

**Dubuque County Zoning Commission
Minutes of November 15, 2016**

Vice-Chairperson Jerry Sigwarth called the meeting to order at 6 p.m.

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

2. APPROVAL OF MINUTES: A motion was made by Ms. Caitlin, **seconded by Ms. Klostermann, and passed unanimously to approve the minutes of the October 18, 2016 meeting. Vote: 4-0.**

3. PLAT APPROVAL:

a) Plat of Survey Reuter 2nd Addition- Final Plat

Plat of Survey of Lots 1 and 2 of Reuter 2nd Addition comprised of Lot 1 and Lot 2 of Reuter Addition in Section 10, (T88N R2E) Table Mound Township, Dubuque County, Iowa.

The property is owned by Kenneth & Lois Reuter and is located 0.71 miles southwest of the City of Dubuque. The property is zoned R-1 Rural Residential and M-1 Industrial with a total of 82.05 acres surveyed. The purpose of the plat is to add additional property to the new home site so that it will meet all setbacks and to allow for the old farm home and land to be sold.

The survey creates 2 Lots. Lot 1 has a total of 2.86 acres surveyed with a home and it will remain in current ownership and use. Lot 2 has a total of 79.19 acres surveyed with a home and will be sold.

Lot 1 will use an existing residential entrance off of Oakland Farms Road. Lot 2 will use an existing residential access off of Oakland Farms Road.

Speaking to the Board was Ken Reuter, 11018 Oakland Farms Road, Dubuque. He stated the additional property to his lot would allow him to access his walkout basement with a vehicle.

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

A motion was made by Ms. Klostermann, **seconded by Ms. Caitlin to approve the plat. The motion passed unanimously. Vote 4-0.**

b) Plat of Survey Siegert’s Place Sixth Addition to The City of Dubuque and Dubuque County, Iowa- Final Plat

Plat of Survey of Lots 1 and 2 of Siegert’s Place Sixth Addition to The City of Dubuque and Dubuque County, Iowa comprised of Lot 2 of Lot 1 of Lot 1 of the E ½ of the NW ¼ of Section 32, (T89N R2E) Dubuque Township. City of Dubuque, Dubuque County, Iowa; Lot 3 in Siegert’s 2nd Place, City of Dubuque and Dubuque County, Iowa; and Lot 1 in Siegert’s Place Fifth Addition to the City of Dubuque, Dubuque County, Iowa.

The property is owned by William & Janet Siegert and is located in both the City of Dubuque and Dubuque County. The property in the county is zoned A-1 Agricultural and R-2 Single Family Residential. A total of 27.55 acres was surveyed. The property will be

annexed into the City of Dubuque. The purpose of the plat is to split the property for estate purposes.

The survey creates 2 Lots. Lot 1 has a total of 14.81 acres surveyed with a home and farm buildings and it will stay in current ownership and use. Lot 2 has a total of 12.74 acres surveyed and it will stay in current ownership and use.

Lot 1 and Lot 2 will use existing accesses off of Old Highway Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St N, Farley. He stated he has been working with the Siegert's to divide the property among their children. The Siegert's are also annexing part of property to the City of Dubuque. Mr. Schneider said the city is not as concerned about access for a parcel. The City requires 50' of frontage on a public right of way. Ms. O'Shea said that was one of the concerns on Lot 2 because it did not have access and it had a farm building & three silos. But that portion will be annexed into the City of Dubuque and meet the city's requirements.

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

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

c) Plat of Survey Biehl's Subdivision Plat 3 City of Centralia and Dubuque County, Iowa Final Plat

Plat of Survey of Lots 1 and 2 of Biehl's Subdivision Plat 3 City of Centralia and Dubuque County, Iowa comprised of Lot 1 of Lot 1 of Lot 1 of Lot 1 of Lot 2 and Lot 2 of Lot 1 of Lot 1 of Lot 1 of Lot 2, all in Biehl's Subdivision, Dubuque County, Iowa; and Lot 2 of Lot 2 of Lot 2 and Lot 5 of Biehl's Subdivision; and Lot 1 of Biehl's Subdivision Plat 2 in the City of Centralia Dubuque County, Iowa all in Section 04, (T88N R1E) Vernon Township, Dubuque County, Iowa and Section 33, (T89N R1E) Center Township, Dubuque County, Iowa.

