

MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS
December 16, 2019
MINUTES

The Morgan County Board of Adjustments met on Monday, December 16, 2019, at 5:30 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Allyn Wind, Charlie Ruyle, Mike Erker, and Viola Johnson. Also present were Pam Cherry, Planning Administrator, and Shannon Shields, Planning Clerk.

The meeting was called to order by Chairman Allyn Wind.

Minutes: 10-21-19

Viola Johnson questioned a fragment on page 2 of the minutes; under new business; under Glenn & Maria Deiker. The fragment states "This was the best position for drainage and apt to protect." Pam responded that she thought it was a fragment that was spoken because the tape had been listened to more than once so her suggestion was to remove that fragment from the minutes.

Motion was made to strike from the record a fragment on page 2 found under New Business then under Glenn and Maria Deiker with no other corrections by Viola Johnson and seconded by Mike Erker for approval of the minutes of the October 21, 2019 hearing. Motion carried 4-0.

Agenda:

It was moved by Charlie Ruyle and seconded by Mike Erker to accept the agenda as presented. Motion carried 4-0.

NEW BUSINESS:

Approval of Resolution: Four X Ranch – 2019 BOA 08

Pam stated the applicant was required to obtain a notarized letter from the Bellendirs stating that they were okay and applicant did supply that letter. However, the county attorney has said no, you can't do that. So, he's going to have to apply for a variance for the Bellendirs also. It shows on the tax assessor's that the use is residential. Even if it's not used now, somebody could move in tomorrow. So you will be seeing a variance request for that but that does not affect this resolution because this resolution shows what happened in that meeting. The commissioners have also said the fee for this second variance will be waived. Other than that everything's the same. Mike said okay but it says a notarized, signed letter from the neighboring property owner will be obtained; do we still need that in the motion? Pam stated it should still be in the resolution because it was still part of the motion. Allyn asked if there were any other questions. There were no additional questions.

Motion was made to approve Resolution 2019 BOA 08 as presented by Mike Erker and was seconded by Viola Johnson. Roll call vote taken and Motion carried 4-0.

Chairman Wind called the second hearing:

Approval of Resolution: T & M Limited Partnership – 2019 BOA 09

Pam stated this was on a variance request made by T & M Limited Partnership and there was one condition I had suggested. I suggested that they resolve access to the two properties and that condition has been struck from this resolution per your request. Everything else remains the same. Mike Erker asked if these people

can get back to their property? This is the one with the property against the railroad tracks? Pam stated yes. There was an easement created back around 2007 she thought shows that access is there and it is a recorded document. We did some research to make sure it was actually there. Mike said okay. Allyn asked if there were any other questions.

Motion was made to approve Resolution 2019 BOA 09 as presented by Mike Erker and was seconded by Charles Ruyle. Roll call vote taken and Motion carried 4-0.

As there was no more business to come before the board, it was moved by Mike Erker and seconded by Viola Johnson to adjourn the meeting at approximately 5:45 P.M. Motion carried 4-0.

Respectfully submitted,

Shannon Shields, Planning Clerk