

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

February 1, 2001

Chairman Eileen Sieger called the meeting to order at 7:32 p.m.

Roll Call was answered by Sieger, Marquette Eilerts, Herb Bartel, Glen Unrau, Terry Eberhard, Bob Unruh and Elora Robinson. Dean Fincham arrived a couple minutes late. Eldon Pankratz was absent. Zoning Administrator David Brazil was present.

Sieger asked if anyone had off agenda items. Brazil has hand-out information. Sieger will update an appeals court case.

Sieger asked for corrections to the Record of Proceedings of the November 16, 2000, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Eilerts had two corrections, one near the bottom of page one and the other at the top of page two, where "meets and bounds" should read "Metes and Bounds." Fincham arrived at 7:35 p.m. There were no other corrections. Unruh made a motion to approve the Record of Proceedings with two corrections, and Eberhard seconded the motion. In favor: 8; Opposed: 0; Motion carried.

Election of a Chairperson was the next item on the agenda. Bartel said that based on the principle of not trying to fix something when it is not broken, he nominated Sieger for Chair. Sieger asked if there were other nominations. Eberhard made a motion that nominations cease. Bartel made a motion to cast an unanimous ballot.

In favor: 8; Opposed: 0; Motion carried.

Election of Vice Chair was next. Eilerts made a motion to nominate Eberhard for Vice Chair. Bartel made a motion that nominations cease and that members cast a unanimous ballot.

In favor: 8; Opposed: 0; Motion carried.

The annual Review of Bylaws was next on the agenda. Sieger said members should refer to Bylaws dated January of 2000 on the back page. Sieger noted the meeting times are specified on page three. Sieger said the November meeting date is incorrect on the 2001 meeting list, that it should read November 15, 2001. Sieger asked

members if they had any changes they would like to suggest. If there are no changes, I would like to re-affirm, or approve, the Bylaws as of this date, Sieger said. We could add a line saying they were reviewed, with the date, Bartel suggested. I declare the Bylaws have been reviewed with no changes as of this date, Sieger said.

Item 6: An application for Lloyd Marlyn and Dolores Unruh requesting a rezone from agricultural to rural residential, with a variance from 10 acres to approximately 7.1 acres. This property is located in West Branch Township. This application was published January 10, 2001. Members will act as the Board of Zoning Appeals on the second part of this application, involving the variance request. Floyd Nickel was present with Marlyn. Nickel farms the land Marlyn owns, which is approximately an 80 acre tract. Nickel said the request for a rezone and variance is because the area comes out nicely with square corners, leaving the rest to farm. Marlyn has moved to a retirement home in Goessel, and the home has been vacant for a few months, Nickel explained. Sieger asked about buildings on the property. There is a house, a round-top 44x80 machine shed, a wash house, and a three-car garage. This property is located a half mile north of Goessel. There is rural water on the property, but it has not been hooked up, yet. The meter is in the yard. Bartel asked about access to the fields. Nickel said the farmstead is in the northwest corner and access is in the southwest corner. Sieger asked if the balance of the 80 acres is cropland, and was told yes. Eilerts questioned the sanitation system, and was told there is a septic system. Brazil explained the grey water system is currently separate from the septic, but the laterals are not adequate to handle the additional grey water. There is a little bit of space there, so the new owners could certainly put in a lagoon, if they wish, Brazil said. They could put in a separate system for the grey water, but the economics of it would not pay off, Brazil said. They need to extend the lateral field, or construct a lagoon, Sieger said. If it is determined that a lagoon would be best, there would have to be some kind of variance from 10 acres for the lagoon, too, Sieger said. I recommend the rezone, but not the variance, because on the south side of the property the field is fairly close to the home, Brazil said. This is probably not a problem in the short-run, but could be in the long-run, Brazil said. Sieger explained the farm borders could remain the same, with a verbal agreement with the

new owner. Which direction would the lagoon need to be located from the home?, Unruh asked. Typically, we like to go northeast, but we can adjust it, Brazil said. I'd like to afford the owner the choice, he said. I prefer lagoons, but as long as the soil permits, I think it can be their choice, Brazil said. Nickel said he is familiar with farming right up next to homes, as he farms right up next to Goessel on the south, so he has several homes to deal with and is aware of the concern. No one was present to speak about this application, and no correspondence has been received in reference to this application, Sieger said. Sieger explained this commission makes recommendations only on the rezone, then it goes to the county commission for final approval. But, on the next part, concerning the variance, we act as the Board of Zoning Appeals and our action is a final act, Sieger explained. Sieger and Brazil explained that for this recommendation it is not necessary, but for a final approval by the county commission a Metes and Bounds description or survey is needed. It's fairly easy to do when it's in a corner like that, Bartel said. You just need a description for the county commission, Bartel explained. We need the exact area being rezoned for our map, Brazil said. Sieger asked members if they wished to discuss this application, or move on to the next and come back to this. This is the only zoning application we have tonight, Bartel said. Members decided to proceed.

I want to do this in two parts, Bartel said. Bartel made a motion to recommend changing the zoning from agricultural to rural residential, with the reason that it is consistent with the policy of rezoning farmsteads, and the staff recommends it, but that it be based on the sewer system being compliant with the county's recommendation. Eilerts seconded the motion. In favor: 8; Opposed: 0; Motion carried.