The property is owned by William & Janet Siegert. It is located in both the City of Centralia and in Dubuque County. The property is zoned A-1 Agricultural with a total of 85.714 acres surveyed. The purpose of the plat is to create two lots for estate purposes.

The survey creates 2 Lots. Lot 1 has a total of 22.951 acres surveyed and it will stay in current ownership and use. Lot 2 has a total of 62.763 acres surveyed and it will stay in current ownership and use.

Lot 1 will use an existing residential access off of Old Highway Road. Lot 2 will use an existing field entrance off of Old Highway Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St N, Farley. He stated the Siegert's are also dividing this property for their children for estate purposes.

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

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

d) Plat of Hess Subdivision Plat 2, City of Worthington and Dubuque County, Iowa-Final Plat

Plat of Survey of Lots 1 and 2 of Hess Subdivision Plat 2, City of Worthington and Dubuque County, Iowa comprised of Lot 2 of Hess Subdivision in the City of Worthington, Dubuque County, Iowa, and Lot 3 of Lot 1 and Lot 1 of Lot 1 of the SE ¼ of the NW ¼ Section 31, (T88N R2W) Dodge Township, Dubuque County, Iowa.

The property is owned by Dianne Hess. It is in both the City of Worthington and Dubuque County. The property in the county is zoned A-1 Agricultural with a total of 41.76 acres surveyed. The purpose of the plat is to separate the farm buildings from the Ag Land for sale purposes.

The survey creates 2 Lots. Lot 1 has a total of 2.10 acres surveyed with all of the farm buildings and will be sold. Lot 2 has a total of 39.66 acres surveyed and it will remain in current ownership and use.

Lot 1 will use an existing residential access off of 3rd Avenue SW. Lot 2 will use a 30' wide access easement thru Lot 1.

Speaking to the Board was Dianne Hess, 1132 18th St SE, Dyersville and Dave Schneider, Schneider Land Surveying, 906 1st St N, Farley. Mr. Schneider stated Ms. Hess has moved off the farm. This plat will separate the farm buildings from the crop ground. Ms. Hess will keep the crop ground as rental property. The farm buildings would be annexed into the City of Worthington.

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

A motion was made by Ms. Caitlin, **seconded by Ms. Klostermann to approve the plat. The motion passed unanimously. Vote 4-0.**

4. REZONING CASES:

1) ZC#11-34-16 Rick & Amy Bergfeld & Randy Urbain A-1 Agricultural to R-1 Rural Residential and R-2 Single Family Residential

The applicants are requesting to rezone from A-1 Agricultural to R-1 Rural Residential and R-2 Single Family Residential 17.5 acres more or less, to allow the Urbain's to add additional ground to their home lot to build a new house and to allow the Bergfeld's to build a new home on one of the residential lots and farm the balance. The property located 4.30 miles SE of the City of Peosta along Ryan Road, is legally described as Lots 2 NW NW; NE NW; SW NW; all lying NW of relocated highway 151 & SE of Ryan Road, in Section 6, (T87N R2E) Washington Township, Dubuque County, Iowa and Lot 1 SE NE Lying N of Highway in Section 1, (T87N R1E) Prairie Creek Township, Dubuque County, Iowa and Lot 1-1-2-1-2 NE NE in Section 1, (T87N R1E) Prairie Creek Township, Dubuque County, Iowa.

The property is owned by Ricky & Amy Bergfeld and Randy Urbain. Zoning in the area includes A-1 Agricultural to the north, south, east, and west. R-1, Rural Residential to the east and north. R-2, Single Family Residential to the west. R-3, Single Family Residential to the north. The R-1, Rural Residential to the north on ZC# 02-03-89 was to rezone 25

Zoning Commission Meeting Minutes –November 15, 2016

acres for the purpose of single family lots. The R-1, Rural Residential NW on ZC# 02-07-95 was to allow for a single family home on the family farm. The R-2, Single Family Residential to the west on ZC#9000-29-78 was to allow for a single family home. The R-2, Single Family Residential to the north on ZC# 9000-14-71 was to allow for single family homes. The R-3, Single Family Residential to the north on ZC#08-27-16 was to allow for 2 single family homes. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Twenty One (21) rezoning notification letters were sent to the property owners.

