**Duncan Planning and Zoning Commission**

**Minutes**

**and**

**Public Hearing**

**July 16, 2018**

The regular meeting of the Village of Duncan Planning and Zoning Commission was called to order at 7:30 PM, July 16, 2018 by Vice-Chairman Travis Stempek. The Chairman publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. Commission members present were Stempek, Gary Schlesinger, Abbey Wright, Betty Kropatsch and alternate, Matt Bates. Absent: Jamie Frey. Also in attendance were Don Reves-Zoning Administrator. Motion was made by Wright and seconded by Bates to approve the agenda. Vote was as follows to approve the agenda: voting aye- Stempek, Schlesinger, Wright, Kropatsch and alternate, Bates. Voting nay-none. Absent: Frey.  The Chairman declared the motion carried. Motion to approve the meeting minutes from the April, 16 2018 meeting was made by Wright and seconded by Bates to approve the April 2018 minutes. Vote was as follows to approve the minutes: voting aye- Stempek, Schlesinger, Wright, Kropatsch and alternate, Bates. Voting nay-none. Absent: Frey.  The Chairman declared the motion carried. Motion was made to open public hearing made by Wright and seconded by Bates.: voting aye- Stempek, Schlesinger, Wright, Kropatsch and alternate, Bates. Voting nay-none. Absent: Frey.  The Chairman declared the motion carried.

Ex Parte Declaration

Kropatsch explained ex parte declaration that will be present at every Planning and Zoning meeting. Kropatsch explained that this is applicable to the Village Board, also. The meaning of ex parte is, for example, if someone meets you on the street and wants to discuss building a garage, you cannot discuss with them, by law, you can say, “ talk with Don Reves”, or you can tell them to look through the planning and zoning books, but as far as actual discussion, it is a violation of the open meetings act. It isn’t that you’re pushing them away, it is that the entire commission needs to hear what the request is. For example, when there is a meeting and Don Reves has spoken to me about this garage I have to disclose at the outset of the meeting that we have discussed this matter. If I said to look in the book, that is fine, but otherwise if I stated he could do this it needs to be disclosed at the beginning of meeting. That is the ex parte declaration. Kropatsch reiterated that it is a violation of the open meetings act. One of the reasons is the person that is wanting to talk about this should come forward to speak to the commission. If he cannot speak, a representative of that person may do so. So, tonight if anyone has spoken to the agenda, which is actually a public hearing, you need to come forward and declare.

**COMMUNICATIONS**:

Zoning Administrator-none

Comments from the floor - Guests requesting to address the Planning and Zoning Commission-none

**New Business**:

**PUBLIC HEARING** for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for: proposed Amendment to section 3.10; 6c. ‘Detached garages and other accessory buildings located in Residential Districts shall: c. Have sidewalls that do not exceed *10* feet in height’, to say ‘Detached garages and other accessory buildings located in Residential Districts shall: c. Have sidewalls that do not exceed *16* feet in height’. Proposed Amendment to section 3.10; 6e. ‘Garages shall have a maximum width of *36* feet.’, to ‘Garages shall have a maximum width of *58* feet’. Stempek asked if proof of publication and application for conditional use permit and the response was to the affirmative. *Reves:* David Merrill is requesting a zoning change section 3.10; 6c to amend the sidewall height from ten feet to 16 feet on accessory buildings. Merrill wants to build a shed to accommodate his camper, etc. He had spoken to the neighbors on either side of him and they had no problem with this. He had signatures from each party signifying their approval. Schlesinger stated he did not see anything wrong with it because he has the grounds and the area and has no problems with the neighbors since he has the area to build. Kropatsch felt that there may be some problems with allowing Mr. Merrill to do this and possibly not allowing other people community to build using this height would open up to some discussion. Stempek asked if we passed this, would it only affect Merrill or would it affect the whole town. The answer was it would affect the whole town. Kropatsch asked if there was a problem that he would have it up to 16 feet and Merrill replied that this is necessary to accommodate his camper. Kropatsch said this building would look fine on his property, but there are other places in town that it may not be look so fine. Schlesinger felt Merrill is trying to make his property look better by containing all his equipment under one roof rather than have sitting outside. Bates was asking what a negative would be to have a building of that height in town. Kropatsch said that it is a visual thing, but continued that she felt would make this particular building look appealing. Wright continued that if she would want to build something with the 16 foot height she would have to get approval from the Zoning Administrator. Reves stated once this is passed, approval to build is automatic. The question about the pitch was raised and the comment was that the pitch would be four feet making the entire structure 20 feet overall height. Motion was made by Stempek and seconded by Schlesinger to close the public hearing. Vote was as follows: voting aye- Stempek, Schlesinger, Wright, Kropatsch and alternate, Bates. Voting nay-none. Absent: Frey. Motion was made to approve sidewalls that do not exceed *16* feet in height, seconded by Schlesinger. Vote was as follows: voting aye- Stempek, Schlesinger, Wright, and alternate, Bates. Voting nay-Kropatsch. Absent: Frey. Public hearing was closed with recommendation going to the Village Board.

