



Agenda

Planning and Zoning Commission

20 Second Avenue SW, Oelwein

6:00 PM

August 18, 2026

Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Matt Weber

Commission Members: Savannah DeJong, Dave Gearhart, Peggy Sherrets, Roger Boylen, Paul Schemmel, Terry Hull, Bill Kajewski, David Kral

Roll Call

Approve Minutes

- [1.](#) Approve minutes from 3-5-2026 Meeting

ROW Vacation Requests

- [2.](#) Discuss recommendation to Council to vacate the ROW area of 5th ave NW near Anderman residence
- [3.](#) Discuss ROW vacation requests from Bamford and Walters for 2nd ave NW area

New Business

- [4.](#) Discussion on Code Language vs City Wide Re-Zoning

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



Minutes

Planning & Zoning Meeting

20 Second Avenue SW, Oelwein

March 5, 2026 - 6:00 PM

Roll Call

Present: Gearhart, Sherrets, Boylen, Hull

Absent: DeJong, Schemmel, Kajewski

Also Present: Kral

Approve Minutes

1. Consideration of a motion to approve April 8, 2025 minutes.
 - a. Motion to approve by Sherrets, 2nd by Gearhart, All in favor

New Business

1. Proposal to amend the residential setback regulations in the R-1 and R-2 zoning districts
 - Discussion on changing existing setback regulations by deleting what currently exists. All agreed that changing minimum lot size regulations made sense considering the primary lot sizes already given in the City. Agreed on deleting the special exception concept and just changing front and back setbacks as a whole to 15' as there are already a majority of houses with this footprint type and helps to allow more buildable space on a 50'x100' lot. Concern over have 0' side setbacks discussed in the R-1 area could lead to a domino effect that could result in a 50' lot being 'sandwiched' down into a 30' usable space if a 0' setback were used by neighboring builds. Therefore, it was agreed that 0' setbacks should be regulated exclusively to R-2 builds as it would be more likely a situation only useful to rowhome/townhome style areas.
 - Motion to recommend to Council the change of setbacks and lot size minimums based on discussion vs original agenda packet recommendation (15' front and rear, 5' side, 50' width and 5000sq ft for R-1. Agenda packet attachment recommend regulation for R-2) Motion made by Hull, 2nd by Boylen. All in favor.
2. Re-Zone from R-1 to R-2
 - Discussion on Re-zone of 201 9th Ave. SW, 204 8th Ave. SW, 208 8th Ave. SW, and Parcel #1820435019. This is to allow multi-residential development of this area which as discussed has a potential as a catalyst for redevelopment of the rest of the area. A builder is already submitting plans for development on the 9th Avenue location with plans to potentially continue onto 204 8th. All agreed that this area would be a great development opportunity considering size and location of lots and relative surroundings.
 - Motion to recommend to Council to approve re-zoning of 201 9th Ave. SW, 204 8th Ave. SW, 208 8th Ave. SW, and Parcel #1820435019 from R-1 to R-2. Motion by Gearhart 2nd by Boylen. All in favor.

Adjournment

Motion by Sherrets, 2nd by Gearhart, Adjourned



Vacating Alley or Other Right-of-Ways Purchase Request

CALVIN ANDERMAN
Applicant Name

319 551 0698
Phone Number

423 5TH AVE NW
Applicant Address

Email Address

1. Location of Right of Way (ROW) (General Description, behind or adjacent to certain properties, running between certain streets, etc.),
Vacated Row 60' x 150' North of
423 5th ave NW
2. Please include an aerial of your property, clearly showing your property, and the entirety of the ROW tied to the vacation request. When considering a ROW vacation request, City Policy directs staff to work to vacate the entirety of the ROW under consideration. The Building and Zoning Office can assist you in locating a map if necessary.
3. Identify all owners of property lying adjacent to the ROW under consideration for vacation. Each adjacent owner shall complete this form if interested in acquiring one-half of the ROW adjacent to their property. If not interested, the above portion of this form shall still be completed, with the owner(s) filling in Paragraph seven (7) below with the words "Not Interested". If any owner is opposed to the vacation/transfer they shall still complete the above portion of this form, filling in Paragraph seven (7) below with the words "Object to Vacation/Transfer" followed by any appropriate explanation.
4. When property owners on each side of the ROW are interested in acquiring one-half of the ROW lying adjacent to their property, the City will transfer one-half of the ROW to each adjacent owner. When an owner of adjacent property is not interested in acquiring adjacent ROW, the City will consider transferring the entire ROW width to the interested adjacent owner.
5. By City policy, ROW adjacent to residential zoned property, is normally transferred/sold at the rate of .20 per SF. (\$100 for a 10' x 50' section of ROW) However, the Council in all cases retains sole discretion to determine the appropriate sale price of any parcel of City ROW / City owned property.

