

SMITHTON ZONING BOARD

ZONING BOARD HEARING MINUTES

June 19, 2023

7:00pm

Hy-Dac – 402 S Julia

The hearing was called to order at 7:00pm by Chairman Rodriguez.

Zoning Board members present were: Tom Incrocci, Tom Schanherr, Leo Simburger, Julie York and Jim Hildreth. Jesse Carlton was absent. Also present were Zoning Administrator and Engineer Scott Saeger, Chairman Lori Rodriguez, Deputy Zoning Administrator Michelle Schlarman and Attorney Carmen Durso.

Also attending the hearing were: Harry & Lucas Moore, Mary Ruetters, Debi Boeving, F. Kay Bazzel, Debbie & Rich Kehrer, Marian Bell, Kristina & Larry Stein, and applicant David Stellhorn.

Chairman Rodriguez reminded everyone that this hearing was continued from 5-4-23, so the hearing will resume by swearing in the applicants and attendees again. Swearing in was performed by Deputy Administrator Schlarman.

Zoning Administrator Saeger submitted a revised fence line plan for the proposed storage area at 402 S Julia Street. Applicant Stellhorn had reviewed the plan and was agreeable with it. The proposed fence line would meet the Village Ordinance requirements for a 20' line of site at the corner of S Julia & W Franklin St. The plan also meets the National Fire Protection Assoc. fire hydrant clearance requirements for the hydrant on S. Julia. The fence lines on the North, West, and South sides of the property will be 5' from the property line. The fence on the East side will run out 10' from the Northwest corner of the garage – providing a 40' total length; 21' along W Franklin – two locking 8' wooden gates that will swing outward will be in this section; 28' 3" length running diagonal to the corner of S. Julia and W Franklin; 20' along S. Julia; then 46' feet to the Southwest corner of the garage.

The revised plans will need a Variance of 20' front and side setback, for a total setback of 5' on W Franklin and S Julia. Saeger stated that the Special Use permit is needed for the storage due to the B-1 zoning, which would only allow storage for retail items. When asked by Attorney Durso if this revised plan would allow enough storage room for the nuisance items, Stellhorn replied that it might be enough room if he stacked things 1½ - 2' higher than they are now. Durso stated that the stacks could not be higher than the 6' fence. Stellhorn said that if the nuisance items are removed then he could keep some temporary items on a truck bed and park it in that space. Durso stated that would still be an Ordinance violation and reminded Stellhorn that there is already a citation in place, because items cannot be in plain view of the public. Stellhorn does not want to extend the fenced area due to added expense. He states that he has

contacted someone to bid on building the fence and will repair the existing dilapidated wooden fence section as well. He states that the weeds will be sprayed. The storage items will be transported back and forth across the street within 2-3 weeks of the fence completion. Stelhorn stated that restriction of traffic will not be needed during storage transportation. There will be gravel covering the ground inside. Saeger said this is acceptable if the area will not be used for parking. To address concerns for safety at the intersection, discussion was made to turn it into a 4-Way Stop, and install a No-Parking sign on the South side of W Franklin to increase visibility. A Stop sign on the Northeast corner of W Franklin would need to be installed at a location which will allow maneuverability of the trucks used for storage transportation. The gates when open will not block the line of site at the intersection. They will be kept shut and locked unless items are taken in or out.

Neighbors expressed concerns about safety at the intersection, continued weeds, and whether or not a new storage area would be kept up. It was explained that weeds and nuisance items would be enforced by the Code Enforcement Officer. They were in favor of a 4-Way Stop and No Parking on W Franklin. Attorney Durso asked the surrounding property owners for a show of hands of those opposed to the Variances and Special Use request. No one raised their hand in opposition.

Tom Incrocci made a motion which was seconded by James Hildreth to approve the Variance requests for 20' front and side setbacks on S Julia and W Franklin for the property at 402 S Julia Street, only if the Village Board approves the Special Use permit for storage at this address. Also, a line of site Variance of 25' vs the required Ordinance of 30' at the corner of the intersection. Roll call was taken: Tom Incrocci; yes, Jim Hildreth; yes, Tom Schanherr; yes, Leo Simburger; yes, Julie York; yes, Jesse Carlton; absent. Motion was granted.

Tom Incrocci made a 2nd motion which was seconded by James Hildreth to recommend approval by the Village Board for a Special Use Permit for storage at 402 S Julia Street, provided the following conditions are met:

The fence to be installed will be 5' from all property lines.

The height of the fence will be 6'.

The proposed storage area will be covered by gravel.

W Franklin and S Julia intersection will be made a 4-Way Stop, with the Village installing the Stop signs needed on W Franklin.

The Village and Hy-Dac will coordinate on the optimum placement of a Stop sign on the NE corner of S Julia and W Franklin intersection.

The Variances previously awarded will only go into effect if the Special Use request is granted by the Village Board.

A No-Parking sign will be placed on the South side of W Franklin to restrict parking from the corner to a point 30' East.

If Special Use is granted, the fence construction should be completed within six months of issuance of the Building Permit, and the rollers placed into storage within 30 days after the fenced and rocked area is completed.

Roll call was taken: Tom Incrocci; yes, James Hildreth; yes, Tom Schanherr; yes, Leo Simburger; yes, Julie York; yes, Jesse Carlton; absent. Motion was granted.

A motion was made by Tom Schanherr and seconded by James Hildreth to approve the minutes from the hearing on 6-8-23 for Zalders at 118 N Smith Street. Roll call was taken: Tom Schanherr; yes, James Hildreth; yes, Tom Incrocci; yes, Leo Simburger; yes, Julie York; yes, Jesse Carlton; absent. Motion was granted.

A motion was made by Tom Incrocci and seconded by James Hildreth to adjourn the hearing. All were in favor. Motion was granted. The hearing was adjourned at 8:34pm.