Comprehensive Plan Policy Chapter 12 Land Use page 179 Objective 3.5 and page 180, Objective 6.4 may apply to this case.

Speaking to the Board was Randy Urbain, 15000 Ryan Rd, Peosta and Rick Bergfeld, 15212 Depot Ridge, Peosta. Mr. Bergfeld said they are wanting to rezone two lots to R-2. One lot would be a building site for himself and the other would be for his son in the future. There would also be additional land sold to Mr. Urbain to expand his lot and build a new home.

Mr. Bergfeld asked if he left the remainder of the property zoned A-1 would he in the future be able build an ag shed? Ms. O'Shea stated there is not enough acres remaining to qualify as ag under the current ordinance. The balance of parcel would only be about 12-14 acres.

Ms. Caitlin said her preference would be to keep the balance of the parcel zoned A-1 so he would be able to put up a building for ag purposes in the future. Ms. O'Shea said Mr. Bergfeld intends to farm the property as long as possible and will still be able to farm the property with an R-1 zoning.

Mr. Bergfeld asked if there would be any problems building an ag shed in the R-1 district? Ms. O'Shea stated the R-1 district allows ag sheds.

Mr. Sigwarth asked if anyone wished to speak in favor or against this case?

Speaking to the Board was Mike Weber, Weber Surveying, 26789 46th Ave, Bernard. He stated he is the surveyor for this property. His concern is how close the survey has to be compared to the site plan provided? Ms. O'Shea said they were thinking 200' x 250' for each lot along Ryan Rd.

Ms. O'Shea said the R-2 would need 120' of frontage off of Ryan Road and the R-1 would need 150' of frontage off of Ryan Road. She does not think that should be an issue for any of the lots asking to be rezoned.

Ms. O'Shea said as long the lots created on the survey are similar in shape and area to the ones submitted on the rezoning request she would be able to work with Mr. Weber.

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

A motion was made by Ms. Klostermann, **seconded by Mr. Goodmann to approve the rezoning. The motion passed. Vote 3-1. Ms. Klostermann, Mr. Goodmann and Mr.**

Sigwarth voted in favor of the rezoning request. Ms. Caitlin voted against the rezoning request.

2) ZC#11-35-16 Raymond & Grace Mueller Irrevocable Family Trust & Dan Mueller R-3 Single Family Residential to B-1 Business

The applicants are requesting to rezone from R-3 Single Family Residential to B-1 Business 0.29 acres more or less, to allow the combination of adjacent lots for business use or sale. The property located 0.6 miles west of the City of Dubuque along Key West Drive, is legally described as Lot 17 Twin Ridge Sub; Section 12, (T88N R2E) Table Mound Township, Dubuque County, Iowa.

The property is owned by Raymond & Grace Mueller Revocable Family Trust. Zoning in the area includes B-1 Business to the north, east and south. R-3 Single Family Residential to the north, south, east & west. A-1, Agricultural to the northwest and south. The R-3, Single Family Residential to the south and west on ZC# 9000-12-74 was to allow for a subdivision with single family homes and multi-family homes. There is one previous rezoning case attached to this property. ZC#9000-12-74 was to allow for a single family home in a subdivision. There are no Special Use Permits attached to this property. Forty Two (42) rezoning notification letters were sent to the property owners and the City of Dubuque was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 135 objective 5.4 Chapter and 12 Land Use page 179 Objective 3.5 and 4.5 may apply to this case.

Speaking to the Board was Dan Mueller, 10753 Woodland Heights Rd, Dubuque. He stated they also own the parcel east of the property that is zoned B-1. This lot is less than the 15,000 sq feet required to build a home on. They would like to continue business in the area with a similar building that is across the road. They want to rezone the property first before they start with a building plan.

Ms. Caitlin said there was one comment about having a gas station on this property. She asked at this time if there is a certain business planned for this location? Mr. Mueller stated there are no plans at this time. As far as a gas station, the lot is not large enough and it would not be a desirable location as well.

