

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

November 21, 2002

Meeting was called to order by Chairman Eileen Sieger. Sieger welcomed new member Willis Ensz, from Commissioner Bob Hein's district. Ensz said he has lived two miles east of Hillsboro on the old highway for about 10 years. His address is 1213 190<sup>th</sup>, Hillsboro, and his phone number is 947-3331. Other members introduced themselves to Ensz and Sieger explained that nine members are on the planning commission and of the nine, seven are on the Board of Zoning Appeals. Sieger explained the process and said she will say whether members are acting as the planning commission or the Board of Zoning Appeals.

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

Sieger asked for corrections or additions to the Record of Proceedings for the September 26, 2002, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Sieger explained members did not meet last month, as there were no applications. Sieger explained members usually meet every month, except June and December. There were no corrections. Avery made a motion to approve the Record of Proceedings as written, and Unruh seconded the motion. In favor: 8; Opposed: 0; Motion carried.

Item 4: An application for Elsie Friday, requesting a rezone from agriculture to rural residential for property located in East Branch Township. This application was published in the October 30, 2002, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Sieger said there has probably been an understanding, but I probably have not stated it, so if anyone has had any ex parte communication with anyone concerning this application, or if anyone has a conflict of interest with this application, now is the time to state that. Sieger said members are acting as the planning commission for this application. Rodney and Shirley Suderman were present to speak about this application. Shirley said she is a Co-Trustee for her mother, Elsie Friday. Rodney Suderman explained that Friday moved to Parkside two or three years ago and they have been renting out her home, but things go wrong and she worries about that and so she wants to sell the home. Sieger said the property is on a 160-acre parcel, has a compliant septic system and rural water. Rodney Suderman said the 10-acre site would be 50 feet south of the silo and runs across the pasture. Sieger asked about a copy of the survey. No, it just came in the mail and I forgot it, said Randy Whitely, who intends to buy the home. Sieger asked if all buildings would be back far enough from the boundary lines to meet setback requirements. The south shed, which is in bad shape, might be 60 to 70 feet away, Rodney Suderman said. Ediger said he went to view the property and saw flags on the fence, and figured that must be their mark. Yes, Rodney Suderman said. Everything is 50 feet, Ediger said. The driveway comes out to Indigo, which is paved,



Sieger said. A small metal shed on the property is part of this property?, Brazil asked and Rodney Suderman said yes. Is there a well on the property?, Unruh asked. Not on the 10 acres, Rodney Suderman said. Are you currently farming around the home?, Sieger asked and Rodney Suderman said yes. Sieger asked if they have discussed farming boundaries, as to whether or not you continue to farm the same boundaries? 3.7 acres is farm ground, but mostly it's pasture, Rodney Suderman said. Does anyone from the public wish to speak about this application?, Sieger asked. Are there any other questions?, Sieger asked. Any other information?, Sieger asked. We have talked about no changes to the land, whatsoever, Whitely said. Sieger closed the public hearing for this application.

Sieger opened the floor for discussion and determination. Sieger pointed out the staff recommendation. It is an existing farmstead, the house is in acceptable order, there is rural water and an acceptable septic system, it's on a paved road, and they are not requesting a variance, as it is 10 acres, Sieger said. It meets width and depth and the house has an adequate buffer zone around it, and it is probably one of the better ones, Brazil said. Sieger said she appreciates them having it surveyed. It's not required for this recommendation, but when it goes on to the county commission you'll need to have that in place and you're a step ahead, Sieger said. I think this looks like an easy one, Ediger said. Ediger made a motion to recommend a rezone for 10 acres from agriculture to rural residential, as it meets all the factors. Unruh seconded the motion.

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

Brazil explained the time frame for the remainder of the process.

Item 5: An application for Dean Armstrong, requesting a variance from required front setback of 30 feet to eight feet on the east side and from 10 feet to five feet on the west side, for property located in Centre South Township. This application was published in the October 30, 2002, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. This property is at Marion County Park and Lake. Sieger asked if anyone has had any ex parte communication with anyone concerning this application, or if anyone has a conflict of interest with this application. Dave Hett was present to speak about this application. He explained that Dean is in Florida and Reuben Zerger was unable to attend. Hett did the concrete work. He gave each member a folder of information and photos, which Zerger prepared. Hett said the second page of the packet is a drawing of what has been done and what he wants done. Hett explained the photos. Hett explained he wants to add a deck to the front, which will extend out 14 feet. The garage is to the back. I think all this stays within your measurements?, Hett asked. From the front of the house to the property line is what?, Brazil asked and was told 22 feet. By requesting a variance from 30 to 20 it would accommodate the house as it stands now, but it wouldn't allow for the deck, Brazil said. We didn't look at the front porch structure when we applied for this, Brazil said. We could continue the application and republish, or approve what we have here and republish, Brazil said. The front of the house is south, Sieger said. The deck isn't built over any utilities, is it?, Unruh asked and Hett said no. Have they already started on the deck?, Unruh asked and Hett said no. Was the deck planned on from the beginning?, Sieger asked. I've known about the deck for a month, Hett said. I wonder if they thought the deck didn't count, Sieger said. That could be, Brazil said. I didn't get to meet with the owner, Brazil said. We can either continue




