



WINFIELD BOARD OF ZONING APPEALS

MEETING MINUTES

NOVEMBER 4, 2021 @ 5:30PM

The Winfield Board of Zoning Appeals held a special meeting on Thursday, November 4, 2021 at the Winfield Town Hall at approximately 5:30 p.m. Those present: Mark Nelson, Jim Hajek, Sash Becvarovski, and Phil Metzger. Austin Holtz was absent. Also present was Nick Bellar, Zoning and Planning Administrator; and Attorney Ryan Deutmeyer.

MINUTES: September 9, 2021

Mark Nelson entertained a motion. Jim Hajek made a motion to approve the minutes from September 9th, 2021. Phil Metzger seconded the motion. The motion carried 4-0.

OLD BUSINESS:

1. Remanded from the Town Council for Further Review and Recommendation

Docket BZA 2021-04 – Variance from use – Hobby Farm Use

Owner: Derek Van Tichelt

Petitioner: Derek Van Tichelt

Address: 6528 E. 114th Pl.

Request: Variance from Use to conduct a Hobby Farm Use on an R-1 zoned lot as required by Chapter 156 Zoning, Appendix A

Rita Van Tichelt, 528 E 114th Pl, spoke in front of the Board in request of the Variance from Use. She stated they were never told if they were in a subdivision 80% is required to be 5 or more acers. Rita stated no one had an issue with the chickens until her neighbors' dogs escaped their fenced-in yard and entered the garage where the chickens were and killed some of them.

Mark Nelson opened the floor for public comment but after no further comments he brought it back up to the Board for discussion.

Mark stated he was not at the last meeting but did review the meeting minutes and paperwork. He said when they bought the home, they agreed to the covenants of the neighborhood, and it states no animals, livestock, or poultry of any kind should be raised or kept. Additionally, the zoning is a R-1 and there is no special exemption to allow any type of hobby farm in an R-1 area. Mark explained they do not have the minimum lot size of 5 acers nor does anyone in the subdivision.

Jim Hajek agreed with Mark's statements. He stated there was no grounds to give them an exemption either.

Phil Metzger also agreed with Mark's statements. He asked what the total of Rita's 2 lot are, and she replied 4.1. Sash Becvarovski asked if they were two separate parcel numbers and Rita said they are, but they can't sell them separately because they never received the move over site.

Sash also agreed with the other Board members. He said there is a huge adverse effect to the property value and community.

Attorney Ryan Deutmeyer stated the approach the Board is taking is fine, but they are looking at it the wrong way. He stated they are looking at it from what the physical requirements of a hobby farm are. They do not meet the physical requirements and that is why they are in front of the Board for a variance. The ultimate Findings of Facts needs to be based upon if they can meet the five criteria for the variance. Attorney Deutmeyer explained they must meet all five criteria for the variance.

Mark brought up Sash's point mentioning the adverse effect and how many neighbors would not be in favor.

Sash said it doesn't exclude other animals (coyotes, skunks, etc.) to attack the chickens. Based upon what he has read, raccoons have already been on the property. He explained there would be a hardship depending on where an individual would be in the community.

Jim stated there is no hardship for the petitioner saying they need them.

Jim Hajek made a motion for an unfavorable recommendation to Town Council on part that the lot is not peculiar condition that warrants the approval of a variance. It does not meet the strict application that constitutes unnecessary hardship as well has the possibility in the future devalue the area adjacent. Furthermore, the approval does not interfere substantially with the comprehensive plan. Approving the variance would not be injurious to the public. Attorney Deutmeyer summarized the criteria for the zoning application and stated the petitioner has met criteria 1,5 but can not meet 2,3, and 4. Sash Becvarovski seconded the motion. The motion carried 4-0.

NEW BUSINESS

None

STAFF/ATTORNEY REPORT:

None.

With no further business before the Board, Mark Nelson entertained a motion to adjourn. Jim Hajek made a motion, seconded by Sash Becvarovski to adjourn. The motion carried with all in favor 4-0.

ADJOURNMENT: 5:50 pm

Attest:

Board of Zoning Appeals Chairman

Board of Zoning Appeals Secretary

Transcriber: Haley Crnarich
Administrative Assistant