

PLANNING & ZONING COMMISSION BUCHANAN COUNTY

MINUTES

Tuesday, February 4, 2020

The Buchanan County Zoning Commission meeting was called to order at 7:02 PM by Vice-Chairperson Short. The meeting was held in the Public Health Meeting Room, 1413 1st St W, Independence, Iowa.

ROLL CALL

PRESENT: Marlene Brown, Tracy Franck, Jim Frye (7:25 PM), Mike Robinson, Steven Saathoff, Elena Schmitz, Jan Short

ABSENT: Bronson Wierck, Kris Wilgenbusch

STAFF: Matt Even, Zoning Administrator

PUBLIC GUEST: Lyle TeKippe, Jim Yokas, Michael Jacobson & child

ELECTION OF OFFICERS

Chairperson

Short opened the floor for nominations. Short nominated Robinson. Robinson declined. Robinson nominated Frye. Nominations ceased. Short closed nominations.

FRYE: 6

OTHER: 0

Frye was elected Chairperson.

Vice-Chairperson

Short opened the floor for nominations. Short nominated herself. Nominations ceased. Short closed nominations.

SHORT: 6

OTHER: 0

Short was elected Vice-Chairperson.

APPROVAL OF MINUTES

Motion by Brown to approve the minutes of the December 3, 2019 meeting as submitted.
Second by Robinson. All in favor. Motion carried.

UNFINISHED BUSINESS

Proposed amended Buchanan County Zoning Ordinance

Even announced that he would be meeting with the Board of Supervisors and Brian Schoon on February 10 to discuss the proposed amended Buchanan County Zoning Ordinance. He thinks they will be ready for a joint work session in March.

NEW BUSINESS

D2020001 – Diamond Ridge Estates – Preliminary Plat

Even presented the technical report for the preliminary plat including compliance with the objectives and policies of the Comprehensive Plan as well as feedback received by other departments in the County. Even stated that this property does not have to be rezoned as our zoning ordinance permits single-family dwellings on a lot of which half has a corn suitability rating less than 55. The reason a portion of this land had been requested to be rezoned – which was denied – was so that it could utilize one acre lots. Even recommended that three waivers be approved as platting commenced and the County reviewed the plat as part of pre-preliminary plat conference prior to the Subdivision Ordinance. The preliminary plat meets all of the requirements of the Buchanan County Subdivision Guidelines which were effective at that time.

Staff recommends approval subject to the waivers and conditions of the staff report.

Saathoff inquired if they got the driveway easement settled with the property owners to the north. Even replied that the driveway mentioned is not part of this plat so it was not reviewed, but the area north of this plat was sold to one of the neighbors to the north.

Lyle TeKippe with Fehr Graham introduced himself as the engineer/surveyor on the project. He stated that Jodie Puff had a scheduling conflict and was unable to attend.

Michael Jacobson inquired if this would constitute a city dwelling with the number of lots going in and what effect is that going to have on surrounding livestock. He stated that city code prohibits livestock within a given distance of residences so he wants to know what affect this is going to have on his wellbeing as a farmer. Even responded that all of these lots are zoned “A-1” Agricultural so the setbacks and zoning requirements would be no different from Jacobsen’s property. The subdivision may have more restrictive covenants limiting activity or buildings within the subdivision, but that does not affect neighboring property.

Michael Jacobsen asked Lyle TeKippe if he surveyed the land and if so what criteria did you use to get the survey points. TeKippe responded that they obviously used the section corner monuments as well existing monuments that are referenced by existing surveys and Highway 150. He added that all of the lot corners are not yet set. Jacobsen stated that the placement of the steaks are at least 30 feet off and encroaching on his property to the west. TeKippe replied that they tied into existing monuments and surveys and sometimes aerial photography is off. Saathoff inquired what TeKippe was referring to by monuments. TeKippe reviewed the monuments that the survey tied into. Frye arrived at 7:25 PM.

Michael Jacobsen asked if he could go back in records and dispute these property lines. Even replied that the Zoning Commission is not involved with property line disputes and that he would need to consult with his attorney. TeKippe reviewed the requirements of state code that were followed for surveying and platting. He added that anyone can hire another surveyor to check the boundaries that he surveyed. Jacobson asked if existing fence lines add into property lines. TeKippe replied that it depends on the situation and that they do not automatically change the property line as described in the deed. Jacobsen asked if state code recognized a fence as a property line after ten years. TeKippe replied that it does not without court action.

Motion by Brown to recommend approval of case D2020001, subject to the waivers and conditions of the staff report. Second by Saathoff.

VOTING IN FAVOR: Brown, Franck, Frye, Robinson, Saathoff, Schmitz, Short

VOTING IN OPPOSITION: None

Motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Motion by Schmitz to adjourn. Second by Short. All in favor. Motion carried.

The meeting adjourned at 7:37 PM.

Respectfully submitted,

Matt Even, Secretary