

Building & Zoning Committee
Meeting Minutes for December 2, 2021

Members Present:

Mick Madison, Chairman
Dalton Gray
Terry Eaker
Ryan Kneeder
Bill Meyer
Nick Petrillo
Robert Pollard
Bobby Ross
Victor Valentine

Members Absent:

Terry Eaker

Others Present:

Noelle Maxey Amanda Abernathy
Jen Hurley
Chris Doucleff

Call of Meeting to Order and Roll Call:

Chairman Madison called the regular meeting of the Building & Zoning Committee to order at 5:00 p.m. and conducted roll call.

Approval of Minutes:

Chairman Madison asked the Committee if everyone reviewed the minutes from the November 4, 2021 meeting. Chairman Madison approved the minutes.

Zoning Petitions and Subdivision Overview:

Noelle Maxey, Zoning Coordinator, gave the overview of the four zoning petitions on the agenda.

Ms. Maxey introduced Resolution Z21-0070, petition of Ronda Vallery, owner of record. Ms. Maxey stated the subject property is zoned "R-4" Single-Family Residential, and the applicant is requesting a Special Use Permit to continue placement of a double-wide mobile home on site for the occupancy of Leanna Smith and family for a period not exceed 5 years. Ms. Maxey said the mobile home was last approved for continued placement in 2016, there are no outstanding violation, no opposition had been expressed, and the ZBA recommended approval with conditions.

Ms. Maxey introduced Resolution Z21-0077, petition of Amanda Abernathy, owner of record. Ms. Maxey stated the subject property is zoned "R-3" Single-Family Residential, and the applicant is requesting a variance for an existing fence located in the front yard setback area that is 6 feet tall and of solid-type build, where fences are required to be 50% open and a maximum of 4 feet tall. Ms. Maxey said the property is currently under violation for the fence, which would be resolved with approval of this request. Ms. Maxey said that an adjacent property owner to the north spoke in opposition and provided staff with an opposition letter, and the ZBA recommended denial of the request.

Ms. Maxey introduced Resolution Z21-0078, petition of Amy Voborsky, owner of record with Greg Voborsky. Ms. Maxey stated the property is zoned "A" Agricultural, and the applicant is requesting Special Use Permits to have a sales yard for the retail sale of flowers grown on site, and for a Type "B" Home Occupation to have flower arrangement workshops in the home. Ms.

Maxey said there are no outstanding violations, no opposition had been expressed, and the ZBA recommended approval with conditions. A Committee member asked what the conditions were, so Ms. Maxey read them aloud.

Ms. Maxey introduced Resolution Z21-0079, petition of Kinnarkumar Patel, applicant of behalf of Anne and Gary Mordis, owners of record. Ms. Maxey stated the property is zoned "B-1" Limited Business, and the applicant is requesting a Special Use Permit to operate an Eating and Drinking Establishment in the existing structure on site. Ms. Maxey said the property is currently operating as another bar and grill, but the current owners are looking to sell, and the new Eating and Drinking Establishment would utilize the existing structure and parking lot on site. Ms. Maxey said there are no outstanding violations, no opposition had been expressed, and the ZBA recommended approval with conditions.

Pre-Application Presentation:

None.

Citizens Wishing to Address the Committee:

Chairman Madison asked if there are any members of the public wishing to address the Committee.