\$100 offer.

\$1900 @ rate



6. Legal and publication fees will be assessed in addition to the .20 per SF charge and will be divided amongst all parties involved in the vacation and/or transfer process. (The more parties that are acquiring ROW the less cost per party.) Should a survey be required to determine the division of the ROW, that cost will be divided equally between purchasers and added to the final total price. The purchase price and assessed fees will be due within thirty (30) days of final Council approval of the property transfer. The City will issue a Quit Claim Deed to each purchaser of ROW upon receipt of full payment.
7. Please indicate how you want your name(s) to appear on the deed should the transfer be approved. Include your full first name, middle initial, marital status, single person, tenants in common, joint tenants with rights of survivorship.)

CALVIN EUGENE ANDERMAN

8. The vacation and/or transfer of ROW lying adjacent to non-residentially zoned property will be considered on a case-by-case basis and will not necessarily be transferred for the same per SF fee, the Council looking at and considering the potential market value of each parcel. However, all the above requested information remains required for consideration.
9. Upon submission of this form, and required information, your request, and the request or interest of others will be considered by the City Council. Depending upon all facts and circumstances, the vacation and transfer approval process will likely take two (2) to three (3) months to complete.

If you have questions or require assistance, please contact the Community Development Department.

Signed and dated this 21 day of April, 2026.

Calvin Anderson
Applicant Signature

Applicant Signature



Planning and Zoning Members,

We have received a request from Calvin Anderman of 423 5th ave NW to vacate the ROW north of his property as depicted and described below. This is the area 60' x 150' in size of what would have been the continuation of 5th st NW. This area has long been grass covered, not used as a ROW, and maintenance has been performed on this land by Mr. Anderman for multiple years. The neighbor to the North of this area has verified their disinterest in their half. Mr. Anderman intends to merge the parcels together expanded his principal property. Therefore, I recommend a motion to recommend to Council to vacate the ROW space and allow transfer of the property to Mr. Anderman at a monetary rate established by Council.

The legal description of this area would be as follows:

"All that part of the former 5th Street NW which is bounded on the west by the East line of 5th avenue NW, on the south by the north line of Lot 12 of Block 8, on the east by a line which a Northerly extension of Lot 12 Block 8, on the North by the south line of Lot 8 Block 7, in Iowa Development Company's Addition to Oelwein, Fayette County, Iowa"



Sincerely,

David Kral
Building Official and Zoning Administrator for the City of Oelwein
319-283-5862

Offer to Purchase City Properties

To purchase City-owned real estate, completely fill out this form. The timeline is usually about 90 days. Your offer will be sent to the Planning, Finance, Enterprise & Economic Development committee who will review the application and forward it to City Council for approval. At the appropriate time, we will schedule a date and time for buyer(s) to sign and provide a payment of the offered.



Item 3.

Property Address

Property Parcel Number

JOHN BAMFORD

Buyer's or Buyers' Full, Legal Name(s) and/or Full Legal Business Name and Number

115 6TH ST NW, OELWEIN, IOWA, 50662

Buyer's or Buyers' Address, City, State, ZIP

JOHN.BAMFORD@PAGRAIN.COM (319) 509-0235

Buyer's or Buyers' Email Address

Buyer's or Buyers' Phone

Are you being represented by a real estate agent or lawyer?

Yes

☒ No

Buyer Representative Name and Contact Information

INITIALS

If you do not have a Buyer Representative: I/we understand that I/we are entering into a legal contract and choose to represent my/ourselves, with all the due diligence required being done on my/our part.

