

**MINUTES OF
Board of Zoning Appeals
Conditional Use Application Hearing #2023-01
Thursday February 9th, 2023
6:00 PM**

I. Call to order:

The Members of the Board of Zoning Appeals met on Thursday February 9th, 2023 in Council Chambers at City Hall. Board President, Stan Haines called the meeting to order at 6:00 PM

II. Roll Call:

Board Members Present: Stan Haines, Jason Arnold, Scott Malone, Rob Dobson, Jeff Rayburn, and Kevin Cochran

Absent: Attorney Jacob Ahler

Guests: Mayor Wood, Jessica Call, Bonnie Gifford, Melanie Miller, Roger Burman, Robert Schenk, Deana Rule, and Natalie Kroger

III. Election of Officers:

Stan Haines asked to entertain a motion for Election of Officers. Jason Arnold made a motion to retain as is, second by Rob Dobson. Stan Haines stated he would remain President, Jason Arnold remains Vice-President, and Rob Dobson remains Secretary. Stan Haines said all in favor say Aye. All said Aye.

IV. Review and Approval of Past Minutes:

Stan Haines presented the minutes from the last BZA held on Thursday December 8th, 2022; Conditional Use Hearing #2022-05 for Allen Cooper.

Motion Passed

V. Old Business:

None

VI. New Business:

- A. A Conditional Use Application for D1-Towing (Dale Nester) was submitted for approval to use the properties known as 501, 521, and 523 E. Walnut St. for equipment and towed and/or impounded semi-trucks and vehicles.
- B. Dale Nester was unable to be present at the meeting due to an accident on the interstate. Melanie Miller was present to represent Dale Nester and D1-Towing.
- C. Dale Nester notified all of the required neighbors and received confirmation via receipt of Certified Mail.
- D. There were no objections to his request for the use of the properties. However, CSX contacted Kevin Cochran to request that D1-Towing install a 6' fence between their parcel at 523 E. Walnut St. and CSX's parcel at 533 E.

Walnut St. This request was in regard to making sure that any equipment or vehicles would not be on CSX property.

- E. Melanie Miller explained that they currently rent property from Heritage FS (formally known as Vision Ag.) to store towed vehicles. D1-Towing purchased the properties on Walnut St. for the same reason. Their plan is to use 2' x 2' x 6' concrete blocks, stacked three high, to fence in the property, except for the entrance where a chain link fence with wooden slabs will be used. Melanie stated that Dale Nester is going to involve individuals from the Recovery House to assist in the fence installation and paint the concrete blocks. Future plans also involve adding a structure to store their rotator, a very large and expensive piece of equipment used to pick up semi-trucks and trailers that are overturned. Melanie also explained the only thing that would be visible to the public would be the tops of the semi-trailers. Scott Malone asked if the future plans involved the business becoming a salvage yard. Melanie reassured that it would not be a salvage yard; vehicles will be on the property temporarily. The impounds done for the Jasper County Sheriff's Department and Rensselaer Police Department are only in their possession for a maximum of 20 days before being taken off.
- F. Stan Haines inquired about the current location of the business, on Vine St. Melanie said the business has been there for three years. Stan Haines asked what the zone was and Kevin Cochran clarified it was R-2 (Two-Family Residential). Stan Haines indicated it should have brought before the board, since it is a commercial business being operated in a residential zone.
- G. Jason Arnold questioned the upkeep at the new location. He proposed that D1-Towing would need to maintain the property to prevent it from becoming unsightly. Kevin Cochran stated that Dale Nester's property on Vine St. has never been overgrown with weeds or grasses and they are proficient with the property upkeep. He does not see an issue with this at the new property. However, Kevin Cochran did request that D1-Towing and Heritage FS get together and improve the chain link fencing at the rented property. Jason Arnold asked about signage, and Rob Dobson wanted to know how the future sign would be displayed. Melanie Miller said the sign is a duplicate of their current sign on Vine St. and would be displayed the same as well, with wooden posts. The Board requested the sign either be attached to the wall or adjacent to it. Kevin Cochran said this would prevent future issues with the easements since utilities are present.
- H. There were a few concerns the guests voiced which pertained to security and/or increased crime, noise levels, traffic, appearance, and lighting. Mayor Wood assured the guests and The Board that if there was any criminal concern from the Rensselaer Police Department for the area of the property, he would be notified, and he hasn't been told anything recently. Melanie Miller also stated that they do have security cameras set up, and the City of Rensselaer has met with Dale Nester on-site to put new bulbs in security lights. She also said the only traffic at the property would be the tow truck bringing in a vehicle or semi-truck. There would not be any auto work done at the location.

Stan Haines explained that the Board shall approve or deny all conditions of use from the terms of this Ordinance. The Board may impose reasonable conditions as a part of its approval. A conditional of use from the terms of this Ordinance may be approved only upon determination in writing that:

*(This procedure for a vote includes six paragraphs; these are listed as items i. through v. on pages 18 in Chapter 28: Rensselaer Zoning Ordinance. If any one of these does not pass, then the application is denied. Stan Haines then read the following paragraphs) ...

- i. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare;
 - Stan Haines said having heard paragraph i. he would entertain a motion to vote on the paragraph. A motion was made to vote on the paragraph by Jason Arnold, second by Scott Malone. Stan Haines said all in favor say Aye. All said Aye
Motion Passed

- ii. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood;
 - Stan Haines said having heard paragraph ii. he would entertain a motion to vote on the paragraph. A motion was made to vote on the paragraph by Rob Dobson, second by Jason Arnold. Stan Haines said all in favor say Aye. All said Aye
Motion Passed

- iii. The establishment of the condition use will not impede the normal and orderly development and improvement of surrounding property for used permitted in the district;
 - Stan Haines said having heard paragraph iii. he would entertain a motion to vote on the paragraph. A motion was made to vote on the paragraph by Scott Malone, second by Rob Dobson. Stan Haines said all in favor say Aye. All said Aye
Motion Passed

- iv. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
 - Stan Haines said having heard paragraph iv. he would entertain a motion to vote on the paragraph. A motion was made to vote on the paragraph by Rob Dobson, second by Jason Arnold. Stan Haines said all in favor say Aye. All said Aye
Motion Passed

- v. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets;
 - Stan Haines said having heard paragraph v. he would entertain a motion to vote on the paragraph. A motion was made to vote on the paragraph by Rob Dobson, second by Scott Malone. Stan Haines said all in favor say Aye. All said Aye
- Motion Passed**

Board of Zoning Appeals President Stan Haines asked Kevin Cochran to take a roll call vote:

Stan Haines: Yes
Jason Arnold: Yes
Scott Malone: Yes
Jeff Rayburn: Yes
Rob Dobson: Yes
Kevin Cochran: Yes

Motion Passed, Conditional Use granted.

VII. Adjournment:

Stan Haines Adjourned the meeting with a motion by Rob Dobson, second by Jason Arnold.

Motion carried.

Meeting was adjourned at 6:30 PM.

***Next Meeting: TBD**