

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
OCTOBER 21, 2004

The Jefferson County Zoning Board of Appeals met on Thursday, October 21, 2004 at 3:00 p.m., in the Jefferson County Meeting Room. Members present were Tiffany Hine, Thomas Trumble, David Wiegand, Jeff Bresee and Douglas Rockwell. Michael Cassell, Assistant Prosecuting Attorney and Rebecca Burns, Executive Secretary.

The meeting was called to order by Ms. Hine at 3:00 p.m.

1. Ms. Hine noted the Minutes stated are not ready due to extenuating circumstances within the office.

Ms. Burns swore in individuals who indicated they would be speaking.

2. Request by Charles and Patricia Ervin for a variance from the front setback requirements from 20' to 9.5' for a proposed garage/porch/sunroom (Article 9, Section 9.7).

3. Request by Charles and Patricia Ervin for a variance from the side setback requirements from 10' to 8' for a proposed garage/porch/sunroom (Article 9, Section 9.7). Charles and Patricia Ervin were present to represent the request along with Bryan Bradford the architect. Mr. Ervin stated his wife is physically handicapped and not able to climb stairs on a daily basis and they intend to build the garage up high enough to avoid her having to climb stairs to get into the house. Ms. Ervin noted the most directly affected neighbor is in support of the request. Mr. Raco noted the Ervin's will have to address the flood plain as part of the permitting process. There was no public comment.

4. Request by Kenneth J. and Janine L. Hammett for a variance from the rear setback requirements from 20' to 12' for a proposed in-ground pool (Article 5, Section 5.7). Kenneth and Janine Hammett were present to represent the request along with their neighbor Elizabeth Via. The Hammetts stated they have a son who is physically challenged and the pool will be used as part of his occupational therapy. Ms. Via spoke in support of the request. Mr. Raco noted this is a new subdivision and the setbacks were shown on the original plat.

5. Request by Millville Quarry, Inc., for a variance from the 1000' setback from a residential property line for a proposed concrete plant (Article 5, Section 5.6b). Dick Klein and Richard Friedman were present on behalf of the request. Mr. Friedman noted they have active mining permits and they extract mineral each year from the site. Mr. Klein presented a letter from Mr. Grams the most directly affected property owner who is in support of the request. Mr. Raco stated he as Zoning Administrator has determined the concrete plant is an accessory use to the quarry. Mr. Klein stated they are asking for a variance from 1000' to 200'.

Mr. Rockwell motioned to adjourn for deliberations. Mr. Bresee seconded the motion which carried unanimously. Mr. Bresee motioned to return to regular session. Mr. Trumble seconded the motion which carried unanimously.

MINUTES - JEFFERSON COUNTY BOARD OF ZONING APPEALS
OCTOBER 21, 2004
PAGE TWO

2. Mr. Bresee motioned to grant the variance to Charles and Patricia Ervin from the front setback requirements from 20' to 9.5' for a proposed garage/porch/sunroom. Mr. Trumble seconded the motion which carried unanimously.

3. Mr. Bresee motioned to grant the variance to Charles and Patricia Ervin from the side setback requirements from 10' to 8' for a proposed garage/porch/sunroom. Mr. Trumble seconded the motion which carried unanimously.

4. Mr. Bresee motioned to grant the variance to Kenneth J. and Janine L. Hammett from the rear setback requirements from 20' to 12' for a proposed in-ground pool. Mr. Wiegand seconded the motion which carried unanimously.

5. Mr. Bresee motioned to grant the variance to Millville Quarry, Inc., for a variance from the 1,000 foot setback from a residential property line for a proposed concrete plant to 200 feet. Mr. Trumble seconded the motion which carried unanimously.

6. Rules and Regulations. The Board noted they received copies of the written comments submitted by various individuals. The Board made revisions pages 1 through 10 of the Draft Rules of Procedure Before the Jefferson County Board of Zoning Appeals (copy attached of the draft document before revisions). Mr. Rockwell motioned to adopt the Rules of Procedure Before the Jefferson County Board of Zoning Appeals as amended. Mr. Trumble the motion which carried unanimously.

Mr. Rockwell motioned to adopt and approve the existing forms currently being used by the office on an interim basis. Mr. Bresee seconded the motion which carried unanimously.

Mr. Rockwell motioned the effective date of the Rules be November 1, 2004. Mr. Trumble seconded the motion which carried unanimously.

7. Discussion of the new Planning & Zoning statutes (SB454). No action was taken by the Board on this matter.

8. Correspondence. Mr. Cassell stated Alice J. Rissler application for a seasonal use permit was remanded back to Board for their discussion. Mr. Cassell stated he will make available for the next meeting a draft of the Findings of Fact and Conclusions of Law for the Uniwest Appeal for the Board to consider at their next meeting.

Mr. Rockwell motioned to adjourn the meeting at 6:40 p.m. Mr. Trumble seconded the motion which carried unanimously.

A transcript of this meeting can be found on CD #84, #85 and #86. These Minutes were prepared by Rebecca F. Burns.