

AGENDA
MERRILLVILLE BOARD OF ZONING APPEALS MEETING
WEDNESDAY
NOVEMBER 18, 2015
6:30 PM

The Board of Zoning Appeals meeting of September 23, 2015 was called to order by Chairman Minchuk at 6:32 pm and led the group in the Pledge of Allegiance.

ROLL CALL

Members in attendance were Mr. Fortier here, Mr. Holtz here, Robert Bigelow here, Chuck Stojakovich here and Mr. Minchuk here. Let the record we are 5 of 5 tonight. Staff in attendance was Dorinda Gregor, Attorney Touchette and Bob Csanyi of Robinson Engineers.

MINUTES:

None

COMMENTS FROM THE CHAIRMAN:

Chairman Minchuk proceeded I will call the case by case number and name of the petitioners I would ask that you come forward state your name and address for public record at which time you will be given an opportunity to present your case accompanied by any professionals that you may wish to have with you. After that we will have the open the case for further comment. If you are desirous of speaking for or against any case we ask that you please sign in at the registry in the center of the isle. We will have a question and answer period followed by a staff report pertaining to each case presented this evening. We will also render a decision either for or against or a deferral for more information or other reasons which we will state. Would you please at this time silence any communication devices, cell phones or pagers. We will appreciate it. Thank you.

COMMUNICATION:

None

OLD BUSINESS:

Z35E10-1015 JUSTIN FURR/CREW CAR WASH, PETITIONER

MEIJERS STORES L.P., OWNER, Located at 605 West 81st Avenue for a Special exception approval in a C-3 Highway Commercial zoning district on 1.44 acres (proposed lot 1B, Meijer Subdivision for a proposed car wash facility

Chairman Minchuk said the first case has been deferred.

Mrs. Gregor said yes but you can read the letter.

Mr. Stojakovich read the letter as follows:

Z35E10-1015 the letter reads
Dorinda

Please accept this E mail as Crew Car Wash is request to defer my Plan Commission and BZA meeting until December. If you have any questions.

Dorinda

As per our phone call please defer our Plan Commission and BZA application until the next scheduled meeting of each respectively

Best regards

Justin Furr.

Chairman Minchuk asked for a motion to defer.

Mr. Holtz made a motion to defer, second by Mr. Bigelow.

Chairman Minchuk said all in favor say aye. Motion carries.

NEW BUSINESS

Z40V17-1115 KEOUGH ENTERPRISES LLC, PETITIONER & OWNER,

Located at 2046 East 88th Drive for a Variance approval from Sec. 21-172-(a)(8) to reduce the required paved parking spaces from 18 to 5 paved parking spaces to allow required 13 parking spaces to be gravel since contractors vehicles and employees will be parked behind the fenced area of property.

Good evening Richard Anderson 9211 Broadway Merrillville Indiana basically this is Keough Enterprises. I have been here before if you recall we did some variances and just for clarification so you know that at that point in time we were working on the front lot what happened after that is with the cost of construction with the M-2 type zoning became cost prohibited so we are now talking about the back lot. So they are building on the back lot and that is a M-1 zoning. So in a M-1 zoning things are a little different from what you can and can't do. There is all the variance that were requested up here are now moved because we are going to the back and basically what is happening is they have their construction permit if you have been out there the footing are in because I noticed the morning I went by there and checked and they are in and part of the condition of the building permit was the fact that we get this part on the parking. There are drawings that you have received in your packet which kind of showed the asphalted parking lot coming up the driveway. I also had them draw I will pass out but I had them draw is to show in addition to the area that is shown on the drawing you have that there will be asphalt going into the yard because where you see gate now you are inside the fenced in area will also be all asphalted except for the part that is in front of the building thing which will be concrete. So there is some more blacktop in addition to what is shown on your original one and then the rest of it is basically you can see from the red fence line at the bottom that is the contractors yard and to lay stuff down in and basically what we have here is 5 employees (we have more than 5 employees) but 5 employees that utilized this facility the rest of the employees go directly to their work every day so they're not at this facility. The guys who do work here 3 of them are owners and so they are in and out all day long also so what we would like to do is instead of paving a whole bunch of parking spaces use it for the contractors yard which is more efficient with regards to this site and that is basically what we are asking for is to reduce the number of parking places from 18 to 5 for this site.

