

March 12, 2012

The Union County Board of Adjustment met in regular session on Monday, March 12, 2012 at 7:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street, with Vice-Chairman Darren Greene presiding.

BOARD MEMBERS PRESENT: Vice-Chairman Darren Greene, Mark Tilley, Rick Davis, Louis Philippi and Neil Forrest

BOARD MEMBERS ABSENT: Chairman Bill McGuirt

ALSO PRESENT: Richard Lee Jenson, Land Use Administrator and Bill Sturges, Attorney for the Board

Vice-Chairman Darren Greene called the meeting to order at 7:00 p.m.

PUBLIC HEARING

- A. "Variance 2012-001" – Richard Kuehler requesting a "Variance" under Section 397 and Section 384 of the Union County Land Ordinance to allow grading only within the floodplain which will result in no-rise to existing flood elevations. Located at 1229 Farm Creek Road, being on Tax Map 06-108-025; presently zoned R-40.

Vice-Chairman Darren Greene asked Lee Jenson to come forward and be sworn in

Vice-Chairman Darren Greene asked Mr. Jenson if the petition submitted was complete. Mr. Jenson stated the petition was complete.

Vice-Chairman Darren Greene asked if any Board member had a conflict with this agenda item. No one came forward.

Mr. Jenson came forward and presented the following staff analysis:

PRE-HEARING STAFF ANALYSIS

Variance Petition No. 2012-001

Property Owner: Richard & Tracy Keuhler

Petitioner: Richard Keuhler

Location: 1229 Farm Creek Rd.

Request: Grant variance to allow fill, as defined by the Union County Land Use Ordinance, to be utilized in the construction of a personal ball field.

Previous Petitions Relating to this Property

None.

Discussion

This variance request involves the placement of fill, as defined by the Union County Land Use Ordinance, in order to construct a personal ball field. Fill is defined as “material from any source placed inside the SFHA causing a permanent increase in existing ground elevations”. Based on this definition even simple grading activity where dirt from one area of a property (the source) is moved to another area thereby permanently increasing existing ground elevations is considered fill. This is exactly the situation in this case.

The Ordinance requires variance procedures specific to floodplains which are spelled out in Section 397. Section 397(d) contains 11 findings which the Board is required to consider when hearing variances. A written report outlining these 11 findings will be covered by the applicant or their representative.

Vice-Chairman Darren Greene asked everyone presenting evidence to come forward and be sworn in.

Richard Kuehler and Brian Day came forward and were sworn in.

Richard Kuehler came forward and stated that he stated that the he had two boys that are very active in ball and would like to bring something to his own property for them to enjoy.

Brian Day (civil engineer) came forward and stated that on the back of the property down the hill sits back in the floodplain. The property is very open and pretty level but it does go up and down some what. He stated that they are proposing to flatten those rough areas down so no one would be injured running up and down the field. He also stated they would have to push in some dirt to be able to fix the home plate area since that area was lower than the rest.

After discussions and deliberations were made by the Board, Rick Davis made a motion to approve the Special Use Permit as submitted based on final flood study resulting in no rise determination, seconded by Louis Philippi. Motion passed unanimously.

There being no further business to come before the Board at this time, the public hearing was adjourned at 7:30 p.m.

Respectfully submitted,

Susan R. Calkins
Secretary to Board of Adjustment