

**CASTLE ROCK TOWNSHIP**

**PLANNING COMMISSION**

**SPECIAL MEETING (reconvened)**

**CRAIG BRAUN GRAIN BIN VARIANCE**

**MARCH 31<sup>st</sup>, 2010 @ 8:00 p.m.**

A special meeting of the Planning Commission of Castle Rock Township was held on Wednesday, March 31st, 2010 at 8:00 P.M. Present were Sandy Weber Chair, Mark Wagenknecht, , Monique Berg and Lori Abeln, member and Secretary. Also present were David Nicolai, Pete Schaffer, Jenny Braun, Teddy Braun, Craig Braun, Tim Braun, Matt Braun.

**CALL TO ORDER**

Chair Sandy Weber called the meeting to order at 8:00 P.M. and the Pledge of Allegiance was recited.

**SPECIAL MEETING**

A special meeting was held at the Castle Rock Town Hall, 2537 240<sup>th</sup> Street West to review a variance for Craig Braun for a setback of less than 110 feet from the center of the road to build a 60” diameter grain bin.

Chair Sandy Weber made remarks concerning the validity of a previously submitted petition from 7 residents who are opposed to the variance. The petition is not valid due to the fact that addresses of the petitioners were not listed and one of the petitioners does not reside in Castle Rock Township.

Craig Braun explained a new picture with present bin locations and projected location with the variance in place.

Dave Nicolai and Sandy Weber shared their discovery of the mornings site visit with the Brauns:

- \*The land to the south is spongy.
- \*The land to the west creates a hardship due to the utility lines.
- \*There are buildings to the east that create a hardship for the placement of a new grain bin.
- \*There is an encroachment.

Criteria for granting a variance on p.79 of our Ordinance No. 2002 Zoning Ordinance was referred to.

The 6 criteria are listed below:

- 1 Exceptional or extraordinary circumstances apply to the properties which do not apply generally to other properties in the same zone or vicinity, and results from the lot size, shape, topography, or other circumstances over which the owners of the property since enactment of this Ordinance have no control.
- 2 That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- 3 That the special conditions or circumstances do not result from the actions of the applicant.
- 4 That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to others of other lands, structures, or buildings in the same district.
- 5 The variance will not allow any use that is not permitted under this Ordinance for a property in the zone where the affected applicants’ land is located.
- 6 Findings of the Planning Commission include evidence of a particular hardship affecting the subject property.

The Planning Commission agreed that the above criteria were met to approve the hardship. 4 ayes.

**Lori Abeln made a motion and Mark Wagenknecht seconded it to approve the variance moving it forward to The Board of Supervisors suggesting that they seek legal consultation regarding:**

- **The electric lines/public utilities**
- **The townships liability**
- **Clarifications on the setbacks and obstructions**

**Motion passed 4 ayes**

**Motion made by Monique Berg and seconded by Mark Wagenknecht to adjourn**

**Adjournment 8:50, 4 ayes**

**Respectfully submitted,**

**Lori Abeln, Secretary**