

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

April 25, 2002

Vice Chairman Bob Unruh called the meeting to order at 7:30 p.m., with a quorum present.

Roll Call was answered by Bob Unruh, Mary Avery, Marquette Eilerts, Oliver Unruh, Ervin Ediger and David Mueller. Eileen Sieger, Elora Robinson and Glen Unrau were absent. Zoning Administrator David Brazil was present.

Bob Unruh asked for changes or corrections to the Record of Proceedings for the March 28, 2002, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Bob Unruh questioned the use of question marks and commas when stating what a person has asked in a meeting. There were no further comments or changes. Mueller made a motion to accept the Record of Proceedings as written and Oliver Unruh seconded the motion.

In favor: 6; Opposed: 0; Motion carried.

Bob Unruh asked for off agenda items, but there were none.

Item 4: An application for William Klassen requesting a rezone from rural residential to agricultural and from agricultural to rural residential for property in Lehigh Township. Members are acting as the planning commission for this application. Brazil said he needed to add there is public water at this site. Part of this property was rezoned rural residential from agricultural and Klassen is requesting it be put back to ag and some other ag land be changed to rural residential. This will keep the same type of terrain together, because the way it has been the pasture is away from the water wells, so this way it will keep the same type terrain together, Klassen explained. It would be more advantageous with access and with the water being there, he said. I owned part of the property that was rezoned and was unaware of the zoning change, Klassen said. Bob Unruh pointed out the area on a map and showed where the broom is and where an old gas well is. It is fairly rough and rolling and is an upward piece of property, Bob Unruh said. Bob Unruh pointed out on a map where highway material has been stored along the highway, next to this property. We could handle this in three ways, Bob Unruh said. We can do nothing, put the rural residential back to ag, or put the ag back to rural residential, he said. Why put the whole tract into rural residential, and why not a smaller tract where the buildings are?, Mueller asked. I see this as a potential for someone to raise horses or cattle on and this would allow them to do that easily with the water and access, Klassen said. With the amount of buildings I don't think it would be a good mix for just one person to buy just that square piece, where if you put this together it would work better, Klassen said. Is this area already currently a pasture?, Mueller asked and Klassen said yes. It would limit the next person from building on it, as that portion there is less than 40, Brazil said. How many total acres are there?, Oliver Unruh asked and Klassen said 120. What is the rest zoned as?, Ediger asked and Klassen said ag. Brazil showed members on the zoning map what zoning in the area is, currently. Two small tracts are zoned rural residential and are owned by Klassen. Brazil said they could have been zoned rural residential in 1992. I suppose if I was going to buy it for agriculture, I would hate to have it divided in two like that, but I'm not going to buy it so....., Oliver Unruh said. The home is livable, right?, Bob Unruh asked and Klassen said yes. Bob Unruh questioned the services available and Klassen said there is power, City of Lehigh water, and a gas well which provides power to the house. Bob Unruh asked if there is a septic system and if it is in compliance? I haven't seen it, Brazil said. Klassen said a new septic system was recently installed on the

property. Eilerts said she is not comfortable with the configuration Klassen is requesting. Eilerts asked Brazil to explain if you square off the property it would leave an area less than 40 acres, which would not allow any construction to occur. So, they have to come in for a variance if they want to construct an ag building, Bob Unruh said. I think that would be inappropriate, Brazil said. If that's 22 acres and a person wants to build on it, they would need to purchase additional acreage, Brazil said. I'm wondering why you want to go this size?, Oliver Unruh asked. Having a zone change for part of the property does not prevent you from selling it as one, Brazil said. We would in a way be creating a non-complying property, Brazil said. Avery asked does it matter if you can't construct on part of the property, because Klassen said it is not a good place to construct, anyway? There are ways to raise the base elevation above the flood zone, which takes a lot of money, but it can be done, Brazil said. I'd like to see it stay the way it is, but you know how things are going in the country and I can see this is the type of piece which goes, Ediger said. Bob Unruh closed the public hearing. Ediger suggested attaching two parcels with a small strip of land. He's working with natural things and I can see that, Ediger said. What if someone wants to buy the ag land and wants the dogleg back to ag?, Oliver Unruh asked. Well, who knows about the future?, Bob Unruh asked. Mueller asked and Klassen said he is not planning on selling any ag land. All the improvements are on this piece, here, Bob Unruh said. What about setbacks?, Bob Unruh asked. I didn't check this barn, here, Brazil said. No problem, Klassen said. Mueller asked about Brazil recommending no more than 19 acres. Brazil explained he did not want to recommend splitting the property into two 10-acre tracts. So, 19.55 acres is okay?, Mueller asked and Brazil said yes. The whole point of this odd configuration, is water?, Avery asked and Klassen said yes. Is it not possible to drill wells down here?, Avery asked. Also need access and to drill water is kind of tricky out there, Klassen explained. Bob Unruh asked about a source of water on the adjoining property and Klassen said they don't graze that. Mueller made a motion to recommend the current rural residential zoning be put back to ag and replace it with 19.55 acres into rural residential, using factors 2, 4, 5, 6 and 8, and Ediger seconded the motion. In favor: 5; Opposed: 1; Motion carried.

The process was explained about the application going to the county commission for final approval.

Bob Unruh said there are no off agenda items. Avery made a motion to adjourn and Ediger seconded the motion. In favor: 6; Opposed: 0; Motion carried and the meeting adjourned at 8:30 p.m.

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Eileen Sieger,
Chairman