Mrs. Gregor read her staff report.

Chairman Minchuk asked town engineer.

Mr. Csanyi said we had looked at this before and forgive me for being a little late this evening. Were we proposing the additional parking to be to?

Mrs. Gregor replied that they were going to use it as gravel. However looking at their new site plan they really can put additional parking behind still behind that gate on the asphalt if they needed to.

Mr. Anderson said there will be some extra spots if you needed to. There will be some extra spots in addition.

Chairman Minchuk said they probably have enough for 5 more spots.

Mr. Anderson said so I mean the owner could park up inside the gate which they would probably do anyway.

Chairman Minchuk said we don't base on probable's.

Mr. Anderson said right understood.

Chairman Minchuk said it looks like there could be 5 more available if they put right next to do. It is going to be asphalt anyway. There could be 4 or 5 more in there I think that would be sufficient.

Mr. Anderson said at least 3 because of the swing of the gate. I don't know what the dimension is unfortunately.

Mrs. Gregor asked what are those concrete pads going to be used for.

Mr. Anderson said that is the entrance to the garage doors.

Mr. Csanyi said I think that the parking would be nice to be asphalt opposed to the stone. I mean it might be a lot cleaner less messy.

Mr. Anderson said we only have 5 employees and basically this isn't a business where people come to visit and the other employees go out to the jobs they go directly from their houses. Out there.

President Minchuk said I would suggest at least 3 more.

Mr. Anderson replied inside the area. We can have them inside of the area.

Chairman Minchuk said from the swing of the gate I understand that. So at least 3 more I think that would help out a lot. If someone came in to visit they would not have to go in the back like our I keep wanting to say our building guy no it is the town engineer. As he said that rocks and everything in the back especially during the winter time I have seen where there is a lot of tripping and falling on the rocks especially during the snow and the ice.

Mr. Anderson said that is why it is asphalted up to near building that is why I told them to show that they were doing more than just what you saw on yours. That

basically there was some so your are not dragging ahead you have an area to go directly into the building and you are on concrete and asphalt the whole way.

Chairman Minchuk said yes so just in case your safety guy or somebody comes in and look over stuff they would have at least 3 more parking spaces that is all. We are talking a matter of stripping and you are going to have asphalt.

Mr. Fortier said the stone area is for storing equipment, trucks or anything.

Mr. Anderson said materials. Dorinda and I have checked before the fencing would have to be slatted so you can screen it even thou it is the front because I think it would be similar to what you see except it is wood on 93rd and Mississippi. They just put up a fence in that construction area.

Chairman Minchuk asked anyone else.

Mr. Holltz said I know your proposed garage well there is a little 750 garage. It is on your.

Mrs. Gregor replied it is down on the northeast corner of the property on the first area the site plan you provided.

Mr. Holtz said future garage so I guess my question is if you say that they are allowed to have this all stone they should have asphalt going to the garage.

Mrs. Gregor said they could probably do that from the site plan the new site plan that they are providing I would think that they could just extend that

Mr. Anderson said I don't think that we got there is not building permit for that

Mrs. Gregor replied no. It is just the building right now

Mr. Holtz said I guess my question is when they do go to build it

Mr. Anderson replied then it would be and extension of the asphalt to it.

Mr. Holtz said so you would asphalt to the garage I mean if we are saying the whole area back there can be gravel.

Mr. Anderson said that would make sense

Mr. Touchette asked are they planning to build the garage.

Mr. Anderson said to be very honest about it I don't know anything about the garage. It says future and Dorinda knows that the building permit has been issued and the building permit has been issued without it.

