

**MINUTES OF
RENSSELAER BOARD OF ZONING APPEALS
Conditional of Use Meeting 2023-06
Thursday August 10, 2023 at 6:30 PM CST**

I. Call to Order:

The members of the Rensselaer Board of Zoning Appeals met on Thursday, August 10, 2023 in City Hall Council Chambers. Board Chairman Stan Haines called the meeting to order at 6:30 PM CST. Building Commissioner, Joshua Davis was asked to proceed with roll call.

II. Roll Call:

Present: Chairman - Stan Haines, Secretary - Rob Dobson, Jeff Rayburn, Scott Malone, Sean Cawby, Chad Gutwein and Building Commissioner - Joshua Davis

Absent:

Guests: Shelby Keys, Jessica Call, Linda DeMoss, Juanita Saucedo, Jim Shanley, Joe Effinger, Jason Arnold, Lydia Arnold, Kevin Arnold, Michael Manis, Bob Schenk, Bobbi Jo Sammons, Stace Pickering, Mindy Beier, Breinne Hooker, Greg Whaley, Richard Maxwell, Carol Hoover and Martha Langley.

III. Review and Approval of Past Minutes:

Chairman Haines presented the minutes from the last BZA Hearing 2023-05, held on Thursday July 13, 2023. Motion to approve was made by Gutwein, seconded by Malone.

Motion Passed.

IV. Old Business:

V. New Business:

A. Elect Vice-Chair for the Rensselaer Board of Zoning Appeals

Sean Cawby was elected Vice-Chair with a motion by Chairman Haines, seconded by Malone.

B. Variance of Use for Raymundo Rios Torres

Raymundo's son, Erik, represented his parents at the Rensselaer Board of Zoning Appeals meeting. Erik informed members that his family will be closing on the six (6) acre lot at 8231 S 650 W in Rensselaer zoned A-1 (Prime-Agricultural), with the closest neighbor to the property being eight-hundred (800) feet away. The Torres family comes before the BZA in hopes of getting approved to reside, and operate their small, family owned counter top business at the property. Building one on the property will be the show room, only storing small samples of quartz, granite and marble. There will also be a small office located inside the building. The projected number of visitors a week are between one (1) and two (2), this will depend on the homeowner and if they want to view their product prior to install. The second building will be for fabrication. Since fabrication will take place from 7am to noon, the noise level will be limited. Also, there will be no products or supplies stored outdoors.

Since Mr. Torres will be picking up the materials needed, there will be little to no semi traffic in the area. Aside from the sign on the pole barn (to be constructed), there will be no other signs placed on the property.

Commissioner Davis stated the only other option for the petitioner to utilize this property was to rezone, which he does not recommend.

A neighboring property owner shared concerns that trash/debris would continue to blow onto his property, as it has for the last two (2) decades. The Torres family voiced no opposition when installing a fence to the southeast side of the property as a condition for use. It was also agreed that if they were to advertise, they would have to list County Road 850 S as their preferred route of entrance.

Chairman Haines explained that in order to approve the Variance of Use, all members must approve the following paragraphs, following with a roll call vote.

*(This procedure for a vote includes 5 paragraphs; these are listed as items a. through e. on pages 10-11 in Chapter 28: Rensselaer Zoning Ordinance. If any one of these does not pass, then the application is denied). Commissioner Davis then read the following paragraphs...

Chairman Haines said having heard paragraph a., he would entertain a motion to vote.
Motion made by Malone, seconded by Rayburn.

Chairman Haines said having heard paragraph b., he would entertain a motion to vote.
Motion made by Rayburn, seconded by Cawby.

Chairman Haines said having heard paragraph c., he would entertain a motion to vote.
Motion made by Gutwein, seconded by Rayburn

Chairman Haines said having heard paragraph d., he would entertain a motion to vote.
Motion made by Dobson, seconded by Malone.

Chairman Haines said having heard paragraph e., he would entertain a motion to vote.
Motion made by Malone, seconded by Cawby.

Chairman Haines made a motion to approve the Conditional Use application. Motion was made by Rayburn, seconded by Malone.

Motion Passed.

C. Conditional of Use; Filson Park

The Filsons made a donation favorable for a community amphitheater to hold community events and activities. This park will contain sidewalks, benches, landscaping and a fountain bath. The Filsons presented a deed that stated the property at 116 N Van Rensselaer St (zoned B-3) would become city property and be utilized as a park for the duration of fifteen (15) years. Commissioner Davis said the conditions in the deed stated at the end of the stipulation, the city can do what they please with the property.

Stace Pickering informed that 100% was paid for by the Filsons and 20% was granted by the Jasper Newton Foundation. Mike Manis announced that Filson Park would be fully maintained by the City of Rensselaer Parks Department and all events and/or activities would be approved by the Park Board. Commissioner Davis wanted the Board to know the process in which Filson Park became approved. On December 28, 2020, City Council accepted the grounds on behalf of the City of Rensselaer, and were told the Rensselaer Board of Zoning Appeals had to approve the plans. November of 2021, during a City Council meeting, citizen's comments and additional ideas for the property were tabled during said meeting and never brought back up. In September of 2022, Pickering came before the council once again for approval.

There was much discussion among the Members and the audience in regard to Filson Park. Some felt that Filson Park was injurious to the 2023 City of Rensselaer Comprehensive Plan. Many thought that since the funds and donations were readily available, that the park would be better than an empty lot, not taking into consideration the long-term maintenance costs.

Two letters were submitted in opposition of Filson Park. There was disappointment with the approval without having an updated Park Plan in motion and without considering the Park Department's budget or the fact that there will be no property taxes gained – considering the property is located in one of the city's TIF Districts. There were alternative ideas submitted at a council meeting, which resulted in their ideas and concerns being tabled and never discussed again.

Chairman Haines explained that in order to approve the Variance of Use, all members must approve the following paragraphs, following with a roll call vote.

*(This procedure for a vote includes 5 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). Commissioner Davis then read the following paragraphs...

Chairman Haines said having heard paragraph i., he would entertain a motion to vote.
Motion made by Dobson, seconded by Malone.

Chairman Haines said having heard paragraph ii., he would entertain a motion to vote.
Motion made by Malone, seconded by Rayburn.

Chairman Haines said having heard paragraph iii., he would entertain a motion to vote.
Motion made by Malone, seconded by Dobson.

Chairman Haines said having heard paragraph iv., he would entertain a motion to vote.
Motion made by Malone, seconded by Rayburn.

Chairman Haines said having heard paragraph v., he would entertain a motion to vote.
Motion made by Malone, seconded by Cawby.

Chairman Haines entertained a motion to approve Filson Park with no conditions. Motion made by
Malone, seconded by Cawby. Commissioner Davis then proceeded with a roll call vote.

Chairman Haines	Yes	Scott Malone	Yes
Rob Dobson	Yes	Sean Cawby	Yes
Jeff Rayburn	Yes	Chad Gutwein	Yes

VI. Adjournment:

Chairman Haines adjourned the meeting with a motion by Gutwein, seconded by Dobson.

Motion Carried.

Meeting adjourned at 7:43 PM CST

Next Meeting: TBD

Minutes Prepared by: Plan Commission Secretary, Jessica Call