

**Building & Zoning Committee
Meeting Minutes for June 2, 2022**

Members Present:

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

Members Absent:

Others Present:

Noelle Maxey	Andrew Jones	Jackie Forys	Liza Tucker
Jen Hurley	Diane Boston	Phillip Adams	
Chris Doucleff	Ellen Adcock	Mike Dillard	

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. Chairman Madison asked for a motion to allow Mr. Meyer to attend the meeting via call-in. Mr. Ross made a motion to approve. Seconded by Mr. Gray. Voice-vote. All ayes. Motion passes, Mr. Meyer will attend the meeting via call-in.

Approval of Minutes:

Chairman Madison asked the Committee if all members had reviewed the minutes from the May 5, 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 eight zoning petitions and two subdivisions on the agenda.

Ms. Maxey introduced Resolution Z22-0027, petition of Mike Moniger of Moniger Excavating Co., Inc., owner of record. Ms. Maxey stated the subject property is zoned "PD" Planned Development District, and the applicant is requesting a zoning map amendment to rezone the 4.54 acre tract of land from "PD" Planned Development to "B-4" Wholesale Business District. She said the property had been zoned "B-4" before it was rezoned to "PD" in 2020 to have a CBD oil production company on site along with the excavation company, but it never came to fruition so now they want to rezone back to "B-4." Ms. Maxey said there are no outstanding violations, no opposition had been expressed, and the ZBA had recommended approval.

Ms. Maxey introduced Resolution Z22-0029, petition of Steven Taylor and Kaitlyn Bryan, owners of record. Ms. Maxey stated the subject property is zoned "R-3" Single-Family Residential and is a half acre in size. She said the applicant are requesting a Special Use Permit to have bees, 2 goats, and chickens on the property, as well as a variance to have 10 chickens instead of the maximum 5 allowed. She said staff had received 2 letters of opposition and an opposition petition from neighbors with 30 signatures, and several neighbors had spoken in opposition at the ZBA meeting. Ms. Maxey said there are no outstanding violations, and the ZBA had recommended denial.

Ms. Maxey introduced Resolution Z22-0030, petition of Nic Frey, owner of record. Ms. Maxey stated the property is zoned "A" Agricultural, and the applicant is requesting a Special Use Permit to place a mobile home on site for the occupancy of Nic Frey and family for a period not to exceed 5 years. She said staff had received 2 letters of opposition to the request from neighboring

businesses. She said there are no outstanding violations, and the ZBA had recommended approval with the usual conditions for mobile homes.

Ms. Maxey introduced Resolution Z22-0032, petition of Mark and Donna Sanders, owners of record. Ms. Maxey stated the subject property is zoned "R-3" Single-Family Residential, and the applicants are requesting a variance to construct an attached garage addition to the existing home that would be 2 feet from the east property line instead of the required 10 feet. She said the applicant had provided a letter from the adjacent neighbors to the east supporting their variance request. Ms. Maxey said there are no outstanding violations, no opposition had been expressed, and the ZBA recommended approval.

Ms. Maxey introduced Resolution Z22-0033, petition of James Radcliffe, owner of record. Ms. Maxey stated the subject property is zoned "R-1" Single-Family Residential, and the applicant is requesting a variance to construct an accessory structure in the front yard setback area. Ms. Maxey said the applicant had stated it would be the best building location due to the septic system, power lines, and a well on the property. She said there are no outstanding violations, no opposition had been expressed, and the ZBA had recommended approval.

Ms. Maxey introduced Resolution Z22-0034, petition of Danielle Trask, owner of record with Joey Muscarella. Ms. Maxey stated the subject property is zoned "R-3" Single-Family Residential, and the applicant is requesting a Special Use Permit to place a mobile home on site for the occupancy of Danielle Trask, Joey Muscarella, and family for a period not to exceed 5 years. Ms. Maxey said the applicant stated she wanted to place the mobile home here to help take care of her father, who lives in the house across the street. Ms. Maxey said staff received 5 letters of opposition to the request, and a few neighbors spoke in opposition at the ZBA meeting. She said there are no outstanding violations, and the ZBA had recommended approval with the usual conditions for mobile homes, 3-2. Chairman Madison asked if there are any new conditions that are not normally there, to which Ms. Maxey said they are the usual conditions for mobile homes. Chairman Madison asked if there are any other mobile homes in the neighborhood, to which Ms. Maxey responded there are not.

