

Minutes

HARVEY COUNTY PLANNING AND ZONING ADVISORY BOARD

BOARD OF ZONING APPEALS

Harvey County Court House – Community Room

Feb. 7, 2017, 7 p.m.

- Meeting Called to Order at 7 p.m. by Chair Lynne Vigil. Members present were Vigil, Phil Kimerer, Jack Bender, Carol Buller, Wayne Alison, Duane Miles, Mike Koehn, Pat Wendling, Gina Bell, Karen Jacobs; Guests: Robert DuBois, Greg Noil, Robert Rodgers, David Sollo, Natalie Sollo, Joyce Stuart, Fred Stuart, Scott Miller, Steve Martin, Chris Roth and Jeff Solo.
- A motion for approval of agenda was made by Miles and seconded by Kimerer. The motion passed unanimously.
- A motion for approval of minutes from Nov. 29, 2016 meeting was made by Kimerer and seconded by Bender. The motion passed unanimously.
- Administrator Update – Bell reported the amount of building permits is lower than usual for the first month of the new year. Next month's meeting will be a work session to discuss the quarter/quarter or 40 acre rule. Bell said Commissioner Chip Westfall was approached by someone about the subject and he would like to have a work session with the planning commission to discuss it. Bell said with the tax lid, the only way to grow the budget is to increase the number of people taxed or to tax the people that are here now more. Bell also updated the board on an executive order by the president that has put a halt on FEMA issuing LOMA's for review. She said this could cause a lot of delays in the process in the near future. Bender pointed out there is a case in the Federal Courts dealing with zoning that everyone should keep an eye on. Bender also asked about the new administrator, Anthony Swartzendruber and what to expect. Bell said Swartzendruber had been with the county in the administration office for some time and the transition should be smooth. She did feel there would most likely be some changes but did not foresee any problems.
- There were no speakers in public forum and no need for executive session.
- Next was consideration of CUP 17-01. Brandon Jameson would like to start a bulk rock and mulch business at 5618 W. 1st. Jameson was unable to attend. Greg Null was there on behalf of Jameson. Bell stated there was nothing she could see with this request that was cause for concern. Null said Harvey County does not having anything like this. By starting this business it would keep the money in Harvey County. He said people would be able to buy landscaping material by the truckload. He said there will be minimal deliveries so the roads should not be too heavily impacted. Pat said he talked to Jameson and he is willing to maintain the road. Bob Dubois was there to speak for the township and said they are ok with what Jameson is wanting to do. Wendling made a motion to recommend the CUP with the conditions it is only for selling landscape material, they must cooperate with township should there be any damage to roads from materials being delivered and to obtain proper permits for signage.
- Case 17-02 Grace Hill Winery 6310 S. Grace Hill Rd. - Bell explained that Jeff Sollo with the winery came in to the clerk's office to ask for a liquor license to sell liquor by the drink. Bell explained that this

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needed to be approved by Zoning as a CUP. This would be the first establishment in the rural part of the county to serve liquor by the drink. The current CUP only allows the winery to serve wine. With the new CUP they would be able to serve beer and spirits. Bell said she did not foresee any problems. Kimerer said Grace Hill runs a great business and is a good tax contribution for Harvey County. Sollo said the event center hosts about 30 to 40 weddings and corporate events per year. He said right now they can sell wine but people bring in their own beer. He said if they sold the beer too they could control the portions that are consumed as well as make the income off the beer sales. He said they are not planning to be a bar. They are staying a winery that hosts events. The winery has been open for nine years and has had no incidents. Sollo said they want to add beer for now but want the option to add spirits in time. Alison made a motion to recommend the CUP. Miles seconded the motion. The motion passed unanimously.

- The next item was a single plat at 4201 NW 96th. Bell said this was brought to her attention at the time of sale. The original acreage had been split 5 times. The house has 5 acres and an addition 40 acres is in question for this plat. Bell said the 5 acres does not qualify for a variance. She said it is not in compliance and no building permits can be issued for this property. By platting the 5 acre lot it will bring the property into compliance. This plat of the 45 acres into 5 acre lots had come before the planning board by a previous owner in 1997 and was denied. Neighbors Joyce and Fred Stuart were there to voice their concerns. They wanted to know how the plat would affect the remaining 40 acres and were they bringing the hole 45 acres into compliance or just the 5 acres. They had concerns of how the split was allowed to happen. Would the 40 acres still be buildable? The planning board all agreed the rule is 40 acres or quarter/quarter so yes the 40 acres would be buildable. Stuart was concerned the land could continue to be split if this was approved. The concern was will this set a precedence that if splits are made without the planning office's knowledge, as in this case, and then years down the road come back and want to make it conforming. Bell said no matter what their decision on the plat today, all plats would have to come before the board. It would not make it legal for everyone. It would still be decided on a case by case basis. Alison made a motion to approve the plat and Kimerer seconded the motion. The plat was approved unanimously.
- Old Business- Bender asked again what could be done about the Rodenberg trailer. He said the trailer is under the powerlines and there is still stuff in the trailer. He said it is right by the neighbors drive. Bell explained at this time they were working with Rodenberg to try to get something done.
- In new business, Alison asked if anything had been addressed about the trailers dumping sewage into the black kettle river in the floodway. Bell said that had not been brought to her attention until now.
- Kimerer made a motion to adjourn the meeting with Buller seconding the motion. Motion passed 7-0.