

**Planning and Development Committee
Meeting Minutes for April 6, 2017**

Members Present:

Brad Maxwell, Chairman
Nick Petrillo
Larry Trucano
David Michael
Philip Chapman
Ray Wesley
Mick Madison
Robert Pollard

Members Absent:

None.

Others Present:

Matt Brandmeyer
Andi Yancey
Breana Lamb
Chris Doucleff
Bryce Kiel
David Lindley
Shawna Lindley
Dalton Lindley
Caleb Lindley

Call of Meeting to Order and Roll Call:

Chairman Brad Maxwell called the regular meeting of the Planning and Development Committee to order at 5:00 p.m. and conducted roll call.

Approval of Minutes:

Mr. Madison made a motion to approve the minutes from March 16, 2017. Seconded by Mr. Chapman. Voice vote. All ayes. Motion approved.

Zoning Petitions and Subdivision Overview:

Mrs. Yancey introduced Z17-0079, petition of Rick, Beth, and Bryce Kiel, requesting a variance in order to construct a new residence 35 feet from the north and south property lines instead of the required 50 feet. Mrs. Yancey stated that the existing legal lot of record is narrow, which creates a hardship for the Kiel's to build a new single-family dwelling. Mrs. Yancey indicated that the Zoning Board of Appeals (ZBA) recommended approval.

Mrs. Yancey introduced Z17-0012, petition of Gina Palozzola, requesting a special use permit to continue placement mobile home on site for her occupancy at 1446 11th Street in Cottage Hills. Mrs. Yancey stated there was a letter of opposition submitted stating that Forest Homes is a subdivision and not a trailer court. However, there are 6 mobile homes within the same block as Gina Palozzola's home. ZBA recommended approval.

Chairman Maxwell asked how long the mobile home has been on site. Mrs. Yancey stated it has been there for as long as we can tell. Chairman Maxwell asked if it has been there over five (5) years and Mrs. Yancey stated that was the case.

Mrs. Yancey discussed Z17-0011, petition of Nic and Chandra Gould, requesting a variance in order to construct a detached garage that will be 30 feet from the north property line instead of the required 50 feet. Mrs. Yancey stated they are on a corner lot which means they have to meet two front yard setbacks. Mr. Gould also has a septic field behind the house which limits his placement for the accessory structure. ZBA recommended approval.

Lastly, Mrs. Yancey discussed Z17-0010, petition of David and Shawna Lindley, requesting a special use permit in order to raise five (5) chickens and one (1) goat on a property zoned "R-2" Single-Family Residential. Mrs. Yancey stated that four surrounding property owners came out in opposition due to noise concerns about the goat. There were not any complaints regarding the chickens. Mrs. Yancey stated that their next door neighbor came out in support of the chickens and the goat. ZBA recommended approval for the five (5) chickens and denial for the goat.

Mr. Madison asked if the animals are currently on site. Mrs. Yancey stated that was that case and the petitioner received a violation for having the animals on site without a special use permit. Mr. Madison asked how long they have been there. Mrs. Yancey asked Mr. Lindley how long they have had the animals on site and he stated they have been there for 6 to 8 months.

Citizens Wishing to Address the Committee:

David Lindley stated that he has a signed petition from every adjacent property owner on Galli Lane that approves his request to have the chickens and the goat. Mr. Lindley stated that the goat they are proposing is a 35 pound pygmy goat and not a regular sized goat. Mr. Lindley stated he did not intend to raise a goat but due to the neglect and the death of one of his neighbor's goats, they decided to take the goat. Mr. Lindley stated that Mr. Kerkemeyer was upset about the noise of the goat before he even get possession of the goat. Mr. Madison asked where Mr. Kerkemeyer is located and Mr. Lindley stated where primary residence location but indicated that he owns the vacant lot just behind his house.

Mr. Lindley created a map that had the location of the goat and the relation to each of the adjoining property owners. Mr. Lindley had a list of the property owners that approved and signed the petition for the Lindley's to have the chickens and the goat. Mr. Lindley stated that numbers 4 and 8 on his map are the neighbors who would be greatly affected by the goat.

