

RESOLUTION #47-21
ZONING CHANGE – Dietz Application

Whereas, Darin Dietz has filed with the Floyd County Zoning Commission (Commission) the required documentation to support an application to rezone from Ag to R-1, the following:

- +/- 0.96 acres located at 2692 Old HWY Rd., Charles City; legally knows as that part of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼) of Section 12, Township 94 North, Range 15 West of the Fifth Principal Meridian, Floyd County, Iowa, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Southeast Quarter, point being a found 1/2"Ø iron pin; thence along the East line of said Southeast Quarter of the Southeast Quarter North 00°33' West 501.35 feet to a set No. 4 rebar with maroon plastic cap #21096, being the Point of Beginning; thence South 62°07¼' West 83.7 feet to the Easterly Right of Way line of US Highway 218 (Old Highway Road), point being a set No. 4 rebar with maroon plastic cap #21096; thence along Easterly right of Way line North 27° 52¼' West 286.0 feet to a set No. 4 rebar with maroon plastic cap #21096; thence North 69°40¾' East 218.5 feet to the East line of said Southeast Quarter of the Southeast Quarter point being a set No. 4 rebar with maroon plastic cap #21096; thence South 00°33' East 289.6 feet to the Point of Beginning.

Whereas, timely notice was published on November 5, 2021 regarding the Zoning Commission's public hearing on the application to rezone the subject property set for November 16, 2021 and the Floyd County Board of Supervisors public hearing set for November 23, 2021;

Whereas, the Commission held its hearing, reviewed the information and based on Iowa Code, the Floyd County Zoning Ordinance and Regulations, and the Floyd County Comprehensive Plan voted to recommend to the Board to approve said application.

Whereas, the Board of Supervisors held its hearing on November 23, 2021 and has reviewed the same.

Therefore, upon the Floyd County Board of Supervisor's review of said information and after closing their Public Hearing for the subject property the following actions were taken:

Supervisor Schwickerath motioned and Supervisor Kamm seconded to:
(Check all that apply.)

<input checked="" type="checkbox"/> Approve the first reading of the application to rezone said parcel from Ag to R-1.
<input type="checkbox"/> Set the date for the second reading and review of the application for _____.
<input checked="" type="checkbox"/> Waive the second reading of the application to rezone said property.
<input checked="" type="checkbox"/> Waive the third reading of the application to rezone said property.
<input type="checkbox"/> Disapprove the application to rezone said property.
<input checked="" type="checkbox"/> Approve the final reading and approve the application to rezone said parcel from Ag to R-1.

Vote taken resulted as follows:

Ayes – Schwickerath, Kamm, Tjaden

Nays – _____

Absent – _____

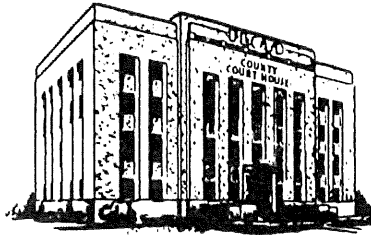
PASSED, ADOPTED AND APPROVED this 23rd day of November, 2021.

ATTEST:

Gloria A. Carr
Gloria A. Carr, Auditor

FLOYD COUNTY BOARD OF SUPERVISORS

Linda Tjaden
Linda Tjaden, Chair



FLOYD COUNTY ZONING ADMINISTRATION

Jeff Sherman

FLOYD COUNTY COURT HOUSE
101 SOUTH MAIN, SUITE 206
CHARLES CITY, IA 50616
(641) 257-6145

NOTICE OF PUBLIC HEARING

One petition to rezone property and one petition for a minor subdivision have been received by the Floyd County Zoning Commission.

TO WHOM IT MAY CONCERN

You are hereby notified Darin Dietz has filed an application with the Floyd County Zoning Commission for a petition to rezone .96 acres from AG to R-1 and an application for a minor subdivision with one lots on property located at 2692 Old HWY Rd., Charles City, in the SE ¼ SE ¼ Section 12, Township 94North, Range 15 West of the 5th P.M., Riverton Township, Floyd County, Iowa.

You are further notified the Floyd County Zoning Commission will hold a Public Hearing on these requests in the office of the Floyd County Planning & Zoning Department on the 1st floor of the Floyd County Courthouse at 9:00 a.m. on November 16th **objection** or **support** of said applications.

The Floyd County Board of Supervisors will hold a public hearing on November 23rd, 2021 at 1:15 P.M. in the General Assembly Room of the Floyd County Courthouse to consider the Zoning Commission's recommendations of these applications.

Floyd County Zoning Commission
By: Jeff Sherman, Zoning Administrator

Please publish one time on November 5, 2021.

