

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

February 24, 2000

Chairman Eileen Sieger called the meeting to order at 7:30 p.m. Sieger welcomed new member Glen Unrau. Sieger determined there is a quorum.

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

Sieger asked for any off agenda items. Brazil passed around copies of zoning construction permits from 1999. Bartel and Sieger complimented Angela's work with a color graph. Pankratz arrived at 7:35 p.m.

Sieger asked for corrections to the minutes of the January 27, 2000, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Sieger had several corrections, including: on page one and six who's should read "whose;" on page two Unruh made the motion to re-elect Sieger as chair and Eilerts made the motion to re-elect Eberhard as vice chair; on page four review should read "reviewed;" on page seven here should read "hear;" on page 12 disagreed should read "disagree;" and on pages two, 11 and twice on 16 it's should read "its." Sieger asked for other corrections and there were none. Eberhard made a motion to approve the minutes as corrected and Fincham seconded the motion. In favor: 8; Opposed: 0; Motion carried.

Item 4: Continuation of an application for Brad and Patricia Putter for a rezone from rural residential to village one, located in Centre South Township. Sieger said this application has been published. Sieger asked Unrau if he has information on this request. Sieger asked Putter to present his proposal. Putter said he purchased this property at the county lake six months ago. Putter said before buying this property he contacted Angela and faxed her a legal description, and she checked it and said it is zoned village. Putter said he had his wife double check and was told again that it is zoned village. Putter said he went to

the improvement district and Ed Davies said this property is zoned rural residential and Davies showed Putter a few days later that he was correct. Putter said he purchased the property because he thought it was zoned village. This property involves 6.3 acres. Just south of this property is an area zoned village one, Brazil showed members on a map. Sieger asked if this property is rectangular in shape. Putter said pretty close, but not exactly. Sieger asked what is on the property now. Putter said a small round-top shed, 22' long and 12' wide, with a garage opening. Also, there is a mobile home on the property, which Putter said he believes is a 1975 model. There is a rock driveway and native grass, which is currently being baled, Putter said. Sieger asked if anyone currently lives there. Putter said yes, they are renting the place at this time. Sieger questioned if the property actually is adjacent to any village one zoning, and determined according to the map it does not. Brazil commented that maps did get updated this month. Putter said his first plans were to build on this property some day, but if this did not happen he would like to cut it in half and have two building sites. When I checked out the land, I bought it to have that option, he said. If this goes to village one there would be certain set backs, Sieger advised. Whatever lot areas you would chop it up into, you would have to consider set backs, she said. Sieger stated that set backs are: 30' in front; 20' in rear; and 10' on the sides. Sieger asked, if there were two lots how would you access the road? You would have to go north, or west, I guess, she said. It was determined the road by Putter's property is next to Jack Hett's home. Putter said there currently is a septic tank on the property. Sieger asked about sewer service reaching the property. Putter said at one improvement district meeting discussion involved including the area, but that it depends what happens in the area with such activity as the proposed Kruse development. Sieger asked if anyone from the public wishes to speak about this application. Bartel talked about the village district, asking members to recall a situation with Aulne, Pilsen and at the lake, and maybe Canada, too, involving unincorporated places. When zoning was enacted it was never intended that village one be for a district where there would be lot limits, Bartel said. Technically, on a six acre piece you can put as many houses on there as five or six residences per acres, so you could put 30 residences on this piece of land, Bartel said. Sieger read from page 44 of the regulations, concerning village one. There is no problem

