CALL TO ORDER
At 7:00 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay (Vice-Chair), Dick Thompson & Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko & County Administrator Jeff Wilkins
Absent: None
In the audience: Bryan Harl, Rick Jansen, Daron Spicher and son and Bridget Carlsen

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the October 27, 2014 ZBA meeting minutes as written. Dick Whitfield seconded the motion. All were in favor and minutes were approved.

Chairman Mohr swore in anyone interested in talking at this meeting.

PETITIONS
#14-32 Bryan & Lindsey Harl- Variance
Planner Zubko stated the property is located at 3416 Route 47 on the east side of Route 47 about 0.1 miles north of Kennedy Road. We heard this petition last month and the day after we approved it we realized it is really 68’ from the centerline of the roadway, not 68’ from the property line requesting an 82’ variance. Staff would recommend approval of the variance.

Chairman Mohr opened the meeting for public testimony.

Mr. Rick Jansen introduced himself and stated he lives west of Route 47. His only question is if this is built will it affect the Route 47 widening location? Planner Zubko stated not at all, IDOT would have no problem relocating it if needed and this is of course if the Route 47 widening happens. There was also a brief discussion on the permitted number of buildings on this lot.

With no further testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The shape of the property is such that the proposed area is the most feasible and visually appealing area for the proposed building. The area to the east of the main structure is exceptionally narrow, making placement unfeasible. Further north on the property is a flood plain area, is low lying, and offers no access via a driveway to access the structure. A gravel or paved drive through the east or west side of the
main structure to access the building if it were placed to the north would also subtract from the visual appeal of the property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Many A-1 zoned properties have a more rectangular shape, making a building as proposed more feasible in more than one area of the property. The shape of the property, the location of the low lying areas prone to flooding, and the aesthetics of the property deem placement of the proposed building best suited to the proposed location.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The property was purchased on August 25th, 2014 long after the house was built (1978).

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The approval of the variance will not be detrimental to the public welfare, or substantially injurious to the neighborhood. The property is heavily wooded and special use has been taken to ensure the majority of the trees remain, which will surround the proposed building.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed building is a tasteful, aesthetically pleasing building designed to increase the functionality of the property. The building will be used to store vehicles, and a boat; which would otherwise be parked on the property. Careful planning has been completed to place the proposed building in an area where mature trees will surround the building. Light and air supply will not be impaired to adjacent properties. Entries and exits to all surrounding properties, including the property in question, will be unaffected. Public streets and traffic will not be affected.

With no further discussion Karen Clementi made a motion, seconded by Dick Whitfield to approve the findings of fact as written and approve the variance. With a roll call vote of 6-1 were in favor and the variance was approved. Mr. Mohr voted no stating he feels the building is just too close to the roadway.

#14-35 Daron & Kimberly Spicher
Planner Angela Zubko did an overview of the request stating the property is located on the south side of Plattville Road, about 0.3 miles east of Ashley Road. The petitioners are looking to rezone 3 of their 10 acre property from A-1 agricultural to R-1 Single family. The petitioners have indicated they intend to construct a single-family dwelling unit on the 3 acre parcel if the map amendment request is approved. This is consistent with the Village of Plattville’s comp plan to be residential. The township decided they do not want to discuss this matter since it’s a county roadway and in the Village of Plattville. This property is in the Village of Plattville so it goes through our 3 meetings and then onto the Plattville Board instead of our County Board. All the committees recommended approval and an access variance was granted by the Highway Committee, there was an existing curb cut. Planner Zubko stated she has not heard from any neighbors or heard about any concerns.

Staff would recommend approval of the requested Map Amendment to rezone 3 acres of a 10 acre parcel from A-1 (Agricultural) to R-1 (One-Family Residence District) to build a home on their property.
Karen Clementi asked about how this process works since we’ve never had one before. Planner Zubko stated we are contracted by the Village of Plattville and Village of Millbrook to do all their zoning and building inspections.

Chairman Mohr opened the meeting for public testimony, with no testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a map amendment, they were approved as follows:

**Existing uses of property within the general area of the property in question.** The existing 10 acres if farmed with Alfalfa hay crop. There is one pole building for machinery and crop storage. Properties on the east and west are 5 acres each; the east has a house site with approximately 2 acres of crop. The west is a property with a pole building and some landscape trucks. To the north and south are crops.

**The Zoning classification of property within the general area of the property in question.** The zoning classifications within the general area are currently A-1 with R-4 to the east about 0.5 miles.

**The suitability of the property in question for the uses permitted under the existing zoning classification.** The petitioners would like to rezone part of their property to R-1 in order to build a house. The property must be rezoned to build a home. The property is used for alfalfa fields.

**The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification.** The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in that area is agricultural with residential houses. The rezoning to R-1 should have little impact on further development with the area as it would be consistent with surrounding area and the Village of Plattville’s future plan.

**Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.** Adding a residential home in the area is consistent with the Community Development master plan in Plattville.

