

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

August 22, 2002

Meeting was called to order by Chairman Eileen Sieger at 8 p.m., after waiting for a quorum. It was decided to have Bob Unruh on speaker phone, as needed, in order to have a quorum for application for the planning commission.

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

Sieger asked for corrections or additions to the Record of Proceedings for the July 25, 2002, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Unruh had one correction on page three where "as" should have been "at." Mueller made a motion to approve the Record of Proceedings with one correction and Ediger seconded the motion. In favor: 5; Opposed: 0; Motion carried.

Sieger explained that Oliver Unruh resigned and he was on the Board of Zoning Appeals. Ediger is not on the Board of Zoning Appeals, but members could appoint him to replace Oliver Unruh. Mueller made a motion to appoint Ediger to fill the vacancy on the Board of Zoning Appeals, and Bob Unruh seconded the motion. Ediger abstained from voting. In favor: 4; Opposed: 0; Abstained: 1; Motion carried.

Sieger determined there is now a quorum for the Board of Zoning Appeals, so Unruh hung up the phone until he is needed to make a quorum for applications for the planning commission.

Item 4: An application for Bobby Journagan, requesting a variance from required rear setback of 20 feet to 15 feet, and front setback from 30 feet to 25 feet, for property at the Marion County Park and Lake. This application was published in the July 31, 2002, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Members are acting as the Board of Zoning Appeals for this application. Journagan is present to speak about his application. He owns a 50x100 foot lot and wants to update the property. Presently, it has a small mobile home on it, facing the lake. He plans to put a manufactured home, 26x52 feet, on the property with an eight foot porch, which puts him 10 feet over the setback requirements. Presently, the mobile home sits at an angle, but the new home will be positioned straight across the property and will be on a basement, sitting up high. Do you live there all the time?, Sieger asked. We live in Andover, Journagan said. I was interested in his development plan, Brazil said. It will sit perpendicular, Journagan said. It matches the lot, is my understanding, Mueller said. Does anyone from the public wish to speak?, Sieger asked. Is there any further information?, Sieger asked and Journagan said no. Sieger closed the public hearing for this application and opened the floor for discussion.

Mueller asked about Brazil's concerns. I think this is consistent with variances that have been granted in the past, I just didn't have a construction plan to go by, Brazil said. Sieger pointed out that we have had to make allowances at the county lake. I think the applicant has come up with a good plan, and is obviously improving the property, and it's consistent with other actions taken in the past in this community, Mueller said. And it's only five feet, Ediger said. I move we accept the application from Bobby Journagan in light that the application meets all conditions in order to grant a variance, Mueller said. Unrau seconded the motion. In favor: 4; Opposed: 0; Motion carried. Sieger explained this is a final action and Brazil explained the process for obtaining a construction permit.

Item 5: An application for Karen Humphries and Sharon Werner, requesting a variance from required retaining wall requirements of six inches in height to 16 inches, and from required two foot setback requirement to the property line. This property is also located at Marion County Park and Lake. This application was published in the July 31, 2002, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Members are acting as the Board of Zoning Appeals for this application. Attorney Keith Collett is present to speak about this application. Brazil said he needs to change his staff recommendation for this application. He said he did not recommend a two foot setback variance for the retaining wall in his report. But, he said, it has to be considered to be a private drive, as it's not a platted road, and in this case the retaining wall can be at the edge of the property line, but members still need to consider the height. So, we don't need to act on the setback, because of further information it's not a problem, Sieger said. Collett said as for the drainage, water comes down the hill onto the foundations of two cabins. He said the owners have agreed to route the water into a ditch, but the problem is that both houses sit close to Prairie Lane, so a six inch retaining wall will not hold it back. Because the road is now at least a foot higher, so a higher retaining wall is needed, Collett said. A car could high-center on a six inch retaining wall, but would not on a higher retaining wall, he said. Are the properties about the same height?, Mueller asked. Brazil showed the properties on a map. Reuben Zerger, who lives at the county lake and does rock work, is doing the plan for the retaining wall. Zerger was present and explained to members that this will provide drainage between the properties, right on down the line. Which is more than anyone else has ever done, Zerger said. Sieger asked what kind of retaining wall will it be? It will have a concrete base, Zerger said. It's a very pretty wall, so it's a beautification thing, too, Zerger added. How long is the wall?, Sieger asked. 90 feet, as it practically covers the whole property, Zerger said. So, the issue we're looking at is the height, only, Sieger said. Regulations call for six inches maximum and they want to go 16 inches, and I agree, Brazil said. Does anyone from the public wish to speak?, Sieger asked. Is there anything else?, Sieger asked. Sieger closed the public hearing for this application and opened the floor for discussion.

