

BUCHANAN COUNTY ZONING MEETING
January 3, 2012
7:00 PM ASSEMBLY ROOM

At 7:00 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (5) board members: Dave Pech, John Slattery, Jan Short, Marlene Brown, and Tom Doyle.

Board members absent were: Steve Walthart, John Ryherd, Aaron Cook, and Jim Grover.

Public guests included: Herb Kremer and Suzette Kremer

Mr. Pech explained the process of this meeting and reminded those in attendance that the zoning board is only a recommending body and the board of supervisors will make the final decision. Mr. Pech stated that when the public hearing is set by the board of supervisors that all of the same property owners will be notified of the time and date.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by Jan Short to approve the minutes. The motion was seconded by John Slattery. All board members were in favor of the motion with a vote of (5 – 0). No further discussion concerning the minutes.

2nd Item on the agenda was the request for Mr. and Mrs. Herb Kremer of rural Independence to rezone 2 acres from “R-3” Residential to “R-1” Residential to allow the existing parcel and dwelling match the surrounding property zoning classification which was already rezoned to “R-1” Residential in 2003. The site is located 1 mile Southeast of Independence in Section 11, Sumner Township.

Mr. Beatty then explained the items included in the application packet, the location of the property on the aerial map in reference to Buchanan County presented a video and aerial photos of the proposed area, and made reference to the existing steel building and dwelling and noted that this parcel “B” was originally rezoned from “A-1” Agricultural to “R-3” residential in 2001. Mr. Beatty also explained that a steel utility building was constructed in 2001 and a single family dwelling was constructed in 2007.

Mr. Pech then opened the meeting for the guests to inform the board of any information regarding the request.

Mr. Herb Kremer then introduced himself as the current property owners and explained that they wished to rezone as they felt they could market their property better as potential buyers may want to acquire more land as the adjacent land that is currently “R-1”

Residential. Mr. Kremer also inquired if parcel could be subdivided similar the eighteen lot subdivision.

Mr. Beatty responded that once the property was rezoned to “R-1” Residential he could work with them to accomplish that. Certain requirements such as a common sewer and/or a shared well would be needed.

Mr. Beatty also added that this rezoning would alleviate potential nuisance complaints as the parcel currently possesses an R-3 classification which allows a number of animals in comparison to the number of acres owned.

Example:

2 acres = 2 cattle, horses

2 acres = 4 hogs, sheep, goats, etc.

2 acres = 8 poultry, rabbits, pigeons, etc.

If the current zoning was left as “R-3”, the future owners could be in the middle of a subdivision owning some of the above mentioned items and be following the county ordinance.

Mr. Beatty recommended from an administrator stand point the rezoning makes sense to include this parcel with the adjacent 27 acres which is already zoned “R-1”.

Mr. Slattery then confirmed that the area around this property is “R-1”.

Mr. Beatty confirmed that Lorne Lee rezoned 27 acres from “A-1” to “R-1” in 2003.

Mr. Slattery then asked if the golf course was in the City Limits.

Mrs. Kremer responded no and explained the border of city and county in the area.

Mr. Beatty confirmed that Three Elms Golf Course is zoned “A-2” which allows golf courses.

Mr. Slattery then confirmed that this parcel was the residence of the Kremer’s.

Mr. Kremer answered yes.

Mr. Slattery then asked why it was zoned “R-3”?

Mr. Kremer was unsure.

Mr. Beatty then answered that history shows that Ed recommended many of the zonings to become “R-3” in the county as it gives the owners flexibility to own or raise a small number of animals.

Mr. Slattery then asked if the Blin property between the railroad track and Golf Course Blvd. was rezoned "R-3"

Mr. Beatty then explained that many times subdivisions can or will be zoned "R-3" but require larger space as lots have to 2 acres vs. 1 acre and can have separate wells and septic systems. 1 acres lots require a common sewer, well, or both.

Mr. Kremer commented that those referenced lots were 3 acres.

Mr. Slattery then made a motion to approve.

The motion was seconded by Jan Short. The motion carried with a vote of 5 to 0.

3rd item on the agenda was to discuss and confirm that the Board of Supervisors had been in touch with members whose terms are ending.

Mr. Doyle confirmed that he had been contacted and agreed to continue.

Mr. Beatty then commented that once the board was in place the board should discuss and vote on the chairman and officers.

Mr. Pech stated that the board has not voted in the past and commented that if the member was appointed by the board that they agreed with the current format.

Mr. Slattery added that gender balance should be considered as the current breakdown is 7 males and 2 females.

The consensus of the board agreed.

Susan Sloan of rural Quasqueton was recommended as a candidate along with Theresa Youngblut of rural Jesup.

Mr. Beatty stated he would pass this information on to the Board of Supervisors as he knew they were working on board appointments.

Mr. Pech commented that many times the Board of Supervisors tries to spread the members evenly throughout the county.

Mr. Slattery commented it may be an urgent issue as the State may be handing out reprimands to Counties who are not in compliance.

Further discussion included that Steve Walthart wanted it noted in the minutes that he would prefer the meeting not be held on Tuesday evenings.

The consensus of the board was that this same topic had been discussed in the past and that Tuesdays worked the best for the majority who serve.

Mr. Doyle did agree that Tuesdays conflicted with area high school athletic events.

Mr. Beatty stated he would add the comments to the minutes accordingly.

4th Item on the agenda was adjournment. Mr. Slattery made a motion to adjourn the meeting. Mrs. Short seconded the motion. The motion carried with a vote of (5 – 0).

The meeting was concluded at 7:16 PM.

Chad Beatty, Zoning Administrator
1/6/12

BUCHANAN COUNTY ZONING MEETING
April 3, 2012
7:00 PM ASSEMBLY ROOM

At 7:00 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (7) board members: Dave Pech, John Slattery, Jan Short, Marlene Brown, John Ryherd, Aaron Cook, and Jim Grover.

Board member absent (1) was: Tom Doyle

Public guests included: Dick and Earlene Pint, Steve Bitterman

Mr. Pech explained the process of this meeting and reminded those in attendance that the zoning board is only a recommending body and the board of supervisors will make the final decision. Mr. Pech stated that when the public hearing is set by the board of supervisors that all of the same adjacent property owners will be notified of the time and date. Chad Beatty added that the new “contract” buyers of the property located at 2235 Quasqueton Blvd. will also be notified.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by John Slattery to approve the minutes. The motion was seconded by Marlene Brown. All board members were in favor of the motion with a vote of (7 – 0). No further discussion concerning the minutes.

2nd Item on the agenda was the request for Mr. and Mrs. Earlene Pint of rural Independence to rezone 11.90 acres from “C-M” Commercial Manufacturing to “R-3” Residential to allow the existing parcel construction of a single family dwelling on the southern 8.44 acres +/- because the existing zoning classification “C-M” only allows single family dwellings if they are physically attached to, or part of a business. This property was previously rezoned from “A-1” to “C-M” in 1977. The site is located 2 miles East of Independence in Section 2, Sumner Township.

Mr. Beatty then explained the items included in the application packet, the location of the property on the aerial map in reference to Buchanan County presented a video showing the noted easement area and aerial photos of the proposed area, and made reference to the existing areas and existing zonings of the adjacent properties. Mr. Beatty explained that the application process was explained as only 1 (one) single family dwelling to be constructed on the 8.44 acres and the remaining timber area is intended to stay owned by the (applicants) / Pint’s but, and is desired to be rezoned for estate planning purposes.

The applicants intend to remain owners of the timber as long as they are alive. A real estate transaction of the sale of the 8.44 acres +/- is pending the rezoning of the property. The buyer's identity was not identified and was not present to our knowledge.