With no further discussion Tom LeCuyer made a motion, seconded by Donna McKay to approve the findings of fact as written and approve the rezoning. With a roll call vote of 7-0, all were in favor and the map amendment was approved. This will move onto the Village of Plattville’s board next.

**#14-36 Bridget Carlsen**

Planner Zubko stated the property is located at 9950 Lisbon Road on the east side of Lisbon Road, about 0.02 miles north of Walker Road. The property is just under an acre and zoned A-1 agricultural. The property is only 165’ wide. The petitioner is requesting a variance to construct an accessory structure that will be located in the 150’ setback to the centerline of the roadway. The structure will be located 83’ from the current centerline of the roadway, requesting a 67’ variance. This structure will be used for personal use only for professional dog training. She will be training her dogs to compete in dog shows. This property is on Lisbon Road about 0.5 miles to the east about 0.5 miles north are crops.
Road which someday might be part of the Eldamain extension. The Highway Department would like the structure to be as far back as possible due to possibly widening in the future which is why it shows 80’ on the site plan. 83’ is as far back as possible due to an existing shed and the rule of a 10’ separation of buildings. Also to note the house north of this property is about 75’ from the centerline of the roadway so most likely during the widening they would not want to acquire any homes. The estimation is about 60’ from the centerline might be needed IF the road is widened. The Highway Department is fine with the 83’ setback. Staff would recommend approval of the variance.

Chairman Mohr opened the meeting for public testimony.

Bridget Carlsen introduced herself and said she trains so her dogs have to perform well in order to get work. The show arenas are 40’ x 50’ but she made it a little bigger to store all the equipment. There was a brief discussion on the location of the septic system and the reasoning why this is being placed where it is. There was also a brief discussion that the home to the north is about 75’ from the centerline and there is a shed south of this property much closer to the property line.

With no further testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The entire lot is 165’ wide from the centerline of the roadway. To comply with a 150’ setback from the centerline of the roadway would be impossible.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. It really depends on when the house was built and roadways. For example the properties north and south of this property might also request a variance in the future. The house north was built in 1908.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The home was built in 1966 which is when I’m going to assume the lot was created as well, before any zoning restrictions existed.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The approval of the variance will not be detrimental to the public welfare, or substantially injurious to the neighborhood. Locating the building north of the house will be less intrusive than south of the house due to the location of the home to the south. The home to the north is further away.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed building will not impair an adequate supply of light and air to adjacent properties and the public streets and traffic will not be affected.
With no further discussion Tom LeCuyer made a motion, seconded by Scott Cherry to approve the findings of fact as written and approve the variance. With a roll call vote of 7-0 all were in favor and the variance was approved.

**14-33 Bee Keeping**
Planner Angela Zubko stated couple months ago the PBZ office was asked about allowing bee keeping in residential districts. This topic has been discussed a few times at the PBZ (Planning, Building and Zoning) Committee and the committee would like to see a text amendment to allow these in residential districts. Planner Zubko is of the opinion this is a bad idea and it is permitted in A-1 Agricultural districts now. Staff proposes the following text amendment per the direction of the PBZ Committee. She proposes it be a conditional use in the R-1, R-2 and R-3 Districts with the 14 conditions listed on the memo. The ZPAC Committee recommended approval with no changes and the Plan Commission just wanted to add one condition on the application to verify if there is an HOA or not and if there is they need approval from the HOA first, if there is no HOA they need to put that in writing and sign it so the County cannot be held responsible.

Ms. Clementi asked while in reviewing other counties if they mention liability insurance or is that not even our concern? Planner Zubko stated it’s not really our concern as it’s the same thing if anyone gets hurts doing anything on someone else’s property. Ms. Clementi asked if the neighbor is allergic. Planner Zubko stated there is a condition that if a neighbor objects the hives must be located further from their home and also there is the fly away barrier (solid fence with signage) which also should prevent accidents.

Donna McKay wanted to make sure if it is zoned A-1 none of these conditions apply, Planner Zubko stated that is correct.

Mr. Jeff Wilkins introduced himself and also explained he had the same hesitancy as Planner Zubko on this topic.

Since there is no one left in the audience Chairman Randy Mohr opened and closed public testimony.

With no further discussion Dick Whitfield made a motion, seconded by Donna McKay to approve the text amendment including the HOA approval. With a roll call vote of 6-1 in favor and the text amendment will be forwarded on. Karen Clementi voted no stating she is of the opinion it is a bad idea in residential districts.

**14-37 Home Occupations- Landscape Business**
Planner Angela Zubko stated this will be continued till next month as the Plan Commission wanted to makes some changes to the text before forwarding it on.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES**- None

**NEW BUSINESS/OLD BUSINESS** – Review and approve 2015 meeting dates- Dick Whitfield approved the 2015 meeting dates as presented, seconded by Scott Cherry. All were in favor and the meeting dates have been approved.

**PUBLIC COMMENT**- There were no members in the audience to comment.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**- Next meeting will be on January 5, 2015
Tom LeCuyer made a motion to adjourn the ZBA meeting, Scott Cherry seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:33 p.m.
Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary