation and who have operated their business in a rural area for 30 years. The neighbors all come in and say do not shut them down. But when someone actually comes in and does something and then a year later tries to get the zoning changed to industrial, it's not going to happen.

Ms. Henry stated what you had to see is literally when the building was completed the neighbor was watching and that is where he watched for several months under his attorneys advice and came in with pictures from 3 months. It literally started eminently when the building was up. She expressed that something starts and then morphs into something. She feels there is a difference between intentionally misleading and morphing into something larger. Mr. Sigwarth said he thought about the case all weekend. There was a whole lot of information that came out and it gets thrown at you. He was sorry that he had to table the case. Mr. Goodmann wanted Mr. Sigwarth to take into account what Wayne Demmer said the last time he was at the Zoning Board meeting, once you make it industrial it is industrial and it is almost impossible to move it back. So you have to be really careful about that.

Ms. O'Shea said on the Three Rivers FS it was a 2-1 vote on that and what Jay Wickham wanted to hear was from the City of Dyersville. He wanted the plat to go through the whole process to see if the City would approve it before he would make a decision. He thought the local input from the City was as important as everything else that was said. That was another case that was recently decided and she is sure they will be hearing from Three Rivers FS as to what they want to do. Ms. Henry said they could be going to the Board of Adjustment next but strictly doing test plots and vehicle repair of their own vehicles. Mr. Goodmann said it would have been nice to just do things the proper way. Ms. O'Shea said that would save everybody and the Board from agonizing over the decision. Mr. Sigwarth said he understood Three Rivers FS had to get rid of their money before the first of the year or they would have capital gains. Mr. Goodman said that is not their (the Boards) problem. They have to do things according to a legal process. It is not about accommodating what they have to do with their money, it is about them following the rules. Ms. Henry stated in that case the gentleman who sold the property had been to the Zoning Office well over a year prior to that and was completely informed of what he had to do.

**8. ADJOURNMENT:** A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to adjourn the meeting. The motion passed unanimously. Vote: 4-0. The meeting ended at 7:30 p.m.**