

**Huntingburg Board of Zoning Appeals
Minutes of the Regular Meeting
Wednesday, October 28, 2020 at 5:30 P.M. Local Time**

The Huntingburg Board of Zoning Appeals met in regular session on Wednesday, October 2, 2020 at 5:32 P.M. in the Council Chambers at the Huntingburg City Hall. Members present were Dave Schipp, Mike Fulkerson, Primo Nino, Nick Stevens. Others present included: Planning Director, Paul Lake, Tim Wehr (petitioner) and Brad Eckerle (Brosmer Land Surveying as another petitioner's representative).

The minutes from the Board of Zoning Appeals meeting held on July 8, 2020 were reviewed and a motion to approve as presented was made by Nick Stevens and seconded by Primo Nino. The minutes for the July 8, 2020 Board of Zoning Appeals meeting were approved.

Planning Director Paul Lake explained that there was a problem with the Notice of Public Hearing which had been published for the Use Variance request filed by the Morgans. He indicated that the error was due to him having sent the petitioner's representative an old notice template. This led to the Notice being published in the Huntingburg Press rather than the required Dubois County Herald. Paul asked the board to open the hearing on the case and then table it to a new date. After a short discussion, the Nick Stevens made a motion that the board meet on Wednesday, November 18th at 5:30 pm, Dave Schipp seconded. Motion Carried. A motion to open the public hearing for the Morgan's Use variance request and table it until November 18th at 5:30 was made by Mike Fulkerson and seconded by Primo Nino. The case is tabled until November 18th.

Paul introduced the Development Standards requests of Tim & Jacqueline Wehr. The request is to allow for construction on an accessory structure/pole barn which exceeds 1200 square feet and 18-feet 6-inches in height on a lot which does not have a primary dwelling upon it. Paul explained that because the Wehr's home is within a platted subdivision that the lot could not be added to the primary lot via a lot line adjustment. Paul also indicated that proof of mailing and publication for required notices had been received. Tim Wehr provided information to the board members concerning what the structure would look like and how it would be used. Dave Schipp asked whether the structure would straddle lot lines. Tim indicated it will not. The board opened the public hearing on the requested variances at 5:43 pm. There being no other citizens wishing to comment, the public hearing was closed at 5:46 pm. A motion to approve the variances requested was made by Dave Schipp and seconded by Nick Stevens. The variances were approved.

The next item to be heard involves the Development Standards request from M & M Investments. The petitioner is requesting a variance to allow for a residentially zoned (R1) lot to be developed which does not have the 80-feet of roadside frontage required under Section 154.101 of the Huntingburg Code of Ordinances. Paul indicated that the petitioner had received approval from the Huntingburg Board of Public Works and Safety to use the city right-of-way for his driveway. The right-of-way being set aside when the Orchard Ridge Subdivision was approved 40+ years ago. Confirmation of the required mailing and notice of hearing have been received and are in the file. Brad Eckerle, representing the petitioner, is present to answer questions of the board. The public hearing was opened at 6:01 by the board. Marilyn Duncan asked whether the drainage ditch which will be crossed to get to the lots would be closed in. Paul indicated that he would need to remain open, with either pipe or culvert installed by anyone wishing to purchase and build on the property. She also asked questions related to how her driveway would be impacted since she had paid for the gravel. Paul indicated that anyone purchasing and building a home on the lots would either need to establish a separate driveway or work out an agreement with her. Regardless, the purchaser would need to have a hard surface (concrete or asphalt) for 10-feet back from the city street. The board closed the public hearing at 6:08 pm. A motion to approve the variance request was made by Primo Nino and seconded by Nick Stevens. The variance was approved.

Paul introduced three (3) Development Standards Variance requests from S & S Corporation for its property located at the southwest corner of 19th and Chestnut Drive. These are related to the Chestnut Gardens development. Proof of mailing and publication of notice have been confirmed. The project involves the construction of 12 duplex (24-units) on 24 lots for which a rezoning (I2 to R2) and subdivision approval was granted by the Plan Commission earlier this year. The variances being requested are for: A 20-foot front setback (25 feet required), A minimum lot size of less than 6,400 square feet and a zero-side yard setback for the common wall between the units of each duplex. A 5-foot side yard setback would remain on the exterior side of each unit. Paul mentioned that these variances only apply to the 24-lots. The large single lot on the southern portion of the property would likely be developed later and any variances would need to be determined then. A motion to consolidate the public hearings for the variances was made by Mike Fulkerson and seconded by Nick Stevens. The public hearing was opened at 6:25 pm. Brad Eckerle is present as the petitioner's representative and to answer questions.

Board members asked about on-street parking and is there enough driveway space for residents to park and not block driveways. Brad indicated there is room within driveways to avoid blocking the sidewalk, however, the police department will also need to address those who do not. Likewise, parking will be only on one side of the street. Questions concerning emergency vehicles being able to navigate the streets were raised. Brad indicated that he had discussed the street layout, width and parking with Fire Chief Scott Patberg to confirm they can make it through. The public hearing was closed at 6:26 pm.

The board voted upon each variance request separately. Primo Nino made a motion to approve Docket #2020-04 (DSV-lot size). Motion was seconded by Nick Stevens. Variance was approved.


A motion to approve Docket #2020-05 (DSV-front-setback) was made by Nick Stevens and seconded by Dave Schipp. Variance was approved.

A motion to approve Docket #2020-06 (DSV- side yard setback) was made by Primo Nino and seconded by Mike Fulkerson. Variance was approved.

Paul reminded board that he would send out the material for the November 18th, 2020 Board of Zoning Appeals meeting the week prior to the meeting.

There being no further business to come before the board, the meeting was adjourned at 6:30 pm.

Submitted by: 
Secretary

Approved by:  Date: 11/18/2020
President