

**DES MOINES COUNTY, IOWA
ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, MAY 29, 2019**

The Des Moines County Zoning Commission met in regular session on May 29, 2019, at 5:30 P.M. in the public meeting room of the SEIRPC offices at 211 N Gear Ave, West Burlington, Iowa.

1. Call to Order

With Chairman Keith absent, Vice Chairman Larry Werner called the meeting to order at approximately 5:30 P.M.

2. Roll Call

Commission members present: Ron Breuer, Jon Hedges, John Roth, Larry Werner, Ron Wunderlich

Commission members absent: Dick Keith, Sally Parrott

Staff Present: Zach James and Jarred Lassiter, SEIRPC

Public Present: David and Brandi Stimpson, home occupation applicants (HO-19-22)
James and Shawna Hunerdosse, home occupation applicants (HO-19-30)
Dustin and Terrie Whiting, neighboring property owners (HO-19-23)

3. Staffing Changes Update

Item removed from agenda – included by mistake from previous meeting’s agenda document.

4. Changes to Tentative Agenda

None.

5. Approval of the Minutes for July 9, 2018

Motion #1: To approve the Minutes of July 9, 2018 meeting.

Motion by: Roth

Seconded by: Breuer

Vote: Unanimous vote. Motion carried.

6. New Business

A. Public Hearing: Request for Home Occupation renewal for Memories by Brandi at 6898 Hunt Road

Mr. Werner opened the public hearing at approximately 5:32 P.M. Mr. James reviewed the staff report, and stated that this would be a renewal for a home occupation permit initially granted on July 2, 2013. Ms. Stimpson had failed to renew the permit 3 years later, as required by the Zoning Ordinance. Mr. Lassiter had noticed the sign for ‘Memories by Brandi’ on her property along Highway 61. He then reviewed the records of previous Land Use Administrator Jeff Hanan, and contacted Ms. Stimpson to confirm that a permit renewal had not occurred.

Mr. James noted that one day earlier, a neighboring property owner (Cynthia Miller at 6937 Hunt Road) had called him and noted there have been no issues between them and Ms. Stimpson, regarding her home business. It was acknowledged that the Millers themselves operate a business on their property (Miller’s Concrete), but it existed prior to the adoption of a Zoning Ordinance, and is therefore not governed by the home occupation regulations. Mr. James noted that no other comments had been received regarding this home occupation renewal request.

There were no comments or questions from the general public or individual Commission members. Mr. Werner closed the public hearing at approximately 5:35 P.M.

Motion #2: To approve the renewal of the existing Home Occupation Permit for Memories by Brandi

Motion by: Hedges
Seconded by: Breuer
Vote: Unanimous vote. Motion carried.

Ms. Stimpson stated that she was initially unaware that the permit needed to be renewed, and asked whose responsibility it was to initiate the renewal process. Mr. James noted that the permit includes a passage stating that it needs to be renewed, and lists the date three years out from the approval date. As such, it is the property owner's responsibility to initiate the process – however, it may be worth considering a change to this policy, considering how easy it has been for property owners to lose track of this requirement by the time the 3 years has elapsed.

B. Public Hearing: Request for Home Occupation for Shawna Hunerdosse Photography at 5757 Summer Street

With the second applicant absent from the meeting, Mr. James recommended skipping ahead to the third public hearing on the agenda, giving that applicant a chance to arrive before returning to that agenda item. Mr. Werner opened the public hearing at approximately 5:37 P.M. Mr. James reviewed the staff report, and noted that the business had been operating at this location for several years without a permit. He became aware of its existence through a print advertisement.

As noted in the staff report, a neighboring property owner (Elva Mae Schultz, 5738 Summer Street) had contacted him regarding the home occupation request. She said that she had no issues with the business, and complimented the Hunerdosses on the reliable maintenance of their property. He stated that no further comments had been received since then.

There were no comments or questions from the general public or individual Commission members. Mr. Werner closed the public hearing at approximately 5:40 P.M.

Motion #3: To approve a Home Occupation Permit for Shawna Hunerdosse Photography

Motion by: Breuer
Seconded by: Wunderlich
Vote: Unanimous vote. Motion carried.

Mr. James signed the permits for both Ms. Stimpson and Ms. Hunerdosse, and the respective applicants each signed their permit, before departing the meeting.