Mr. Pech then opened the meeting for the guests to inform the board of any information or questions regarding the request.

Mrs. Pint then explained the reason for including the timber in the rezoning application was for their kids when they inherited the property. Mrs. Pint felt this would simplify it for them. Mrs. Pint admitted the timber would be a potential building site, but they have no intention of selling it at this time.

Mr. Pech then asked if the Pints were the ones to planning to build the dwelling. Mrs. Pint confirmed no, not them.

Mr. Beatty then added that a real estate sale of the southern 8.44 +/- acres would hinge on the rezoning of the property as applied for.

Mrs. Pint then added she stated that the area was never planted as corn or row crops and has always been hay ground to her memory. Mrs. Pint also added that the ASCS office had informed them that the ground was not suitable to grow corn. Mrs. Pint explained she did not totally understand how soil was evaluated but, reported that is what she has been told.

Mr. Pech then confirmed that some of the area was suitable for corn but, most to the area was "poor" ground.

Mr. John Slattery then asked how the property was accessed currently.

Mrs. Pint then explained the area to the North of Wilson's Cemetery property line that runs East to West and the entry and exit is made from Quasqueton Diagonal Blvd.

Mrs. Pint then explained that the potential buyers would construct and access land using the easement entry along with a private lane that would run north and south on the West side of Wilson Cemetery and East of the 8.44 acres.

Mr. Bitterman then asked could this become a subdivision.

Mr. Beatty then explained that the application was meant for 1(one) single family dwelling on the southern 8.44 acres. If the intent of the land use changed it would then need to be reviewed by our office, the zoning board, and the supervisors to confirm if the "R-1" or subdivision tag needed to be added. Mr. Beatty continued to explain that this would also need to be reviewed by the City of Independence because it was within the 2 mile subdivision radius.

Mr. Beatty then reviewed how the application read. The southern 8.44 acres will be for (1) one dwelling and the north timber would remain for a future estate sale.

Mr. Cook then asked if the remaining timber of 3 acres +/- could possess a house in an R-3 zoning.

Mr. Beatty stated "No", not under the current "C-M" zoning classification but, yes in an "R-3" zoning as long as they possessed 2 acres.

Mr. Pech stated that once zoned "R-3" the new owner could build, sell 2 acres, build sell 2 acres.

Mr. Cook then added he wondered if a restriction was being considered for one single family dwelling because that had been done in the past.

Mr. Cook then stated if the board restrictions state one house, the North 2 acres could not be built on, only one house could be.

Mr. Pech stated he understood what Mr. Cook was alluding to and agreed.

Mr. Beatty then explained how the application was stated. If the Pint's wanted to construct a dwelling on the North 3 acres and the parcel was zoned "R-3" they could do so according to the county ordinance.

Mr. Beatty then stated that if the buyer was to desire a subdivision; they would need to visit his office to determine if this was going to be an "R-1" subdivision and need common sewers or wells.

Mr. Pech then stated that this could be an "R-3" subdivision and sell off 2 acre parcels with private septic and wells.

Mr. Beatty agreed.

Mrs. Pint then asked how many houses could that be. Mr. Pech answered 4 plus the timber would be a total of 5 in an "R-3" subdivision.

Mr. Beatty and Mr. Slattery agreed.

Mrs. Pint stated she had thought about only applying to rezone the 8.44 +/- but, suggested to Mr. Beatty about applying for the entire 11.90 acres to simplify the process in the future.

Mr. Pech then asked Mr. Bitterman if he had any further concerns.

Mr. Bitterman stated no.

Mr. Grover made a motion to approve.
The motion was seconded by Mrs. Brown.

Mr. Pech then opened for discussion or any other question prior to the vote.

Mr. Cook then asked what would clarify this into a subdivision.

Mr. Beatty then explained an “R-1” subdivision and an “R-3” subdivision and the differences being the size of 1 acre or 2 acre lots and private vs. shared septic and wells or water supply. The subdivision process would start in the zoning office including preliminary plats and surveys being reviewed by Mr. Beatty, the zoning board, the City of Independence, and the supervisors.

Mr. Pech agreed with the details.

Mr. Dave Pech wanted it noted in the minutes that the supervisors should discuss if this area will be restricted to one single family dwelling as on the application or if an “R-3” subdivision will be allowed if the buyer would want to consider that development in the future.

Mr. Beatty agreed with that idea.

The motion carried with a vote of 7 to 0.

3rd Item on the agenda was adjournment. Aaron Cook made a motion to adjourn the meeting. Mrs. Short seconded the motion. The motion carried with a vote of (7 – 0).

The meeting was concluded at 7:21 PM.

Chad Beatty, Zoning Administrator
4/4/12

BUCHANAN COUNTY ZONING MEETING
May 1, 2012
7:00 PM ASSEMBLY ROOM

At 7:00 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (7) board members: Dave Pech, John Slattery, Jan Short, Marlene Brown, John Ryherd, Tom Doyle, and Jim Grover.

Board member absent (1) was: Aaron Cook

Public guests included: Sue Zieser, Jerry Morey, Larry Bonefas, Jolene Bonefas, Danielle Ambrosy (Daughter), and Aaron Ambrosy (Son-In-Law).

Mr. Pech explained the process of this meeting and reminded those in attendance that the zoning board is only a recommending body and the board of supervisors will make the final decision. Mr. Pech stated that when the public hearing is set by the board of supervisors that all of the same adjacent property owners will be notified of the time and date. Mr. Pech stated it is usually 2 to 3 weeks from the date of the zoning hearing.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by John Slattery to approve the minutes. The motion was seconded by Marlene Brown. All board members were in favor of the motion with a vote of (7 – 0). No further discussion concerning the minutes.

2nd Item on the agenda was the request for Mr. and Mrs. Larry Bonefas wish to rezone 2.78 acres from “A-1” Agricultural to “R-2” Residential to construct a second single family apartment / boarding house to act as a second single family dwelling for immediate family members on the property. The property is located three miles Northeast of Brandon, Iowa in Section # 30 of Homer Township.

Mr. Beatty then explained the items included in the application packet, the location of the property on the aerial map in reference to Buchanan County presented a video showing the noted proposed dwelling location, the U-shaped driveway, well location, and aerial photos of the proposed area, and made reference to the adjacent properties. Mr. Beatty explained that the application was explained as a desire for a second smaller dwelling for immediate family use and felt the “R-2” zoning district fits this the request best as “R-2” allows multiple dwellings and smaller lot area requirements. Mr. Beatty also stated he has made 2 site visits, which included evaluating a test hole, and explained the proposal includes sharing a private well and both the soils and lot area can accommodate a second

onsite waste water treatment system. Mr. Beatty made note that this property is unique as the 2.78 parcel is currently zoned "A-1" but, the parcel does not include any adjacent farmland.

Mr. Pech then opened the meeting for comments.

Larry Bonefas then explained the number one reason to request this rezoning was to keep his daughter and husband in the Buchanan County area. Larry explained that his daughter and son-in-law had recently relocated here from Story County and would like to see them stay in the Buchanan County. Larry explained with this proposal, both families could then live on the property that has been in the family for many years.

Danielle Ambrosy (Daughter) then explained her experience and education background including soil evaluation. Danielle explained that the slope and the soils in the area would accept a wastewater treatment system and that the soil possessed no limiting layers.

Danielle then explained her and her husband's reasons for relocating to the area.

Danielle also explained that this rezoning request would give her family the opportunity to raise her family here in Buchanan County, give her parents a place to retire, and felt it was important to keep the property in the family because they have already lived at this location for over 30 years.

Danielle stated she understood that the property is currently zoned "A-1" but, explained the only land that could be farmed was roughly 60' x 80' which is currently a garden.

