

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

July 24, 2003

Chairman Eileen Sieger called the meeting to order at 7:30 p.m. with a quorum present for both the planning commission and the Board of Zoning Appeals.

Roll Call was answered by Sieger, Ervin Ediger, Willis Ensz, David Mueller, Mary Avery, and Glen Unrau. Bob Unruh and Marquetta Eilerts were absent. Zoning Administrator David Brazil was present.

Sieger asked for Off Agenda items. Sieger has some handouts for members.

Sieger asked for corrections or additions to the Record of Proceedings for the May 22, 2003, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Sieger had a correction on page three, where closed should read closest, and on page five, where e should read be. Brazil had a correction on page four, where can should read cannot. There were no other corrections or additions. Avery made a motion to accept the Record of Proceedings with the three corrections, and Ediger seconded the motion. In favor: 6; Opposed: 0; Motion carried.

Item 4: An application for Tabor Mennonite Church, requesting a Conditional Use Permit (CUP) for property located in West Branch Township. This application was published in the July 2, 2003, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Rod Abrahams was present to speak about the application. He explained they have made this request in order to purchase two additional acres for a wastewater lagoon. Sieger showed members a diagram of the plan. So, the total acres would go to?, Sieger asked and Abrahams said approximately six acres. Is the church currently served by a septic system?, Sieger asked. The lateral field is not able to percolate all the water, and they are a little limited on space, Brazil said. As for the slope and gravity flow, this solution will work for the long term, he added. What lies around the property?, Sieger asked and Abrahams said it is all farm ground. And the farmer who owns the ground has agreed to sell us the additional acreage, if we are approved here, Abrahams said. You're not seeking to expand the church building, itself?, Sieger asked and Abrahams said no. I recommended they go ahead and ask for a little expansion room, so they wouldn't have to come back through the process, Brazil said. At this point nothing really comes to mind, but we're just keeping the door open for the future, Abrahams said. Sieger asked if there are any other questions, or information? Sieger reminded members they are acting as the planning commission for this application. Sieger asked if anyone from the public wishes to speak about this application? Sieger asked if there is anything further? Sieger closed the public hearing for this application. Brazil explained the time frame to Abrahams for the survey, etc.

Would we have to make a variance for the sanitary code?, Sieger asked. In the sanitary code you need 10 acres, but once we're updating the comprehensive plan we can make changes, Brazil said. Mueller made a motion to recommend granting a CUP for up to seven acres for the Tabor Mennonite Church, and allow for expansion of the church, with the following two conditions: 1) construction of a compliant waste water system; and 2) the recommendation of one off street parking space per five seats in the church. Ensz seconded the motion. In favor: 6; Opposed: 0; Motion carried.

Item 5: An application for Gordon and Judy Pendergraft, requesting a variance from required front setback of 30 feet to five feet, and side setback from 10 feet to two feet on the south side, for property located in Centre South Township. This application was published in the July 2, 2003, issues of the *Marion County Record, Hillsboro Star Journal and Peabody Gazette Bulletin*. Brazil explained the applicant and representative could not come tonight, and they have requested this application be continued until our August meeting. Unrau made a motion to continue this application to the August meeting, and Ediger seconded the motion. In favor: 5; Opposed: 0; Motion carried. Avery said when this application comes back up, she will abstain, as she is their neighbor.

