

Hartford Planning and Zoning Minutes - Regular Meeting June 28, 2011

President Munce called the meeting to order at 7:00 p.m. with the following members present: Ham, Kuehl, Cunningham, Mitchell and Bender. Campbell was absent with notice. City Administrator, Teresa Sidel was also present, along with the city code enforcer/building inspector, Orlin Punt. The June 14, 2011 minutes were reviewed. A motion was made by Mitchell, second by Ham to approve the minutes of the June 14, 2011 meeting – all voted yes, motion carried.

Hearings:

Board of Adjustment:

At 7:05pm a motion was made by Kuehl, second by Bender, to adjourn as the Planning and Zoning Board – all voted yes, motion carried. A motion was made by Bender, second by Cunningham to reconvene as the Board of Adjustment - all voted yes, motion carried. The Board of Adjustment held an appeal hearing regarding the land use of Block 3 in North Community 2nd Addition. Dan Weeldreyer of Master Tech Auto Repair has filed an appeal from the zoning administrator's decision to allow DEH Investments, LLC to continue the agricultural use of its land in Block 3 of North Community 2nd Addition. The property is zoned GB (General Business) but is being used for agriculture. Mr. Weeldreyer has concerns regarding visibility of his property, the dirt and debris from a corn crop and the use of pesticide and herbicide spray on this kind of crop. Dave Weeldreyer spoke on behalf of the appeal and addressed the Board with complaints that this land does not meet the criteria of a rural service district since utilities and curb and gutter are adjacent to the land. He also argued that this use does not conform to city ordinance #539, section 14.01A, which states that "Whenever a nonconforming use or structure has been changed to a more restricted or conforming use, it shall not be changed back to a less restricted use". Weeldreyer believes that since this land is zoned General Business, it should not be allowed to be used as agriculture since that is less restrictive. Weeldreyer states that the HADC was the previous owner of this land and did have alfalfa as ground cover on it from 2003-2008 but Mr. Weeldreyer indicated that he did not believe DEH Investments, LLC continued this practice on in Block 3 North Community 2nd Addition after it purchased land there in 2008. After hearing from the appellant, Bill Janklow, representative for DEH Investments, LLC, addressed the Board. Mr. Janklow argued that this land had been used for agriculture before DEH Investments, LLC purchased land there in 2008 and that DEH Investments, LLC has continued this same use every year since. Mr. Janklow pointed out that even though this land has utilities and is adjacent to curb and gutter, these items are not criteria or requirements for a rural service district. The criteria for a rural service districts states that the lands can be platted or unplatted, are rural in character, as in the judgment of the city commission, are used or are usable for agriculture and are not developed for commercial, industrial or urban residential purposes. This land is platted, has been deemed rural in character by the city commission, has been used and is usable for agriculture and is not developed for commercial, industrial or urban residential purposes. Mr. Janklow further argued that according to the city's zoning ordinance #539, which governs the use of land in the city, a lawful use existing at the time the ordinance was adopted may continue even though such use does not conform to the district regulations. So, even though this land is zoned General Business, it can be used for agriculture since that was the use at the time ordinance #539 was enacted by the city and since this use has continued thereafter. After discussion by the Board of Adjustment, it was the consensus that DEH Investments, LLC is in compliance with the city's current zoning regulation according to Ordinance #539, Section 14 and may continue the agricultural use of his land in Block 3, North Community 2nd Addition. A motion was made by Kuehl, second by Bender, to deny the appeal application as brought forth by Dan Weeldreyer – all voted yes, motion carried. The Board thanked both parties for their time. They also thanked Dan and Dave Weeldreyer for bringing this issue and their concerns to the Boards attention – it will be considered in future planning regulations. A motion was made by Bender, second by Cunningham, to adjourn as the Board of Adjustment – all voted yes, motion carried. A motion was made by Bender, second by Kuehl to reconvene as the Planning and Zoning Board - all voted yes, motion carried.

Old Business:

Review Proposed Zoning Districts: Toby Brown, with SECOG, reviewed with the Board proposed revisions to the city's zoning ordinance and addressed questions regarding suggested changes. Several sections and items were discussed between the Board and Mr. Brown. Mr. Brown will make some revisions and bring another draft to the Board for review in July.

New Business & Updates:

House Numbers and 911 system: Previously the City Administrator was asked to contact the city's fire chief and ask if houses with street addresses that are not the same as the front door would cause any problems with emergency responders. After speaking with the fire chief and Metro Communications, it was noted that as long as metro communications has the correct house number in accordance to the lot location, there will be no problems finding the house – it does not matter if the address is to the front door or not.

Discussion of tornado sheds: Mr. Brown indicated to the Board that an above-ground tornado shed would have to conform to our current accessory building regulations. Mr. Brown was asked to bring forth future regulations to clarify this use

Adjournment: A motion was made by Bender, second by Mitchell, to adjourn at 9:18pm - all voted yes, motion carried.

Minutes recorded by City Administrator, Teresa Sidel