Danielle then stated she was a member of several farm related associations or groups and that they all believe strongly in agricultural. Danielle said they have no interest in removing valuable farm ground from production but, felt this property did not fit the description of valuable farm land.

Larry Bonefas then explained this parcel has never been farmed and that the location has always been the "farmstead". Larry stated that several trees and evergreens have been on the property prior to them moving there 30 years ago. To his knowledge a plow has never been used on the acreage.

Dave Pech then asked who owns the surrounding property.

Larry Bonefas stated that Kathleen Bass from Solon, Iowa owns the property surrounding his parcel and Carson Barron Farms actually farms the land.

Mr. Pech then asked who owns the outbuildings to the East of Parcel A.

Mr. Bonefas then explained that Mrs. Bass does.

Mr. Beatty explained that the Duane R. Houchin Trust owns the other adjacent property besides the dwelling across the road to the West.

Mr. Ryherd then asked how large of a house are they planning on a constructing?

Mr. Bonefas stated a 1000 square foot 1 bedroom / 1 office for him and his wife.

Mr. Slattery then asked what the accessibility agreement is to service the outbuildings located to the East of Parcel A.

Mr. Bonefas explained a written agreement for lifetime use of the driveway and it was attached to the abstract / deed.

Danielle then stated that this property would not be an investment property. The intention is for her and her husband to purchase the property and then engage in a long term lease with her parents to live in the adjacent proposed dwelling.

Danielle stated that they have full intention of both dwellings being for the immediate family members and have no plans of using as a future rental property.

Danielle also stated that even with the real estate transfer, the driveway agreement with the existing farmers will be honored going forward.

Mr. Pech then asked if asked if this was rezoned "R-2" could multiple dwellings or apartments be constructed?

Mr. Beatty said yes, and he would recommend the motion to include a restriction that only 2 dwellings could be constructed on the property.

Mr. Pech stated that without a restriction, the owners could construct an apartment house.

Mr. Beatty agreed.

Mr. Pech then explained that the zoning commission has the ability to recommend restrictions so that a future owner could not build a hotel, apartment complex, etc. with applying for rezoning.

Mr. Ryherd then made a motion to approve the rezoning including a restriction to allow only 2 dwellings on Parcel A.

Mr. Jim Grover seconded the motion.

Mr. Slattery commented that he is not opposed to the request but, wanted the applicants to understand in 10 years things change and your neighbors may not be the same. Sometimes that scenario is not the best.

Mr. Bonefas then stated it is not their intention to split the property.

Mr. Slattery stated that is not his point.

Mr. Pech then requested a vote on the motion. The motion made by Mr. Ryherd including the restriction was approved with a vote of 7 to 0.

3rd Item on the Agenda was the request that Morwood Campground and Resort wishes to rezone 20 acres from “A-1” Agricultural to “A-2” Agricultural to meet compliance of the existing campground and to allow expansion of the existing campground. The property is located 3 miles SW of Hazelton, Iowa in Section #28 of Hazleton Township. Adjacent campground property was rezoned from “A-1” to “A-2” in 1981 and 2003.

Mr. Beatty then explained the items included in the application packet including soil map, floodplain map, and the layout of the existing campground, and the location of the property on the aerial map in reference to Buchanan County, presented a video showing the noted the owner’s dwelling location, the service driveway, and made reference to the adjacent properties. Mr. Beatty explained that the application was two- fold as a desire to get a portion of the existing campground into compliance and allow for future expansion to the West. Mr. Beatty also stated that even though the NE corner of the proposed area is included in the FEMA designated floodplain that the Buchanan County Ordinance states that parks and/or campgrounds are an “allowable use” in the floodplain. Mr. Beatty then stated that even though the aerial shows non-compliance, that past notes in the file elude that the Buchanan County Sanitation department was involved with the layout and final inspections of the septic systems and driveways. Mr. Beatty felt there may have been a mistake on the recording of the legal description of the past rezoning requests but, could not find information to confirm that.

Mr. Morey then stated he wanted to thank Mr. Beatty as this was the 3rd time going through the rezoning process and this was the first he had ever received a packet or a map of what was requested.

Mr. Morey then stated that he believes this is part of the reason for the non-compliance.

Mr. Morey from memory believes he applied for the SW Quarter versus the NW Quarter as it was recorded.

Mr. Morey then explained that he felt a N was placed where a S should have been in the legal and that Ed Fitzgerald had been on site numerous times to assist with the septic systems in the “non-compliance” area so the county was aware of the expansion.

Mr. Morey again stated that he felt an N was placed where an S should have been in the legal.

Mr. Morey stated that the only way he was made aware was when he was preparing to market the property, he felt the legal description didn't fit his memory.

Mr. Morey explained once he realized this, he made an appointment and met with Mr. Beatty to figure out how to resolve this.

Mr. Morey stated that his marketing intentions are to allow expansion to the West and to get the property into compliance.

Mr. Slattery then added he remembered that when this originally started years ago, it was called Morwood Campground and now it is Morwood Campground and Resort and acknowledge his success with the property.

Mr. Pech then confirmed the adjacent property owned by Mr. Morey.

Mr. Morey then explained the area West, South, and East was all owned by him.

Mr. Slattery then confirmed that the intention was to rezone the additional 20 acres west of the campground.

Mr. Morey agreed.

Sue Zieser then explained that her property was north of the existing campground and several campers cross the fence to the North and allegedly use their timber for firewood.

Mr. Pech then stated that this was the wrong place to voice her concern and that Mrs. Zieser would need to discuss this with her township trustees or if trespassing issues are occurring she would need to communicate with the Sheriff.

Mr. Grover then suggested posting "no trespassing signs".

Mr. Pech also stated she could speak with the Board of Supervisors and they have an office upstairs.

Mr. Beatty suggested starting with posting the No trespassing or private property signs.

Mr. Zieser suggested that she did not want to walk that far into the woods.

Mr. Pech then asked what the perimeter is fencing in the area.

Mr. Morey stated that it is a barb wire fence and that he has never been approached in the past with any concerns.

Mr. Pech stated that since it was noted in the minutes, maybe the Board of Supervisors could discuss more in length on how to resolve the concern.

Mrs. Short made a motion to approve the request. Mr. Grover seconded the motion. The motion carried 7 to 0.

Mr. Pech then asked how the progress was coming on replacing our 9th commission member.

Mr. Beatty explained that the application packet was in possession of the 3rd interested party and Ellen and Mr. Beatty were continuing to work on it. The first two passed on the opportunity.

Mr. Beatty invited any interested parties to contact his office.

Mr. Slattery wanted it noted that the North clock in the assembly room was 5 minutes slow and the East clock was correct.

Mr. Beatty stated he would pass the information to Lyle.

4th Item on the agenda was adjournment. Mr. Grover made a motion to adjourn the meeting. Mr. Doyle seconded the motion. The motion carried with a vote of (7 – 0).

The meeting was concluded at 7:34 PM.

Chad Beatty, Zoning Administrator
5/4/12

BUCHANAN COUNTY ZONING MEETING
June 12, 2012
7:00 PM ASSEMBLY ROOM

At 7:00 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (8) board members: Dave Pech, John Slattery, Kris Wilgenbusch, Jan Short, John Ryherd, Aaron Cook, Tom Doyle, and Jim Grover.

Board member absent was: (1) Marlene Brown

Public guests included: (15) Dan Knipper, Angie Knipper, Chuck Briggman, Sue Walthart, Rhonda Bitterman, Steve Bitterman, Pat Ryherd, Denny R. Wilson, Earlene Pint, Richard Pint, Mike Bunnell, Gene Bunnell, Debbie Denton, Dave Steinbron, and Karen Hoaglan

Mr. Pech explained the process of this meeting and reminded those in attendance that the zoning board is only a recommending body and the board of supervisors will make the final decision. Mr. Pech stated that when the public hearing is set by the board of supervisors that all of the same adjacent property owners will be notified of the time and date. Mr. Pech stated it is usually 2 to 4 weeks from the date of the zoning hearing.