Mrs. Gregor said if a building permit comes in for a proposed garage the requirement is that they have to have a paved surface to the garage anyway so that will be a requirement. It is automatic

Mr. Anderson said so that should take care of it.

Mr. Holtz so it is automatic even if we do approve this

Mrs. Gregor said this just has to do with the parking.

Mr. Anderson said we are just approving a reduction in parking.

Chairman Minchuk said parking and storage area.

Mr. Holtz said so the main thing is parking so I know with Modern Forge since they had to well even the one next door had to have their parking or storage area asphalted that is not what they are asking for to vacate that part it is just the parking.

Mr. Touchette said just the paved parking.

Mrs. Gregor said jus the paved, paved surface the hard surface.

Mr. Anderson said just reducing the number of parking spaces from 18 which is way over what we need down to 5 and now we are talking about down to 8.

Mrs. Gregor said if a garage is put in their requirement will be a driveway paved to the garage that is a requirement.

Mr. Anderson said the same way like what we are doing right now to

Mrs. Gregor said they won't get by without paving it unless they come in for another variance.

Mr. Holtz said I was just thinking about the plastic when they went to park their trucks and they had it all gravel and we told them they had to have it all asphalted so we are not vacating that they don't have to have asphalt.

Mrs. Gregor said no not for that because that is not the issue now.

Chairman Minchuk said by law you need at least one handicapped parking spot I know that.

Mr. Fortier said it is there.

Mr. Anderson said it is the one in the blue.

Mrs. Gregor said 1 for every 50 parking spaces.

Chairman Minchuk said would be logical to add 3 more parking spaces. What I am talking about if an employee comes to talk to one of the bosses or somebody needs to come in and look at some records they would have to have at least 3 more just in case. That way you have the opportunity for the fence because the fence opens they could have 3 more and that wouldn't be very expensive at all just to paint the striping.

Mr. Anderson replied no

Chairman Minchuk said does anybody else have anything before I go to

Mr. Holtz said I guess I have a question. So they are saying they would never have more than 5 employees at this building.

Mr. Anderson said if it comes to that they will pave it themselves. It is basically they are just starting out. They have been struggling trying to get this building built and so we are just trying to get it built with what we have now and they're going to make sure it is going to operate functionally.

Mr. Anderson said the good news is the owner and operator of the building are the same. When you have the owner and the tenant the same that usually works out fairly well as far as making things nicer for yourself that is why I look at it.

Mr. Holtz said he can always sell it to somebody. I guess because it says proposed shop it doesn't mean that the shop is it going to be functional or just because it says proposed.

Mr. Anderson said a shop is where you store your stuff.

Mr. Holtz said it could also be a place where you do your work like mechanical work.

Mr. Anderson said plumbers and I don't think there is a lot of cutting of anything because everything is plastic now.

Mrs. Gregor said if they are going to install a furnace then they have to put the duct work together so that could be where they do that.

Mr. Stojakovich said I think that is what the shop is to put their metal work. They do a lot of commercial sheet metal work.

Mr. Touchette said they put a lot of that together in the shop and then is taken out to the job.

Mr. Holtz said so there is potential that there is going to be more than the 5 employees that are going to be there.

Mr. Anderson said that I don't know I was told 5. I am just going by

Mr. Holtz said I am sure 5 office employees but there is always going to be guys

Mr. Touchette said I think that there are I think you said 4 servicemen

Mrs. Gregor replied that there are probable men that go to the shop and pick up their stuff and leave.

Mr. Holtz said someone has to manufacture it inside the shop.

Mr. Touchette said it isn't so much manufacturing they get flat sheet metal and they have brakes and that and they bend it the sheet metal with the brakes and put the duct work together. Those are the 4 guys that are going to be going off site and they go inside the shops they build those ducts and put them in their trucks and

take them away. It is not like they will have people working in there permanently in the shop.

