

MARION COUNTY PLANNING COMMISSION

AUGUST MEETING, AUGUST 26, 1993

Record of Proceedings

Item 1: Chairman Ammeter called the meeting to order at 7:32 PM.

Item 2: Roll call was answered by Dean Fincham, Marlin Janzen, Clark Wiebe, Sherwin Ammeter, Eileen Sieger, Terril Eberhard. Dorman Becker arrived later. Also in attendance were Herb Bartel and Deana Olsen, Secretary.

Item 3: Eileen Sieger moved to approve the May 27, 1993 minutes with a change on page 1 changing April 27 to April 29. W.M. Pierce seconded the motion. Vote was 8 in favor, 0 opposed. Motion carried.

Also approved were the April 29, 1993 minutes on a motion by Dorman Becker, second by Dean Fincham. Vote was 8 in favor, 0 opposed.

Item 4: Rezoning and Variance, Thad Meierhoff, PT NE 1/4, 34-19-5. Chairman Ammeter introduced this application with a note that this was a legal hearing. Herb Bartel presented notice for public hearing published August 4, 1993 in the Marion County Record. He explained that this was a re-zoning from AG to RR with a variance from 10 acres to approximately

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4 acres. He then pointed out the location of the property on the maps and noted that the notice is properly given and that the public hearing could proceed.

Chairman Ammeter asked Mr. Meierhoff to give his presentation. Mr. Meierhoff indicated that Micky Collet (present) and her husband want to purchase 4 acres plus or minus which consists of an old homestead for the purpose of building a house.

W.M. Pierce asked about the access to the site.

Mr. Meierhoff explained the need for an easement for access.

W.M. Pierce asked if the easement was part of the 4 acres to be sold.

Mr. Meierhoff indicated it was not.

Eileen Sieger noted that the farmstead was on a hill and thus the configuration of the present drive.

Mr. Bartel asked about the boundaries for the site.

Mr. Meierhoff it was bounded by a hedge row on the east and south sides.

Mr. Bartel asked if the plot was squared.

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Mr. Meierhoff indicated it was not. The west boundary is on an angle that follows a diversion ditch.

Eileen Sieger asked if any of the 4 acres conflicted with the farm ground.

Mr. Meierhoff indicated it did not.

Chairman Ammeter asked if this included only the old farmstead.

Mr. Meierhoff indicated that it was only the old farmstead.

Terril Eberhard asked how much highway frontage there was.

Mr. Meierhoff said that he had consulted maps and measurements at the Appraiser's office and thought they had figured to the middle of the highway.

Mr. Bartel read the boundaries and indicated the frontage was probably 425 ft.

W.M. Pierce asked if part of the 425 ft was the road.

Mr. Meierhoff indicated maybe 100 ft.

Dorman Becker asked if the easement had to be secured for

access to the property.

Mr. Meierhoff that there was already an easement there. The driveway could be moved but that seemed unnecessary as there is already one existing. He indicated he would need an access to the farm land anyway.

Dorman Becker asked if the easement was a problem.

Eileen Sieger asked if the access was on the Meierhoff property.

Mr. Meierhoff indicated that the access was on his property and that there was no problem with the easement.

Mr. Bartel indicated it would probably be better to leave the drive as it is than to change it since it is next to state property.

Eileen Sieger and W.M. Pierce talked about the need for a field entrance anyway even if the drive was moved.

Chairman Ammeter asked if the Commission had any further questions for Mr. Meierhoff. There were none. He then asked for anyone opposed to speak. There was no response. He then indicated that the Commission would take his application under advisement and submit their recommendation to the Board of County Commissioners.

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Mr. Bartel then explained that there would be a 14 day waiting period to give anyone opposed to this application time to make their protest.

Mr. Meierhoff explained that he had problems finding out how to apply for this.

Eileen Sieger asked him to explain. He responded and discussion followed.

Chairman Ammeter then declared the hearing to be closed on Item 4.

Item 5: Variance, Cottonwood Grove Christain School, Richard Wiebe, Agent, PT SE 1/4 7-18-2. Chairman Ammeter introduced Item 5.

