

**MINUTES OF THE MEETING
OF THE
DECATUR ZONING BOARD OF APPEALS**

Thursday, March 14, 2019, 4:00 P.M.
City Council Chamber, Decatur Civic Center

I. Call to Order and Determination of a Quorum

The March 14, 2019 meeting of the Decatur Zoning Board of Appeals was called to order at 4:00 P.M. in the City Council Chamber, Third Floor of the Decatur Civic Center, by Acting Chairman Kim Aukamp who determined a quorum was present.

Members Present: Robert Brice, Julie Lamb,
Zane Peterson, Leslie Risby, Kim Aukamp

Members Absent: Chris Brodnicki

Staff Present: Ray Lai, David Greenwell,
Amy Waks, Scott Dedert, Janet Poland

II. Approval of Minutes: February 14, 2019

It was moved and seconded (Lamb/Brice) to approve the minutes of the February 14, 2019 meeting of the Zoning Board of Appeals. Motion carried unanimously.

III. New Business

A. Case No. 19-03 Petition of MERCER RENTALS, LLC, for a variance in the provisions of the Zoning Ordinance (Ordinance #3512, as amended, Section XXXIV.E.5.) to reduce the minimum front yard setback from fifteen (15) feet to one (1) foot for the construction of a barbed-wire shielded chain-link fence in order to secure outdoor building materials along North Van Dyke Street and West Green Street in the zoned M-1 Intensive Commercial-Light Industrial District.

Mr. Scott Dedert was sworn in by Mrs. Janet Poland.

Mr. Dedert discussed and presented slides of the site and surrounding properties (available for viewing upon request) along with staff's recommendation for approval, based on the staff report distributed to the Zoning Board of Appeals prior to the meeting (staff report is on file and is available for reviewing by request). Staff recommends approval of the variance of the front yard setback from fifteen (15) feet to one (1) foot where commercial and industrial buildings are across the street from the subject site. Where there are residential lots or uses across the street from the subject site, the front yard setback has to be a minimum of ten (10) feet, subject to the following conditions:

1. Install arborvitae evergreens at a minimum height of six (6) feet such as techny, night dark green, pyramidalis, virescens or zebrina. The petitioner should seek advice from an arborist for spacing.
2. From the point of the intersection of the property lines of North Van Dyke Street and West Green Street, a minimum setback is required of five (5) feet for the fence.
3. Shrubs of two (2) feet in height should be planted within the required setback at the corner of North Van Dyke Street and West Green Street.

Ms. Julie Lamb asked if the differences in the setbacks are due to the visibility for traffic. Mr. Dedert said one is for traffic visibility and the setback for ten (10) feet is a required setback due to the residential properties across the street.

Mr. Jonas Ozier, representative for the petitioner, was sworn in by Mrs. Poland.

Mr. Ozier stated this site is for storage materials for Dunn Company and they would like to protect their property and the public with a fence.

Ms. Lamb asked if the petitioner was aware of staff's recommendations for the setbacks. Mr. Ozier said they would prefer not to have the ten (10) foot setback but would follow whatever requirements were necessary to install the fence. Most of the lots across the street are vacant lots.

Mr. Ray Lai stated staff recognizes there are some residential zoned properties to the north and the west along with vacant lots. Staff hopes that someday the area would become occupied and people will invest in the residential homes. Staff has reduced the required setback from fifteen (15) feet to ten (10) feet for the side of the property facing residential zoning and the setback has been reduced to one (1) foot to the side facing commercial.

There were no objectors present.

Ms. Lamb said she does not see anyone building homes in the area and believes in the future it will become an industrial area. She would like to see the setback being recommended at five (5) instead of ten (10) feet.

Mr. Zane Peterson asked if five (5) feet would be enough room for the landscaping or would ten (10) feet be needed. Mr. Dedert stated the Zoning Ordinance states fifteen (15) feet gives enough room for the arborvitae to grow. He averaged the growth range for the different types of arborvitae and reduced the setback to ten (10) feet. The five (5) feet for the shrubs at the corner is for vision clearance for traffic.

Ms. Lamb stated she agrees with the five (5) feet at the intersection but does not feel that ten (10) feet is needed since there are so many vacant lots and the area will probably not return to being residential in the future.

It was moved and seconded (Lamb/Peterson) to approve Case. No. 19-03 as recommended by staff with the exception of reducing the front yard setback to five (5) feet from staff's recommendation of ten (10) feet.

Upon call of the roll, Commission members Robert Brice, Julie Lamb, Zane Peterson, Leslie Risby and Acting Chairman Aukamp voted aye. Acting Chairman Aukamp declared the motion carried.

B. Election of Chairperson

Acting Chairman Kim Aukamp declared the nominations and declarations for the election of Chairperson be opened.

It was moved and seconded (Lamb/Peterson) to nominate Ms. Julie Lamb as Chairperson to the Zoning Board of Appeals.

Upon call of the roll, Commission members Robert Brice, Julie Lamb, Zane Peterson, Leslie Risby and Acting Chairman Aukamp voted aye. Acting Chairman Aukamp declared the motion carried.

IV. Appearance of Citizens

No citizen expressed comments.

V. Comments and Information from Commission Members

No Commission members expressed comments.

VI. Adjournment

There being no further business, it was moved and seconded (Risby/Lamb) to adjourn the meeting. Motion carried unanimously. Acting Kim Aukamp declared the meeting adjourned at 4:16 P.M.