Mr. Goodmann asked how this lot got an R-3 zoning? Ms. O’Shea said it was when the subdivision was created about 45 years ago. The Mueller’s owned the home to the south of the property and used it as there extra yard. The intention is to plat the two lots B-1 together.

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

A motion was made by Ms. Caitlin, **seconded by Ms. Klostermann to approve the rezoning. The motion passed unanimously. Vote 4-0.**

3) ZC#11-36-16 David Klimek & Anastasia Molony-Klimek 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 more or less, to separate the home from the rest of the farm property for financing purposes. The property located 2 miles west of the City of Bernard along Higginsport Road, is legally described as Lot 1 Molony Timber No. 2; Section 25, (T87N R1E) Prairie Creek Township,

The property is owned by Anastasia Molony-Klimek. Zoning in the area includes A-1 Agricultural to the north, south, east and west. R-1 Rural Residential to the north, south and east. The R-1 Rural Residential to the south on ZC# 4-16-92 was to allow for the construction of a single family home. The R-1, Rural Residential to the east on ZC# 4-22-96 was to get the property into compliance. The R-1, Rural Residential to the east on ZC# 4-22-95 was to allow for a single family home. The R-1, Rural Residential to the east on ZC# 5-28-96 was to allow for a single family home. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Eight (8) rezoning notification letters were sent to the property owners and the City of Bernard 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.

Speaking to the Board was David Klimek, 15343 Higginsport Road, Bernard. He stated they built a home on the property and want to plat off of the rest of agricultural ground. It would be for mortgage and estate purposes.

Mr. Sigwarth asked how many acres of trees is the tree farm? Mr. Klimek said it was a 40 acre farm that had about 8 acres platted off for other purposes. The property was logged in the last year and then replanted.

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

A motion was made by Ms. Caitlin, **seconded by Mr. Goodmann to approve the rezoning with the conditions that 1 acre more or less be rezoned to A-2, Agricultural/Residential for one home only, the remainder will stay A-1, Agricultural and that the balance of that parcel is not allowed to have another dwelling unless the property is rezoned for that use. The motion passed unanimously. Vote 4-0.**

4) ZC#11-37-16 Patrick & Sheila Brehm & Ryan & Jessi Coates R-1 Rural Residential to M-1 Industrial

The applicants are requesting to rezone from R-1 Rural Residential to M-1 Industrial 2.28 acres more or less, to construct a 80' x 120' building that would be used for an office and shop for Midwest Concrete. The property located 0.75 miles east of the City of Peosta along Cottingham Road, is legally described as Lot 1 Brehm Addition Section 14, (T88N R1E)Vernon Township, Dubuque County, Iowa.

The property is owned by Patrick & Sheila Brehm. Zoning in the area includes R-1 Rural Residential to the north, south, east and west. R-2, Single Family Residential to the northeast and southeast. B-2, Highway Business to the west. M-1, Industrial to the east. The R-2 Single Family Residential to the northeast on ZC#10-30-02 was to allow for 45 acres to be rezoned for a single family residential development. The R-2, Single Family Residential to the southeast on ZC# 07-22-02 was to rezone 230 acres to allow for a less restrictive setback requirement for a new residential development. The M-1, Industrial to the east on ZC# 04-05-12 was to allow 18 acres to be rezoned with conditions placed on six (6) of the lots. The M-1 Industrial to the east on ZC#01-01-02 was to rezone 45 acres to allow for warehousing, storage and trucking services. The M-1, Industrial on ZC#03-10-06 was to rezone 1.97 acres to allow for a Trade & Contractors Office. The M-1, Industrial to

Zoning Commission Meeting Minutes –November 15, 2016

the east on ZC#03-07-07 was to rezone 2.198 acres to allow for Auto Body Repair & Painting including auto sales and outside storage of vehicles. The M-1, Industrial to the east on ZC# 9-15-05 was to rezone 1.25 acres to allow for the construction of a Heating & Air Conditioning Installation Business. There are no Special Use Permits attached to this property. Five (5) rezoning notification letters were sent to the property owners and the City of Peosta was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 135 objective 5.4, Chapter 12 Land Use page 179 Objective 3.5 and Chapter 7 Economic Development page 105 objective 3.2 and 3.4 may apply to this case.

