

Integrated Zoning Code and Land Use Planning **Committee Minutes**

The Zoning and Planning Committee Meetings are conducted on a monthly basis. Meetings are held in the Van Buren High Community Room at 6:30 p.m. on the fourth Thursday of each month.

Committee Members: Matt McCracken, Stan Heitkamp, Neil Schaller, Ed May, Irvin Pommeranz and Mike Julien (Zoning Inspector).

January Minutes

Present: Matt McCracken, Stan Heitkamp, Neil Schaller, Ed May and Mike Julien-Zoning Inspector

Not Present: Irvin Pommeranz

Visitors: None

Received a call from Mrs. Lowery asking about the letter she received from John Kissh. I advised her that her construction permit has long since expired and a new permit should be requested. I e-mailed her the permit forms in Word and Adobe formats and gave her the URL for the Van Buren web site that same evening (1/7/08). On 1/15/08 I received the completed application and check and issued a new zoning permit for Mrs. Lowery.

February Minutes

Present: Matt McCracken, Stan Heitkamp, Neil Schaller, Ed May and Mike Julien-Zoning Inspector

Not Present: Irvin Pommeranz

Visitors: Colin Baird

On February 5th, I received a request from the mayor to send Mr. Steve Endicott a new resident packet. I delivered the packet to the former home of Jon Smith at 109 Creswell hoping to introduce myself, but did not find anyone at the residence. I left the packet in the front door.

On February 10th I received a call from Mr. & Mrs. Norton asking for new zoning applications for the construction of a new garage and fence. I delivered the zoning applications to their home on 2/11/08.

On February 14th I received a call from Mr. Joe Hudok asking for a zoning permit to construct a new home at 114 S. Main Street. I mailed the requested application and a welcome packet to his PO Box per his request. I also was notified by Debbie Sigler that they were completing construction of her home at 204 Elm St. and wanted to request an occupancy permit. I made arrangements to meet with Debbie on Saturday, 2/16/08 for a walk through and delivery of the permit. Occupancy permit delivered to Ms. Sigler and she requested a fence permit and regulations regarding set backs for fences.

On February 18th, I received a phone call from Mr. Randy Norton inquiring about the replacement of a driveway and setback requirements for his proposed garage. He intends to put in the driveway first and begin construction of the garage later in the summer as finances permit. Placement of the garage will determine where the drive will be and clarification is needed. I arranged to meet with Mr. Norton on Saturday, 2/23/08.

I additionally received a call from Mr. Steve Endicott inquiring about the construction of a house addition to the property at 109 Creswell. I made an appointment to meet with Mr. Endicott on 2/23/08 prior to my scheduled meeting with Mr. Norton.

Reviewed the house addition plans of Mr. Endicott. I will provide a copy of the Buren Trace deed restrictions to Mr. Endicott. Mr. Norton reviewed his plans for his proposed fence and potential garage. The fence project will occur first with the garage and drive being planned as funds are available with possible completion this fall. I received his check and application for the fence but he has concerns still about his deck and its resolution.

March Minutes

Present: Matt McCracken, Stan Heitkamp, Neil Schaller, Ed May and Mike Julien-Zoning Inspector

Not Present: Irvin Pommeranz

Visitors: Colin Baird

On March 18, 2008, I delivered a zoning certificate to Mr. & Mrs. Joe Hudok for a home to be built in the Buren Trace subdivision on Lot 14. I also delivered a copy of the certificate to Wayne Homes in Cygnet and reviewed with them the front façade requirements. Their interpretation is that the wording in the Deeds Restrictions for Buren Trace applies only to the garage face. I reviewed the concern with Stan Heitkamp and we agreed that the wording is confusing and would present the issue at our next Planning Commission meeting for revision recommendation. Stan explained that during the original discussions, the intent was that the face of the home should be constructed of wood, stone, brick, cement siding or stucco.

I met with Mr. Steve Endicott at his home on Creswell to discuss his plans to put an addition on to the East side of his house. We also discussed the sidewalk along Elm Street and the sidewalk and driveway he will be having installed in the next several months.

On March 24th I invited Mr. Randy Norton to present his concerns regarding the issue of his deck that was constructed last year to the Planning Commission. I also delivered a fence permit to him on March 25th.