I INTEND TO SPLIT THE PROPERTY WITH THE NEIGHBOR ON THE OPPOSITE SIDE OF THE PROPERTY. THE PROPERTY IN QUESTION IS LOCATED BETWEEN AND BEHIND 115 6TH ST NW, OELWEIN, IA 50662 AND 201 6TH ST NW, OELWEIN, IA, 50662. FOR THE EAST MOST HALF I WILL OFFER \$200,000 AS I HAVE BEEN MOWING AND MAINTAINING SAID PROPERTY SINCE 2011 (15 YRS)

Please describe your intentions for the property with a timeline and include your offer (Minimum \$1,000 per lot).

JOHN THOMAS BAMFORD

Buyer Printed Name (As will appear on deed)

Buyer Printed Name (As will appear on deed)

Buyer Signature

6/4/2026

Date

Buyer Signature

Date

Buyers' Legal Relationship to Each Other



Vacating Alley or Other Right-of-Ways Purchase Request

James Walters

Applicant Name

201 6th St NW

Applicant Address

319-284-0306

Phone Number

sturm2me@yahoo.com

Email Address

1. Location of Right of Way (ROW) (General Description, behind or adjacent to certain properties, running between certain streets, etc.)
2nd ave NW - Adjacent East of property. Approx
160' x 60' AND Alleyway North of property
Approx 10' x 100'. Cash offer \$300
2. Please include an aerial of your property, clearly showing your property, and the entirety of the ROW tied to the vacation request. When considering a ROW vacation request, City Policy directs staff to work to vacate the entirety of the ROW under consideration. The Building and Zoning Office can assist you in locating a map if necessary.
3. Identify all owners of property lying adjacent to the ROW under consideration for vacation. Each adjacent owner shall complete this form if interested in acquiring one-half of the ROW adjacent to their property. If not interested, the above portion of this form shall still be completed, with the owner(s) filling in Paragraph seven (7) below with the words "Not Interested". If any owner is opposed to the vacation/transfer they shall still complete the above portion of this form, filling in Paragraph seven (7) below with the words "Object to Vacation/Transfer" followed by any appropriate explanation.
4. When property owners on each side of the ROW are interested in acquiring one-half of the ROW lying adjacent to their property, the City will transfer one-half of the ROW to each adjacent owner. When an owner of adjacent property is not interested in acquiring adjacent ROW, the City will consider transferring the entire ROW width to the interested adjacent owner.
5. By City policy, ROW adjacent to residential zoned property, is normally transferred/sold at the rate of .20 per SF. (\$100 for a 10' x 50' section of ROW) However, the Council in all cases retains sole discretion to determine the appropriate sale price of any parcel of City ROW / City owned property.



6. Legal and publication fees will be assessed in addition to the .20 per SF charge and will be divided amongst all parties involved in the vacation and/or transfer process. (The more parties that are acquiring ROW the less cost per party.) Should a survey be required to determine the division of the ROW, that cost will be divided equally between purchasers and added to the final total price. The purchase price and assessed fees will be due within thirty (30) days of final Council approval of the property transfer. The City will issue a Quit Claim Deed to each purchaser of ROW upon receipt of full payment.

7. Please indicate how you want your name(s) to appear on the deed should the transfer be approved. Include your full first name, middle initial, marital status, single person, tenants in common, joint tenants with rights of survivorship.)

James A. Walters, single person

8. The vacation and/or transfer of ROW lying adjacent to non-residentially zoned property will be considered on a case-by-case basis and will not necessarily be transferred for the same per SF fee, the Council looking at and considering the potential market value of each parcel. However, all the above requested information remains required for consideration.

9. Upon submission of this form, and required information, your request, and the request or interest of others will be considered by the City Council. Depending upon all facts and circumstances, the vacation and transfer approval process will likely take two (2) to three (3) months to complete.

If you have questions or require assistance, please contact the Community Development Department.

Signed and dated this 11 day of May, 2025

James A. Walters
Applicant Signature

Applicant Signature



Planning and Zoning Members,

We have received a request from both James Walters of 201 6th st NW and John Bamford of 115 6th st NW to vacate the ROW east and west of their properties as depicted and described below. This is the area approx. 60' x 170' in size of what would have been the continuation of 2nd ave NW. This area has long been grass covered, not used as a ROW, and maintenance has been performed on this land by the neighboring property owners requesting ownership. Each intends to merge the parcels together expanding their principal property. Therefore, I recommend a motion to recommend to Council to vacate the ROW space and allow transfer of the west half of the ROW to James Walters and the east half of the ROW to John Bamford at a monetary rate established by Council.

