

Minutes of Zoning Board of Appeals Meeting on April 5, 2018

5:33pm

Present: Bobbie Yount, Autumn Kubatzke, Andrew Reeter, Jeff Cutler, Steve Cox, Lowell Crow, Sara Peska

Absent: George Buss and Michael Stingley

Jeff made a motion to approve agenda. Autumn seconded the motion. Motion Passed

Andrew made a motion to approve the minutes for March 1, 2018, Autumn seconded the motion. Motion Passed

There were no public comments or communications

Lowell addressed the Commission and spoke to them about the Flood Plain/Way area of Freeport. He informed them that the area West of the Pecatonica is considered a Flood Plain, while the area East is a Flood Way. This area was designated a Flood Way in the 1980's when the last study was done by the Army Corp. of Engineers.

Lowell explained that in a Flood Way no levees can be built, economic growth is not allowed, and permits are not to be issued for rebuilding in the area. If a building is demolished, that building can not be rebuild and then that area will be designated as wetlands. Lowell added that permits are allowed for the installation of furnaces, water heaters or for any health and safety issue.

He stated that in the event that the flooding is considered a national emergency, there is a fund that will assist in relocating the individuals affected, if they carry flood insurance.

Steve explained that to be declared a disaster, it is based on property value loss, and with the value of the properties in the Flood Way area being so low, it is hard to reach that threshold.

Lowell stated that the zoning ordinance for this area is designated as a Flood Plain, when the area is a Flood Way. He added that property in that area can not be bought or sold in a Flood Way due to mortgage companies not issuing mortgages.

Lowell stated that a Flood Way category needs to be added, possibly after the Flood Plain chapter.

Steve then went over the rewrite of Chapter 1220, to discuss the duties of the Commission.

He went over the different kinds of thing that will come before the ZBA.

- Special Use – It is listed in the Ordinance and is allowed if certain listed criteria is met that is in the Ordinance. This use is specific to the owner, personal use.
- Variance – Physical – Steve gave the example of a porch that was brought before the ZBA, which was encroaching on a setback
- Variance – Use – Missed all together – example would be a Solar Farm, but there is no Ordinance for. This is use not mentioned in Ordinance.

Variance and Special Use, in local law, is a 2/3 vote rule

The discussion was had as to the flow of hearings: ZBA – Planning – Council or Planning – ZBA -Council
Steve provided different scenarios that he has seen.

Steve stated that in Chapter 1242.04, paragraph "A", in his rewrite, can be stricken.

Next meeting: May 3, 2018 - Review 1242.05 - 1244

No other business

No public comments

A motion was made to adjourn and seconded

(no ending time stated)

The Commission approved the April 05, 2018, minutes on May 03, 2018.

Prepared by C. Marney