

## MINUTES

### Port Byron Planning and Zoning Commission and Zoning Board of Appeals December 13, 2017 – Port Byron Village Hall 7:00 PM

#### ZONING BOARD OF APPEALS MEETING

The Zoning Board of Appeals met on Wednesday, December 13, 2017 at 7:00 p.m. at the Village Hall.

**1. Call to Order:** The meeting was called to order at 7:02 p.m. by Chairman Gerry Meade.

**2. Roll Call/Establishment of Quorum:**

Present: Bob Wilson, Wes Wells, Sarah Ford, Scott Angelici, Patty Lindley, Wayne Oney, Bob Lagerblade, and Chairman Gerry Meade. Also present: Mayor Bruce Peterson, Doug Streeter, Jared Fluhr of MSA, and other residents and business owners.

Roll call established a quorum and the Pledge of Allegiance was recited.

**3. Review a request for variance:** Request from Sandra Claus for a 14' x 14' deck at her property located at 205 James Street.

Building Inspector Doug Streeter stated the deck would be on back of house, which violates the 35' rule, though there is still 20' to the back of the yard. However, he discussed the project with all neighbors surrounding the property and there were no objections, since the deck would not be visible to neighbors. There were no gallery comments or correspondence. Doug recommended to the Board to let owner proceed. A motion was made by Bob W., and seconded by Bob L., to accept the recommendation and grant the variance request. Roll call vote as follows: Angelici- yes; Lindley- yes; Wilson- yes; Lagerblade- yes; Oney- yes; Wells- yes; and Ford- abstain. The motion passed and the request approved; Chairman Meade said he would deliver Ms. Claus a copy of the decision.

A motion was made by Wes, and seconded by Scott, to adjourn the Zoning Board of Appeals meeting. All in favor and meeting adjourned at 7:06 p.m.

#### PLANNING AND ZONING MEETING

**1. Roll Call/Establishment of Quorum:** The regular meeting of the Planning and Zoning Commission was called to order at 7:06 p.m. Present: Bob Wilson, Wes Wells, Sarah Ford, Scott Angelici, Patty Lindley, Wayne Oney, Bob Lagerblade, and Chairman Gerry Meade. Roll call established a quorum.

**2. Building Inspector's Report:** Doug reported that the past month has been busy, with permits for a new house, a new roof at Crossfit, household roofing, water and furnace upgrades, and discussion on a house to be built on Parkway Drive.

**3. Chairman's Discussion:** Chairman Meade informed the board that the EV charging station is ready to be installed and the village is waiting on the power to get hooked up; it was also noted that the River Valley Library is also getting an EV charging station, with no cost to use.

**4. Mayor's Update:** Mr. Peterson invited trustees, the P&Z Committee, and any other interested community members to a 2 p.m. meeting on December 14 to discuss goal setting, 2018 budget ideas, priority projects, IRDC and infrastructure projects, and P&Z recommended projects. There will be no decisions or action at the meeting, just informal brainstorming in preparation to put the budget together for the board.

**5. Gallery Comments:** None.

**6. Old Business:**

**a.** A motion was made by Patty, and seconded by Bob W., that the Minutes of the November 2017 meeting be approved as presented. All in favor and motion carried.

**b.** Jared Fluhr with MSA said the ITEP grant was submitted December 1, with a total estimated cost of \$4.3 million; the matching grant would cost the village up to \$2.3 million, conservatively, and the recipients would be announced late 2018. If the village does not get it, the project could be re-worked for 2020. He noted the variance for diagonal parking may be a sticking point, as it's not in the IDOT manual to give those out, although the formula is typically for rural communities or highways. More study such as traffic counts and accident reports may be needed, or a redesign of the project, if the application is not approved based on that design. It was concluded that no more money is owed to MSA for the grant application.

The discussion then moved to power pole relocation, which would be an ITEP project; then whether the Committee should continue with the Downtown Concept plan with MSA. P&Z members agreed that since designs are based on approval of grant and possible parking upgrades, that any more work at this point is unnecessary until the grant winners are announced. .

**c. Economic Development Committee:** Wes stated that the committee has slowed down until January, and had no updates at this time.

**d. IRDC Committee Update:** Wes had no updates, but added that the next scheduled meeting was set for the following Monday.

**e. Village Hall options:** The P&Z Committee was tasked with looking at and recommending the two best options in order to present to Trustees at a future meeting. Possible locations for a new village hall include Sandstrom's, the Library (not a good prospect), Young's building (probably too small), old high school property (good property), the present location, and empty land on north side of the village. Discussion is still needed with the Fire Department, such as- how long are they going to stay, and what will they pay (they are obligated until next year to pay \$14,000 a year, but then it will go down next year). It was established that the fire department wants to move in next five years, they won't move until they have a piece of land, and the village many need to push department to make a decision sooner rather than later.

The Committee discussed setting aside a portion of the Academy property for a future village hall, especially since there may be an interested buyer. Chad Pregracke suggested that the village build up on the current Village Hall building, and put parking on the lower level, as the village hall should be in the center of town. Gerry summarized that there are too many undecided issues to move forward with a recommendation to make to the board at this time. A motion was made by Bob L., and seconded by Patty, to table the decision until more information is available. All in favor and motion passed.

## **7. New Business:**

**a. MSA Fee Structure:** Jared informed the committee that the MSA fee structure varies based on employee, and the hourly rate typically includes travel. Meetings are considered “marketing time” and are usually not charged; special meeting rates depend on the project. Contracts are lump sums and are billed on a percent completed basis. Gerry asked Wayne to be the liaison between MSA, the board, and the P&Z committee, which Wayne agreed to do.

**b. Sign Ordinance:** Gerry asked if the P&Z committee would pick this up, as management would like to see movement. In 2014, the committee discussed an ordinance but no conclusion was voted on. The village has adopted the International Zoning Code so there are guidelines in there; the question has always been who will enforce any violations? Also, what is the proper procedure to apply? The church sign and lack of approval was then discussed. The Committee agreed that a uniform code and administrative enforcer is needed. Gerry, Bruce, and Bob L. agreed to go through the sign ordinance regulations, draft a letter of notice to current violators, and hold future discussions on temporary or permanent changes to the sign approval procedure.

**c. Review various committee structure and charters:** Scott withdrew the item from discussion at this month’s meeting, and will discuss at a future meeting when more information is available.

**d.** Wayne expressed concern about erosion and drainage issues at 9th Street, the need to address costs to repair the “lake” of water after rain, and issues with homeowners, who may have contributed to the problems.

**8. Further Gallery Comments:** Mel and Theresa Dennison, who live next to the funeral home on Main Street, expressed concern that his property zoning was changed from mixed residential to commercial, without his knowledge or recourse to object to the change. Only when he had a recent appraisal was the change discovered. The P&Z committee acknowledged it may have been an error, and was not a deliberate change. More research will be necessary before action to make any zoning changes at a future meeting could happen.

**9. Adjournment:** With no further business to come before the Committee at this time, Wes made a motion, seconded by Wayne, that the meeting be adjourned. All in favor and the meeting adjourned at 8:36 p.m.

Respectfully Submitted,  
Sarah Ford