The legal description of this complete area would be as follows:

"All that part of 2nd avenue NW bounded on the south by the north line of 6th street NW, on the east by the west line of Block 2 and a northerly extension there of to the north line of the former alley north of Block 2, on the north by a westerly extension of the north line of the former alley north of block two to the north line of the former alley north of block 3 and on the west by the east line of block 3 and a northerly extension thereof to the north line of the former alley north of block 3, all in Smith's Addition, City of Oelwein, Fayette County, Iowa"



Sincerely,

David Kral
Building Official and Zoning Administrator for the City of Oelwein
319-283-5862





Planning and Zoning Members,

We have previously discussed the ongoing challenges surrounding legally non-conforming land uses, specifically regarding single-family homes that are currently situated within commercial or industrial zoning districts. Recently, we have received requests from homeowners seeking spot rezonings for these properties because they are running into severe issues with their property insurance. Underwriting guidelines may restrict or deny coverage for non-conforming homes because our current local ordinances do not specifically allow a non-conforming structure to be rebuilt in the event of a complete loss. To resolve this, we initially considered conducting a section-by-section review of the entire town to rezone every qualifying property back to a residential designation. However, after exploring that path, I realized it would demand an immense amount of staff time, city resources, and administrative effort, requiring a lengthy series of planning and zoning commission meetings followed by multiple city council readings just to start chipping away at the list.

Instead of pursuing a resource-intensive rezoning campaign, I propose that we recommend a targeted addition to the text of the zoning code itself. Our current regulations regarding non-conforming uses are housed in Article V, Section 501 of Appendix A. My recommendation is to introduce a text amendment within this section that provides specific code relief to legally established, non-conforming residential uses, explicitly allowing them to be rebuilt in the event of a total loss. Implementing this structural change directly into the ordinance will provide insurance companies with the formal regulatory relief they require to maintain coverage for our residents, while completely bypassing the need for dozens of individual parcel rezonings. For our upcoming discussion, we could model the amendment to state that any legally established single-family residential structure destroyed by fire or natural disaster may be reconstructed and re-occupied, provided that the new building matches the original footprint and height, a building permit is secured within twelve months of the damage, and the home was actively occupied as a residence up until the casualty event.

An example of a code of this type from Iowa City:

14-4E-4: NONCONFORMING SINGLE-FAMILY USES:

Except with regard to the occupancy, any single-family use, structure for a single-family use, including any accessory structures, and any lot on which a single-family use is located, that was established lawfully prior to the establishment of the currently applicable development regulations and, due to a change in the regulations, is no longer in conformance with the provisions of this title, will generally be treated as conforming for as long as the dwelling is used for a single-family use. Accordingly, the following rights are granted under this article:

- A. A nonconforming single-family use may be reestablished and its structure reconstructed if the structure for the nonconforming single-family use is destroyed or damaged by fire, explosion, act of God or by a public enemy.
- B. A nonconforming single-family use may also be expanded, repaired and structurally altered, provided such expansion or alteration does not increase or extend any other nonconforming situation on the property. However, if a nonconforming single-family use is changed in order to





increase the occupancy beyond that of a family or group household, the property must be brought into full compliance with the number of required off street parking spaces.

- C. A nonconforming structure that contains a single-family use may be restored to the same degree of nonconformity or less if destroyed or damaged by fire, explosion, act of God or by a public enemy. Such a structure may also be repaired or structurally altered, provided such construction does not increase or extend the degree of nonconformity and does not increase or extend any other nonconforming situation on the property.
- D. A nonconforming accessory structure to a single-family use may be restored to the same degree of nonconformity or less if destroyed or damaged by fire, explosion, act of God or by a public enemy. Such a structure may also be repaired and structurally altered, provided such construction does not increase or extend the degree of nonconformity and does not increase or extend any other nonconforming situation on the property.
- E. A nonconforming lot that contains a single-family use is granted the same rights as listed in subsections A, B and C of this section, and will be treated as if the lot were conforming.

Sincerely,

David Kral
Building Official and Zoning Administrator for the City of Oelwein
319-283-5862

