

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

September 27, 2001

Chairman Eileen Sieger called the meeting to order at 7:33 p.m., and established there was a quorum.

Roll Call was answered by Sieger, Marquetta Eilerts, Herb Bartel, Glen Unrau, Bob Unruh and Ervin Ediger. Terry Eberhard, Elora Robinson and Dean Fincham were absent. Zoning Administrator David Brazil was present.

Sieger asked for questions about the agenda, or additions to Off Agenda. Brazil said he is pretty sure there are no applications for next month, so there will not be a meeting in October. Ediger had two questions for Off Agenda. Sieger told members to make note the next meeting will be November 15, 2001, which is a week early due to the holiday.

Sieger asked for additions or corrections to the Record of Proceedings for the August 23, 2001, meeting of the Marion County Planning Commission/Board of Zoning Appeals. There were no corrections or additions. Unruh made a motion to accept the Record of Proceedings as presented, and Bartel seconded the motion.

In favor: 6; Opposed: 0; Motion carried.

Item 4: An application for David Mueller requesting a variance for construction of a temporary second home for a 24-month period, and a variance for construction of a singlewide manufactured home. This property is located in Colfax Township. This application was published in the September 5, 2001, issue of the *Marion County Record*. Members are acting as the Board of Zoning Appeals for this application. Mueller was present to speak about the application. He explained he recently purchased 14 acres, which is adjacent to 136 acres that he currently owns. He said the nearest neighbor is three-quarters of a mile away. This property is located one and a half miles from Tampa, and is on a hill. Mueller showed members the property on a map, saying it is one mile east, one and a half miles north, and back a quarter mile, from Tampa. This property was abandoned about 12 years ago and is in run-down condition. But it is a nice location, with a well-established windbreak, and Mueller said it would make a nice farmstead. He explained he is asking for a 24-month variance for a singlewide mobile home to live in while he is renovating the existing home. He said he has had quite a bit of experience renovating homes, and wants to start over again, on another project. Mueller went over the requirements for his request, as per the zoning regulations. He said this is a major renovation on a home in an isolated location, and he wants to protect the property by living there while he works on it. Second, he did talk with neighbors and landowners around the property, and he presented members with signatures of support for his project. He said he spoke with people within a mile and a half of the property. Third, travel would present a hardship, if he were unable to live on the property. Fourth, he sited support from local residents. And fifth, Mueller said he understands members do not want trailer

homes around the county, but for this unique case he believes his request does meet the current regulation requirements. What are your plans for the mobile home?, Unruh asked Mueller. Once the home is renovated and habitable, I will resell it to the company I purchased it from, Mueller said. He is installing a mile and a quarter of water line to the home, and will also install a new sewer system and lagoon. How old is the home?, Sieger asked. I believe it was built in 1906, Mueller said. Will you do the work yourself?, Sieger asked and Mueller said yes. With the help of Danny Miller, he added. Miller was present at the meeting, but did not speak. Do you believe the home is structurally sound?, Sieger asked and Mueller said yes. Is it your intent that once the home is complete and the mobile home is moved, you would live there, or sell it?, Sieger asked. My intent is to make it my farmstead, Mueller said. Do you have a rather accurate estimate of the cost of moving the mobile home, and are you prepared to provide some kind of surety to cover the cost of removal?, Bartel asked. They will deduct the moving cost from the resale price, Mueller said. I'm not really opposed to this, but for me to vote approving it I would need to have a surety, because yours is not the only one that will come up, so I would need some surety, Bartel said. And not what's given up in actual cash or interest, but an amount that can be set aside to take care of this, Bartel added. I can contact the dealer in the morning and do that, Mueller said. It is a good-condition home and I don't expect it to show much wear, Mueller said. He assured me it would have good resale value, so I intend to put it back in the Salina market, Mueller said. Is rural water going by there, now?, Sieger asked. No, I wish, Mueller said. Eilerts asked and Mueller said bringing water to the home would be at his expense. That's a good investment, Mueller added. You plan to put in a lagoon system?, Sieger asked and Mueller said yes. Sieger asked what old buildings are on the property and Mueller said an old chicken house, a garage, and a barn. I don't believe they're salvageable, Mueller said. Sieger asked and Mueller said he has renovated a home in Tampa and another one mile from Tampa. He said the home that was a mile from Tampa was on a paved road, which is more traveled, and people helped keep an eye on it. Sieger asked if there were other questions. You feel a 24 month period as a maximum will be sufficient?, Sieger asked and Mueller said yes. Will you work on it full-time?, Sieger asked. Not now, but more time will be available as winter comes on, Mueller said. We have not received any letters or comments, right?, Sieger asked. No, except what he submitted tonight, Brazil said. Sieger questioned why the property is deeded separately. It would be compliant, non-conforming, Brazil said, looking on the zoning map. So, it could be sold off by itself?, Sieger asked. If a landowner buys additional property, it really becomes all one property, Bartel said. As far as compliance is concerned, you could have a lot of little parcels and use them all to be compliant, Bartel said. The deed shows 1993, which is after zoning, which is a mute point at this point, Sieger said. The notary expired in 1991, Sieger noted. Other questions, or anything else?, Sieger asked. Do you want to add anything?, Sieger asked Mueller. I appreciate your time and consideration, Mueller said. I think it will be a benefit to the area and area landowners, he added. Sieger closed the public hearing for this application, and opened the floor for discussion.