C Public Hearing: Request for Home Occupation for Fenton's Construction and Landscaping at 11475 Plank Road

Mr. Werner opened the public hearing at approximately 5:43 P.M. It was noted that neither Mr. Fenton or a representative for him was in attendance at the meeting. Mr. James read the staff report, and indicated that this business has already been in operation for several years, with the applicant previously unaware that a permit was necessary. Mr. Lassiter had noticed the presence of the business when visiting a neighboring property for an unrelated matter in 2018. Mr. James noted that no comments had been received from neighboring property owners or the general public.

Mr. and Mrs. Whiting, neighbors to the north of Mr. Fenton at 11479 Plank Road, stated that he and other members of his family regularly use a driveway on their property to access his property, often at high speeds. They said that there is no official easement or other formal agreement for him to use this driveway. The Whitings purchased this property last year, and it appears that the previous owner had informally allowed the Fentons to use the driveway on her property for access for several years. They said that they have repeatedly voiced their concerns with Mr. Fenton, but their interactions have been uncooperative and sometimes hostile, including threats against their family.

Mr. Werner recommended that this matter be tabled for a future Zoning Commission meeting, as the applicant was absent, and it would be improper to decide on this matter without the applicant present. Mr. Hedges said he was

concerned about the way Mr. Fenton was using the Whittings' property for access.

Mr. James noted that the Zoning Commission's role was to review the terms of the permit submitted and ensure that it meets the requirements of the Home Occupation regulations outlined in the Des Moines County Zoning Ordinance. He further stated that the issues between the neighbors is a civil matter that should be handled between them separately from the Home Occupation Permit. Mr. Werner closed the public hearing at approximately 5:53 P.M.

Motion #4 To table the Home Occupation Permit for Fenton's Construction and Landscaping at 11475 Plank Road until next meeting

Motion by: Werner

Seconded by: Roth

Vote: Unanimous vote. Motion carried.

D Des Moines County Zoning and Subdivision Ordinance update, FY2020

Land Use staff went through a presentation outlining the planned overhaul of the County's land use ordinances. It was acknowledged that Commission members (including the Chairman) had previously referenced the need for a broad overhaul/update of the ordinances, at numerous Commission meetings over the past 5 years or more. Mr. James noted that staff (along with the Chairman) had presented an ordinance update proposal to the Des Moines County Board of Supervisors at their December 4, 2018 meeting. The Board subsequently allocated additional money to the Land Use Department for this specific project in Fiscal Year 2020, beginning in July 2019.

Staff then presented several specific examples of problems with the Zoning and Subdivision ordinances, including general formatting errors, outdated language, and vague details for administration procedure. They also mentioned two specific policy changes that may be advisable, based on recently encountered issues with several specific land use cases.

Finally, Mr. James mentioned that SEIRPC would be involved with updating the Airport Zoning Ordinance for Southeast Iowa Regional Airport. This would likely tie in with the County's Ordinance update, as the airport's Part 77 Surfaces cover a sizable area of unincorporated Des Moines County. Mr. Lassiter noted that there would likely be one set of Airport Zoning regulations, most likely part of the City of Burlington's Zoning Ordinance – but it would be advisable for the County Zoning Ordinance to include a reference to the City's regulations, to ensure that developers are aware that their property may fall under the Airport Zoning jurisdiction as well.

Mr. Werner asked if staff could set aside a special meeting for reviewing the ordinance updates, with no other items on the agenda. Mr. Lassiter stated that this had always been the intention.

Mr. Roth asked about the procedure for inspecting new construction within the Burlington 2-Mile Area. Mr. James noted that since there is no building code, staff does not inspect the interior of new homes – rather, attention is paid solely to setbacks, height, and general building use (residential, commercial, etc.). He stated that the City of Burlington is not directly involved in the Zoning process – only with the review of Subdivisions located in the 2-Mile Area. Mr. Wunderlich noted that this policy originated with the City's initial push for implementing Zoning in the late 1990s. He recalled that the City had given the county an ultimatum – either implement and enforce a Zoning Ordinance for the 2-Mile Area, or the City would implement and enforce its own Ordinance for that area – one which would likely be much stricter than the County's.

7. Old Business

None

8. Public Input

None

9. Future Agenda Items

Mr. James reiterated that a future meeting would be devoted to the County land use ordinances update. He also noted that one or two subdivisions should be ready for a public hearing soon, and another Commission meeting would likely be scheduled for late June or early July.

10. **Adjournment**
Motion #5 To adjourn
Motion by: Roth
Seconded by: Wunderlich
Vote: Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:17 P.M.

APPROVED: 
Larry Werner, Vice Chairman

ATTEST: 
Zach James, Land Use Administrator