April Minutes

Present: Matt McCracken, Stan Heitkamp, Neil Schaller, Irvin Pommeranz, Ed May and Mike Julien- Zoning Inspector

Visitors: Colin Baird

On April 1, I sent an e-mail to Gary Petrime outlining the issues for Buren Trace as discussed at our March meeting. A copy of that e-mail is included in the documentation packet for your cognizance. I have not, at this point, received an action plan although Gary did respond with several questions.

Occupancy certificate was issued for Brad Heitkamp at 205 Elm Street on April 12th. Also a fence permit was delivered to Debbie Sigler that same day. New resident welcome packages were delivered to 207 E. Market St., 105 Walnut St., and one other home on Main Street.

On April 14th, a driveway application and permit were issued to Bill Gummow to install driveways at his home at 102 W. Market St. I have been checking on the progress at the Hudok home on Elm Street (currently under construction) and have raised some concerns with Wayne Homes.

- The zoning certificate is not displayed as necessary at the building site
- The footer inspection was not requested as stipulated in the zoning ordinance and was therefore incomplete
- The façade requirements were reviewed and are a topic for discussion at this meeting

I additionally provided Wayne Homes with a copy of the Village Sidewalk Ordinance and all requirements will be closely monitored for compliance.

I delivered a fence and shed application to Harold Rister at 103 Creswell. I reviewed the setbacks and advised that there may be swale work scheduled for the rear of his property soon. He should check with Mr. Petrime to avoid competing work efforts.

On 4/19 I received a call from Doug McCracken advising of the church's intent to erect a storage building at the Methodist Church. Doug obtained the application at the web site. I stopped by several times but was unsuccessful in making contact with Doug to review the exact location of the intended building.

May Minutes

Present: Stan Heitkamp, Neil Schaller, Irvin Pommeranz, Matt McCracken, Ed May and Mike Julien- Zoning Inspector

Visitors: Paul Schmeltzer (Van Horn Hoover), Gary Petrime, Mr. & Mrs. Colin Baird

I received a call from Mr. Scott Oestreich on W. Market St. questioning the need for an application/permit for the replacement of his driveway and fence. I advised Mr. Oestreich that a new permit was not required in that his projects. On April 30, Mayor May, Stan Heitkamp, Gary Petrime and I met to review various issues in the Buren Trace Development. Swale drainage, the Finsel property and the Hudok home were among the topics discussed. I requested Mr. Petrime to formulate an action plan with target dates regarding potential drainage problems on Lot 1. Additionally, Mr. Petrime will be addressing the swale along the western boundary of the development and intends to work with Mr. Cassidy for drainage concerns for Lot 12.

Mr. & Mrs. Hudok shared their concerns for the façade requirements for their home at Lot 14. It was agreed that a temporary variance would be the best immediate remedy to allow their construction to continue. In this situation, it was generally agreed that the Hudok's would obtain signatures from the property owners in the development to allow them to have the brick garage face installed with vinyl siding for the remainder of the front face of the home with the understanding that the vinyl would be removed and replaced with "Hardi-Plank" style cement siding once the builder's warranty has expired. In this situation the consistent application and enforcement of the deeds restrictions is preserved with a time limited exception due to the extenuating circumstances faced by the Hudok's with their builder.

I also met with the residents of 205 E. Market St. on April 30th regarding the privacy fence being installed. In that this is a replacement of an existing chain link fence, no permit is technically required; however, I requested that the owners complete an application with the understanding that no fee would be imposed. The owners were quite acceptable with this request once the village's goals were shared to monitor various construction projects to ensure consistency in construction quality. Measures were taken to preclude creating a blind spot for the alley between Market St. and Walnut St. I delivered the fence application on Saturday, May 03, 2008 and the permit on Sunday, May 04, 2008.

I received a fence and shed application from Harold Rister at 103 Creswell on Saturday, May 03, 2008. Attempted contact with Mr. Sam Girdler regarding concerns about the temporary variance for the Hudok home. May 7, 2008 I received notification that all residents of Buren Trace had approved the temporary variance for the Hudok home.

I completed a complaint form for the swampy area on Lot 4 of the Buren Trace subdivision. Citing standing water issues that would provide a breeding ground for mosquitoes and attract wild fowl, I requested the Hancock County Department of Health to notify the owners of the property to fill in the lot to eliminate the standing water pond area in this residential development.

On May 10th I received a request from Mr. Greg Ayers to build a fence on the north side of his property at 200 N. Main St. Fence application was delivered on 5/12. On that same date I issued a fence and shed permit to Mr. Harold Rister for his applications submitted in early May. Received completed application for fence at 200 N. Main St. on May 18th and issued permit on May 19th.