the whole application one month, but I would recommend approving what we have now and then republishing for the deck, Sieger said. We're approving something that's already there, Sieger said. I was contacted by the contractor before any construction happened and we talked about the footprint of the original structure for what didn't need a variance, but we all know how it goes and now they do need more, Brazil said. We did receive an application, but all the information wasn't included, he said. I don't see how we can allow this to continue without approving the variance, he said. The garage is attached?, Sieger asked and Brazil said yes. If we approve the application as submitted, they could continue with everything but the deck, Mueller said. I think we realize how those lots are out there and do the best we can, Sieger said. There was an old concrete block structure house there and they're using the foundation and walls, but removed everything else, Hett said. The deck is just a regular deck with a rail, Hett said. No roof, or anything?, Sieger asked. No, like a porch without a roof, Hett said. Dan Crumrine, who lives two or three down from this property, asked if there wasn't a metal roof over part of that, so wouldn't that be grandfathered in? By the time I was out there, what I saw was cement poured into the corners and I could tell the difference between the old and the new, Brazils said. We're not changing things?, Ediger asked. Unless there was an enclosed porch, it changes, Brazil said. I think the east side would have been grandfathered in, Crumrine said. They still need a variance for the deck and the side, Mueller said. Nothing has changed, Crumrine said. Does anyone have anything to add?, Sieger asked. Sieger closed the public hearing and opened the floor for discussion.

Whether it's grandfathered in, or not, we can just take care of it, Sieger said. I was told there was 20 feet there, Brazil said about the back. The back lines up with the neighbor's back, Hett said. I'm going to have to rely on what is on the application, Brazil said. We can approve the variance in front of us and then can address the back on the next variance and clean it all up then, Unruh said. It's one of those gray areas since we don't have setbacks for driveways and sidewalks, Brazil said. We need to look at the front sides, for the same setback and on the garage on the west, Sieger said. And on the east, even though some question it, Brazil said. It's not a continuance, because it's a different request, Sieger said. Either continue the whole thing or request a new application for the deck, Brazil said. Unless you continue it the work needs to stop on this house, he said. This is my frustration, he said. I'd rather see us take care of this, he said. Mueller made a motion that the Board of Zoning Appeals approve for Dean Armstrong's application, a front yard variance of no more than 10 feet, from 30 to 20, and a side yard variance from 10 to five, on both the east and west property lines, as it meets all criteria and will be an attractive addition. Unruh seconded the motion. In favor: 6; Opposed: 0; Motion carried. Brazil said the sheet did come with the application, showing the deck. But it wasn't published that way, Sieger said. So we need to apply for another variance on the deck, Hett said. We don't meet again until January, Sieger said. Can we go ahead with the deck?, Hett asked. Not until you receive a construction permit for it, Brazil said. Sieger explained they are bound by the number of days for publishing. Did he do himself any good having the sheet in there, signed by his neighbors?, Hett asked. We certainly look at that, Sieger said. We appreciate the folders of information, Sieger added.

Off agenda: Brazil reported he has purchased two more books. Sieger asked about wind farms. If we had such an application, we could handle it now with our CUP, but I hope in the future to put more info in the zoning regs, Brazil said. Three terms are expiring. They are Ediger's, Robinson's and Unrau's. Sieger asked that they visit with their county commissioner as to their wishes. The next meeting is January 23, 2003. It is custom for us to review the By-Laws at that meeting, Sieger explained. If there are future changes to five acres, instead of 10 acres, could 10 acres come back and be divided, again?, Ediger asked. It could be a new zone, or it could be non-conforming, Brazil said. I'd rather see a separate zone created, but it will have to be worked out in the zoning regs, Brazil said. Some would be difficult to juggle, Sieger said. That's a real good point, Brazil said. I was envisioning a separate zone which demonstrates the relationship to the paved road they're on, Brazil said. Ediger made a motion to adjourn and Robinson seconded the motion. In favor: 8; Opposed: 0; Motion carried and the meeting adjourned at 8:37 p.m.

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Eileen Sieger,  
Chairman