Mr. Bartel indicated the location of the property on the maps. He indicated that this was a private school and that it has a conditional use granted at the time of the original zoning ordinance.

Chairman Ammeter asked how many acres the school had.

Mr. Koehn said the meads and bounds indicated 3.8 acres.

Eileen Sieger asked why it was shaped like it was.

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Mr. Koehn said it was enclosed by a ravine and a road.

Chairman Ammeter indicated the Commission was ready to hear their request. Richard Wiebe, Agent, turned the floor to Larry Koehn.

Mr. Koehn identified the property and indicated they have had a school in this location since 1984. As a benefit to their teachers, they provide housing. They have been renting at various locations, but this has not proved satisfactory. They are looking for permanent housing but cannot find anything that meets their needs. They would like to set a manufactured home on the north part of the school property as there are propane, water, and electric hookups in that area. The local water board has approved hookup. The school board is seeking a variance to put a single wide manufactured home on the location. They have looked at some double wide homes, but they are hard to find, cost more, and tend to leak after being moved. They indicated they have found 2 used manufactured homes, a 1987, 16' x 80', and a 1990 model, that will fit their needs. Mr. Koehn indicated that they are leaning toward the older model as it has masonite siding and a pitched roof. Mr. Koehn indicated they have been renting houses in Durham, but now that the bridge is out driving distance is a factor for the teachers.

Chairman Ammeter asked how many teachers they had.

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Mr. Koehn indicated there were three teachers. He then added that a single wide home would be easier and cheaper to move.

Mr. Wiebe added that with the single wide unit, the bedrooms were more uniform allowing them to treat the teachers more equal.

Eileen Sieger asked if this was an elementary school.

Mr. Koehn replied that it was.

Chairman Ammeter asked if they could tie into the present sewer system.

Mr. Koehn indicated that they would have to put in a separate system for the manufactured home.

Eileen Sieger asked to reaffirm the plot size of 3.8 acres.

Mr. Koehn indicated that was correct.

Chairman Ammeter inquired as to the soil type.

Clark Wiebe asked if there were any flood problems.

Mr. Koehn indicated he thought there was no problem with the river, but the ravine drained some cropland requiring that

they build up the area in which they wished to put the home.
He indicated that the soil was sandy.

Eileen Sieger asked if the school board felt like this proposed type of housing situation would continue to be the right situation for the teachers. If it could continue to work out satisfactorily, and if not what would be the use of the home in the future.

Mr. Koehn indicated they felt it would continue to be a satisfactory situation, but if not, they would not like to see the home sit empty and would probably rent it.

Eileen Sieger asked who would be doing the maintenance on it.

Mr. Koehn indicated that the school board would do that.

Terril Eberhard asked if there was any possibility of their wanting to put a second home on the site.

Eileen Sieger asked if the teachers were all single, or were there ever married teachers, or families.

Mr. Koehn indicated they usually have single teachers, at least for the last nine years.

Eileen Sieger asked if the same teachers returned each year.

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Mr. Koehn indicated not always, though they have some now that were there before.

Eileen Sieger indicated she was just trying to see how permanent this arrangement would be.

Chairman Ammeter asked if they hadn't expanded the school within the last year or so.

Eileen Sieger asked how many students attended.

Mr. Koehn said they presently have 33 students and that they had expanded the school. He then presented a document signed by residents within 1 mile of the school indicating that they were not opposed to the manufactured home being put on the site.

Eileen Sieger inquired as to the size of the home being considered.

Chairman Ammeter indicated that it would have to meet Marion County zoning codes.

Mr. Bartel indicated the codes referred to the year built. He cited another item to be discussed. The AG district has a 75 foot setback, but on this property the boundaries may need to be as close as 40 feet because 75 feet puts the

manufactured home in the drainage line, not protected from flooding.

Eileen Sieger asked if this ground was grandfathered as a conditional use for a school in the original zoning.

Mr. Bartel indicated it had been.

Eileen Sieger inquired as to the setback for AG being 75 ft.

Mr. Janzen asked Mr. Koehn if the plot was deeded to them.

Mr. Koehn indicated it was.