Mr. Anderson said everything is done out at the customers and they will have 3 extra parking places and like I said if it becomes an issue as time goes on and the impact of the original construction is over then they came address it I wouldn't see why they wouldn't address it they are trying to do something here to.

Mr. Touchette said this business was up in Merrillville in a much smaller shop for years and years.

Mr. Stojakovich said next to Pampalone Insurance for probably 30 or 40 years.

Mr. Anderson said since 1967 actually so it has been there almost 40. It has been in Merrillville since 1967 also

Chairman Minchuk said I was looking and he could put 3 more in there and it will still allow the gate to open.

Mr. Anderson said yes I thought 3 instead of 4 just to make sure.

Mr. Stojakovich said Mr. Anderson if they have a problem with the gate they can always change that to a slide gate I am sure they will figure that out.

Chairman Minchuk said anyone else. Anyone in the audience that would like to speak for or against it. Seeing none can I have a motion please?

Mr. Fortier said Mr. Chairman I would like to make a motion that we approve the variance on case # Z40V17-1115 stipulating that they reduce the number of parking spaces from 18-8 on a hard surface with the contingent that at the sale of this property the 18 hard surface areas be paved for this petitioner for this use for this location only.

Mr. Holtz said he would second that.

Chairman Minchuk asked any other questions.

Mr. Touchette said Tim are you suggesting that they should abide by this plat that they gave us this evening or pave just the area they showed on what was originally submitted.

Mr. Fortier said the plot that they gave us this evening. So there would be 8 parking spaces on hard surface and if the property where to ever be sold it would be their responsible to pave for 18 parking spaces for this petitioner only.

Mr. Anderson said that if fine.

Chairman Minchuk asked for a roll call vote please.

Mr. Holtz yes, Mr. Fortier yes, Mr. Bigelow yes, Mr. Stojakovich yes and Mr. Minchuk yes.

Motion carries

Z41uV13-1115 DAVID & LINDA ZIMMER, PETITIONERS & OWNERS,
Located at 8800 East 101st Avenue for a Variance of use approval in an R-1, Single Family Residential zoning district on 51.89 acres for raising family owned cows (Agricultural Use)

Chairman Minchuk said we have to go one at a time on this one.

Good Evening David and Linda Zimmer our address is 823 South Linda Hobart, Indiana. This is our new address 8800 East 101st Avenue. We hope to get a package I don't know what was in your package I provided information.

Chairman Minchuk said we all have packets.

Mr. Zimmer said this was originally advertised and sold as agricultural. It has been in many usages as recently as corn in the winter they let their cows go in there it is half of an estate that was purchased in 1979. For us it is a family business we started up. My two adult children's and my wife and I hope to make a residence there. We looked at the property in November as a startup farm we petition through the USDA for a farm service loan and we were approved for all of that. A couple of things that we weren't really aware of at the time. At no time did we know that we were in Merrillville, we didn't realize we were in residential zoning our state taxes says we are agriculturally. The property lay was a little different I was there in the winter and we didn't settle until June. We made a decision to flip our farm plan from the east to the west. If you went by you were the people that we were getting calls that thought we were building a subdivision. It is a subdivision for cows it is a beautiful piece of property so we are here for 3 different branches this one is for the use related to cows on the property.

Mrs. Gregor read her staff report. If approved for this petitioner only at this location only for this use only.

Chairman Minchuk asked questions. I notices north, south east and west is all farm land.

Mr. Zimmer said north there is 2 parts of a subdivision. There is a large over growth of trees and most of it inherits on our property but there are homes to the west northwest corner and the very north just on the corner. The other 400 feet is adjacent to woods and corn.

Chairman Minchuk said those are crops.

Mr. Zimmer replied yes.

Chairman Minchuk asked anyone else.

Mr. Fortier said I know the property and I was actually looking to purchase that property myself but just could not figure out what to do with it so I think that you found a good use for it. That is what it belongs for it was farm land and someone made it residential.

Mr. Zimmer said I understand the whole area was like that to us we saw it as a beautiful piece of property.