FLOYD COUNTY PETITION TO REZONE

Date Submitted: 10-20-21

**TO: PLANNING AND ZONING COMMISSION
FLOYD COUNTY COURTHOUSE - 101 S. MAIN
CHARLES CITY, IA. 50616**

MEMBERS:

We (1), the undersigned owner(s) of the property described below in Paragraph 1, do hereby respectfully petition the Floyd County Planning and Zoning Commission and the Board of Supervisors to amend the present Zoning Regulations as hereinafter designated; and in support thereof, present the following facts.

- 1. The area to be rezoned is legally described as follows:

See attached

- 2. It is requested and desired to rezone the foregoing property from AG District to R1 District.

- 3. The reasons for requesting the change or changes are as follows: *see attached*

- 4. The undersigned are the owner(s) of the property within the area which is under consideration for rezoning.

- 5. The undersigned have been fully appraised and acquainted with the uses to which the area to be rezoned may be put if the rezoning is approved.

- 6. I attach as part of this petition:

- A list of names and mailing addresses of the property owners within five hundred (500) feet of the subject property;
- A plat of the area to be rezoned;
- Five (5) copies of any documents submitted;
- A **nonrefundable** fee of one hundred fifty (\$150.00) dollars.

- 7. The applicant hereby agrees to pay the costs of this process, and will bear the costs of publication of legal notices in a newspaper of general circulation (to be direct billed to the applicant or agent) of this action.

SIGNED	PRINTED NAME	ADDRESS	CITY	PHONE	PROPERTY DESCRIPTION
<i>Du Dy</i>	David Dietz	2696 Old Hwy Rd	Moham	641 330-0914	2696 Old Hwy Rd

Notice: This petition shall come for public hearing before the Zoning Commission on the 2nd Tuesday of each month, and shall be followed by a public hearing before the Board of Supervisors for approval.

1. The area to be rezoned is legally described as follows:

That part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12, Township 94 North, Range 15 West of the Fifth Principal Meridian, Floyd County, Iowa, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Southeast Quarter, point being a found $\frac{1}{2}$ " \emptyset iron pin; thence along the East line of said Southeast Quarter of the Southeast Quarter North $00^{\circ}33'$ West 501.35 feet to a set No. 4 rebar with maroon plastic cap #21096, being the Point of Beginning; thence South $62^{\circ}07\frac{3}{4}'$ West 83.7 feet to the Easterly Right of Way line of U.S. Highway 218 (Old Highway Road), point being a set No. 4 rebar with maroon plastic cap #21096; thence along Easterly right of Way line North $27^{\circ}52\frac{1}{4}'$ West 286.0 feet to a set No. 4 rebar with maroon plastic cap #21096; thence North $69^{\circ}40\frac{3}{4}'$ East 218.5 feet to the East line of said Southeast Quarter of the Southeast Quarter, point being a set No. 4 rebar with maroon plastic cap #21096; thence South $00^{\circ}33'$ East 289.6 feet to the Point of Beginning.

3. The reasons for requesting the change are as follows:

I am selling the property for residential use.

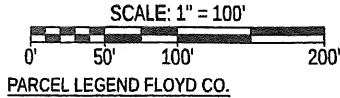
6. The names and mailing addresses of the property owners within 500 feet of the subject property:

Darin and Jeanne Dietz
2696 Old Highway Road
Nashua, IA 50658

CRAZY ACRES SUBDIVISION

INDEX LEGEND

Location:	SE 1/4 SE 1/4, 12-94-15, Floyd County, IA
Survey Requested By:	Darin L. Dietz
Proprietor:	Darin L. Dietz
Date of Field Work:	3/5/2021
Surveyor, Company & Return To Address:	Ted C. Hoodjer, 319-239-3423 Hoodjer Land Surveying 414 N. Elizabeth Street, Clarksville, IA 50619
Project No.	21-108
Notes:	



PARCEL LEGEND FLOYD CO.

PARCEL C 1998-0714	
PARCEL F 1998-0713	
PARCEL G 1998-0713	

PARCEL LEGEND CHICKASAW CO.

PARCEL D BK 167 PG 67	
PARCEL E BK 167 PG 67	

CRAZY ACRES SUBDIVISION DESCRIPTION

That part the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 12, Township 94 North, Range 15 West of the Fifth Principal Meridian, Floyd County, Iowa, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Southeast Quarter, point being a found 1/2" Ø iron pin;

thence along the East line of said Southeast Quarter of the Southeast Quarter North 00°33' West 501.35 feet to a set No. 4 rebar with maroon plastic cap #21096, being the Point of Beginning;

thence South 62°07¾' West 83.7 feet to the Easterly Right of Way line of U.S. Highway 218 (Old Highway Road), point being a set No. 4 rebar with maroon plastic cap #21096;

thence along said Easterly Right of Way line North 27°52¼' West 286.0 feet to a set No. 4 rebar with maroon plastic cap #21096;

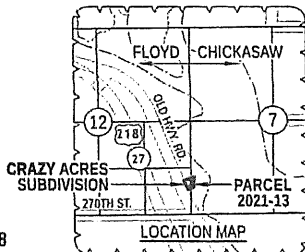
thence North 69°40¾' East 218.5 feet to the East line of said Southeast Quarter of the Southeast Quarter, point being a set No. 4 rebar with maroon plastic cap #21096;

thence South 00°33' East 289.6 feet to the Point of Beginning.