Stempek made a motion to open the public hearing and seconded by Wright. Vote was as follows: voting aye- Stempek, Kropatsch, Schlesinger, Wright, and alternate, Bates. Voting nay-none. Absent: Frey. Reves stated the request has been made to amend section 3.10; 6e: Garages shall have a maximum width of *36* feet.’, to ‘Garages shall have a maximum width of *58* feet. Wright felt that if the property can accommodate the structure and neighbors are ok with it it should be allowed. Bates continued that if all setbacks are met there should be no problem. Schlesinger made the observation that many homes being built have 3 car garages attached to the house. He continued that he sees no reason why having a structure of this size in the backyard could not be done. Schlesinger felt if it fits on the property he could not see a reason why it cannot be built. Kropatsch asked Reves if accessory buildings can cover only so much of the property. Reves answered that accessory buildings can cover 10 percent of the total property. Schlesinger asked Reves if this was the case and Reves replied that when the permit comes to his office, he and Merrill will sit down and go over this. Kropatsch was wondering if there were other properties in town that could accommodate this size of building and Reves responded to the affirmative. Motion was made by Wright and seconded by Bates to close the public hearing. Vote was as follows: voting aye- Stempek, Schlesinger, Wright, Kropatsch and alternate, Bates. Voting nay-none. Absent: Frey. Motion was made to approve by Schlesinger and seconded by alternate-Bates to amend section 3.10; 6e: Garages shall have a maximum width of *36* feet.’, to ‘Garages shall have a maximum width of *58* feet.Vote was as follows: voting aye- Stempek, Schlesinger, Wright, and alternate-Bates. Voting nay-Kropatsch. Absent: Frey. Public hearing was closed with recommendation going to the Village Board.

Letter of resignation was read by Betty Kropatsch as Secretary of the Planning and Zoning effective October, 2018. Stempek said there will be a meeting on August 20, 2018 at 7:30 p.m. to fill this position. Also, at this time, is the possibility of another public hearing.

**OLD BUSINESS**: Due to the fact there was no approval of the January minutes at the April meeting the Vice-chairman called for the approval. Motion was made by Wright and seconded by alternate-Bates to approve the January minutes. Vote was as follows: voting aye- Stempek, Wright, and alternate, Bates. Voting nay-none. Schlesinger abstained because he did not have the January minutes in front of him. Kropatsch abstained due to her absence in April. Absent: Frey.

**COMMISSION MEMBER COMMENTS**: Schlesinger asked about opening the alley north of the former Helen Ziemba’s property and how the Commission is to proceed. Reves said the Village Board has decided to wait on this project because the new owner may by waiting for 3 to 5 years before proceeding to build on the property.

**Commission Chair Comments:** none

**Adjournment**:

Stempek declared the meeting adjourned

Minutes recorded and submitted by:

Betty Kropatsch, Commission Secretary

All meetings are open to the public and a current agenda for said meetings will be posted and available for public inspection at the office of the Village Clerk 10 days following the Commission meeting