

Huntingburg Board of Zoning Appeals
Minutes of the Regular Meeting
Wednesday, June 21, 2023, at 5:30 P.M. Local Time

The Huntingburg Board of Zoning Appeals met in regular session on Wednesday, June 21, 2023, at 5:30 P.M. in the Council Chambers at the Huntingburg City Hall. Members present were Primo Nino, Todd Humbert, Riley Schumacher, Dave Schipp, and Ronald Mundy. Planning Director Paul Lake was also present. Others present included Angel R. Vivas (petitioner), Stephanie Perez and Greg Rickelman.

The Minutes of the April 13, 2023, Board of Zoning Appeals meetings were reviewed and a motion to approve them was made by Riley Schumacher and seconded by Dave Schipp. The minutes of the April 13, 2023, meeting of the Huntingburg Board of Zoning Appeals were approved.

Proof of mailing to Interested Parties has been confirmed. Paul indicated that the required Notice of Public hearing was not published the required 10-days prior to tonight's BZA meeting. As such, he requests that the Public Hearing be opened tonight, but that it be continued to a future meeting date to allow the petitioner time to republish the notice correctly. Primo Nino made a motion to continue the public hearing to Wednesday, July 12, 2023, at 5:30 pm. Ronald Mundy Seconded the motion. The public hearing for the two-petitions will be opened tonight and continued to July 12, 2023.

Planning Director Paul Lake summarized petitions, # 2023-01 (UV) & # 2023 - 03 (Variance) for the Board. The petitioner. Angel Ramon Vivas Funez, is requesting two variances for property located at 1113 North Main Street. The first Variance is a Use Variance to allow for an upstairs apartment in a legally established grandfathered single-family home. The second Variance is a Standards Variance to allow for an exterior stairway to access the upstairs apartment.

Paul briefed the board members about the history leading up to the petitions on tonight's agenda. He indicated that two (2) Stop Work orders had been issued on this property. The first was because the petitioner received a building permit to expand garage, but then proceeded to build a 2nd story on the single-family residence. The petitioner met with

Paul to amend the building permit. He was told at that time that no external staircase was allowed, and that all construction needed to meet Indiana Building Codes.

The second Stop Work order was issued in November of 2022 for two reasons: 1) An exterior door was installed on the 2nd floor; and 2) no doubling up or columnar supports had been added on load bearing walls that could be seen. The petitioner was told he would not be allowed to begin work until he had provided the city an engineer's or architect's report indicating that the building was either structurally sound, or what needed to be done to make it so. The report was provided to staff in March of this year. City staff and the City's attorney Phil Schneider met with the petitioner again in May 2023 to discuss his options to move forward on the project. He was told he needed to either Re-zone the property from B-3 to R-2 or secure a Use Variance to allow for the apartment upstairs and to secure a Standards Variance to allow for an external stairway.

The public hearing was opened at 5:37 pm on June 21, 2023. The petitioner indicated that he was doing everything he was required to do in order to provide apartments upstairs for his daughters. Each time the city stopped him, he did as he was asked to do. When asked why he put a 2nd floor exterior door in when he was told he could not have a stairway outside, he indicated it was so he could get construction material inside. He stressed that he wanted to do everything 'by the book'. Greg Rickelman indicated he owns the property immediately south of the petitioner and is opposed to the variances being granted. Dave Schipp asked whether he had any problems with water since there are no gutters on the home. Greg R. said 'yes he does'. The board meeting continued with much discussion concerning whether work met state building code. The petitioner was asked several times why he kept doing things which he was told he could not do. He seemed to be of the opinion that he was doing all that was asked of him.

Riley Schumacher made a motion to adjourn the meeting. Second by Ronald Mundy. The June 21, 2023, Huntingburg Board of Zoning Appeals meeting was adjourned at 6:24 pm.

Submitted by: Riley Schumacher
Secretary

Approved by: Ronald Mundy Date: July 12-2023
President