Now this is a retaining wall I would like, Sieger said. Again, I think we have an applicant who has done a good job correcting drainage and addressing appearance, as well, Mueller said. I move we approve the application for a retaining wall variance of height requirement of 10 inches, in light it meets all requirements, Mueller said. Ediger seconded the motion. In favor: 4; Opposed: 0; Motion carried.

Item 6: An application for Maurice Meirowsky, requesting a rezone from agricultural to rural residential, for property located in Wilson Township. Lyle Leppke is present to speak about this application. This application was published in the July 31, 2002, issues of the *Marion County Record, Hillsboro Star Journal and Peabody Gazette Bulletin*. Members are acting as the planning commission for this application. Leppke explained that Meirowsky owns 160 acres with his sister. This was their grandmother's place. They intend to sell the home. Members viewed photos on the last page of a report Leppke presented. He said there have been lots of recent improvements made to this property, to prepare it for sale. They do not wish to continue renting this property. They have not had the property surveyed, in order to allow for some flexibility tonight, Leppke explained. Leppke showed members on a map where hedgerows have been removed on the property. So, it's quite open, but there are still lots of trees around the house, he said. We would like to be flexible for the sale, as lots of times the buyer wants different boundaries, Leppke said. By pushing out those hedgerows, they can start a new windbreak along the property line, Mueller said. And the waste water is in compliance?, Sieger asked and Brazil said yes. The house is older, but it looks kept up, Sieger said. For the benefit of Unruh (on speaker phone), Mueller described the home and outbuildings. Members commented on a neat, old barn on the property. Unruh asked and Leppke said the wider area is cropland. Unruh was confused where the hedgerow was removed. Unruh asked how they would configure the 10 acres? We'll have to go east of where the old hedge was around the barn, as well as south, Leppke said. If you could deal with the southwest quarter of the southwest quarter only, then you'd only be dealing with one 40, instead of two individual 40's, Unruh said. We'll probably try to encompass as many of the trees as possible, but if we have to determine the quarter mile line, it will cost more to survey, Leppke said. I don't like that, because I'd rather be away to farm, Meirowsky said. I think you've come in with a good plan and you've given it a buffer zone, Mueller said. As a seller, I personally would like to have a clean piece to sell and it may be worth it to pay the extra now, instead of dealing with it in the future, Unruh said. Do you see any real issues with planning and zoning?, Sieger asked. If it were to be subdivided at a future time, it could still get ugly, Brazil said. Looking at this map, it appears there are quite a few terraces on this property?, Unruh asked. No, none at all, Leppke said. If you've got a piece taken out of both of the quarters, then you have two quarters that are not eligible for building, Brazil said. I'm willing to gamble, Meirowsky said. Is there anything further?, Sieger asked. Sieger closed the public hearing for this application and opened the floor for discussion.

So, we're just looking at 10 acres and the boundary is to be determined, but you indicated you're thinking of straight sided boundary lines and I think that's what we'd agree with, Sieger said. Unruh asked if the road on the west is gravel and Brazil said yes. It's served by rural water, and it has a compliant waste water system?, Sieger asked and Brazil said yes. Sieger explained the planning commission makes a recommendation and then the application goes on to the county commission for final approval. Mueller made a motion to recommend rezoning 10 acres from agricultural to rural residential as outlined in the application by Maurice Meirowsky, in light it meets all factors to be considered. There is a minimum length and width of 330 feet, which is already in the regulations, and I'd

mention the buffer zone, Brazil said. Mueller added, with survey to be in compliance with zoning regulations with a sufficient buffer zone on the south boundary. Unrau seconded the motion. In favor: 5; Opposed: 0; Motion carried.