Delivered a welcome packet to 103 W. Market St. (Leighanne Heitkamp). I received an e-mail request from Mrs. Hudok asking for a copy of the amendment to the Buren Trace Deeds Restrictions pertaining to the fence provisions. I replied to her that I currently did not have a copy of the amendment and copied the e-mail to the Mayor and Mr. Gary Petrim to assist in obtaining the documentation for her needs and for file. She also requested a copy of the village sidewalk zoning ordinance and I delivered same to the Hudok home on May 21st

May 27, The committee discussed the following:

Plat approval for lots on North side of Creswell: After review of the plat configuration and a discussion regarding the drainage detention pond, members of the Planning Commission approved the plat configuration as proposed by Mr. Petrim and Mr. Schmeltzer.

A review of drainage issues in the remainder of Buren Trace were expressed by Mr. & Mrs. Baird and resulted in Mr. Schmeltzer offering to have a survey team shoot grade on the existing swales and catch basins and proposed swales in the original drainage plan for the development. Said survey will be completed by the June Planning Commission meeting and further discussion will result.

A brief review of the May Zoning Inspector's report was completed and a discussion relating to current zoning fees and proposed "no cost" or reduced cost fees ensued. There will be further discussion at the June meeting with suggestions forthcoming by Mr. Schaller for a possible graduated fee schedule for various construction projects within the village.

June Minutes

Present: Stan Heitkamp, Irvin Pommeranz, Ed May, Matthew McCracken and Mike Julien- Zoning Inspector

Not Present: Neil Schaller

Visitors: None

Another review of the status of the Buren Trace drainage issues resulted with an update from Mayor May that the engineering firm will be finalizing their research within the next few weeks and will provide an update with an action plan for correcting identified issues by the July Planning Commission meeting.

Mr. Schaller's research into applicable zoning fee rates was discussed by all those present. The Zoning Inspector will condense the two spreadsheets and send them to the commission for a possible recommendation to Village Council for graduated fees and no cost permits for various construction projects within the village.

The Zoning Inspector's report was reviewed as followed and no actions pending:

I received a request form Brad Heitkamp for a zoning application for a new deck he will construct for his neighbor. I delivered the application on June 6. I have not at this point received the application back.

I delivered an occupancy permit application to Kristen and Joe Hudok for their home at 109 Elm Street. Occupancy permit was issued on June 18.

I delivered the complaint form to the Hancock County Health Department for the "pounding of water" on the employ lot belonging to Tim Finsel.

I received a call from "Jasmine" at All American Fence about an unknown issue related to zoning but a return call found her unavailable. I tried several times without success.

I received a call from Joe Stefenka inquiring about a zoning requirement in selling his building that is adjacent to the Dragon's Lair. He advised that the prospective buyer wanted to open a commercial business in the building. I advised him that the building was already zoned for business and zoning issues would be addressed based on the intended building use.

July Minutes

Present: Stan Heitkamp, Neil Schaller, Ed May and Mike Julien- Zoning Inspector

Not Present: Irvin Pommeranz and Matthew McCracken

Visitors: None

A discussion with the owners of The Dragon's Lair resulted in a commitment to finish the work at the back of their building and pave the parking lot by mid-September of 2008. I advised them that further delays would not be well received and would potentially result in action by Village Council.

On July 7th Mayor May left a voicemail regarding activity at 110 S. Main St. suggesting they were preparing to install/replace a sidewalk. I stopped by the residence at 6:45 PM that same evening to discover that the sidewalk had been poured and found no one at the residence. I left a copy of the sidewalk ordinance and a business card in their front door and spoke with the residents on July 12th advising them of the requirements of their contractor in this project. I requested that I be contacted prior to backfilling the dirt beside the sidewalk once the forms were removed that I may inspect for proper depth of the concrete and substrate material and general compliancy with the ordinance. On May 13th I completed the inspection. I ask that notification to the Village residents relating to the sidewalk ordinance be included in the next "letter to the community".

On July 7th I also received the application for a deck located at 204 Elm Street. The application did not, however, contain the check for the zoning application fee and I stopped by and the resident issued the necessary check. All requirements were in compliance with the zoning ordinance and the permit was issued dated July 10th.