Speaking to the Board was Jessi & Ryan Coates, 16869 Navarre Ct, Peosta and Ron McCarthy, 207 Oak Forest Dr, Epworth. Ms. Coates stated they are asking for 2.28 acres to be rezoned for their business Midwest Concrete. She said as they grew they were unable to find a place that would fit all of their needs in Peosta. They moved to a shop in Farley and have since hired an office assistant and they operate the office in Peosta. They would like everything for the business in one location. They will clean up the property and have all of their equipment, vehicles and trailers stored inside. There are currently 14 employees during a working season, April until December and about half will park their vehicles at the shop during the day. She stated the balance would continue to be farmed and they plan to build a home on the land in the future.

Mr. McCarthy stated the Brehm's currently have 85 acres for sale. They are advertising the property as developable property. The property that the Coates' are looking to purchase is 33 acres. He said that a majority of the buildings on the property will be removed so the Coates' can build a new shop. They have spoken with Eric Schmechel, with the Dubuque Soil & Water Conservation, regarding the erosion control and stormwater runoff for this property.

Ms. Klostermann asked what the future land use is for this area? Ms. O'Shea said the Future Land Use map show the area being used as agricultural.

Mr. Sigwarth asked why this property is not being requested to rezone to B-1 or B-2? Mr. McCarthy said the intent is to have all indoor storage, but as the business continues to grow, they may have to have some outside storage.

Mr. Goodmann said that area is good because of the highway access but feels that is big extension to M-1 for just a contractors shop.

Mr. McCarthy wanted to know the definitions of B-2 and M-1? Ms. O'Shea stated that B-2, Highway Business allows drive in banks, drive in food, drive in theaters, hotel & motels, places of entertainment, camping areas and vehicle sales service washing and repair. M-1, Industrial allows automotive body repair, distributors, warehousing, wholesaling and manufacturing. Ms. O'Shea said contractors are allowed in B-1, B-2, M-1 and M-2. It just depends on the type of outside storage that is needed.

Mr. Sigwarth asked if anyone wished to speak in favor or against this case?

Speaking to the Board was Merlin Brehm, representing the Ivadell Brehm Trust, 1065 US Hwy 52, Savanna IL. He stated his concern is with the tree line between the two properties. If the tree line was maintained, they would have no objections to the request.

Mr. McCarthy explained to the Board that he spoke with Pat Brehm about this concern. He then spoke with the Coates' and they have no problem with having a tree buffer as a condition.

Speaking to the Board was Dave Gaul, 16165 N Cascade Rd, Peosta. He stated he has no problems with the rezoning request. He just wants to make sure the fence between his property and the property being rezoned is maintained.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St N, Farley. He stated the Brehm's should rezone all their property to M-1 because there is M-1 to the east. The zoning can always be changed to suit property owners needs. He said in the future with the highway being routed this direction and the development already in existence it makes sense.

Ms. O'Shea stated there was talk about rezoning about 12 acres on the parcel on the west side. But there has been no future plans for development submitted at this time.

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

A motion was made by Ms. Caitlin, **seconded by Mr. Goodmann to approve the rezoning with the conditions that a tree buffer is maintained between the home to the north and the business and that the rezoning is for a contractor shop and office only. The motion passed unanimously. Vote 4-0.**

5) ZC#11-38-16 Frederick & Darla Hogan A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 1.25 acres more or less, to allow for a new home to be built and to allow for an apple/fruit tree orchard on the property. The property located .42 miles north of the City of Farley along Holy Cross Road is legally described as Lot 2 SW ¼ SE ¼ Section 6, (T88N R1W) Taylor Township, Dubuque County, Iowa.

The property is owned by Frederick & Darla Hogan. Zoning in the area includes A-1, Agricultural to the north, south, east and west. M-1, Industrial to the west. The property has 1.25 acres and it had a home on it over 25 years ago, that burnt down. The Hogan's want to build a home on the property and raise crops that they can sell at the farmers market. There is one Special Use Permit attached to this property on BA Case#09-42-16 and that was to ask for a home to be built on the A-1 Agricultural property. It was denied. Nine (9) rezoning notification letters were sent to the property owners and the City of Farley 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.