A couple of these crossed my mind, thinking back, but I can only think of two actual applications, Sieger said. The last one was on 13-mile road, but he wanted it as a permanent residence, Bartel said. But, we need to remember that those weren't the same,

Sieger said. I think what we should do is make the approval on 150 acres in section 18, rather than on the 14, and that makes it different than any other, Bartel said. The other thing I remember is the school southwest of Durham where they wanted to move in a trailer to use as a residence, Bartel said. I remember Enos' by the old mill, Sieger said. That was actually going to be a second residence on the property, Bartel said. Yes, and that made it different, Sieger said. So, we really have two points to this, because it's the temporary home and the singlewide, Sieger said. I'm just happy to see economic development of this type out by Tampa, Unruh said. We'd be silly not to support this, he added. I just want us to be sure that we make some points here, to be sure we make some very definitive statements here, so we don't have singlewides popping up all over, Sieger said. How would the surety be handled?, Eilerts asked. Would we have a copy of that?, she added. He would provide a copy for the file, Bartel said. Is there a form?, Sieger asked. Yes, there's a form, so the county and everyone understands this, Bartel said. It doesn't have to be complicated, he added. I think two big factors are the surety and putting the 14 acres back into the entire acreage, Eilerts said. Bartel made a motion to approve the request for a variance on 150 acres belonging to David Mueller in section 18-17-3 SE/4 and that the temporary residence be of residential design with a pitched single roof and that there be a surety set up in the amount necessary to remove the trailer to Salina, and not to exceed 24 months, for a one time approval. Brazil asked Bartel to clarify that a current estimate on removal and a written agreement need to be put in the file. Bartel agreed to the amendment and Eilerts seconded the motion.

In favor: 6; Opposed: 0; Motion carried.

So, even though this is the Board of Zoning Appeals and this doesn't go to the county commission for final approval, the surety will need to go to the county commission, Sieger said. Because they are the ones who could draw on that, Bartel said. If there's a problem with that, do we want to make approval contingent on the county commission signing off on it, so we don't have to republish?, Brazil asked. If it comes back on that basis, conditions of approval are not meet, Bartel said. I can call them in the morning and they can fax an estimate and I can get that to David, Mueller said. It's hard to do by Monday, Brazil said. I can put the cash amount in an account until the final action, Mueller said. I really want to emphasize the county is the beneficiary of the surety, Bartel said.

Off Agenda: Brazil said the consultant for the comprehensive plan gave these dates for the next meeting; October 23, 25, 29 or November 8. If we go to November 8, we will meet on November 15 for our regular meeting, and we could make this same time for our comment period, Sieger said. Let's try for the school location, again, she added. Brazil asked and members agreed to begin the meeting at 7 p.m. Sieger asked Ediger for his two questions. Staying with trailer houses, Ediger said, there's been a trailer house on a farmyard for about 20 years. It's in pretty decent shape and they want to move it to a different location on the same property, he said. If they move it, they lose their grandfather status, Brazil and Bartel said. I can't believe a 20-year-old trailer is still in good shape, Sieger remarked. It's been a number of years with no one in it, Ediger said. Do they live somewhere else on the property?, Sieger asked. Yes, it was the parent's house, Ediger said. They want to move it by the pond, he added. What if he does it and doesn't tell anyone?, Ediger asked. He could be fined, Sieger said. The appraiser is going

to be on the property each year and notice something's changed, Brazil said. It's up to \$500 per day, and up to six months in jail, he added. Through the construction permit is how we enforce zoning regs, Brazil said. Okay, another one, Ediger said. An ag-zoned fella wants to sell his farmstead and move to town, but wants to keep farming, Ediger said. He's thinking of buying five acres closer to town from another fella, but to be ag he'd have to buy 40 acres, wouldn't he?, Ediger asked. A lot of farmers buy 10 acres and add on to it, but they don't have construction in mind, Brazil said. Before I can sign off on something, I have to see 40 acres, he added. He farms pretty scattered and he wants something close to where he lives in town, Ediger said. The 10 acres they live on may not have gotten proper zoning and he'll have a problem selling if that's the case, Bartel said. Anything else?, Sieger asked. Sieger informed members that terms for Bartel, Fincham and Eberhard end at the end of this year, so they need to determine their desires. Unruh made a motion to adjourn and Unruh seconded the motion.

In favor: 6; Opposed: 0; Motion carried and the meeting adjourned at 8:36 p.m.

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Eileen Sieger,
Chairman