1st Item on the Agenda was Mr. Dave Pech welcomed new zoning board member Kris Wilgenbusch to her new appointment. No comment or discussion.

2nd Item on the Agenda was the minutes of the previous meeting. A motion was made by John Ryherd to approve the minutes. The motion was seconded by Jan Short. All board members were in favor of the motion with a vote of (8 – 0). No further discussion concerning the minutes.

3rd Item on the Agenda was the Richard Pint Excavating & Backhoe Service, Inc. from Rural Independence requests the review of a preliminary plat for Timber Ridge Addition, a 4 lot subdivision. The property was previously rezoned to “R-3” Residential and is located 2 miles East of Independence in Section # 2 of Sumner Township.

Mr. Beatty then explained the items included in the application packet, the location of the property on the aerial map in reference to Buchanan County presented a video showing the noted proposed subdivision location, the proposed access road, the preliminary plat, aerial photos of the proposed area, and made reference to the adjacent properties. Mr.

Beatty explained that the application also included the items required for the Subdivision Law of Iowa Code. Mr. Beatty reported that both Mr. Denny Wilson and Brain Engineering firm have been efficient with supplying the changes and items requested by the zoning department. Mr. Beatty also presented the zoning minutes for the City of Independence and the City of Independence Resolution number **2012 - 46** and noted that is needed because the property is located within the 2 mile radius of the City of Independence. Mr. Beatty then stated he was not sure how Mr. Fitzgerald had handled the preliminary and final plats in the past but, Mr. Wilson is requesting that any additional readings or review be waived.

Mr. Pech stated in the past the one reading is all that Mr. Fitzgerald had required and no review of the final plat, just reviewed the preliminary plat.

Mr. Pech then opened the meeting for comments.

Mr. Bitterman stated he was concerned that originally he had thought the change was for a single family dwelling and now it is potentially 4 or 5 lots. Mr. Bitterman then asked how and when things changed and his second concern is how property lines will be maintained. Mr. Bitterman also expressed his concerns on dealing with 4 or 5 property owners versus just one.

Mr. Pech then stated that for property line issues he needs to contact township trustees to voice his concerns.

Mr. Pech then stated that the property was rezoned a few months back and at that time concerns should have been voiced or addressed. Mr. Pech stated that the developer has followed all required steps to move forward and now the board has committed with past vote to rezone to "R-3".

Mr. Pech then again stated that concerns at that time should have been communicated.

Mr. Beatty then interjected that the supervisors and himself had worked with the developers to properly interpret their intentions. After lengthy discussion it was determined that the developers needed to apply and follow the subdivision process versus selling off 2 acres lots as they moved forward. All adjacent property owners were informed of that meeting help 2 or 3 weeks after the zoning hearing.

Mr. Beatty also reviewed that process of the 2 mile radius agreement with the City of Independence but, stated he is not sure the policy of the City on contacting adjacent property owners. Mr. Beatty added that the city zoning commission met once and the council has read the item twice to date.

Mr. Beatty reviewed what could be done with property rezoned "R-3" and explained that once rezoned the owner could sell off 2 acres at time and this is why the supervisors required them to apply and follow the subdivision and platting requirements.

Mr. Slattery then requested clarification that he had felt the commission voted on an application to allow one single family dwelling. Mr. Slattery felt that this changed with the Board of Supervisors.

Mr. Beatty agreed that is how the application was filled out but, explained that several comments that evening eluded to different intentions from the owners and that is why the discussion with the Board of Supervisors.

Mr. Beatty then read some notes from the original meeting notes in April:

***Mr. Grover made a motion to approve.
The motion was seconded by Mrs. Brown.***

Mr. Pech then opened for discussion or any other question prior to the vote.

Mr. Cook then asked what would clarify this into a subdivision.

Mr. Beatty then explained an “R-1” subdivision and an “R-3” subdivision and the differences being the size of 1 acre or 2 acre lots and private vs. shared septic and wells or water supply. The subdivision process would start in the zoning office including preliminary plats and surveys being reviewed by Mr. Beatty, the zoning board, the City of Independence, and the supervisors.

Mr. Pech agreed with the details.

Mr. Dave Pech wanted it noted in the minutes that the supervisors should discuss if this area will be restricted to one single family dwelling as on the application or if an “R-3” subdivision will be allowed if the buyer would want to consider that development in the future.

Mr. Beatty agreed with that idea.

The motion carried with a vote of 7 to 0.

Mr. Beatty then stated that no restriction was recommended with the April motion or agreed to with the Board of Supervisors and the owners of the property at the time of rezoning.

Mr. Bitterman stated that his concern continues to be dealing with as many as 5 property owners and stated that a fence on the North property line had been removed and he was not notified of. Mr. Bitterman voiced that he does not want any more fence removed.

Mr. Pech then reminded Mr. Bitterman need to address the issues with the Township Trustees.

Mr. Pech explained the process in which that they will determine if a fence can be removed and whose fence it is.

Mr. Pech said you will have to deal with five owners.

Mr. Wilson wanted it on record that the Pint's did take the fence out.

Discussion between the Pint's and Bitterman's about the fence.

Mr. Pech reminded everyone that the zoning commission is not dealing with the fence but, the preliminary plat.

Mr. Pech again reviewed the process of using the abstract to determine the property lines and the have the conversation with the township trustees.

Rhonda Bitterman then asked if their intention was to only have access road.

Mr. Beatty stated yes, that is how the plat shows but, stated that since the property continues to the center of the county highway, a second access could be applied for through the County Engineers office. Mr. Beatty explained that the fee is \$25 dollars and could access the North timber lot if desired in the future.

Mr. Slattery then asked about the details of the access road. Mr. Slattery stated he had concern of emergency vehicles using the road.

Mr. and Mr. Pint explained it would be a 2" crushed rock road maintained as a private lane.

Mr. Slattery confirmed the width.

Mr. Wilson stated a 30' width.

Lengthy discussion on why Mr. Bitterman's subdivision was required to have a 66' ROW for a future road and this was not.

Mr. Beatty then explained that the time of the Bitterman's subdivision that was a City of Independence decision and the City's 2 mile radius input was most likely visioning potential expansion to the East.

Mr. Beatty stated that city has changed their plans and now envisions expanding residential housing in the SW direction to accommodate the city's growth.

Mr. Bitterman then commented that there is no consistency on the rules.

Mr. Wilson stated that there is now a different city council.

Mr. Pech agreed and stated that the County has no control on what the city's requirements are.

Mr. Pech stated that this commission can suggest recommendations for ROW requirements but, not to the City.

A motion was made by Mr. Jim Grover to approve the preliminary plat and seconded by Mr. John Slattery was approved with a vote of 7 to 1. Mr. John Ryherd voted against the motion.

4th Item on the Agenda was Charles Brigg man and Susan Walthart from Rural Winthrop wish to rezone 3 acres from "A-1" Agricultural to "R-1" Residential to establish a two lot subdivision to construct a second single family dwelling on the existing parcel. The existing parcel was previously severed from the adjacent farmland. The property is located 2 miles NE of Quasqueton in Section #25 of Liberty Township.