accommodating two building sites on this piece of ground, but you would have to go to suburban residential, Bartel said. Sieger reminded members that suburban residential is a minimum of one acre. Sieger asked Putter if this is what he plans, to have two building sites? Putter said he first intended to build on the property, but he wants to know what his options are. Two weeks after buying this property, we bought a house in Marion, so we're not sure of our plans, he said. If we make changes, and you sell it, someone else may have different plans and the zoning stays with the property whether you are the owner or someone else is, Sieger told Putter. A letter was received from Stovall's, who own four acres by Putter's property, expressing concern about taxes being raised if there is a zoning change. Stovall's stated their taxes went up 99 percent in the past. Sieger questioned the agricultural classification on Stovall's property. It was determined this is a taxation classification. Sieger said it is confusing to people. Putter said he asked the appraiser's office what zoning changes would do to taxes and was told the only part that would increase is the actual part you improve. Unless the improvement district would increase taxes for some other reason, Putter added. Would there be some difference classification other than village one that would work here?, Sieger asked. Until he decides what he wants to do, just leave it as it is, Fincham said. If it goes to village would I need to determine lot sizes?, Putter asked. Putter asked about Wildin's Addition. Sieger said that property had already been all platted out before zoning began. Those lots did not fit the district, Bartel said. But we still had a problem with set backs, because the set backs they had in their covenant were different, Bartel said. Sieger asked if there was anything else to discuss. Putter said he would like to study his options. Putter asked if this is tabled and goes to a different classification, would he need to pay the \$75 fee, again? He was told, no. We have had a couple of these before, where plans change, Sieger said. Putter asked if he decides to ask for village one, could lot sizes be determined? Sieger said the way the regulations read, village one is not for new development. It is not contiguous, either, Eilerts said. Suburban residential would allow you to have a minimum of one acre per family, Sieger said. You would not have to chop it up into acres, really, she added. We may just build one house some day, but if someone did develop it, there would not be access to the back lots, Putter said. That is why I asked about village one before I bought it, was because of the minimum lot sizes, Putter said.

This area will probably be one of the first areas developed, because this seems to be the way the developments are going, Putter said. Why don't you temporarily withdraw and figure out what you want to do, and then when you come back if we have to re-publish we can decide to waive the fee, Bartel told Putter. I want to go ahead with village one, Putter said. Say I said, for example, the lots would be 100 x 150, or whatever, is this possibly something you are willing to work with me on?, Putter asked members. Village one is probably something we would not do, but other categories would work for several lots and several size options, Sieger told Putter. Sieger asked for other opinions. Bartel told Putter things we need to know, include: How many units?; How will you get utilities to the property?; And how will you have access? You have to have easements for utilities and you have to have access, or we can't even issue a permit, Bartel said. I knew this was a problem because it said lot size stipulations, so I drew it up showing that, Putter said. Your options are either to continue to next time, or if you want to withdraw and come back with a different classification we could waive the fee, Sieger told Putter. I would rather proceed than withdraw, Putter said. Bartel wanted to continue this application to a certain date. Sieger informed members there is a very full agenda for the March meeting. If you want to continue, we need more plans and information, Sieger told Putter. We need a pretty accurate drawing and diagram, to scale as much as possible, showing easements, access, etc., she said. Would this need to be filed with the county to be platted?, Eilerts asked. Yes, that is how you would establish easements, Bartel said. Would we accept this before it was ever filed?, Eilerts asked. You would need a plat to make a conveyance, Bartel said. What do you think about 60 days?, Bartel asked. I'll make a motion to move to continue this to the April meeting, if there are no objections, Bartel said. Fincham seconded the motion. In favor: 8; Opposed: 0; Motion carried. Sieger asked members, are we recommending he have a scale drawing? Yes, Bartel said. It is not likely there can be a development without a subdivision plat and that would mean significant expense on your part, Bartel told Putter. Are you ever going to consider it?, Putter asked members. We're obligated to consider it, Bartel and Sieger said. You've got a lot to do other than wait on the April meeting, Bartel told Putter. A planned residential district would work, too, Bartel said. What did we call it?, Bartel asked. A planned development? Either suburban residential or R1 single family residential are two you

might ask for, Sieger told Putter. Suburban residential joins this property to the south Sieger said. We are sorry if wrong information was given to you, Sieger told Putter. We can see where it was confusing to you, she said. If you have other questions, just call, she told Putter. Brazil told Putter he will get him copies of the suggested classifications he pursue.