Speaking to the Board was Darla & Fred Hogan, 107 5th Ave NE, Farley. Mr. Hogan said after he purchased the property, thought about rebuilding the burnt down home. There was

an anhydrous ammonia plant across the road which could be a hazard, but the plant has since closed. With both Mr. & Mrs. Hogan having health problems, they would now like to build a ranch home on the property. They would also like to plant fruit and nut trees.

Ms. Caitlin asked why the case was denied by the Board of Adjustment? Ms. O’Shea stated at one time there was a complaint filed against the property for having junk stored on the property. She said it took about 2-3 years to get the property cleaned up. The property owners received a compliance letter and the violation was closed in July 2013.

Ms. Hogan said they intend to maintain the property. Mr. Hogan stated he is willing to accept any condition the Board would like to place on the property.

Mr. Goodmann asked Mr. Hogan how long they have owned the property? Mr. Hogan said over 30 years. Mr. Hogan stated they have obtained over 200 signatures stating they are in favor of the rezoning request.

Mr. Sigwarth asked according to the site plan, will the Hogan’s will meet all of the setbacks? Ms. O’Shea said yes, if the property is zoned A-2 the setbacks are 50’ front & rear and 20’ side yard.

A handout that was brought in today is in front of you. The comment was from Tom Thompson who is against the rezoning.

Ms. Klostermann said this property is a non-conforming ag parcel? Ms. O’Shea said yes. It was an old farm home that burnt and the property never qualified for anything else.

Mr. Sigwarth asked if anyone wished to speak in favor or against this case?

Speaking to the Board was Steve Rutz, 506 Superior St, Farley. He stated he has known the Hogan’s for a long time and he knows they are hardworking people. He cannot see any objections to the request because it is going to improve the property.

Speaking to the Board was Dave Grabel, 39829 Hwy 52, Bellevue. He has known Mr. Hogan for about 15 years and has watched his health deteriorate. Mr. Hogan was a former employee of Mr. Grabel. He would appreciate the Board take the rezoning request into consideration.

Speaking to the Board was Dean Steger, 424 4th St, Dyersville. He stated that the Hogan’s need a break and is in favor the of rezoning request.

Mr. Sigwarth asked if there was anyone against this case? No one spoke.

A motion was made by Mr. Goodmann, seconded by Ms. Caitlin to approve the rezoning. The motion passed unanimously. Vote 4-0.

5. OLD BUSINESS:

1) Update on Previous Zoning Cases

Ms. O’Shea stated the Ronald & Jessalynn Breiner rezoning was tabled by the Board of Supervisors because they wanted the condition that there would be only 4 lots in the subdivision. The case will be approved by the Board of Supervisor on November 16, 2016.

Ms. O’Shea stated the Kenneth & Darla Hosch zoning case has had 3 public hearings and was finally approved by the Board of Supervisors for a Beauty Salon only and if the business is sold it has to go to family member.

6. NEW BUSINESS:

1) Discussion on Home Industry Zoning Amendment

Ms. O’Shea recommended the Board give some recommendations on the Home Industry and present them at the next Zoning Board meeting when there could be more members present. Ms. O’Shea said there have not been any other comments submitted. She provided information from other counties on how they handle their Home Industry.

Ms. O’Shea said her recommendation was to have the Home Industry in the R-1 and R-2 districts as a Special Use Permit only. That way, in a subdivision, there could be input from the neighbors.

Ms. Caitlin said there were suggestions made last month about having additional services added and nothing has been added. She would like them to added to the recommendation.

Ms. O’Shea said the Home Industries would include assembly, processing, fabrication, sale & repair of cars, light trucks, agricultural equipment and household appliances, warehousing or indoor storage and distribution, lawn service, contractor’s equipment storage and sales of products prepared on site or any other similar home industry as determined by the Zoning Administrator.

Mr. Goodmann was having a hard time seeing these types of businesses in an ag district. When he thinks of an in-home business, he thinks more along the lines of services provided. Mr. Goodmann said there are places where businesses belong as well as places residences belong.