Mr. Beatty then explained the items included in the application packet including soil map, and the location of the property on the aerial map in reference to Buchanan County, presented a video showing the noted the owner's dwelling location, the service driveway, referenced that this property had been severed from the adjacent farmland in 2000, and made reference to the adjacent properties. Mr. Beatty also explained that the plat of survey was not a requirement but, the applicant works for an engineering firm and supplied the county with copies of the proposed plat. Mr. Beatty also stated that the existing well will be allowed to supply both dwellings and a sight visit has been made and believes the area and soils will accommodate a septic system with no issues. Mr. Beatty added that the reason the "R-1" district is being applied for is the land area requirement is less than "R-3" which requires 2 acres vs. 1 acre.

Dan Knipper then spoke and explained that Angie Knipper is Sue Walthart's daughter. Mr. Knipper then explained that because of health issues, himself and his wife are planning to move closer to assist with continued health issues. Mr. Knipper then explained that they are planning to move within 3 years but, wish to get the process completed in advance to deter any delays or restrictions.

Angie Knipper then added that more developments have been added to her mother's health. Angie commented that she is the oldest and as her own children grow and attend college, she has a desire to be closer to assist with the situation.

Angie commented that she realized that the request doesn't necessarily fall under the County's comprehensive and guidelines but, really would appreciate consideration to accommodate the health concerns of their family.

Mr. Knipper also added that the current owners plan to live in the existing dwelling as long as possible and if a move occurred that he and Angie would purchase that from them to incorporate with their proposed acreage.

Mr. Slattery then asked if the preliminary plat was needed.

Mr. Beatty explained that it was not required, but the “R-1” tag it is often times associated with an “R-1” subdivision. Since this will only be split into 2 parcels, and not 3 which is defined as a subdivision in our ordinance it is not needed. Mr. Beatty clarified that Mr. Knipper works for a firm and supplied a plat which helped communicated the desire of their application.

Mr. Slattery made a motion to approve the request. Mr. Cook seconded.

Mr. Pech wanted it noted that he understands the family health concerns but, felt this request did not follow the county’s comprehensive plan and did not want to remove these good soils from production.

Mr. Cook added he understood the soils concern but, felt one positive was that the request is usually for 2 acres per dwelling and this is actually only a total of 3.

Mr. Pech also stated that the board could actually only rezone 1.5 acres since the existing dwelling would not need rezoned.

Mr. Beatty agreed.

The motion carried with a vote of 7 to 1. Mr. Pech voted no.

The 5th Item on the agenda was Shawn and Karen Hoaglan from Independence wish to rezone 4.38 +/- acres from “A-1” Agricultural to “R-3” Residential to construct a single family dwelling. The property is located 3.5 miles NW of Quasqueton, adjacent to the Woodland Estates Subdivision and located in Section #30 of Liberty Township.

Mr. Beatty then explained the items included in the application packet including soil map, floodplain, the forest reserve tag, the thick timber, and the location of the property on the aerial map in reference to Buchanan County, noted the adjacent subdivision and easement agreements, presented a video showing the area the service driveway, and mentioned an existing well is located on the property.

Mr. Beatty explained he did receive a letter from an adjacent property owner, Jon Kremer, and then read the letter aloud.

Mr. Beatty passed along the contact information of Mr. Kremer to Karen Hoaglan.

Mr. John Slattery then confirmed the location of the property on Michel Avenue.

Mr. Beatty explained that the access road is straight south of Doc Bowden and Dolph Leytze access lane off Michel Avenue.

Mr. Pech then confirmed where the request is located in reference to Michel Avenue and that the property was on an access road, not a county road.

Mr. Denny Wilson then explained the driveway easement in reference to the requested property and existing subdivision.

Mr. Wilson then explained this area is only the North part of this property. Mr. Wilson then stated that there are no plans of development to the South.

Mr. Pech then asked if the soils will support a septic system.

Mr. Beatty added at the time of excavation, the contractor should contact me and complete some test holes to confirm the size and style of the system.

Mr. Pech then added that this request is for a single family dwelling but, this request would accommodate 2 dwellings if desired.

Mrs. Hoaglan then explained that the well is located on the North portion of the property and the dwelling is being planned for the southern part of the request.

Mr. Pech then stated that if we don't discuss this possibility, issue could arise in the future.

Mr. Pech then explained that the request can have a restriction placed on the request and then if a second dwelling was desired, the applicant would need to come back prior to moving forward.

Mr. Pech then stated that this could be considered.

Mr. Wilson then stated they the applicant would be against a restriction.

Mr. Pech and Mr. Doyle discussed the soils and these being “buildable” as defined with the county.

Mr. Pech asked why this was needed to be rezoned.

Mr. Beatty stated it was two-fold as the area was a potential subdivision and the conversations with the applicant eluded that intentions may be to have more than one parcel split in the future.

Mr. Beatty felt with this information provided, the request should be heard and discussed by the zoning commission and the Board of Supervisors.

Mr. Pech confirmed that the soils are buildable.

Mr. Beatty stated that he felt future plans needed to be heard and that is why the request was applied for.

Mr. Pech stated that in the past some lending institutions have required similar land to be re-zoned.

Mr. Cook made a motion to approve the request. Mr. Grover seconded the motion. The motion carried 8 to 0 with no restrictions.

6th Item on the agenda was Deb Denton, executor for the Madeline Steinbron trust, wishes to rezone 4.75+/- acres from “A-1” Agricultural to “R-3” Residential to develop two residential building lots. The property is located 1 mile south of Jesup in Section #6 of Westburg Township.

Mr. Beatty then explained the items included in the application packet including the aerial, soil map, floodplain, and the location of the property being in lineal line of residential dwellings on the aerial map in reference to Buchanan County, noted the adjacent subdivision to the SE and that the family owns a majority of the farmland to the west of the application, presented a video showing the area the service driveway, and mentioned that the owners plan to sell two 2 acre lots in the future.

Mrs. Denton then explained that the family farm will be auctioned in the near future and the family felt this would be a good time to sever the area for 2 residential lots to help add to the value of the real estate. Mrs. Denton stated that this area was separated from the balance of the farm land with a creek and is access by the road West of Benson Shady Grove Avenue.

Mrs. Denton continued to explain that the pasture area between the applied area and the creek will potentially be sold to her uncle for pasture use in the future.

Mr. Denton stated feels that this area is not as farm friendly as the other numerous acres to the West because of the large machinery used currently.

Mike Bunnell stated his concern on the traffic count and wondered if the county engineer could come out and assess the situation.

Mr. Pech stated that this board is not the proper channel to resolve this concern.

Mr. Bunnell then stated that he feels something needs done.

Mr. Pech then discussed the type of agricultural operation that Mr. Bunnell operates.

Mr. Bunnell confirmed he raises livestock and grain.

Mr. Beatty then elaborated that Mr. Bunnell concern is supported as the traffic count in the area is 4360 vehicles per day.

Mr. Beatty stated that residents living in Jesup use the road to access Highway 520 to travel to Cedar Rapids and Waterloo.

Mr. Beatty acknowledged that Mr. Bunnell is not the first person to voice his concern.

Gene Bunnell then added that the family has added an extra driveway on their property to enter and exit with agricultural equipment.

Mr. Cook then questioned how many requests have been made from the Steinbron family farm land.

Mrs. Denton elaborated most have been on the Blackhawk Buchanan side of the farm.

Mr. Slattery then added that the commission looks at the last name and has seen quite of few requests.

Mrs. Denton added that the commercial request last fall was her cousin.

Mr. Slattery stated his concern on piece milling the property one by one.

Mr. Slattery asked if the process of a subdivision is being considered.

Mr. Slattery also had concern that land has no immediate use for residential with no specific buyer and didn't necessarily agree with it.

Gene Bunnell then added he has taken several calls from potential buyers for his property to the East.

Mrs. Denton added that the last rezoning request was located on the Blackhawk Buchanan Avenue for her Aunt.