Ms. Maxey introduced Resolution Z22-0035, petition of Colby Schrupf, applicant on behalf of Frey Properties of Highland, LLC, owner of record. Ms. Maxey stated the property is zoned "M-2" General Manufacturing, and the applicant is requesting a Special Use Permit to construct a helicopter hangar and heliport on site. She said the applicant stated the property will be used to perform maintenance on St. Joseph's Hospital helicopter and for storage of the helicopter during inclement weather. She said neighbors to the east spoke in opposition at the ZBA meeting. Ms. Maxey said there are no outstanding violations, and the ZBA had recommended approval with conditions. Mr. Ross asked Ms. Maxey to read the conditions of approval. Mr. Ross said he's concerned about the noise and asked why they can't build this on an airport's property. Ms. Maxey responded the applicants had addressed that during the ZBA meeting, stating that all nearby airports are privately owned and would not allow them to build a commercial-type structure there. Chairman Madison asked how much opposition there was, to which Ms. Maxey said that it was just the family to the east. Mr. Doucleff stated the applicants had said in the ZBA meeting that they try their best to not fly over houses. A discussion ensued regarding how often the helicopter will be on the property and what activities would take place there. Ms. Maxey stated they had said they do regular maintenance on the pad at the hospital, but they would bring the helicopter to this property if anything needed to be taken apart. Mr. Petrillo noted that the letter from IDOT in the packet stated that they had not gotten full approval from the FAA. A discussion ensued regarding IDOT and FAA approvals.

Ms. Maxey introduced Resolution Z22-0037, petition of Andrew Jones, Jr., applicant on behalf of Southwestern Electric Cooperative, Inc., owner of record. Ms. Maxey stated the property is zoned "A" Agricultural, and the applicant is requesting a zoning map amendment to rezone the half acre property from Agricultural to "PD" Planned Development District in order to operate a bitcoin mining operation in conjunction with the existing electrical substation on site. She said they would be adding 4 storage containers to the property in a fenced-in area adjacent to the substation that would house the bitcoin mining equipment. Ms. Maxey said there are no outstanding violations, no opposition had been expressed, and the ZBA had recommended approval with Attachment "A." Mr. Petrillo expressed concerns about the carbon footprint that this much power usage would cause. Mr. Jones, applicant, answered Committee members' questions and discussed bitcoin mining, what would be happening on the property, and the effect it would have on the power grid and Southwestern customers. Mr. Jones said there is no impact on the environment, and the computers would have a decibel level of about 72, which would be drown

out by the substation and highway. Mr. Petrillo noted that they don't know all the pros and cons of the proposal and this type of activity on the property. Mr. Jones assured that there would not really be any cons except for the sound. Mr. Petrillo expressed concern about the effect of bitcoins on the country, and Mr. Jones stated there is a difference between bitcoin currency and bitcoin mining, and it would be up to the federal government to deal with bitcoin the currency. A discussion ensued regarding crypto currency. Mr. Kneeder asked who would be using this site, and Mr. Jones discussed the company involved and the owner of the company. Mr. Kneeder noted that this is about the rights of the company to use the property they own how they want. Mr. Petrillo asked Mr. Jones how they get their power, and Mr. Jones said they have a contract with British Petroleum, they receive mixed power, and they don't have a say where it specifically comes from since they are cooperative and buy their power.

Ms. Maxey introduced Schwalb Estate Subdivision – Minor Plat. Ms. Maxey stated the subject property is zoned “A” Agricultural and is located in Moro Township, County Board District #5. She said this is a 2 lot minor subdivision, with Lot 1 being 20.98 acres and containing the existing home on the property and Lot 2 being 6.14 acres. She said the existing property is only 40 feet wide for the first 520 feet off Saint James Drive so Lot 1 does not meet the property width requirement, but this is a legal nonconformity since it's already existing. She said future development on Lot 2 may include a new single-family dwelling, and the applicants are proposing a 40 foot wide private roadway easement to access Lot 2 from Saint James Drive. Ms. Maxey said there is no floodplain on the property, and the proposed layout satisfies all zoning and subdivision requirements.

Ms. Maxey introduced Heinz Homestead – Minor Plat. Ms. Maxey stated the subject property is zoned “R-2” Single-Family Residential and is located in Saline Township, County Board District #4. She said this is a 2 lot minor subdivision involving 2 existing parcels that are 3.9 acres and 2.6 acres in size. Ms. Maxey said the new Lot 1 would be 3.47 acres and contain the existing home on site, and Lot 2 would be 3.06 acres. She stated future development on Lot 2 may include a new single-family dwelling. She said the properties are adjacent to the Village of Grantfork and within Highland's 1.5 mile growth area; both municipalities provided letters opting out of the chance to review the subdivision. Ms. Maxey said the applicant are not proposing any new private roadway easements as both lots have direct access to State Route 160. She said there is floodplain on the property, and any development in the floodplain area would require a flood elevation certificate and must adhere to the Stormwater and Erosion Control Ordinance. Ms. Maxey stated the proposed layout satisfies all zoning and subdivision requirements.

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.

Diane Boston, adjacent property owner, spoke in opposition to Z22-0034, petition of Danielle Trask. Ms. Boston stated their neighborhood is all brick homes, and she doesn't know how this mobile home was approved at the last meeting. Ms. Boston said she did not think mobile homes could be put in a neighborhood with all brick homes. Ms. Boston asked if there's anything she could do to help it not pass, and Chairman Madison said she was doing that by addressing the Committee on the issue.