Mayor May contacted me on July 10th regarding two building posing potential safety risks and requested I post "Hazardous Structure" notices on those buildings. I prepared and posted the notices (copy included with this report) at a barn on West Market Street and the brick building across from the Dragon's Lair on South Main Street on July 13th. I also received on that same date a deck application from Mr. & Mrs. Joe Hudok for the home constructed at 109 Elm Street. I delivered the deck permit to the Hudoks on 7/15/2008.

I received a call from All American Fence requesting information about lot numbers for a fence they were proposing for an unidentified home in the village on 7/16/2008. I referred them to the County Auditor's web site for a legal description.

There have been no other inquiries or calls this month.

August Minutes

No issue came forth to address for this committee. Meeting was cancelled.

September Minutes

Present: Stan Heitkamp, Neil Schaller, Ed May and Mike Julien- Zoning Inspector

Not Present: Irvin Pommeranz and Matthew McCracken

Visitors: None

Attached is a suggested letter for Village Council to send to Mr. Marriott regarding the his commitment to finish the work at the back of their building and pave the parking lot by mid-September of 2008. This project began in May/June of 2007 and technically should require a new zoning application and fee. After considerable delay due to various issues related by the proprietors, the end result is that they have ignored requests to complete this requirement. As the Planning Commission is not empowered to impose penalties of this nature, Zoning Committee recommends that Village Council send the letter advising that action must be taken within 15 days to avoid the assessment of \$100 per day as allowed in sections 1900 and 1903 of the Village Zoning Ordinance.

Zoning Inspector met with Aaron Doty to review a plan to build a shed for the VB United Methodist Church as an Eagle Scout project. He gave him a copy of the zoning ordinance and the associated application after reviewing the site proposed and required set-backs from the street. In early September, received the completed application and check and issued the permit on 9/13/08.

A Follow-up with Mr. Harold Rister (103 Creswell) verifies that his large shed, currently under construction, meets the guidelines of the Village and the Deeds Restrictions for Buren Trace. The shed and house total 21% footprint for his lot.

Zoning Inspector received a request from a property owner inquiring about the renovation of a building on the corner of May and Walnut Streets. In that the proposed building is a "temporary structure" due to no permanent footing (planned to be erected on wood timbers) no permit is mandated. This policy may be a topic for review/revision as a part of the recommendations to Council in 2009.

Mr. Steve Endicott has submitted plans for erecting a shed and fence on his property on Creswell in the Buren Trace Development,

October Minutes

Present: Stan Heitkamp, Neil Schaller, Ed May and Mike Julien- Zoning Inspector

Not Present: Irvin Pommeranz and Matthew McCracken

Mike Julien reported that he discussed with Sean Marriott the delinquency to finish the work at the back of their building and paving the parking lot by mid-September. Mr. Marriott stated that he understood but was experiencing some cash flow issues and could not complete the project at this time. Mike cautioned him that he would be subject to the imposition of a potential \$100.00 per day fine as allowed in sections 1900 and 1903 of the Village Zoning Ordinance. After a lengthy discussion the committee direct Mike to instruct Mr. Marriott to complete a new permit and placed a June of 2009 completion timeline.

Mike reported that he met with Steve Endicott to discuss his plans for erecting a shed and fence on his property at 109 Creswell in the Buren Trace Development. Steve advised the he will not be starting the projects until the sale of his previous home is completed and anticipated that to happen by spring of 2009. He also advised that he plans to complete the sidewalk along Elm Street contingent on the same premise.

Mike will be putting the final touches to the Village of Van Buren's Permits and Inspection Fee structure. The new proposed fee structure will be financial friendlier to the residents of Van Buren. The plan is to present the new structure at the December Council meeting for approval.

November Minutes

Present: Stan Heitkamp, Irvin Pommeranz, Ed May, Matthew McCracken and Mike Julien- Zoning Inspector

Not Present: Neil Schaller

Visitors: None

Mike Julien reported that he discussed with Sean Marriott the delinquency to finish the work at the back of their building and paving the parking lot. A letter will be sent prior to December which requires Mr. Marriott to comply by June 30 or face penalties.

Mike Julien completed a suggested Zoning Schedule of Fees for 2009. After review and comments, the new fee structure was adopted by the Committee and will be presented at the new council meeting for approval.

December Minutes

Due to the holidays, this meeting of the Zoning Committee has been cancelled.

Submitted by Michael Julien
Zoning Inspector