Mr. Pech then reviewed the soils being 408B and 83B.

Mr. Slattery then asked about 408 being buildable.

Mr. Beatty confirmed that 408C is but, 408B is not because of the difference in the percentage of slope.

Mr. Grover made a motion to approve the request. Mr. Ryherd seconded the motion. The vote was split 4 to 4. The yes votes were Dave Pech, John Ryherd, Tom Doyle, and Jim Grover. The no votes were Kris Wilgenbusch, Jan Short, John Slattery, and Aaron Cook.

Mr. Pech commented that he felt even with the good soils the lineal line of residential was supporting his vote.

Mrs. Denton stated that the majority from old Hwy. 20 to New Hwy. 20 is mostly residential.

Mr. Slattery stated that some commercial is in that line as well.

Mr. Beatty agreed.

Mr. Doyle and Mr. Cook commented that the land between the creek and the request could be land locked with zoning uses.

Mr. Slattery acknowledged the area will be developed in the future but, did not agree with the lot by lot approach.

Mr. Pech and Mr. Beatty explained that the FEMA floodplain is west of the request.

It was decided to send no recommendation to the board of supervisors and the vote would be sent as a tie 4 to 4.

Mr. Beatty then reminded that commission that election conflicts in September and October will not allow the meeting to be held in the assembly room on the first Tuesday of the month.

Mr. Slattery commented to set the meeting as Mr. Beatty wished and the board will accommodate.

Mr. Beatty stated he will communicate his intentions as the dates get closer.

7th Item on the agenda was adjournment. Mr. Cook made a motion to adjourn the meeting. Mr. Doyle seconded the motion. The motion carried with a vote of (8 – 0).

The meeting was concluded at 7:58 PM.

Chad Beatty, Zoning Administrator
7/3/12

BUCHANAN COUNTY ZONING MEETING
September 4, 2012
7:00 PM ASSEMBLY ROOM

At 7:00 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (9) board members: Dave Pech, John Slattery, Kris Wilgenbusch, Marlene Brown, Jan Short, John Ryherd, Aaron Cook, Tom Doyle, and Jim Grover.

Public guests included: (3) Jerry Jensen, Carol Jensen, and Nick Dennie

Mr. Pech explained the process of this meeting and reminded those in attendance that the zoning board is only a recommending body and the board of supervisors will make the final decision. Mr. Pech stated that when the public hearing is set by the board of supervisors that all of the same adjacent property owners will be notified of the time and date. Mr. Pech stated it is usually 2 to 4 weeks from the date of the zoning hearing.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by Jan Short to approve the minutes. The motion was seconded by Jim Grover. All board members were in favor of the motion with a vote of (9 – 0). Mr. Pech noted change in spelling of piece “mealing” vs. “milling” on page 9. Mr. Beatty stated he would note this in the meeting minutes. Mr. Slattery wanted to confirm if the Steinbron property was rezoned. Mr. Beatty stated that after lengthy discussion the request was passed but, if any further parcels were created on the farmland that the subdivision process would need to be followed.

2nd Item on the Agenda was the Buchanan County Fair Association from Independence requested to rezone 6.75 acres from “A-1” Agricultural to “A-2” Agricultural to construct a campground at the existing fairgrounds. The property is located on the northern edge of the City of Independence in Section #34 of Washington Township.

Mr. Beatty then explained that the application was originally filled out for only .9 acres which was correlating with the first phase of the proposed project. Mr. Beatty advised Mr. Dennie to apply for the 6.75 acre area to accommodate any future growth or expansion, thus changing the original agenda. Mr. Beatty explained this would be more financially attractive to the fair board versus paying the \$250 fee for each phase in the future. Mr. Beatty then presented the application items included in the application packet, the location of the property on the aerial map in reference to Buchanan County, presented a video showing the noted proposed campground location, the proposed access

road from 12th Street, aerial photos of the proposed area, and made reference to the adjacent properties.

Mr. Pech then opened the meeting for comments.

Mr. Slattery then asked if the Falcon Center was in the City Limits of Independence. Mr. Beatty confirmed yes but, the Fairgrounds were still in the county. Mr. Beatty stated several areas in the county are similar as far as City limits bordering on three sides of some parcels.

Mr. Dennie then presented the board and those in attendance with an aerial drawing and sketch of the proposed phase one. Mr. Dennie noted the sketch was not to scale but, hoped it could better explain their plans for the area.

Mr. Dennie stated the board had plans of developing 14 camper spots. Each would have electricity, sewer, and water.

Mr. Beatty then confirmed these would be serviced by city services.

Mr. Dennie agreed.

Mr. Cook then asked other than fair time, how often did they plan on renting the spots?

Mr. Dennie answered as many days as possible.

Mr. Pech then asked about when the fence that divides the area will be removed.

Mr. Dennie stated that it is already gone.

Mr. Slattery then asked if this idea would reduce the parking at the time of the fair.

Mr. Dennie stated potentially, yes.

Mr. Slattery stated I assume this will generate more revenue for the area than \$2 parking.

Mr. Dennie agreed.

Mr. Jensen then asked about the campers in relationship to race nights.

Mr. Dennie stated this would only be 14 spots.

Mr. Jensen then asked what happens to all of the cars that normally park east of the track on race night.

Mr. Dennie stated that they have never had a race night where it has been close to full and added that the West side of the old fence was only used for parking. The East side has never been used for parking.

Mr. Dennie added that there is over 3 acres there that has never been used for parking.

Mr. Jensen added that if and when the area gets full it causes the vehicles to search for closer parking to the front entrance and makes more work for him and his staff to install ropes, signs, etc.

Mr. Jensen stated more campers equal more cars and people.

Mr. Dennie stated that they only planned on taking 210' x 140' from the existing parking area.

Mr. Jensen then asked what the plans were if the camping area expanded, the races attendance increased, where would everyone park?

Mr. Jensen stated that many park to the south of IAS and close to his parking lot.

Mr. Pech then confirmed where Mr. Jensen property was located.

Mr. Jensen confirmed his business was located on lot#53 on the aerial map.

Mr. Dennie stated that the board deters parking on his property because each one who does equals lost parking revenue.

Mr. Dennie then added he could not guarantee that no one would try to park on the Jensen properties.

Mr. Jensen stated that the only one who makes out on the parking violations is Joe Bagby because weekly cars are towed from the area.

Mr. Jensen added that he realizes this can give the town a bad reputation if one experiences this but, is a must for him to do business.

Mr. Jensen wanted on record that they are not the ones who made the problem as his company had been there several years.

Mr. Jensen stated that he had no problem with the campground idea but, has concern on where the cars will be forced to park. Several used to park on the grass curb area but, that is now against the law.

Mr. Dennie added that parking on City property was against the ordinance but, parking on county property was still ok and is located from the Beef barn to the North.

Mr. Slattery then confirmed the location of lot #54 and #53 in regard to the county fairgrounds.

Mr. Jensen then asked about grade, dust control, and plans for these in the future.

Mr. Dennie stated minimal road grading was planned but, will install some type of dust control. He could not confirm what product as this was under the direction of Darrin Burco.

Mr. Pech then asked what Jensen's use for dust control.

Mr. Jensen stated all his parking areas are asphalt.

Mr. Pech then stated that maybe an access could be constructed to the North or East to Hwy. 150.

Mr. Dennie stated that a lot of dirt work is planned so they will consider.

Mr. Jensen then asked where the sewer and water supply lines would come from.

Mr. Dennie stated that water is close by the horse shoe pit and the sewer is nearby in the restrooms to the West.

Mr. Beatty added that Tim Donnelly from the City of Independence stated that the closest sewer was near the Falcon Civic Center.

Mr. Jensen then asked if the sewer and water will come in the same trench.