Mr. Wesley asked if Mr. Lindley had another option for the goat if he must get rid of it. Mr. Lindley stated he does not want to get rid of the goat because it is a nice animal and it is a continuing lawnmower.

Unfinished Business:

Resolution Z16-0079, petition of Arbon Hairston and Denise Lutes, requesting a variance in order to construct a fence in the front yard setback that will vary in height between five (5) and eight (8) feet instead of the allowable four (4) feet is postponed until the June 1st meeting for pending court action.

New Business:

Mr. Madison made a motion to approve Resolution Z17-0013, petition of Rick, Beth, and Bryce Kiel, requesting a variance in order to construct a new residence 35 feet from the north and south property lines instead of the required 50 feet. Seconded by Mr. Pollard. Voice vote. All ayes. Motion approved.

Mr. Wesley made a motion to approve Resolution Z17-0012, petition of Gina Palozzola, requesting a special use permit to continue placement of a single-wide mobile home on site for the occupancy of Gina Palozzola for a period not to exceed five (5) years. Seconded by Mr. Madison. Voice vote. All ayes. Motion approved.

Mr. Chapman made a motion to approve Resolution Z17-0011 petition of Nic and Chandra Gould, requesting a variance in order to construct a detached garage that will be 30 feet from the north property line instead for the required 50 feet. Seconded by Mr. Madison. Voice vote. All ayes. Motion approved.

Mr. Chapman asked that Mr. Lindley's request for a SUP to raise 5 chickens and 1 goat be divided so that the Committee could consider and vote on the chickens and the goat separately. Chairman Maxwell stated they would come back to his suggestion. Chairman Maxwell asked for Mr. Brandmeyer to discuss the regulations for domestic farm animals within the County. Mrs. Yancey stated that in residential districts 3 domestic animals, which are dogs, cats, rabbits, etc. are permitted. There is an option to request a special use permit for domestic farm animals which are for the goats, chickens, etc. Domestic Farm Animals are not permitted by right within Residential Districts, and require a zoning hearing and a special use permit.

Mr. Chapman asked if the adjoining neighbors were in favor of the chickens but not the goat. Mrs. Yancey stated that on site there were not any objections raised about the chickens. There were complaints about the geese and a rooster that were previously on the property. Mr. Madison inquired if that the neighbors were okay with the goat. Mrs. Yancey stated that people were against the goat because of the noise that it was creating. Mrs. Yancey said the next door neighbor came out in support of the goat.

Mr. Chapman made a motion to divide the request into two parts, the approval of the chickens and the approval of the goat, due to the opposition surrounding the goat. Mr. Chapman stated that he understands how it would be helpful to the homeowner to keep the goat, but that it is not helpful to the surrounding neighbors who want peace during the day. Seconded by Mr. Petrillo. Voice vote. All ayes. Motion approved.

Mr. Madison made a motion to approve the five (5) chickens. Seconded by Mr. Pollard. Voice vote. All ayes. Motion approved.

Mr. Pollard made a motion to deny the goat. Seconded by Mr. Madison. Mr. Michael asked for a discussion. Mr. Michael stated that the adjoining property owners were in support of the goat. Mrs. Yancey stated that there were four property owners on Robin Lane that spoke in opposition of the goat. Mr. Michael asked for clarification of the locations of the property owners that were in favor of the goat. Mrs. Yancey asked for Mr. Lindley to indicate the property owners that were in favor. Mr. Lindley showed the Committee the properties of those in favor and those who were opposed. Mr. Michael stated that the homes closest to the property were in favor of the goat and he does not see a difference between the goat and a large dog. Mr. Pollard stated that a dog is a domestic animal, not a domestic farm animal. Mr. Michael stated that he understands that they are in different categories, but what is the actual difference. Mr. Chapman stated that there would be acrimony within the neighborhood if the goat is approved. Mr. Wesley stated that there is a difference of opinion whether the goat makes excessive noise or not, and that he is unsure on how to clear up the noise issues. Mr. Brandmeyer stated there is no real way to go out and measure the noise. Mr. Brandmeyer stated that he does know that a single goat tends to make more noise than two goats because they are pack animals and have separation anxiety when there is only one goat.

