

Village of Germantown Hills Zoning Board of Appeals

March 16, 2021 Meeting/Public Hearings 6:00 p.m.

Donald Fandel Trust/Miller's-Rezoning & Special Use Permit

2021-01

1. Call to Order/Roll Call-Presiding Chairman Justin Roberts called the meeting to order at 6:00 p.m. and roll call was taken.

ZBA Members	RC	1	2	3	4
Randy Nash	A	-	-	-	-
Joe Maier (Electronic)	P	Y	Y	P	Y
Glen Riley	P	Y	Y	Y	Y
Wayne Moses	P	Y	Y	Y	Y
Justin Roberts	P	Y	Y	Y	Y
Ron Schneider	A	-	-	-	-
Ed Rainville	P	Y	Y	Y	Y

Also, in attendance:

Bill Streeter, Village Attorney (Electronic)

Justin Roberts opened the public hearing. Anyone wishing to speak will be heard.

2. Public hearing to consider the application for a rezoning request submitted by the Donald K. Fandel Trust and Dennis and Christina Miller. The request is to rezone the property from residential to agricultural (PIN: 08-29-200-027, 08-29-200-007, part of 08-29-200-026).

Ann Sasso read the recommendation from the Planning Commission. The Planning Commission recommended to the Zoning Board of Appeals the approval regarding the rezoning of a portion of the Donald Fandel property from residential to agricultural (PIN: 08-29-200-027, 08-29-200-007, part of 08-29-200-026) subject to the zoning reverting back to residential zoning if the property is sold to someone other than the immediate family.

Dennis Miller and his attorney, Gregory Knapp were sworn in. Richard Lange, 106 Somerset was also sworn in.

Mr Knapp stated he wanted to clarify that the notices had a typo and that it should say Christina and not Christian Miller. Mr. Knapp noted the property is 10+ acres and is in the county and is currently zoned residential. They request to rezone it agricultural in order to plant alfalfa and house two horses on the property. The special use permit

would be to house the two horses with a small barn. The remainder of the property would be planted with alfalfa.

The total property to be annexed is 42.3374 acres.

Ed Rainville asked for clarification of what portion of the property is to be rezoned.

Ann Sasso noted Tract 1 and the two southerly lots along Fandel Road would be rezoned agricultural but the remaining property would be residential.

Mr. Lange stated the back of his lot faces Fandel Road and he has no objection to the rezoning. He noted Germantown Hills has a rural feel and to keep with that flavor he feels there needs to be green spaces so he has no objection.

Ann Sasso noted 40 letters were sent out to anyone that was within 300 feet of the property to be rezoned and the only questions were from the owner of the north lot along Fandel Road (Mr. Randel's). He questioned his water spicket being on Mr. Millers property and the future condition of the access to the property. These issues would be sorted out between the property owners.

The public hearing was closed at 6:13 p.m.

Justin Roberts opened the public hearing.

3. Public hearing to consider the application for a Special Use Permit submitted by the Donald K. Fandel Trust and Dennis and Christina Miller (PIN: 08-29-200-027, 08-29-200-007, part of 08-29-200-026). The request is to allow a Special Use Permit to keep, raise and/or feed no more than two horses on the said parcels and to build a structure to house the horses, less than 400 feet from a residential district boundary.

Mr. Knapp explained the distance of the fence to the northerly residential boundary. The closest point is 136 feet from the fence to the residential property line. The actual building will be 300-350 feet away.

Bill Streeter noted the measurements in the drawing presented by Mr. Miller define the actual scope of the special use that is being considered.

The public hearing was closed at 6:18 p.m.

4. Recommendation to the Village Board on the application for a rezoning request submitted by the Donald K. Fandel Trust and Dennis and Christina Miller. The request is to re-zone the property from residential to agricultural (PIN: 08-29-200-027, 08-29-200-007, part of 08-29-200-026).

Bill Streeter recommended the language in the motion to be changed to “conveyed” instead of “sold”.

A motion was made by Glenn Riley to recommend to the Village Board the approval regarding the rezoning of a portion of the Donald Fandel property from residential to agricultural (PIN: 08-29-200-027, 08-29-200-007, part of 08-29-200-026) subject to the zoning reverting back to residential zoning if the property is conveyed to someone other than the immediate family. The motion was seconded by Ed Rainville. **Motion passed #1.**

Bill Streeter asked for the names of the immediate family. Dennis Miller stated he has two daughters, Rebecca Miller and Catrina Hartman.

5. Recommendation to the Village Board on the application for a Special Use Permit submitted by the Donald K. Fandel Trust and Dennis and Christina Miller. (PIN: 08-29-200-027, 08-29-200-007, part of 08-29-200-026). The request is to allow a Special Use Permit to keep, raise and/or feed no more than two horses on the said parcels and to build a structure to house the horses, less than 400 feet from a residential district boundary.

A motion was made by Ed Rainville to recommend to the Village Board the application for a Special Use Permit submitted by the Donald K. Fandel Trust and Dennis and Christina Miller. (PIN: 08-29-200-027, 08-29-200-007, part of 08-29-200-026). The request is to allow a Special Use Permit to keep, raise and/or feed no more than two horses on the said parcels and to build a structure to house the horses, less than 400 feet from a residential district boundary. The motion was seconded by Wayne Moses. **Motion passed #2.**

Dennis Miller asked about the fence height as the posts may be taller.

Ann Sasso noted the fence can't exceed 6 feet and he would need to get a permit.

Mr Knapp explained to Mr. Miller that the special use is not for the fence and he would need to gather the information for the fence and apply for a fence permit. If he can't meet the requirements, then he would need to request a variance.

6. Minutes Approval-November 10, 2020-A motion was made by Wayne Moses to approve the November 10, 2020 Zoning Board of Appeals minutes. The motion was seconded by Glen Riley. **Motion passed #3.**

7. Adjournment-A motion was made by Justin Roberts to adjourn the meeting at 6:30 p.m. The motion was seconded by Glen Riley. **Motion passed #4.**

Ann Sasso, Village Clerk