Mr. Beatty stated the depths and elevations will determine which direction the sewer and water are supplied from.

Mr. Ryherd then made a motion to approve the request. Mr. Grover seconded the motion. Mr. Pech added the supervisors could discuss some of the concerns addressed tonight.

Mr. Doyle added that he felt another driveway would alleviate some issues. He added that direct route to Hwy. 150 is less of an issue than 2 or 3 turns in a short distance.

Mr. Pech agreed and felt some more research should be done.

The motion carried with a vote of 9 to 0.

3rd Item on the agenda was adjournment. Mr. Cook made a motion to adjourn the meeting. Mr. Slattery seconded the motion. The motion carried with a vote of (9 – 0).

The meeting was concluded at 7:22 PM.

Chad Beatty, Zoning Administrator ~ 9/5/12

BUCHANAN COUNTY ZONING MEETING

November 7, 2012

7:00 PM Senior Center

At 7:00 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (9) board members: Dave Pech, John Slattery, Kris Wilgenbusch, Marlene Brown, Jan Short, John Ryherd, Aaron Cook, Tom Doyle, and Jim Grover.

Public guests included: (3), Mark Zimmer, Nancy Zimmer (POA), and Randy Reed

Mr. Pech explained the process of this meeting and reminded those in attendance that the zoning board is only a recommending body and the board of supervisors will make the final decision. Mr. Pech stated that when the public hearing is set by the board of supervisors that all of the same adjacent property owners will be notified of the time and date. Mr. Pech stated it is usually 2 to 4 weeks from the date of the zoning hearing. Mr. Beatty added that plans are to hold the meeting on December 4th.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by Jim Grover to approve the minutes. The motion was seconded by Jan Short. All board members were in favor of the motion with a vote of (9 – 0). No further discussion.

2nd Item on the Agenda was Ben and Kelly Lange of Independence wish to rezone 3.5 Acres from “A-1” Agricultural to “R-3” Residential to construct a single family dwelling. .8 acres of the proposed area was previously rezoned Residential in 1984. The property is located 1 mile east of Independence in Section #2 of Sumner Township.

With the applicant not in attendance it was discussed if any questions arose that the item could be tabled. Mr. Pech chose to follow the agenda. Mr. Beatty then explained that the application area included an area of 250' x 350' that was rezoned to residential in 1984. Mr. Beatty explained that the proposed application desires to build the dwelling to the south of the rezoned 250' x 350' area but, the entrance to the applied area will be included in the 1984 rezoned area. The existing dwelling located at 2114 220th Street may be severed with a minimum of 2 acres because the Buchanan County Ordinance states that a dwelling constructed prior to 1974 is allowed in the “A-1” district. Mr. Beatty then presented the application items included in the application packet, the location of the property on the aerial map in reference to Buchanan County, presented large aerial photo since video was not an option. Mr. Beatty again explained what was being proposed as severed, rezoned in 1984, and the proposed application area, made reference to the adjacent properties,

Mr. Pech then opened the meeting for comments.

Mr. Slattery asked who the current owner of the property is in regard to the applicant.

Mr. Beatty confirmed that the Lange's have already purchased the existing parcel from the Buchheit family.

Randy Reed representing Bruening Rock Products, Inc. was in attendance stating that vibration and dust can occur from the nearby quarry operation. Mr. Reed stated he was not against any rezoning but, wanted the applicants to be aware of the potential concerns before they moved to the area.

Mr. Pech and Mr. Slattery then proceeded to discuss quarry location in relationship to the proposed dwelling.

Mr. Reed, Mr. Pech, and Mr. Slattery all agreed that 4 houses were between the quarry and the proposed site.

Mr. Beatty added that the application area would be in the timber south of the direct line of houses being discussed.

Mr. Reed again stated that the ridge that Bruening Rock is working on goes up into the original Buchheit property. In the past Bruening Rock has set meters on the property to monitor the activity. Mr. Reed again, wants the applicants to be aware of the potential vibrations.

Mr. Reed stated that more vibration than dust will or may be a concern in the future.

Mr. Slattery then asked the question of what the current zoning was of the original Buchheit property and if it was in the city limits.

Mr. Beatty confirmed the property was still in the county and the zoning was "A-1" with the 250' x 350' area being rezoned residential back in 1984. Mr. Beatty also explained that the dwelling could be severed as stated with the way the ordinance is written.

Mr. Slattery then asked who owned the property to the South and West of the original Buchheit property.

Mr. Beatty confirmed that the area of timber and pasture to the South are owned by Julian & Karen Pepper and that the lot to the West was sold to Julian and Karen Pepper less than ten years ago as well.

Mr. Pech then asked that the "L" shaped parcel is what the Lange's own.

Mr. Beatty confirmed.

The question was raised of who owned property to the East.

Mr. Beatty confirmed that Jeanne Mast owns adjoining property to the East.

To clear up some ongoing discussion, Mr. Beatty then explained more about who owns property in the lineal line of property / houses to the East of the Lange property from West to East up to the Quasqueton Diagonal Blvd.

Mr. Pech then asked if the existing owner could split the parcel again.

Mr. Beatty explained no unless plans changed the applicant would need to visit his office and apply for such a request.

Mr. Slattery stated that with the lineal line of houses to the North and the quarry to the West further development in this area would not be surprising.

Mr. Slattery made a motion to approve. Marlene Brown seconded the motion.
The motion carried with a vote of 9 to 0. No further discussion.

3rd Item on the Agenda is Huberta A. Fox of Independence wishes to rezone 2 Acres from “A-1” Agricultural to “R-3” Residential to sever the existing dwelling from the adjacent farmland to market or sell the farmland in the future. The existing dwelling was constructed in 1984. The property is located 6 miles North of Independence in Section #34 of Hazleton Township.

Mr. Beatty then explained the items included in the application packet, the location of the property on the aerial map in reference to Buchanan County presented large aerial photos since video was not available. Mr. Beatty stated that Mrs. Nancy Zimmer was present and is listed as a POA (Power of Attorney) for Mrs. Fox. See packet for details. Mr. Beatty then noted the dwelling location, the accessory building, potential need for a variance for the accessory building if the rezoning to “R-3” occurs, and made reference to the adjacent properties. Mr. Beatty acknowledged that some estate planning was being considered with this application. Mr. Beatty also stated he has made a site visit and explained to the applicants about the need of a potential variance and what the flags to the south of the accessory structure meant.

Mr. Pech then opened the meeting for comments.

Nancy Zimmer (POA) then explained that her mother needs extra finances to help pay for medical and living expenses and that is why they are applying for rezoning.

Mr. Pech then asked if Mrs. Fox was residing at home.

Mr. Zimmer confirmed that no, Mrs. Fox was at West Village but, has hopes of returning home.

John Ryherd made a motion to approve the rezoning. Aaron Cook seconded the motion.

Mr. Slattery then asked about the variance issue and if the accessory building was within the two acres.

Mr. Beatty confirmed that the building was with in the two acres but is only six feet off the south property line.

Mr. Beatty stated that the way the current department is run, the only time we have an opportunity to address non-compliant buildings is when real estate transactions occur. Plans for a future zoning setback site plan application is being planned but, not yet implemented. Mr. Beatty envisions having one in place by the end of 2013.

The motion carried with a vote of 9 to 0.

4rd Item on the agenda was adjournment. Jim Grover made a motion to adjourn the meeting. Tom Doyle seconded the motion. The motion carried with a vote of (9 – 0).