Containing 0.96 acres.

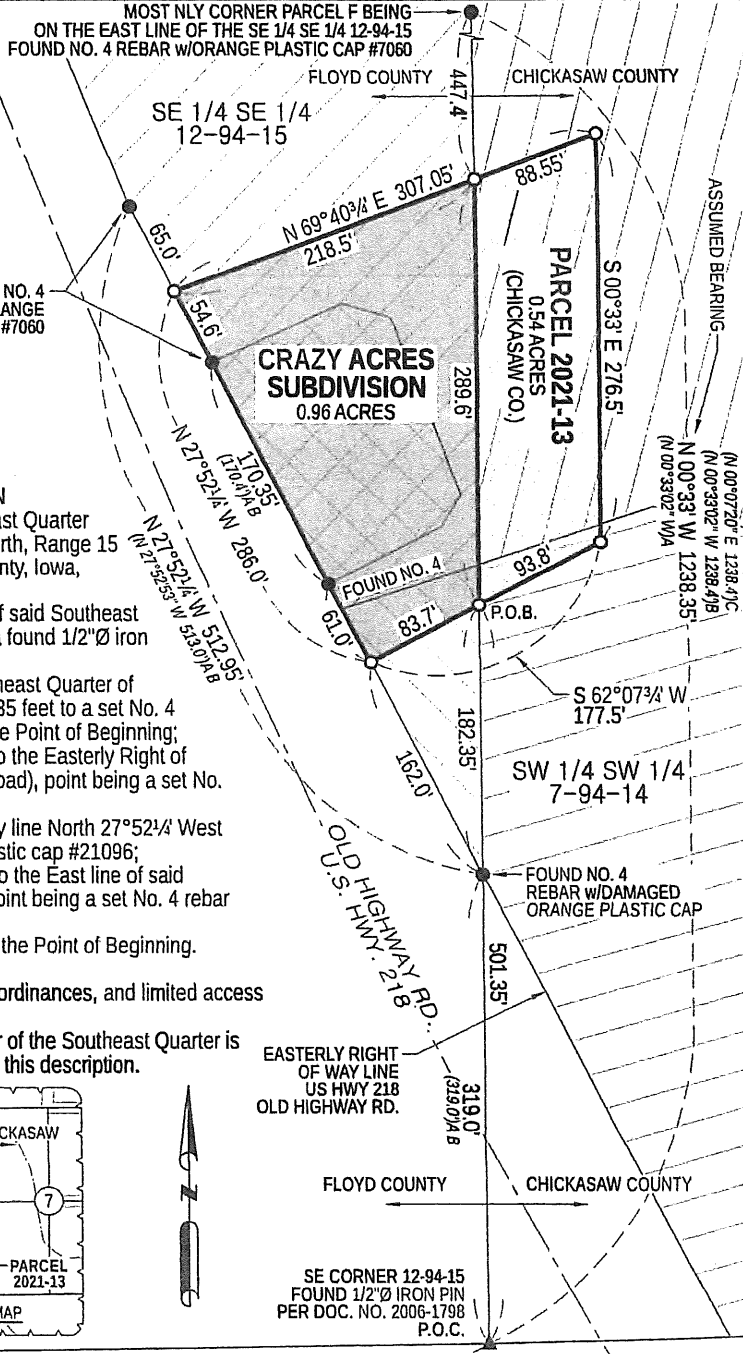
Subject to restrictions, easements, covenants, ordinances, and limited access provisions of record and not of record.

Note: The East line of said Southeast Quarter of the Southeast Quarter is assumed to bear North 00°33' West for this description.



S 1/4 CORNER 12-94-15
FOUND 5/8" Ø IRON PIN
PER DOC. NO. 2006-1798

N 89°16¾' E 2660.85'
(N 89°17'29" E 2661.3')A B
(N 89°57'23" E 2660.86')C



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Ted C. Hoodjer 9/27/2021
TED C. HOODJER DATE
License Number 21096
My license renewal date is December 31, 2021.
All Pages or sheets are covered by this seal except:

SURVEY LEGEND

- SET NO. 4 REBAR x 24" LONG w/MAROON PLASTIC CAP #21096
- (000)A PER PLAT OF SURVEY 1998-0714
- (000)B PER PLAT OF SURVEY 1998-0713
- (000)C PER PLAT OF SURVEY DOC. 2018-0743

