

Board of Zoning Appeals Meeting Minutes – Monday, June 26th, 2019

Call to order at 7:00 PM. By Chairman Jacqueline Howarth

Roll call: Members Present: Kit Tyler, Eric Strasser, Don Luepke, Jacqueline Howarth, Cecil Fleeman, and Gary Johnston (ZA).

Chairman confirmed we have a quorum (5)

Others Present: Bonnie Brown

Jacqueline read the BZA introductory comments.

Variance Hearing Case 2019-04: Marti and Chris Slee

Request for variance from development standards for Marti and Chris Slee, 902 SCLD, Fremont, IN 46737. They request relief from UDO Section 2.16 LA District Development Standards and 5.09 C 2 (a) LA Accessory Structure Standards. The proposed project includes an addition to an existing garage. The primary intent is to have one structure versus creating two separate structures.

Mr. Luepke asked questions of clarification about the existing structures on the property. He asked the primary intent for the structure. Mr. Slee stated he would rather add onto the existing structure to store items such as an extra vehicle, snowmobiles ETC.

Additional questions of clarification ensued on roof pitch and overall length of the proposed structure. Mr. Luepke asked questions about the need for additional staking and labeling to ensure the board fully understands where the new structure will sit.

With no further questions clarifying the case from BZA, Chairman J. Howarth requested a motion to close hearing and open for public comments.

Motion by: Don Luepke

To close hearing and open meeting for public comment

2nd by: Kit Tyler

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

There was no public comment and no correspondence.

With no further comments from attendees, Vice Chairman J. Howarth requested a motion to close public comments and open for board discussion.

Motion by: Cecil Fleeman

To close public comments and open for board discussion.

2nd by: Don Luepke

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Vice Chairman K. Tyler invited BZA members for further discussion.

Don Luepke made additional comments about the overall size and intent of the proposal. He noted how one structure would be more appealing versus two separate structures that maintain the total authorized square footage.

J. Howarth pointed out how a garage a few doors down has a similar appearance to the current proposal.

E. Strasser sited concerns in regards to future requests. While there is no precedence, allowing this case could result in future requests of similar nature. He said this request seems reasonable considering the intent of the UDO.

J. Howarth added comment about the difficulties of building in this particular area considering how steep the lots are.

K. Tyler generally concurred and agreed with the comments made by the other BZ members and the ZA.

D. Luepke recommended an written agreement that no other smaller structure, such as a storage shed, would be added to the property and J. Howarth agreed.

With no further questions, Chairman J. Howarth requested a motion to close BZA hearing and move to findings of facts.

Motion by: Don Luepke

To close hearing and begin review of findings of facts.

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #1:

Legal notice of the petition **has been** provided in accordance with Indiana Code and Notice has been made to appropriate landowners. YES

Motion by: Don Luepke

To accept findings of fact #1

2nd by: Kit Tyler

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #2:

The approval of the variance **will not** be injurious to the public health, safety, morals and general welfare of the community. YES

Motion by: Eric Strasser

To accept findings of facts #2

2nd by: Don Luepke

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #3:

The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner. YES

Motion by: Cecil Fleeman

To accept findings of fact #3

2nd by: Eric Strasser

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #4:

The strict application of the terms of the zoning ordinance **will** result in practical difficulties in the use of property. YES

Motion by: Kit Tyler

To accept findings of fact #4

2nd by: Don Luepke

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Request by J. Howarth for a motion to approve, approve with condition/s, or deny the variance request

Motion by: Don Luepke

To approve with the condition of the property owner would state in writing that no additional structures will be added to the property.

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Roll Call Vote for Decision of Variance #2019-04 w/conditions:

Vote: Jacqueline Howarth (Approve w/ conditions), Don Luepke (Approve w/ conditions), Cecil Fleeman (Approve w/ conditions), Eric Strasser (Approve w/ conditions), Kit Tyler (Approve w/ conditions)

Case 2019-04: Approved w/ conditions by BZA

D. Luepke reminded Mr. Slee to have a parking plan for when construction begins.

Certification of Decision shall be created and recorded with the Steuben County Recorder.

Old Business

J. Howarth stated the minutes from the meeting on 4-22-2019 were not yet available for review.

D. Luepke asked for some comments from the ZA because E. Strasser had noted some discrepancies on the draft minutes from 4-22-2109. G. Johnston stated he was being to detailed for the intent of the minutes. D. Luepke stated he understood and would like to have those minutes available for the next BZA meeting.

E. Strasser added comments about the idea of being more informed and educated on variance cases prior to the hearings taking place. Specifically, he had a difficult time rationalizing the decision-making process on the practical difficulties associated with this variance request.

J. Howarth stated there can be training sessions prior to the hearing taking place. There must be less than a quorum to conduct the training sessions. D. Luepke entered the idea of the Plan Commission being involved with the training aspect.

Bonnie Brown stated all BZA members should read and understand the comprehensive plan to better grasp how BZA decisions affect the comprehensive plan.

Further discussion ensued and discussion ended.

Motion by: Don Luepke

To adjourn meeting

2nd by: Eric Strasser

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Meeting adjourned at 7:36 PM.

Board of Zoning Appeals Chairman: Kit Tyler for Jaclyn Howarth

Attest: Brenda Eby, Town Clerk