The meeting was concluded at 7:22 PM.
Chad Beatty, Zoning Administrator ~ 11/16/12

BUCHANAN COUNTY ZONING MEETING
Thursday, December 6, 2012
7:00 PM Assembly Room

At 7:00 “Acting” Chairman Tom Doyle called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (5) board members: Kris Wilgenbusch, Marlene Brown, Jan Short, Tom Doyle, and Jim Grover. Dave Pech, John Slattery, John Ryherd, Aaron Cook were absent.

Public guests included: (5), Paul Yearous, Rex Yearous, Sr., Laurie Yearous, Ron Abben of Paul Niemann Construction, and Lee Pries of Paul Niemann Construction.

Mr. Beatty thanked the board for attending and explained that a basketball coaching conflict motivated the date change. Mr. Beatty then introduced Mr. Doyle and announced Mr. Doyle would be hosting and acting as chairman for the meeting since Dave Pech, the normal chairman was unable to attend the meeting.

Mr. Doyle then read aloud the following statement:

WELCOME:

WE ARE THE BUCHANAN COUNTY ZONING COMMISSION, I AM TOM DOYLE AND WILL BE DIRECTING THE MEETING THIS EVENING. PLEASE UNDERSTAND THAT THIS ZONING COMMISSION IS ONLY A RECOMMENDING BODY FOR THE BOARD OF SUPERVISORS AND TONIGHT’S DECISION IS NOT FINAL. THE BOARD OF SUPERVISORS WILL MAKE THE FINAL DECISION AT A LATER DATE. WHEN THE PUBLIC HEARING IS SET, THE SAME ADJOINING PROPERTY OWNERS WILL BE NOTIFIED AS WELL. PUBLIC HEARINGS ARE COMMONLY ON MONDAYS BETWEEN 9AM AND 10AM TWO TO FOUR WEEKS FOLLOWING THE ZONING COMMISSION MEETING.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by Jan Short to approve the minutes. The motion was seconded by Marlene Brown. All board members were in favor of the motion with a vote of (5 – 0). No further discussion.

2nd Item on the Agenda was Paul E. Yearous of rural Independence wishes to rezone 22.69 acres from “A-1” Agricultural to “I” Industrial to allow the expansion of an existing quarry operation. The property is located on the North side of the Quasqueton Diagonal Blvd. between Independence and Quasqueton in Section # 21 of Liberty Township.

Mr. Beatty then explained items included in the packet, including adjoining property owners, aerial photos, soil types, area dwellings, presented a large map to confirm where the area was in the county. Mr. Beatty added that some of the area has some moderate elevation changes and also has some thick timber on the East portion of the property.

Mr. Beatty then presented a video from a driveway accessing the area from Quasqueton Diagonal Blvd. and also a view from the East side on the property on Postel Avenue.

Mr. Beatty shared that the department did receive a phone call from an adjacent property owner, Carrie Gudenkauf and that she had a concern if the timber was going to be used as well. Mrs. Gudenkauf acknowledged the trees were a buffer for both noise and dust.

Mr. Beatty recommended that she attend this evening to ask questions to the board and applicant. Mrs. Gudenkauf was not in attendance at the meeting.

Mr. Doyle then opened the meeting for any public comments.

Paul Yearous then explained how the quarry would lay in the area due the existing "draw" or waterway that flows NE to SW. Mr. Yearous explained that this "gully" separated this parcel from the two dwellings to the South and East.

Mr. Yearous explained that mining would be difficult and plans are to not get near this area of the parcel.

Several board members then reviewed their aerial maps.

Mr. Beatty confirmed that the area being discussed was the angled portion of the property that went from NE to SW.

Mr. Abben then spoke and stated that their intentions are to expand the quarry straight South of the existing quarry. Mr. Abben then explained that some agricultural land still remains on their property and what remains will still be farmed. Mr. Abben then stated that if the expansion occurs in the acres straight south of the existing quarry much of the timber will be left between the quarry and the East road which is Postel Avenue.

Mr. Abben then stated that it is common to leave a buffer of 100' to 150' between the quarry and the property lines.

Mr. Abben stated that this would be their intention as well along the East, Southeast, and South property lines. Mr. Abben acknowledged that this would address Mrs. Gudenkauf's concern.

Mr. Abben then explained that the quarry will use the existing driveway, scale, and scale house as well.

Mr. Abben explained that usually 30K to 35K ton is extracted per year. This consumes about a ½ acre per year and plans are to strip about 2 acres at a time and the balance will remain as is.

Mr. Doyle then shared that he received a phone call from a concerned resident of “Was it necessary to rezone this much farmland at one time to accommodate the expansion?”

Mr. Abben then explained that with the complicated size and dimensions of the applied parcel it seemed more simple to apply for the entire parcel and get it rezoned all at once versus returning every two or three years as the company wanted to expand.

Mr. Abben then acknowledged working with Buchanan County in the past and that a restriction of a “quarry” or “mineral extraction” would be ok with his firm.

Mr. Beatty then asked if the other items discussed such as the 100’ to 150’ restriction from the ROW and property lines would be considered as well.

Mr. Abben agreed as long as a safety berm could be within the 150’ restricted area and explained that existing vegetation would be left in the non-berm area.

Mr. Beatty then asked how wide common berms are.

Mr. Abben responded that most are 25’ to 30’.

Mrs. Laurie Yearous then commented on the concern that Carrie Gudenkauf has. Mrs. Yearous stated that she has lived in the area for 22 years and the noise has never been a concern.

Mrs. Yearous explained that the quarry always communicates when they are going to blast and that the same concerns are not shared by the Rex Yearous family.

Mr. Beatty then explained that the GudenKauf concern was if the quarry was going to expand to the property lines and Mr. Beatty acknowledged that items discussed tonight sounded as if this was not the intention.

Mr. Grover made a motion to approve the request with restrictions that the area (A): would only be used as a “Quarry” or “q.” in the Buchanan County Zoning Ordinance or further described as the “Extraction and the processing of stone, sand, gravel, and / or soil” and (B) that no mining would take place within 150’ of the property / or right of way lines. It was agreed that a safety berm / buffer of 25’ to 30’ could be allowed in the 150’ restricted area.

Kris Wilgenbusch seconded the motion including the above restrictions.

Mr. Beatty then reviewed the motion and confirmed that all of the parties understood the motion and restrictions.

Mr. Abben then stated that a safety berm will most likely not go on the Yearous or existing side of the quarry as they intend to still farm those areas.

The motion carried with a vote of (5 – 0). No further discussion.

Mr. Doyle then reminded the applicants that this recommendation was not final and that the Board of Supervisors will review in next several weeks.

3rd Item on the agenda was adjournment. Jan Short made a motion to adjourn the meeting. Jim Grover seconded the motion. The motion carried with a vote of (5 – 0).

Further discussion included the meeting dates for January and February.

Marlene Brown then asked if meetings were moving to Thursdays.

Mr. Beatty stated that the first Tuesday in January was New Year's Day and the meeting would need to be moved to another date. Discussing on existing conflicts on Wednesday the 2nd, Thursday the 3rd, and the second Tuesday, the 8th were also discussed.

Mr. Beatty clarified the December change was due to a coaching conflict that was he unable to reschedule his basketball game on Tuesday, December 4th.

Mr. Beatty then reminded the board that November's meeting was on a Wednesday not a Thursday due to the November election. Wednesday, November 7th was selected because the Senior Center facility was available that evening as the auditors and election equipment were occupying the assembly room.

Mr. Beatty then added that February should be no issue with his schedule but, we need to decide on how to handle January.

Mr. Doyle suggested to Mr. Beatty with the holidays and travel that we could delay the January meeting until the February date.

Mr. Beatty agreed and suggested to accommodate that request and he would communicate this with any future zoning applicants.

The five board members agreed.

The meeting was concluded at 7:17 PM.

Chad Beatty, Zoning Administrator ~ 12/7/12

