

McHenry County Zoning Commission

July 27, 2017

2:00 PM

The meeting was called to order by Chairman Matt Zelinski. Other members present were Bill Goodwin, Tom Krumwiede, Ken Gefroh, Darrell Haman, Lloyd Gardner, Anita Trana and Darlene Carpenter. Also present was Ken Niewoehner, Bill Behling, Dave Reisenauer and Kathy Witowic.

A motion was made by Bill and seconded by Darrell to approve the minutes from June 22nd. Motion carried unanimously.

The public hearing was held for the variance application from Nicholas Brobst to place a mobile home (2nd non-farm dwelling in a 40-acre tract) located in the SE ¼ SE ¼ less Outlot 485 in Section 5-155-78. No one appeared in opposition. A motion was made by Darrell and seconded by Ken to recommend the commissioners approve the variance, pending receipt of the health permit for the septic system. Motion carried unanimously.

The public hearing was held for the variance application from Bethlehem Lutheran Church to build two additions to the existing church, one of which would be 115' from the center of 16th Ave N in the SW ¼ of Section 19-159-79. No one appeared in opposition. A motion was made by Ken and seconded by Lloyd to recommend the commissioners approve the variance. Motion carried unanimously.

The public hearing was held for the variance application from Darin Niewoehner to place a grain bin 104' from the center of 76th St N in the NE ¼ of Section 15-158-80. No one appeared in opposition. A motion was made by Anita and seconded by Tom to recommend the commissioners approve the variance. Motion carried unanimously.

The public hearing was held for the amendment requested by the Velva Wildlife Club to change the zoning from agricultural to recreational for property described as Outlot 832 in Section 17 and Outlot 833 in Section 18 of 153-80. No one appeared in opposition. A motion was made by Lloyd and seconded by Ken to recommend the commissioners approve the zoning change as requested. Motion carried unanimously.

The public hearing was held for the variance application from Justin Ronyak to build a house and polebarn 80' from the center of 12th Ave N located in Outlot 681 in the E ½ E ½ E ½ of Section 12-151-80. No one appeared in opposition. A motion was made by Ken and seconded by Tom to recommend the commissioners approve the variance. Motion carried unanimously.

The board reviewed the following applications:

Velva Wildlife Club – lean to structures and trap houses

This application led to a discussion about the proposed plan to establish a shooting range on the property. Travis Leier was contacted to provide more information. The wildlife club will be working closely with the ND Game & Fish Dept in building the shooting range. He was not sure on their plan for hours of operations, but a range master would be required to be present during shooting. There is no residence within ¼ mile of the range. The range would be 2 miles West of Velva City along the river. The rifle range would be shooting North toward the river. Kathy Witowic expressed her concerns with safety and noise. Dave Reisenauer mentioned he was not necessarily against it, but just came to learn more about it. A motion was made by Ken and seconded by Lloyd to approve the application for the buildings. Ken and Lloyd voted aye. Bill, Tom, Darrell and Anita voted nay. Motion failed.

Kevin Howe – mobile home and garage

A motion was made by Anita and seconded by Lloyd to approve. Motion carried unanimously.

Future Builders on behalf of Dave Stanley – house

Denver Fosness – storage shed

A motion was made by Tom and seconded by Bill to approve the Stanley and Fosness applications. Motion carried unanimously.

Travis Leier joined the meeting.

Applications were also received from Ryan Hoff and Robert Olson. Hoff will be required to apply for a variance and Olson's project did not require a permit.

Travis explained the plans for the wildlife club.

Bill Behling from Capital Power questioned how to extend a CUP permit since their project was pushed back to December of 2018. The board contacted the States Attorney. The States Attorney mentioned a new zoning application would need to be applied for since the CUP does not expire but the zoning permit expires within a year. Bill mentioned it was their understanding they would be refunded \$300/tower if they construct fewer towers than what was applied for. Darlene stated the States Attorney informed her no refunds would be made as the fee was based on the number of towers applied for at the time of the application. Bill mentioned they would be submitting a new zoning application.

A proposed moratorium for the Compassionate Care Act was sent out to the board members. It was recommended the county commissioners act on this and to hire SRF Consulting to write the ordinance pertaining to this new law.

The board discussed reviewing the applications and permits. Matt will review and draft suggestions on the verbiage.

The board also discussed developing a list of questions to ask before outlot numbers are assigned by the Records office. Matt inquired about possible century code regulations regarding outlots.

The board discussed the need to develop a process for extending zoning permits.

A letter was received from Riga Township informing the county they have taken back their zoning jurisdiction. The board referred this to the county commissioners.

Andy Telehey spoke to a board member about his situation in Voltaire City where structures were built too close to property lines. It was recommended he check when the deed was recorded to indicate if they were built before the zoning ordinances were effective.

At 5:00 PM, a motion was made by Darrell and seconded by Ken to adjourn. Motion carried unanimously.

ATTEST:

Darlene Carpenter, Auditor