Ms. Klostermann would like to see existing buildings on farms that are no longer used for the farm operation utilized for a Home Industry for those if they want to do a secondary operation. Ms. Klostermann said she thinks a lot of these business should be a Special Use Permit and taken case by case.

Ms. Caitlin thinks people are already operating business and this is not a solution to the problem.

Ms. O’Shea said the Board of Adjustment is not on board with the Home Industry. If they were presented with a case, right now, it would be hard to get it passed. Mr. Sigwarth said when the Board of Adjustment makes a decision it is final. Mr. Goodmann said the Board of Adjustment is an independent body to the Board of Supervisors. Mr. Sigwarth said if the Board adjusts the regulations it will take out some of the cases submitted to the zoning board and keep people from being in violation.

Ms. O’Shea said the Home Occupation and Household Occupation are allowed in ag to residential. They would allow any profession carried on by a member of immediate family residing on the premises in connection with no sign over 2 sq. feet nor showing on the exterior of the building that it is occupied by a business and no employees other than immediate family residing on the premises.

Mr. Sigwarth and Ms. Klostermann both think once a business gets larger than what is allowed they should move to an industrial area.

Ms. Caitlin referred to the last month's meeting with changes to the part about complaints and change the part where it says "or if it generates complaints from the neighbor" be removed? Ms. O'Shea said yes, we could handle the complaints as we currently do and inspect the property before they would have to apply for a new Special Use Permit.

Mr. Goodmann would like to see what other counties have as their policy.

Ms. Klostermann asked if there is any reasons the Board of Adjustment refuses to see a Special Use Permit for a Home Industry? Ms. O'Shea said Mr. Koppes, a member on the Board of Adjustment, is concerned about a business with a few employees taking jobs away from union people. Also bringing businesses from a city and moving to an agricultural or residential area in the county.

Ms. Klostermann said there should be a register created of the businesses as they apply for the Home Industry to be able to keep track.

Ms. O'Shea said there have been about 4-5 businesses in the county that had a complaint made against them who were denied rezoning, which has made the Board of Supervisors want to explore other options to keep from rezoning the property.

Ms. O'Shea said when people want to do a business in their home they have to bring in a business plan, explain what their intent is and the rules are explained to them so they know if they go beyond what is presented they would be in violation.

Ms. O'Shea said she could email the Board members what she received from the other counties so they can read over the information.

Mr. Sigwarth thinks the Home Industry and businesses should be done on a case by case basis.

Ms. O'Shea asked what the Board thought of the rule that a home industry cannot be located within 500' of a neighboring residential home? The Board agreed.

Ms. Caitlin said "junk material" should be removed from storage in the rear yard of a home industry.

Ms. O'Shea asked about allowing outside storage? Mr. Goodmann said it should all be inside storage. Mr. Caitlin and Ms. Klostermann agreed.

The Board does not feel designated parking should be required.

The Board agreed to the 25% of the floor area in a residence.

The Board agreed on the size of the accessory building being 2,400 square feet maximum for the Home Industry.

The Board said it should be four employees (full-time, part-time, fte-pte) for the Home Industry whether on site or off site employees.

The Board agreed to the one sign maximum of six (6) square feet and is not lighted.

2) Discussion on Zoning Code Update -Zoning Districts

There was no discussion on the Zoning Code update.

7. PUBLIC COMMENTS:

Speaking to the Board was Brian Riniker, 610 E Main St, Anamosa. He asked why the Hogan's had to rezone the property in order to rebuild a home that was once on the property? Ms. O'Shea said the home was a non-conforming use and if over 50% of the original building has been removed it cannot be replaced. Mr. Riniker stated this property was zoned wrong to begin with and it should not be the Hogan's responsibility to fix what was zoned incorrectly in the beginning. He also suggested that the county use the City of Dubuque's language for a Home Industry.

8. ADJOURNMENT: A motion was made by Ms. Klostermann, **seconded by Mr. Goodmann to adjourn the meeting. The motion passed unanimously. Vote: 4-0. The meeting ended at 8:34 p.m.**