

Building & Zoning Committee
Meeting Minutes for February 10, 2022

Members Present:

Mick Madison, Chairman
Terry Eaker
Ryan Kneedler
Bill Meyer
Robert Pollard
Bobby Ross
Victor Valentine

Members Absent:

Dalton Gray
Nick Petrillo

Others Present:

Noelle Maxey	Kay Waldram	Stacey Pace
Jen Hurley	Diana Tickner	Scott Summers
Chris Doucleff	Walter Gallia	Ryan Lybarger

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 all members had reviewed the minutes from the January 13, 2022 meeting and if they had any changes to be made. Chairman Madison approved the minutes.

Zoning Petitions and Subdivision Overview:

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

Ms. Maxey stated the applicant of Resolution Z22-0004 has withdrawn her petition, so there are only five zoning petitions on the agenda that will be voted on.

Ms. Maxey introduced Resolution Z21-0088, petition of Ryan Lybarger, owner of record. Ms. Maxey stated the property is zoned "A" Agricultural District, and he is requesting a Special Use Permit to operate a landscaping services business on site and a variance to construct a building 35 feet from the west property line instead of the required 150 feet. Ms. Maxey said several neighbors expressed opposition during the ZBA meeting, and staff had been provided a petition of opposition to the requests. She said the applicant had provided staff with a letter describing the efforts that had been made to try to compromise with the neighbors, which had been forwarded along to the Committee. Ms. Maxey said there are no outstanding violations, and the ZBA recommended approval with conditions.

Ms. Maxey introduced Resolution Z22-0001, petition of Justin and Chelsea Lynch, owners of record. Ms. Maxey stated the property is zoned "A" Agricultural District, and they are requesting a Special Use Permit for a Type "B" Home Occupation to operate a hair salon from a new accessory structure on site. She said there would be 1-2 clients on site at a time, no other employees, and off-street parking would be available in front of the salon. Ms. Maxey said there are no outstanding violations, no opposition had been expressed, and the ZBA recommended approval with conditions.

Ms. Maxey introduced Resolution Z22-0002, petition of Robert and Kimberly Martin, owners of record. Ms. Maxey stated the property is zoned "A" Agricultural District, and they are requesting a variance in order to create a new tract of land that would be 1.33 acres in size instead of the required 2 acres. She said there are no outstanding violations, no opposition had been expressed, and the ZBA recommended approval.

Ms. Maxey introduced Resolution Z22-0003, petition of Anthony Schoeber, applicant on behalf of the HWS Real Estate Series of the HWS Investments Series, LLC, owner of record. Ms. Maxey stated the property is zoned "R-5" Multiple-Family Residential District, and he is requesting a zoning map amendment to rezone the property to "B-3" Highway Business District. Ms. Maxey said he also originally requested a Special Use Permit to operate an Eating and Drinking Establishment in the existing building, but they are now under contract to sell the property to someone who wants to use the building as office space and doesn't need the Special Use Permit, so we are looking for a motion to approve the rezoning but deny the Special Use Permit. She said there are no outstanding violations, no opposition had been expressed, and the ZBA recommended approval.

Ms. Maxey introduced Resolution Z22-0009, petition of Cari Watt, owner of record. Ms. Maxey stated the property is zoned "R-3" Single-Family Residential District, and she is requesting a Special Use Permit for a Type "B" Home Occupation in order to operate a nail salon in the existing home. She said there would be one customer at a time and no other employees. Ms. Maxey said there are no outstanding violations, no opposition had been expressed, and the ZBA recommended approval with conditions. Mr. Valentine asked what the conditions of approval are, so Ms. Maxey read them aloud.

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.

Kay Waldram, resident of the adjacent subdivision, spoke in opposition to Z21-0088. Ms. Waldram stated they have a petition with 60 signatures opposed to the request, and 20% of the adjacent neighbors are opposed. Ms. Waldram said this is a residential area, except two other properties along the frontage road. Ms. Waldram said that she invited a representative to her home to discuss with two adjacent property owners. Ms. Waldram said they want the building up by the frontage road. She said the representative became irate and left, and he wouldn't discuss the topic further. She said they are opposed to the commercial use on the agricultural field, but if the Committee approves the Special Use Permit, they hope the variance will be denied. She said the neighborhood would not oppose placing the building at the frontage road if the Special Use Permit is approved, but they're still concerned about flooding and runoff.

Diana Tickner, adjacent property owner, spoke in opposition to Z21-0088. Ms. Tickner stated that she has a 1000 foot property boundary with this property. She said she and her husband are both opposed to placing the building where they are requesting, but at the front of the property would be acceptable.

Walter Gallia, Director of Operations for Lybarger Landscaping, spoke on behalf of the application of Z21-0088. Mr. Gallia said he was the one who met the neighbors at the house. He said after an hour of being told where they want the building to be placed, Ms. Waldram told him that they had never placed the sign in front of the property, and he told her that he is the one who placed the sign, and he wasn't going to be called a liar, so he left. He said they offered to move the building, turn the building, or put fencing up, and the neighbors didn't want to compromise and only want the building in one spot.

Scott Summers, adjacent property owner, spoke in opposition to Z21-0088. He said he would be the most impacted by the location of the building, and it would be 35 feet off the property line of his backyard. Mr. Summers said to put the building by the frontage road and keep the field the way it is.