Item 7: Another application for Maurice Meirowsky, this one requesting a rezone from agricultural to rural residential, and a variance for the construction of a private wastewater lagoon on less than 10 acres, for property located in East Branch Township. This application was published in the July 31, 2002, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Meirowsky represented himself for this application. In 1985 we sold a piece of property to some folks who wanted to move a house onto the old farmstead, Meirowsky said. We sold them 8/10 of an acre, he explained. We had an agreement at that time that the septic would drain out on my property and if there was a chance they might buy more property, and they decided to approach me before it went to my heirs, he said. They are having trouble with the septic and want to install a lagoon and that's the other reason they want to do this, he said. We went out and kind of measured, Meirowsky said. It will take in all the shelter belts, he said. They want to buy 10 acres, he said. 10 acres, total, including what they already have?, Sieger asked and Meirowsky said yes. Sieger explained that farm boundaries sometimes can remain the same, as an option. Actually, I'm going to lose about two and a half acres, so they can put a lagoon in and I think they're wanting to put brome or some kind of grass in, he said. So, if they have a minimum of 10 acres....., Sieger said. They gave me some dimensions of what the property would be and it comes to just over 10 acres, so if you have it surveyed to this you'll be alright, Brazil said. The property line runs along the west side, then to the north side of the shelter belt and then east and dog legs?, Unruh asked. No, the one line does not dog leg, Leppke said. It doesn't go quite that far, Leppke added. It goes straight, Sieger said. So, you're going to the end of the shelter belt and then due south?, Unruh asked and Meirowsky said yes. Do you have adequate access to farming?, Sieger asked and Meirowsky said yes. Meirowsky said he measured to the center of the road and Brazil said that is okay. Again, there's a gravel road on the south side and rural water and so forth?, Unruh asked and Meirowsky said yes. No setback problems?, Unruh asked and Brazil said no. Members debated if they will wrap the property into 10 acres, or if it could ever go back to less than one acre. Are we going to have to grant a variance to make this work?, Unruh asked. Unrau agreed the application is in Meirowsky's name, and not the owner of the home. We could add the condition with rezoning that it be placed with the 8/10 acre, and add the 9.2 acre to it, Brazil said. In theory, I have no problem, but this is a technicality and it doesn't meet the required conditions, Unruh said. Members discussed how to proceed to include the two properties together. Is there anything else?, Sieger asked. Sieger closed the public hearing for this application and opened the floor for discussion.

Brazil said when the application was made they were not sure if they would have 10 acres, so he recommended including a variance, but since they have determined it will be 10 acres, he could withdraw the variance application, if necessary. We don't have an application with 10 acres, so it requires a variance, Unruh said. I think we could put a condition stating it has to be attached together, Brazil said. I don't think that will fly, Unruh said. If the sale does not go through, then the zoning would not go through and the

result is 10 acres, Brazil said. For the board's correctness, I think there should be a survey of the entire project and a deed written, Unruh said. We can put all those conditions on it and if that doesn't happen they'll have to come back, Sieger said. But what about 20 years down the road?, Unruh asked. What if the two tracts be combined into 10 acres and be deeded as such?, Mueller asked. Won't you have it surveyed as one property?, Mueller asked and Meirovsky said yes. So, that'll be your legal description, Unruh said. The condition of the tracts being added together should cover it, Brazil said. I think if you put a condition on this, it'll be okay, Brazil said. I move we approve recommending a zoning change from agricultural to rural residential for Maurice Meirovsky's application on the condition it be combined with the existing .87 acres, currently zoned as rural residential, and that the tract be surveyed as 10 acres and deeded as such, Mueller said. Unruh seconded the motion. In favor: 5; Opposed: 0; Motion carried.

We need to mention that there is no need for the variance, and are you willing to withdraw that part of the application?, Brazil asked and Meirovsky said yes.

Off agenda items: Oliver Unruh has resigned and plans to move out of the county, Sieger said. A letter was written last Monday and Bob Hein is seeking a replacement, Brazil said. There is a conference Saturday and they have room for two more, so if we want we could get a couple more people in tomorrow, Brazil said. It's an all day event, he added. Sieger reminded members that the next meeting is September 26. Sieger thanked Unruh for participating over the phone. Mueller made a motion to adjourn and Ediger seconded the motion. In favor: 5; Opposed: 0; Motion carried and the meeting adjourned at 9:26 p.m.

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Eileen Sieger
Eileen Sieger,
Chairman