Mr. Fortier said the property to the east of you they did the subdivision for houses also as you can see by your layout kind of boxes that land in for any other type of development because you have such a narrow frontage when you sell off the frontage in small sections like that.

Mr. Zimmer said we don't have any intention if you look at the property elevation you really wouldn't want to do that.

Mr. Fortier said no and actually right. The easements and the railroad, trees and NIPSCO very little can be done with the property other than what you guys are doing with the property as far as I was concerned and still am concerned. It would make for some good deer hunting.

Mr. Zimmer said the neighbor that lives next door to the east that was is family homestead and the deer stands I found I told him they are all his. He has cows and he is around cows we worked that out early.

Chairman Minchuk asked anyone else.

Mr. Holtz said so the maximum 40 cows.

Mr. Zimmer said by State standards or like Purdue or most grazing situation you can raise up to 50 on 50 acres. The least you would want is an acre per cow the most would be 1.7 per cow. Probably 30 of your state are comfortable with 1.7 business plan was built around 36 to 40. We are a cow/ calf operation.

Mr. Touchette asked if they will have a dairy at all there.

Mr. Zimmer said they will service their calves. Every year we ae hoping you always base your business on a 100 % drop we will probably never get there as you go through the steers sometime you run the steer for local beef or people you know or for your own and then you move those through as the market moves. I would tell you honestly the way we have it broke up there are 3 pastors if you know the property like this guy. The back property is half woods we have cleaned up a lot of that where that would be our wintering and during that time you would spend some time feeding. If we were just pasturing that is where you would get 1.6 or 1 .7 acres per cow and that is for cow/calf. If it was just straight cows you could get away with 1 acre. For our situation if you know the acre directly across the street there is probably about 50 acres of hay available for the people that are there next door they are converting 2 of the properties that were corn the last 2-3 years too late and I think that they are planting hay there. Some of the crops there are anticipating us bringing in cows with they have seen so your answer you can graze as many as I am saying if they feed and graze during the winter you can our thought we could not manage more than 40. My daughter and myself work at the refinery my son is a union carpenter always busy too.

Chairman Minchuk said Chuck would you read that please.

Mr. Stojakovich said we have correspondence from Dorinda it is from Matt Lake our Executive Director of the Storm Water division. Utilities of Merrillville

Dorinda I would recommend a condition develops an implement a comprehensive manure and nutrition management plan through NRCS since he will have cattle

lives stock. He can contact the NRCS district conservationist for free assistance at and it does give the address and gentlemen too contact. Like I said this is from Matt Lake our Executive Director of Storm Water Utilities here in Merrillville.

Mr. Zimmer said Matt Lake has been out and met with him. The guy who you are referring to is part of Farm Services out of Valparaiso office. The property before we bought it was surveyed and inspected by USDA under Farm Services Eric Peterson is the lone guy that handles all of that we met all the requirement I am not sure I have an actual proof certification. That is not easy to get done so I am sure that we meet all of that but I would have to check. The will follow Purdue for the State of Indiana which is about 1.7 rational for a cow to graze if you were just doing grazing. Manure is part of the business right so it also goes to the same coverage that you are grazing or feeding. It is not a feed lot I know that you are all familiar with 93rd and Randolph people had complaints but that is a feed lot.

Mr. Touchette said that I don't know I just know that with hogs there are issues. I don't know what kind of issues that you have with cattle but if you go through the proper channels I am sure that will have to do whatever needs to be done

Chairman Minchuk asked is there anyone in the audience that would like to speak for or against this. State you name and address please..