Richard Wiebe explained the need for a 40 ft. setback being there were bushes on the the property and if the home was put 75 ft. back they would have to put in a lot more fill. He indicated that they planned to do some plantings so that the home would not be seen much from the road and also for privacy.

Dorman Becker asked how far this would be from the Santa Fe Trail marker.

Mr. Koehn indicated approximately 30 feet.

Eileen Sieger asked if they had any problems finding out how

to go about getting an application for a hearing.

Mr. Koenn said they had no real problems, they had talked to one of the County Commissioners and then to Mr. Bartel.

Chairman Ammeter asked if anyone else wished to speak in support of this application. There was no response. He then asked if anyone wished to speak in opposition. There was no response. He then closed this portion of the hearing and indicated they would let the applicant know their decision.

Mr. Bartel informed the Planning Commission that if they deny this application for variance, the next appeal is in court.

Chairman Ammeter stated that the Planning Commission was the final authority on this issue.

Item 6: Sanitary Codes. Mr. Bartel told the Planning Commission that he had not gotten the report from the state on the states review. There cannot be a public hearing without the states review. The public hearing is actually before the Board of County Commissioners. The Planning Commission can sit in and/or assist but it is the County Commissioner's meeting.

Chairman Ammeter asked to Commission to consider action on Item 4.

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Clark Wiebe asked for clarification on the variance, from 10 to 4 acres.

Mr. Bartel indicated that was correct.

Clark Wiebe indicated it would be good if applicants could bring a plot map for the Planning Commission members not familiar with the area.

Then followed discussion on the multiple requests for variances from 10 acres to less.

Dorman Becker asked if this property was close to the Chase County line. Discussion followed.

W.M. Pierce moved to allow the rezoning and variance on Item 4. Dean Fincham seconded. No further discussion. Vote was 8 in favor, 0 opposed. Motion carried.

Chairman Ammeter then asked for action on Item 5.

Dean Fincham asked for clarification on single wide manufactured homes vs double wide. His impression was that single wides were not allowed in Marion County.

Mr. Bartel indicated that single wide manufactured homes could be placed in a designated manufactured home park or in

the AG district they could be placed on a farmstead to be used only for housing for farm help. He cited the need for 2 variances in this application: 1. for a single wide manufactured home 2. for a frontage variance. Discussion followed. He cited that this plot is AG but that schools are exempt by the state and in this ordinance they are a conditional use of the property. He said there was no known timetable on the bridge that was out even though the county is eligible for flood relief.

Eileen Sieger asked how many miles the teachers would have to drive to get to the school.

Dorman Becker indicated 4 miles, 5 1/2 if it was muddy, from Durham.

Clark Wiebe asked if they could amend their application to a double wide manufactured home.

Mr. Bartel indicated double wides are no problem. If they would put in a double wide, the only consideration for the Planning Commission would be the variance for the frontage.

Clark Wiebe indicated his feeling to allow the setback and not allow the single wide manufactured home.

Mr. Bartel noted that Durham does not have zoning and that

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they could put the single wide unit in Durham with no problem. Discussion followed on the proximity of neighbors and the total situation, including the private school vs a private individual.

Chairman Ammeter asked the Planning Commission for action on Item 5.

Marlin Janzen moved to grant the variance for setback. Terril Eberhard seconded. Vote was 8 in favor, 0 opposed. Motion carried.

Eileen Sieger moved to deny the variance for a single wide manufactured home. Dean Fincham seconded. Vote was 6 in favor, 2 opposed. Motion carried.

The Commission then asked to applicants to return and Chairman Ammeter informed them of the Planning Commission's decision. He then explained that a 22 ft. wide manufactured home would be allowed without any further public hearing.

Eileen Sieger explained the Commission is getting many requests for single wide manufactured homes and to allow one and not another would not be fair.

Discussion followed on the applicants options in accordance with the zoning regulations.

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Item 8. There were no Off Agenda Items.

Item 9. Adjournment. Dean Fincham moved to adjourn the meeting. Dorman Becker seconded. Vote was 8 in favor, 0 opposed. Meeting adjourned at 8:56 PM.