Ellen Adcock, adjacent property owner, spoke in opposition to Z22-0029, petition of Steven Taylor and Kaitlyn Bryan. Mrs. Adcock stated everyone in the neighborhood is against it because of the way the property looks already. Mrs. Adcock said her yard backs up to the yard of the subject property, and there is a ravine between the two yards that water flows through. She said this whole property is a hill, and there is no flat area to even do a garden, which is why they have their garden in the front yard in planter boxes with hog wire. She said there is no room for any of these animals, and there are coyotes, foxes, and hawks in the neighborhood, which would eat the chickens. Mrs. Adcock stated the whole subdivision takes pride in maintaining their properties, and allowing this would just make the property worse and lower values of the houses around it.

Jackie Forys, adjacent property owner, spoke in opposition to Z22-0034, petition of Danielle Trask. She said the mobile home will lower property values. She said there is also construction going to start on I-270, which will also factor into their home values. Ms. Forys said there is concern about what else will come into the neighborhood if a mobile home is allowed.

Phillip Adams, adjacent property owner, spoke in opposition to Z22-0029, petition of Steven Taylor and Kaitlyn Bryan. Mr. Adams said he has already had a conversation with the applicants that they won't be able to afford a fence around the whole property so he doesn't know how they plan to contain the animals. Mr. Adams said agreed with Mrs. Adcock's concerns about everything from the animals coming downhill into that ravine.

Mike Dillard, adjacent property owner, spoke in opposition to Z22-0034, petition of Danielle Trask. Mr. Dillard said he was under the impression that you can't put a trailer on a property under a certain acreage. Mr. Dillard said he was first told they were putting in a modular home on a foundation or slab, which he didn't have any problem with, but he doesn't understand how you can put a trailer in the middle of a subdivision in all brick homes.

Liza Tucker, adjacent property owner, spoke in opposition to Z22-0029, petition of Steven Taylor and Kaitlyn Bryan. Ms. Tucker said that in the last meeting, they had said they were wanting to sell products from the goats, chickens, and bees, but their properties weren't made to accommodate commercial traffic so she's concerned about the extra traffic. Ms. Tucker said she's also concerned because she enjoys spending time in her backyard, and now she's worried she will have to smell the animals and animal feces. She said she's also concerned they will lose good neighbors in the subdivision who don't want to deal with the animals or the smell. Ms. Tucker said she also doesn't know who would be overseeing this and if it would be neighbors' responsibility to report if the property starts going downhill.

Unfinished Business:

None

New Business:

Chairman Madison brought in Resolutions Z22-0027 and Z22-0029 to be voted on together. Mr. Ross made a motion to approve. Seconded by Mr. Gray. Roll-call vote. All ayes. Motion passes.

Chairman Madison brought in Resolution Z22-0030. A discussion ensued regarding the opposition received for this request and the businesses that are adjacent to the property. Ms. Maxey noted that the property is zoned Agricultural already, so the property owner could build a home or put a modular home there as it is and not have to go through any hearing. A discussion ensued regarding Mr. Frey's plan for the property. Mr. Gray made a motion to approve. Seconded by Mr. Eaker. Roll-call vote. All ayes. Motion passes.

Chairman Madison brought in Resolution Z22-0032. Mr. Gray made a motion to approve. Seconded by Mr. Pollard. Roll-call vote. All ayes. Motion passes.

Chairman Madison brought in Resolution Z22-0033. Mr. Gray made a motion to approve. Seconded by Mr. Ross. Roll-call vote. All ayes. Motion passes.

Chairman Madison brought in Resolution Z22-0034. Mr. Petrillo noted that a nay vote would overturn the ZBA's decision and deny the placement of a mobile home. Mr. Petrillo made a motion to approve. Seconded by Mr. Gray. Roll-call vote. All nays. Motion fails.

Chairman Madison brought in Resolution Z22-0035. Mr. Ross made a motion to postpone until the July meeting. Seconded by Mr. Valentine. Roll-call vote. All ayes. Motion passes.

Chairman Madison brought in Resolution Z22-0037. Mr. Gray made a motion to approve. Seconded by Mr. Pollard. Roll-call vote. All ayes. Motion passes.

Chairman Madison brought in Schwalb Estate Subdivision – Minor Plat, Heinz Homestead – Minor Plat, The Estates at Heritage Landing 1st Addition Street Dedication, and the Purchase Order Report to be voted on together. Mr. Ross made a motion to approve all items. Seconded by Mr. Eaker. Roll-call vote. All ayes. Motion passes.

Administrator’s Report:

Mr. Doucleff stated house permits were down this month from 11 last year to 4 this year. He said permits overall are down compared to last year by about 15. Mr. Doucleff noted the cost of construction and materials.

Mr. Doucleff stated the next electronic waste collection event is June 18th, and anyone can call the department to set up an appointment.

Adjournment:

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

Meeting adjourned.