Margaret Kredlow 4170 Augusta Drive in Crown Point. I am one of the owners of the property directly west of this particular parcel that we are talking about. We had purchased that property in 2006 right before the great recession and at that time we had planned to put a 40 unit empty nester subdivision in there obviously the plans went by the way side because of the recession however no that things are starting to look a little better we have revised this and actually I just met him and her nice people did a nice job. I am very concerned about the run off of the manure the storm water because of the topiary of the land and also the electric fence which would run right along the one side of our property. There has got to be a solution to this. The solution I am not sure I just found tis out 24 hours where we can co-exist and have both the cows and the seniors. We are thinking of a senior unit in there. I would like to see this table for 30 days. Thank you

Mr. Touchette said the electric fence comes up in the next petition you could peak to that at that time so basically for our purposes you are talking manure for this particular variance or special use. I think that there are state regulations and I am sure there are Matt Lake would know about them about the manure of the cows and I am sure these folks would have to comply with whatever the State regulations are. I just do a lot of general reading and I've not really seen a lot of complaints about cow manure or that there has been a particular problems now with hogs it is an totally different situation but with cows.

Ms.Kredlow said I grew up on a farm ok I get the idea of rolling water rolling the water running down and there are things in the water that run down and they would be running right down on to my property there has got to be a solution here

Mr. Touchette said there had to be some regulations and Matt Lake is our Storm Water Director that is why he made this referral because he would not tolerate water pollution ok from manure. That is the whole point of them and I am sure that Matt would stay on this if should this go forward I am sure that Matt Lake would

Mr. Fortier said if you were to do a residential development the burden of water run off would fall more heavily on you than agricultural.

Ms. Kredlow said we don't need to start out on the wrong foot that is beautiful land and both parcels are beautiful like to keep it that way. We need to co-exist but I don't want cow manure and lush green water lilies growing on my 25 acres.

Mr. Touchette said they are talking about 51.89 acres there talking about 40 cows

Ms. Kredlow said and I have 25 acres.

Mr. Touchette said they are looking at 40 cows they are looking at topping out at. It is really not a high concentration.

Ms. Kredlow said it is a pretty high concentration 1 cow per acre is a pretty good concentration. They are also putting in 3 units to so they aren't going to have 50 acres all dedicated to pasture.

Mr. Touchette said we are not considering the subdivision approval tonight either that would be something in the future and that would be something again that Matt Lake Storm Water Director would look at and if the area that they might want to develop as a 3 unit subdivision if that was necessary for proper drainage and maintenance of the management of the manure that subdivision would not get approved and these people need to understand that now.

Ms. Kredlow said they could put their 3 unit subdivision along my east side and they can get the first run off of manure if they wanted to do that.

Chairman Minchuk said seeing none can I get a motion on.

Mr. Fortier and Mr. Touchette asked anyone else.

Chairman Minchuk said I am sorry come on up.

Aurella Rodriguez I live directly across from Dave's parcel for the record I am not here to be against what he wants to do I am a neighbor and co-worker we know each other and there is one little concern and that is basically it came about from the farm that was on 93rd and Randolph and the smell every time I drove through there. So every time you would go that way you would have to stop and close your windows because it was pretty smelly so it is a big parcel of land and I know cattle are going to be moving around everywhere so is there anyway of guaranteeing if there is going to be a stench or not . I don't want to drive up to my house every day and have to close my windows because. I don't think that is the case but what

Mr. Touchette said what was at 93rd.

Mr. Fortier said that was a feed lot which means they did not pasture their cattle at all they had I think maybe 20 head of cattle in a 1 acre area and they lived in that area and they ate in that area and they pooped in that area and peed in that area and they stunk that area up and it was right on the corner. From what I understand a portion of that problem was when the roadway was put in and they blocked water onto the property so the proper run off was impeded by the roadway and that went

over I am surprised that you didn't know about it there was a lot of legal ligation with that case. That was why it smelled so bad. It was s sewer treatment plant on the corner vs a pastured farm where the cattle were allowed to roam like dogs they don't poop in the same area all the time they go where they need to go and keep on walking .

Mr. Rodríguez said like I said Dave and I work together and I am happy that he is doing what he is doing because I would like to get it farmland out there and not be full of houses so that aspect I am happy that he is doing what he is doing. I just have that slight little concern and I don't know once if it does get approved what if it gets to a point where it does smell what do we have to do against that.