Item 6: An application for Willis Peterson, requesting a variance from required front setback of 30 feet to 20 feet, side setbacks from 10 feet to three feet on the north and south sides, and rear setback from 20 feet to five feet, for property located in Centre South Township. This application was published in the July 2, 2003, issues of the *Marion County Record, Hillsboro Star Journal and Peabody Gazette Bulletin*. Peterson was present to speak about this application, and explained he recently purchased this home. He said there is no garage on the property, and they would like one to the backside. They also would like to add on, eventually, if they stay there, in order to have room for company. He explained if they retire and still live there, they want to add on. But you have enough of a specific plan to know you'll need these exact setbacks?, Sieger asked. I think he overall knows the footprint he wants, Brazil said. In the front there's a cement porch and he wants to come out a foot, or two, and enclose the porch, Brazil said. And then on the backside he's talking about a breezeway and garage, Brazil added. Brazil showed members photos, as he explained. With easements and utilities, I wonder if he is going to be able to shift those and accomplish this, Brazil said. We need to think about potential wheelchair access to our house, Peterson said. Members discussed the continued challenge of property lines and lots sizes at the county lake. We had it surveyed, so it's very well marked, Peterson said. Whatever we add on, we want it to be an asset to the community, Peterson said. On the front setback, is it to close in the front porch?, Sieger asked and Peterson said yes. It won't be exactly in line with the neighbor's, but it won't obstruct their view, or anything, Brazil said. The sides and the rear, that's all for the garage accommodations, right?, Sieger asked. The garage would be more to the south and the east of the property, Brazil said. But you say you may just take the modular home out, completely?, Sieger asked. We'll only do it if we can't make it work, Peterson said. To make it handicap accessible and add the second story over part of it, in the future for additional space, he added. We've just looked in the area and have seen what other property owners have done and we're not asking to do anything they haven't been

allowed to do, Peterson said. Dan Crumrine, who lives at the county lake and serves on the improvement district, asked about the grinder pump and meter locations. We already know it has to be moved, Peterson said. But, to where?, Crumrine asked. Peterson said he was told it had to be moved, anyway. I know the road's not very wide back there, Crumrine said. The water line and the sewer line, I'm pretty sure run right down the road, Crumrine said. Even the lids are \$150.00 a piece, so you don't want to put it where the lid will be driven on, Crumrine said. Does every home have a grinder pump?, Ensz asked and Crumrine said yes. Do you have a plan of how to accommodate those two things?, Sieger asked. We could go a little bit further north, and if we had a small car....., Peterson said. Does the improvement district have separation distances for the grinder pumps?, Brazil asked. No, but that is changing, Crumrine said. So, there's not a setback of the sewer and water and how close they can be to each other?, Avery asked and Crumrine said no. When it comes to easements between a landowner and the improvement district, we have no control over this, but it's useful information, Brazil said. I hope we don't cause headaches for the improvement district, Brazil said. Peterson questioned why he was told they needed to be replaced, anyway? Some of the old ones are being replaced, Crumrine said. Sieger asked and Crumrine said the cost is \$2,000.00 each, plus \$800.00 to \$1,000.00 for the labor. Josephine Murray, is the neighbor to the south and she told members she is concerned about the drainage. I don't want him to come three feet, because he doesn't have three feet, Murray said. Sieger asked and Brazil said we're not talking about coming over on her property. Reba Schneweis, Murray's daughter, was also present, and explained her mother is concerned about the water flow coming on her property, due to new construction. I'm an advocate of property lines, but I'm also an advocate of working together, especially at the county lake with such things as drainage, Brazil said. I want him to have a garage, but I don't want him to come close to my property, Murray said. It looks like to me if we had five feet, we could back out, Peterson said. Sue Smith, who lives with Peterson, said the house to the north is a very attractive house which has been added onto, and that's what we intend. They added on a garage and it just blends right into the house, Smith said. I've worked with planning and zoning, and I'm an advocate, she said. The back door is at the end of the north wall and that's where we would add on, she said. The question is, if there will be a breezeway, or if you will go right into the house from the garage, Smith said. Sieger asked about making it handicap accessible to the second floor. Smith said they will install an elevator, and said she works with rehab patients. We're trying to make it more like a permanent residence, but we don't want to do something to take away from our neighbors, Smith said. We hope to work together, she added. David and I talked about drainage and I realize anything we build we would have to drain out to Lakeshore Drive, Peterson said. The only other concern is not to have any of the view obstructed, Schneweis said. Sieger read a letter dated July 21, 2003, which was written by an attorney for property owners to the north. These property owners, at 118 Lakeshore Drive, oppose the variance, as they are concerned about their presently unobstructed view on three sides of their home. Sieger submitted the letter to be included in the record for this application. Robert Smalley, who lives at 113 Lakeshore Drive, said the lots are 50 feet and if you want to improve your lot you just have to have a variance. Smalley told members he appreciates them taking time to listen to these problems, but there are such things out there and we do have to get along with our neighbors and we just appreciate you listening to these

problems because they're not going away. Murray said she just wants everyone to know we pay high taxes out there. Peterson questioned the letter and the concerns about blocking the view, but said we would not build out further than their house. So, you don't feel like what you're planning would obstruct their view?, Sieger asked and Peterson said no. Sieger closed the public hearing for this application.