Amanda Abernathy, applicant of Z21-0077, spoke in regards to her request. Ms. Abernathy stated that they put up the fence pretty quickly because damage was being done to her property when the neighbor mowed, and she had called our department and was told she didn't need a permit to put up the fence. Ms. Abernathy stated her detached garage sits in front of her home, and she was told she could connect them to alleviate the issue with the fence, but she decided to go the variance route due to the cost of attaching the garage and home. She said that the fence doesn't block view and is still far back off the road. She stated that cutting it down to 4 feet from 6 feet wouldn't fix the issue, they are car enthusiasts, and the windshield of one of her cars had gotten cracked from top to bottom. Ms. Abernathy stated that they thought putting up the fence would alleviate the issues, but it just keeps escalating. Ms. Abernathy said that her children have been yelled at by the neighbor, and she has photos of him poking his head around the fence and listening on the other side. She stated that they want to leave the fence where it is at the top of the driveway because the bathroom and her kids' bedrooms are right there, her kids play basketball there, and they park their cars there when the kids aren't playing. Mr. Valentine asked why the neighbor objects to the fence, to which Ms. Abernathy responded that in his opposition letter, he said it was an eye sore and didn't meet code since it was 6 foot tall, but any reasons she gives is just speculation. Chairman Madison stated part of the letter said that they're running a business out of there, but staff found no evidence of that. Mr. Doucleff, Department Administrator, stated that he originally received a complaint and sent the code enforcement inspector to the property, and the only thing found was an unlicensed car in the driveway, which has since had a plate put on it, and another in the backyard, which has been removed. Ms. Abernathy stated they were still in the 30 day window for one of the cars when the complaint was sent in, and they had bought the other car at an auction to put its engine in one of their current cars, but they sold it to pay for the fence. Mr. Kneeder asked about the detached garage and home being connected, and Mr. Doucleff stated the two structures would have to be connected in a way that you could walk through them without going outside. Chairman Madison stated if she put in a breezeway between them, the front of the house would be the front of the garage and the fence would be fine. Mr. Petrillo asked who owns the vacant property to the north, to which Mr. Doucleff stated that the complainant owns both of the vacant lots to the north. Mr. Ross stated he drives by this house all the time and always thought the garage was attached, and the house sits 115-120 feet above the road.

Unfinished Business:

None

New Business:

Chairman Madison brought in Resolutions Z21-0070, Z21-0078, and Z21-0079 to be voted on together. Mr. Ross made a motion to approve the above items. Seconded by Mr. Meyer. Roll-call vote. All ayes. Motion passes.

Chairman Madison asked for a motion for Resolution Z21-0077 and explained that the Committee is voting on the Zoning Board of Appeals' (ZBA) decision, so a motion would be to approve the ZBA's recommendation of denial or to deny the ZBA's recommendation of denial. Mr. Meyer made a motion to deny the ZBA's denial. Seconded by Mr. Pollard. Mr. Petrillo asked

to clarify that the violation currently on the property is only for the fence. Mr. Valentine asked if by denying the denial, they were saying the 6 foot fence can stay, to which Chairman Madison responded that's correct. Mr. Petrillo asked Ms. Maxey if this has occurred before and been approved, to which Ms. Maxey stated that was correct, and she didn't have the packet in front of her so she didn't know the exact number, but of the similar requests received over the last 13 years, only one or two had been denied. Roll-call vote. All ayes. A discussion ensued to clarify that all members voted to deny the ZBA's recommendation of denial, which was confirmed to be correct. Motion passes. The Zoning Board of Appeals' recommendation of denial was overturned.

Chairman Madison brought in the Resolution Authorizing a Grant for Yearly Funding to the Madison County Soil and Water Conservation District FY 2022 and the Purchase Order Report to be voted on together. Chairman Madison asked how much the resolution for the Soil and Water Conservation District was for, to which Mr. Doucleff stated it is for \$39,000, which the same every year. Mr. Meyer made a motion to approve the two above items. Seconded by Mr. Gray. Roll-call vote. All ayes. Motion passes.

Administrator's Report:

Mr. Doucleff, Department Administrator, discussed the department's monthly permit numbers. Mr. Doucleff stated the number of permits were up in November compared to last year.

Mr. Doucleff stated the Household Hazardous Waste permanent collection site had opened November 6th, and we were booked for both November dates. Mr. Doucleff said the next collection is the coming Saturday, and there are appointments still open.

Adjournment:

Mr. Gray made a motion to adjourn the meeting. Seconded by Mr. Valentine. Voice-vote. All ayes. Motion approved.

Meeting adjourned.