Mr. Petrillo stated that his concern is opening the door to other people being interested in having domestic farm animals on their properties. He stated that it makes it hard to draw the line on what is a domestic farm animal, etc. Mrs. Yancey stated that the zoning ordinance defines exactly what the County determines to be a domestic animal and a domestic farm animal.

Chairman Maxwell stated there was a motion and second to deny the goat. Voice vote. Ayes to the motion; Mr. Trucano, Mr. Petrillo, Mr. Chapman, Mr. Wesley and Mr. Pollard. Nays to the motion; Mr. Madison and Mr. Michael. Motion approved.

Mr. Brandmeyer stated there is an updated document for the Sustainability Grants that is different than what was received in the committee packets. Mr. Brandmeyer stated that he and Mr. Chapman went to New Douglas to meet with one of the trustees and the Village Clerk to discuss stormwater issues. He stated that there was an emergency with their stormwater issues, including flooding and erosion problems, and it was determined they should receive an environmental grant to address those issues.

Mr. Wesley asked if the grants that were denied had second chance at receiving funding. Mr. Brandmeyer stated that there should be a second round of grants later in the year if money is saved through the process, which is often the case since cities sometimes spend less than the amount they request in their grant proposals. Mr. Wesley asked if they would have to go through another application process for the second round. Mr. Brandmeyer stated that they would not have to do another application.

Mr. Madison stated he is not sure that rain gardens are a sufficient way to spend grant money. Mr. Madison said he has a problem with solar array because the batteries do not last that long and they take a very long time to pay back. Mr. Madison stated he is for future projects that have a payback and he does not think those projects do. Mr. Brandmeyer stated he agrees with his statements and that they are looking into ways to measure and score the grant applications. Mr. Brandmeyer stated that Planning & Development is not in the position to disagree with the project or state that it does not qualify for the grant as that part of the program has not been identified yet. He said they basically go by what the municipality or township request. Mr. Brandmeyer stated that grant recipients were chosen only on whether they received funding the year before. Mr. Brandmeyer stated the Committee has the option to amend grant recipients by removing or replacing the recommended recipients. To clarify, Ms. Petzing stated that the rain garden projects help mitigate stormwater issues.

Mr. Petrillo made a motion to approve the Resolution Authorizing Allocation of Sustainability Grants FY 2017. Seconded by Mr. Chapman. Roll call vote. Ayes for the motion; Mr. Chapman, Mr. Petrillo, Mr. Michael, M. Pollard, and Mr. Wesley. Nays for the motion; none. Abstention from the motion; Mr. Trucano. Motion approved.

Administrator's Report:

Mr. Brandmeyer stated that Planning & Development will potentially offer code enforcement to the Village of New Douglas. An intergovernmental agreement will be drafted on April 17, 2017 at the Village of New Douglas. There will be a proposal for the agreement on the next agenda. Mr. Brandmeyer stated Planning & Development currently provides permits and inspections for the Villages of Hamel and Grantfork, explaining that the department keeps the building permit fees which ends up paying for the services. In the case of New Douglas, if there is a violation and a fine, the department would keep any fees collected. Mr. Brandmeyer stated these are services that the Planning & Development Department provides to communities that do not have the resources to fund these types of review.

Mr. Chapman stated this was conducted at the request of New Douglas founding fathers. These are the type of services needed in New Douglas and this is what they are requesting subject to their approval.

Mr. Brandmeyer stated that the Green Schools Bookmark and Trashformations contests are currently underway. Mr. Brandmeyer said that K-5th grade school children use recycled materials to make something useful as a lesson in reusing our resources. Mr. Brandmeyer stated there is a contest and judging. Chairman Maxwell stated they are looking for volunteers to judge the Trashformations. Mr. Chapman and Mr. Michael stated they are willing to volunteer. Mr. Brandmeyer stated that the Committee will be invited to Earth Flag day as well.

Chairman Maxwell asked for the Resolution to be rewritten to show the division of the vote. Mrs. Yancey stated she would rewrite the Resolution. Mr. Chapman stated that the minutes should show that there was a division for the vote so that there is not any confusion.

Adjournment:

Mr. Wesley made a motion to adjourn the meeting. Seconded by Mr. Trucano. Voice vote. All ayes. Motion approved. Meeting adjourned.