My staff recommendation goes along with the pattern I've seen established, Brazil told members. What about the drainage factor?, Sieger asked Brazil. Do you see things that need to happen to make this work?, Sieger asked. I would make a general statement that drainage be adequately addressed, Brazil said. None of these variances are going to make it come up to a close structure, Sieger said. Brazil showed members photos and pointed out property line space on each side. But, it wouldn't interfere with access to either garage?, Sieger asked. No, I think there's enough room there, Brazil said. So, you think 10 feet is better than five feet?, Sieger asked. Yes, and it keeps with the precedent we have set before, Brazil said. Could your garage be accommodated without having 10 feet at the back?, Sieger asked. It's going to be very tight, Peterson said. Peterson explained to Brazil that he wants a 90-degree angle, in order to pull into the garage. To go the other way we'd have to move more lines, like the sewer line, if we go the other way, Peterson said. I know utilities don't play in when we do a variance, but when the actual building permit comes in, do utilities play a part?, Mueller asked. If there's a special condition, I put that on there, Brazil said. It does state we're not to construct on an easement, but the concern lies with the owner, Brazil said. I don't think the drainage has been addressed, enough, Ediger said. I'm concerned we're not quite sure how the garage is going to sit, Avery said. The drainage is a concern, and the view, she added. I'm pretty sure the view will not be obstructed, Brazil said. I agree with Eileen, that I would be more comfortable if we could see exactly how it's going to affect everybody, Avery said. Even if we had just a basic drawing, would that help you all?, Sieger asked and members agreed. Unrau asked if the applicant would be open to postponing this for 30 days, so they may come up with a drawing? How about 30 to 60 days?, Peterson asked. You can continue the application, if it's 60 days just continue it again next month, and that's acceptable, Brazil said. Can we not continue it to September?, Sieger asked. It's not a problem to continue more than one month, Brazil said. Sieger showed Peterson an example of a diagram, and asked that it be to scale, as much as possible. I've got a real sense that everybody here wants to work together and I appreciate that, Unrau said. Sieger said the meeting in September is on the 25th. Avery made a motion to continue this application to the August meeting, and Ediger seconded the motion. In favor: 5; Opposed: 0; Motion carried.

Item 7: An application for Edith Graber, requesting a variance from required rear setback of 20 feet to six feet, and side setback from 10 feet to eight feet on the east side, for property located in Centre South Township. This application was published in the July 2, 2003, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Sieger asked if this application needs to be republished, and Brazil explained there was some confusion on setbacks vs. the variance. Sieger asked and Brazil said it is correct on the agenda. Mueller made a motion to continue this application to the August meeting, and Unrau seconded the motion. In favor: 5; Opposed: 0; Motion carried.

Off Agenda: Sieger gave members copies of some public forum material on wind farms, which she received in Chase County the end of June. Sieger told members about the forum, saying it was obviously put on by a group that opposes wind farms in Chase and Butler Counties, and this is not necessarily my viewpoint, but just something I received. It did make me think about some issues that I had not really considered, before, she added. Sieger reminded members the next meeting is scheduled for August 28, 2003. I had hoped we could consider the comprehensive plan this month, Brazil said. The county commission made a couple more changes this month and before next month's meeting you'll receive a copy of the updated plan and we will address it at our August meeting, Brazil told members. I will see if the courtroom is available if we need it, as we will have one more public hearing and I'm willing to say tonight I recommend everything that's been changed, Brazil said. As soon as possible I'll mail them to you guys, he said. Unrau told members he just returned from Northern Michigan, and he saw some windmills up there. One thing is hydrogen power may replace wind power, in the future, Sieger said. Hydrogen is the way of the future, but I think diversity is the way of the future, Brazil said. Sieger asked if there was anything else? Ensz made a motion to adjourn, and Mueller seconded the motion. In favor: 6; Opposed: 0; Motion carried and the meeting adjourned at 9:07 p.m.

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Eileen Sieger,
Chairman