

ZONING BOARD MEETING
August 10, 2020
7:30 PM
DEERFIELD ESTATES
FINAL PLAT
MINUTES

This hearing was called to order at 7:30pm by Chairman Lori Rodriguez.

Zoning Board members present were: Tom Incrocci, Mark Parker, Dale Becherer, Tom Schanherr, Leo Simburger. Also present were Chairman Lori Rodriguez, Zoning Administrator and Engineer Scott Saeger, Deputy Zoning Administrator Beth Buehlhorn and Attorney Carmen Durso.

Deputy Zoning Administrator Buehlhorn read the Public Notice that was published in the Freeburg Tribune on July 23, 2020.

Chairman Rodriguez read the letter sent to surrounding residents and the list of those residents.

Applicant, Matt Patterson and guests, was sworn in to speak.

Patterson explained that he and his wife, along with Kyle and Shaundra Schaeffer own the parcel of property and would like to divide it into four 1.22-acre lots.

Board Member Incrocci noted the property has gone through a lot of grading. Patterson stated it had been a bean field. They did add dirt to the property. On July 15, neighboring property owners, Geibel and Collier, had problems with water going between their properties. Patterson has since built a berm to channel the water off their property and into Patterson/Schaeffer lake. There was another issue with water going over the berm and on their property. He has since added a silt fence and installed a ditch line on the property towards the west. Incrocci asked if the natural flow has been preserved. Patterson stated yes. Prior to adding the lake, they shot elevations of the 20 acres and after adding the dirt, the acreage is at the same pitch as before. Incrocci asked who is responsible for maintaining the ditch that is now located on Lot 1. Patterson stated it would be the owner of that lot. Durso asked if any of the lots have been sold. Patterson has a contract with one individual on two of the lots contingent on this plat approval. Durso suggests that Patterson draft a document stating the new property owner is responsible for maintaining the ditch and record it with the deed. Incrocci is concerned about the neighbors having problems with the water running onto their property. Patterson stated he is more than willing to work with these neighbors to prevent additional water going onto their properties. Patterson also believes there was water draining on these properties prior to his grading the lots, it's just noticeable now because it is muddy water. He does plan on keeping the silt fence in place until vegetation is established.

Incrocci asked if there will be Smithton utilities on these lots. Patterson said there will be city water but the lots will have private aeration systems. Saeger commented that if the property is not within 100-feet of the gravity sewer they do not need to tie on to the villages sewer. Incrocci asked about the additional driveways that will be going onto Knab Rd. Patterson stated there will only be three. Incrocci asked if these lots will remain agricultural. Patterson would like to have them rezoned to SR-1.

Durso asked Saeger if Patterson's plans are sufficient to alleviate the problems with the surrounding property owners. Saeger explained that with this being a minor subdivision, it is not required to have a hydrologic study done on the property, and he trusts that Patterson will do what is needed to correct the problems.

Neighbor, Clinton Collier, expressed his concern over the water and mud in his back yard. He feels the land had been elevated so the runoff has come into his yard. It has killed the grass in his yard. The work that Patterson and Schaeffer have done has helped but there is still runoff. He feels the trench they dug needs to be deeper. He also questioned who will maintain the berm.

Board Member Parker asked how wide the ditch is. Patterson explained there is a swale with a ditch at the bottom which is approximately two to three feet wide. Parker asked if, with the speed of which the water is running off the property towards the lake, if the lake will be sufficient to hold the water. Patterson is confident that the lake will be sufficient. With the ditch being reworked and the berm being built higher the water should be channeled towards the lake. Saeger does recommend regrading the ditch which Patterson agrees. Resident, Michelle Geibel, stated she has faith that Patterson will take care of the problem.

Durso explained this zoning board's decision is a recommendation that will go to the full board for approval. Durso suggested, from a legal standpoint, it is necessary that when lot 1 is sold, that there be an addendum to the deed that the buyer is required to maintain the ditch and berm to the same condition as when the property is purchased. This should be recorded with the deed so it follows the property. Mrs. Collier asked who would enforce this. Durso stated this would be a civil action.

Board Member Schanherr commented he did not see the property prior to the grading. He asked Patterson where the dirt was from; Patterson hauled the dirt from the lake that he put in on his and Schaeffer's property east of this development. Schanherr asked why he built it up so high. Patterson responded to prevent the water from going in the neighboring yards.

Durso asked the residents that were present if they had any objections to this development being put in. They all responded they do not.

A motion was made by Tom Incrocci and seconded by Dale Becherer to approve the final plat contingent on the following: Patterson/Schaeffer's make improvements to the ditch and berm, and the neighboring residents of Southwoods Dr. be satisfied with these improvements; an addendum recorded with the deed that lot 1 owner be responsible for maintenance and repair of the ditch for runoff water; and property be rezoned as SR-1. Roll call was taken. Tom Incrocci, aye; Dale Becherer, aye; Mark Parker, aye; Tom Schanherr, aye; Leo Simburger, aye. Motion approved.

(Editor's note: During the hearing, it was suggested that the drainage improvements be completed prior to the Board's approval.)

A motion was made by Tom Incrocci and seconded by Dale Becherer to adjourn. The board approved the motion.

Meeting adjourned at 9:03pm.