Sieger told members they now need to address the variance request for sizing the property down from 10 to approximately 7.1 acres. I do not object to the variance if I could be assured there was room for the lagoon and a place for the lagoon, Unruh said. I don't think we had assurance this can be done on 7.1 acres, Unruh said. It would be more inexpensive to put the waste water to the south than to the north, Brazil said. Where is it now?, Sieger asked. It is now to the south and east, Brazil said. The tank is off the northeast corner of the home, Brazil said. Unruh suggested members could approve 10 acres tonight, and if they

want to figure this and come back and re-apply, that could be an option. Unruh made a motion to deny the variance request and set the rezone at 10 acres. Bartel said members need to act on this application in two parts. Action on zoning must be at least 10 acres, Bartel said. What is before you now is whether or not to approve the variance, he said. Fincham seconded the motion. In favor: 8; Opposed: 0; Motion carried.

Unruh still questioned his motion. Brazil said it is not a problem until we hit 20 acres, because at 20 there would be the potential to put two homes on the property.

Item 7: An application for J.D., Jr., and Philda Garber requesting a variance from 75 feet for a front setback to 50 feet. Sieger reminded members they are continuing to act as the Board of Zoning Appeals. This application was published January 16, 2001. This property is located in Peabody Township, just south of Peabody. Buildings on the property include a pole barn, a garage, and a storage-type building. This property involves 2.2 acres, and it was grandfathered-in. Sieger asked how big of a building Garbers are wishing to construct, and was told 45x70. Sieger closed the public hearing for this application. Bartel made a motion to approve a front yard variance of no more than 25 feet, and Fincham seconded the motion.

In favor: 8; Opposed: 0; Motion carried.

Brazil asked Garbers if they got a construction permit. They said no, and Brazil said he would send one out to them tomorrow.


Members reviewed a draft of the comprehensive plan. Members will need to meet with the consultant at some point, then the draft will be sent to the county commission. There will be a public meeting with the final draft, and then it will go back to the county commission, Brazil explained. Bartel wanted to read the procedure for adopting a comprehensive plan. He said, generally, it is the planning commission's action. Who all gets copies of this?, Unruh asked. These are the first copies, Brazil said. My understanding is we have to have public notice and a public meeting for comments on the draft, Brazil said. Check the regulations, Sieger said. The consultant is coming here once to go over this and if more help is needed we can do a conference call, Brazil said. Sieger said in reviewing the summary of the focus session, she found wrong information included. Sieger asked Brazil if he is taking a comprehensive plan draft to the county commission, yet? Just for their information, Brazil said. The

planning commission holds the public hearing, Bartel said. Bartel read the statute. Notice is 20 days prior. The planning commission acts on it, Bartel said. The early part of March would work for the consultant to come down, Brazil said. He has one trip left in his contract?, Bartel asked. One trip for the planning commission and one for the public hearing, Brazil said. There are six applications on the February agenda, Sieger said. Sieger and Brazil suggested having a special meeting for the comprehensive plan. Marion, Hillsboro and Peabody have all been contacted as to areas of urban influence and that will be added into the plan, Brazil said. What about Goessel?, Unruh asked. The consultant put a stipulation on the map that anything within a certain area of communities, they will be contacted, but only communities with zoning are included, Brazil said. Goessel doesn't have zoning?, Unruh asked, and was told no. We need to make sure the public realizes there will be another public meeting before it is adopted, Sieger said. I feel strongly that it's a work session item, but I don't want to set a date because I want to read it first, Bartel said. We could schedule a conference call at the February 22 meeting. Should we move the meeting time up to 7 p.m.?, Eilerts asked. Or we could have a special meeting for a conference call?, Sieger suggested. Unruh questioned moving the meeting time up. That may not be an option if Angela mailed the information out today, Brazil said. I assume the consultant is available that night for a conference call?, Sieger asked. Unruh asked if at his Lion's Club meeting Monday night, would this be good information to distribute, or not? I'm not holding this information back, Brazil said. As long as they know it's a draft and they know there will be a public hearing coming up, Sieger said.

Off agenda items: Brazil presented copies of an income report for applications from last year, as compared to the previous year. We're doing well when we break even, he said. We may have to look at raising things in the future, he added. Brazil also presented copies of a report showing applications approved vs. denied, for last year. Denied by us, or by the county commission?, Sieger asked. Variances by you, rezones by the county commission, Brazil said. Another chart Brazil presented showed sanitation department applications, and another was an agriculture exemptions chart. Members also received copies of a meetings schedule, and an updated phone number list. Unruh asked about the City of Marion landfill issue. From the City of Marion, are we getting dialogue

back at the official level, because this is sort of a county issue here, too, Unruh said. In terms of planning and zoning, it's the city's issue, Brazil said. In terms of solid waste, the county does have a solid waste plan and the city would need to work with the county, he added. It would seem appropriate on the city's part to have some kind of dialogue with us, Unruh said. We'll be looking at the areas of urban influence and there's a call for input from both the city and county for those areas, Brazil said. Sieger updated members on a court case. She reported on attending the oral arguments on the appeal of the case against the Board of Zoning Appeals, and said a decision is expected in a month, or two. Sieger asked Brazil if he has heard anything about the deer hunt people? Brazil said he thought they'd be here tonight. Anything more about the quarry possibility?, Sieger asked. No, Brazil said. Anything more about the airport being developed at Wilson Ranch?, Eilerts asked. I haven't had a chance to check on that, Brazil said. Fincham made a motion to adjourn and Eberhard seconded the motion. In favor: 8; Opposed: 0; Motion carried and the meeting adjourned at 9:22 p.m.

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Eileen Sieger,  
Chairman