Item 5: An application for Jim Newkirk for a variance of set back requirements for a side and front yard, for property located at Marion County Park and Lake. Sieger reminded members they are now officially acting as the board of zoning appeals. She said this application was published in the Hillsboro Star Journal on February 2, 2000. Newkirk was present and showed members a drawing of his property. The side of Newkirk's property is on Cherry Street. He wants to add on to his residence. Currently there is a one foot set back. In the future he wants to build out eight feet on one side of the home to enlarge the kitchen. Brazil said he asked for all Newkirk's requests at one time. From the garage Newkirk would like a one foot overhang on each side, which brings the structure to within 11 1/2' of the neighbor's house and seven and a half feet from the property line. There is an existing cement slab where a garage was at one time, so since this has been an existing building I don't see a problem, Newkirk said. This will not put us any closer to the street than we are now, Newkirk said. Sieger questioned the one foot set back variance, and Newkirk explained he wishes to extend the existing slab of cement toward the house. Bartel asked how much of a set back would be on the back side of the house? Newkirk said 20'. This is the side toward the lake, Sieger said. Which way would the garage doors open?, Sieger asked. Onto Jerome Street, Newkirk said. It would improve the property, as it is an eyesore, now, Newkirk said. This is a weekend home for you?, Sieger asked. Now it is, Newkirk said. I'm a pastor in Ellinwood, right now, he added. Sieger asked for comments from the public. Don Jackson, Newkirk's neighbor, said he has never attended one of these meetings and he is impressed by these proceedings. We have no place to expand, and we are close to each other now, but they are good neighbors, Jackson said. Newkirk asked for four and a half feet on one side and six and a half feet on the other side. Bartel questioned that both are sides, and was told yes. And on the front you would not be closer to the street than you are now?, Bartel asked. I can live with that, Newkirk said. Sieger asked if there was anything further. Bartel had one more

question. He asked Newkirk if he talked to anyone at the home owner's association? There was once a lake shore home's association, but I don't know if they are still active, Newkirk said. The reservoir has such an organization. Sieger asked Newkirk when he plans to proceed with construction. As he can, he said. I'm sorry, I see this is Lakeside and you're off Lakeshore, Bartel said. He said it confused him with the reservoir. Pankratz made a motion to grant the variance and Fincham seconded the motion. Sieger explained this action does not go to the county commission. Bartel said he would like to specify where the set backs are going to be. Sieger said we have a motion and a second. Bartel wants the motion amended to specify set backs on Jerome, Cherry and the side opposite Cherry. Bartel added it be in line with the structure on the adjacent lot. Newkirk questioned if it is possible to be in line. Then, I'll say on Jerome Street that the eave be at least one foot from the street right of way line, and on Cherry Street it's four and a half feet, and on the side of the lot opposite Cherry it'd be six and a half feet, Bartel said. Sieger asked if this is agreeable with Pankratz and Fincham to put these set back specifications in the motion. Both agreed. In favor: 8; Opposed: 0; Motion carried. Newkirk asked if now he should go get a building permit, and was told yes. Sieger reminded members the next meeting is March 23, adding like she said before prepare yourselves for a long agenda. Eberhard and Fincham will not be at the March meeting. Brazil reported from last month's meeting that Eastshore residents at the reservoir have filed an application with 60 percent of the homeowner's signatures, to go ahead with the variance. Sieger reported that someone wants to put in a corn maze, and this is on next month's agenda. Do we have to act on that?, Bartel asked. It is not a one time event, Brazil said. The property is not squared off, and involves 40 acres. He is thinking of charging \$5 per person to go through the maze, Brazil said. Would it be the entire 40 acres?, Sieger asked. No, but it would be quite large, Brazil said. We will be on line by next month in our office, and are continuing to make progress in updating things, Brazil said. Fincham made a motion to adjourn the meeting and Eberhard seconded the motion. In favor: 8; Opposed: 0; Motion carried and the meeting adjourned at 9 p.m.

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*Eileen Sieger*  
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Eileen Sieger, Chairman