Mr. Touchette said we might want to have Matt Lake come here. We might want to defer this and have Matt Lake come here and address this issue.

Mr. Fortier said there are a lot of farms near it that actually will go to feed lots and take the manure out of there barns and spread it on fields which is a much higher concentration that you will ever get in a pastured lot and it deteriorates so quickly that there is no smell involved with it.

Mr. Rodriguez said that is fine so long as there is no smell I am all for it.

Mr. Fortier said that is up to you.

Mr. Touchette said it is not up to me it is up to you guys. I don't have a vote.

Mr. Rodriguez said the lady across the street has cows maybe 8 or 10 and I don't smell anything and I am not saying that this is going to smell I just want to make sure it doesn't that is all

Mr. Touchette said I can definitely understand that the people might have your concern. Like I said I don't know a lot about cows.

Mr. Zimmer said Mr. Lake has been out to the property he has called me twice and he has called me once and wanted to know what we are putting in for pasture and the natural flow of water is the same the density is within the law state limits.

Mr. Touchette said I don't doubt what you say I just that Matt is the expert at this.

Mr. Zimmer said that is why he is requesting the documentation USDA has numbers for us we probably already have that. I didn't request that and I never asked.

Mr. Holtz said the one question that I am understanding is you have 1 cow let's say per acre but you are not going to have you are putting it in 3 sections right so they are going to pasture in one section and then get moved over to another section.

Mr. Zimmer said if you look at the site drawing that I gave out is basically the breakdown of 15 acres. Take 1.7 and divide it by 15 you could easily pastured not feeding just grazing probably 35 to 40 cows and that 15 acres anywhere between 15 and 90. Yield of the growth how you treat the pastures. If you move them from that pasture to the other pasture Mr. Rodriguez is across the street and it matures in about 7 days it is very strong in alfalfa and you could put 15 cows in there and never smell it never see it never know what is going on. These are the normal state standards. They exist in your town today.

Mr. Holltz said so you are going to have 40 cows on 15 acres.

Tape malfunctioned and worked from Mrs. Gregor notes.

Mr. Fortier made a motion to approve petition Z42uV13-1115

Mr. Bigelow second the motion.

Conditions are for this petition only, for this use only and at this location only.

Not to be used for feed lots

Will be sent to the Town Council.

Number of cattle to be no more than 40 cattle

Motion approved 5-0

Z42V18-1115 DAIVD & LINDA ZIMMER, PETITIONER & OWNER,

Located at 8800 East 101st Avenue for a Variance approval from Sec.21-10 (a) to allow an accessory building to be constructed prior to a principle building Variance approval from Sec. 21-136, Agricultural Use to reduce the 300' requirement setback from side property line to located a barn Variance approval from Sec. 21-12 (7) c. to allow an electric fence for the containment of cows for raising family owned cows (Agricultural Use).

Several neighbors were concerned about the odor from the cows.

There will be three separate votes on this petition for these variances.

1) Mr. Fortier made a motion to approve the variance for accessory building Prior to main building. Mr. Stojakovich seconded the motion. For this location only for this petitioner only for this use only.

Motion carries

2) Mr. Fortier made a motion to approve the variance for Agricultural Use To reduce the 300' requirement setback from side property line to locate a barn. Mr. Holtz second the motion. It will be 180' from west property line not 170' as illustrated on site plan. For this petition only, at this location only for this use only.

Motion carries

3) Mr. Holtz made a motion to approve the variance to allow an electric fence For the containment of cows. Mr. Stojakovich second the motion

Motion carries

Chairman Minchuk asked for a motion to adjourn.

Mr. Fortier made a motion, second by Mr. Holt to adjourn.

Chairman Minchuk asked for a voice vote. All in favor aye

Motion carries

Meeting adjourned at 8:05P.M.

Respectfully submitted

Janet Rosko