Stacey Pace, County Board member, spoke in regards to Z21-0088. Ms. Pace stated it seems the property has great potential, and she hoped they could work something out. She said the neighbors said they were willing to work with the stormwater

issues, but Ms. Pace said she is concerned with the variance. She said that if there has to be a vote tonight, she would suggest a “no.”

Bobby Ross, Committee member, said he grew up in the neighborhood adjacent to this property, and he said starting from Troy down, you have RP Lumber, a strip mall with a few businesses, a church, a dance studio, and a storage facility. He said the ordinance says 150 feet off the property line, and he isn’t opposed to a business going in there, but 35 feet off the property line would be directly behind the houses, so he would like to see it abide by the ordinance.

Ryan Lybarger, applicant of Z21-0088, said they were willing to move and/or turn the building, but that wasn’t enough for the neighbors so there was no compromise.

Kay Waldram said they aren’t crazy about the 150 feet, but if the Committee is going to approve the Special Use Permit, then the 150 feet is the closest the people who are adjacent would be comfortable with.

Mr. Lybarger stated he doesn’t want to put the building in the center of the property to meet setbacks because he wants to farm the rest of the ground around it, and if he wants to put a house on the property in the future, this building would be directly in the middle. A discussion ensued between the Committee, staff, applicant, and neighbors regarding this property and the proposed building. Mr. Ross asked the applicant if it’s true that everything will be stored inside the building, to which he responded that was true, and the ordinance says everything must be stored inside.

Chairman Madison asked if there was any opposition to Z22-0001, to which Ms. Maxey responded there wasn’t. Chairman Madison stated this is his district, and they are not going to use the whole building for the hair salon. Mr. Eaker asked how big this property is, to which Chairman Madison responded that it is at least 2 acres.

Unfinished Business:

Chairman Madison brought in Resolution Z21-0088. Mr. Ross made a motion to postpone to the next meeting. Seconded by Mr. Eaker. Mr. Eaker said that he thinks a compromise can be made. Chairman Madison said that they could vote to approve the Special Use Permit and remove the variance. Chairman Madison asked both parties – Mr. Lybarger and Ms. Waldram – if they were ok with the Special Use Permit if they removed the variance request, to which they both stated “yes.” Mr. Ross rescinded his motion to postpone, and Mr. Eaker rescinded his second. Mr. Eaker made a motion to approve. Seconded by Mr. Valentine. Mr. Valentine made motion to amend the Resolution to remove the variance request, leaving only the Special Use Permit request. Seconded by Mr. Eaker. Roll-call vote. All ayes, except Mr. Ross who abstained from voting. Motion passes. The Special Use Permit is hereby approved, and the variance is denied. Resolution Z21-0088 has been amended to reflect this.

New Business:

Chairman Madison brought in Resolutions Z22-0001, Z22-0002, and Z22-0009 to be voted on together. Mr. Meyer made a motion to approve the three items. Seconded by Mr. Ross. Roll-call vote. All ayes. Motion passes.

Chairman Madison brought in Resolution Z22-0003. Mr. Meyer made a motion to approve. Seconded by Mr. Valentine. Mr. Meyer made a motion to amend the Resolution to remove the Special Use Permit request, leaving only the zoning map amendment request. Seconded by Mr. Eaker. Roll-call vote. All ayes. Motion passes. The zoning map amendment is hereby approved, and the Special Use Permit is denied. Resolution Z22-0003 has been amended to reflect this.

Chairman Madison brought in the Resolution to Authorize Green Schools Program Funding FY 2022. Mr. Doucleff, Department Administrator, stated they are requesting the same amount of funding as the previous few years. Mr. Doucleff stated the program satisfies a state requirement and listed some things the program does. He said Bailey Lutz, Green Schools Coordinator, does a great job with it, and there are about 40 schools in the program. Mr. Meyer made a motion to approve. Seconded by Mr. Valentine. Roll-call vote. All ayes. Motion passes.

Chairman Madison brought in the Refund Request – B2022-0027 and the Purchase Order Report to be voted on together. Chairman Madison stated the refund request is for a shipping container home, which is not allowed in Madison County.

Chairman Madison asked that staff look for existing ordinances for shipping container homes/buildings that the county might be interested to look at. Mr. Eaker made a motion to approve both items. Seconded by Mr. Meyer. Roll-call vote. All ayes. Motion passes.

Chairman Madison asked that staff look into ordinances for manufactured homes that are put on foundations and made permanent and don't require the 5 year renewal. Chairman Madison suggested a stick-built front porch or attached garage, and said maybe they can find a way to vote on those to make sure they match the area. Mr. Ross asked if the county still allows modular homes, to which Mr. Doucleff stated we do, but this is regarding mobile homes, and both mobile and modular homes are considered manufactured homes. A discussion ensued regarding building standards and stick-built mobile homes. Chairman Madison asked for existing ordinances regarding pole barn homes as well.

Administrator's Report:

Mr. Doucleff discussed materials cost and the department's permitting this month compared to last month and compared to last year.

Mr. Doucleff said the first e-waste collection event this year is Saturday, March 12. He said anything with a cord is accepted, and it's free but you have to sign up. The collection is at CJD on 157.

Mr. Doucleff stated the household hazardous waste collection site is open the first Saturday and third Friday every month.

Adjournment:

Mr. Meyer made a motion to adjourn the meeting. Seconded by Mr. Kneeder. Voice-vote. All ayes. Motion passes.

Meeting adjourned.