

Huntingburg Board of Zoning Appeals
Minutes of the Regular Meeting
Wednesday, July 12, 2023, at 5:30 P.M. Local Time

The Huntingburg Board of Zoning Appeals met in regular session on Wednesday, July 12, 2023, at 5:30 P.M. in the Council Chambers at the Huntingburg City Hall. Members present were: Primo Nino, Todd Humbert, Riley Schumacher and Dave Schipp. Planning Director Paul Lake was also present. Others present included City Attorney Phil Schneider, Katrina Cox, Angel Vivas (petitioner), Stephanie Perez and Greg Rickelman.

The Minutes of the June 21, 2023, Board of Zoning Appeals meetings were reviewed and a motion to approve them was made by Todd Humbert and seconded by Dave Schipp. The minutes of the June 21, 2023, meeting of the Huntingburg Board of Zoning Appeals were approved.

Paul Lake summarized Petition # 2023 – COH (V). The petition is a Standards Variance request from the City of Huntingburg and co-petitioners Kevin & Katrina Cox for property located at 107 West Raider Court (Lot Number 74, in Section II of the Hunters Crossing Subdivision. Required Notices to Interested Parties and publication of Notice of Public Hearing have been confirmed. The Public Hearing was opened at 5:34 p.m.. The request is to allow a privacy fence within an easement and nearer than 2-feet from the property line. The existing easement was intended to hold a Force Main sewer line in it, but it has been determined that a portion of Force Main is located well outside the existing easement. The city would like to acquire an additional 10-feet of property from the Cox family so that the Force Main would lie within an easement. The location of the Force Main means that except for above ground, other uses in the back yard are greatly restricted. In order to maximize the amount of back yard for allowed uses, the city and petitioner request this Variance to have a fence within an easement and within 2-feet of the property line. The City would like this Variance condition upon: The cox family agreeing to the city acquiring an additional 10-feet of easement and the property owner granting access to city utility personnel to service infrastructure which lies within said easement. Phil Schneider provided additional information concerning why the easement was necessary. The Public Hearing was closed at 5:40 p.m. Dave Schipp made a motion to approve Petition # 2023 – COH (V). Second by Riley Schumacher. 4-Ayes, 0-Nays. 1-Absent. The petition was approved.

Paul Lake indicated that the Public Hearings for both petitions, # 2023-01 (UV) & # 2023 – 03 (Variance) were opened at 5:37 p.m. on June 21, 2023, but that since the required Notice of Public Hearing was not published in time they were continued to tonight's meeting. Paul has been able to confirm that Proof of Publication has been received.

A summary of the two (2) petitions: 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 within the B-3 (Heavy Commercial Zoning District). The second Variance is a Standards Variance to allow for an exterior stairway to access the upstairs apartment. The petitioner still indicates 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'. Dave Schipp stated that he has concerns about setting precedent with approving 'spot' zoning and/or variances. The BZA asked the petitioner whether there is a stairway inside the home. Stephanie indicated that there a stairway inside the structure, but that it is narrow. The Public Hearing was closed 5:54 p.m.

The Board went through questions and answers in Petition # 2023 – 01 (UV). Following the review and answers for the Petition. A motion to Deny Petition # 2023 – 01 (UV) was made by Primo Nino and seconded by Dave Schipp. Tally of Votes was: Ayes-0, 4-Nays, 1 Absent. Petition is Denied.

The Board Closed the Public Hearing on Petition # 2023 – 03 (V) at 6:08 p.m. The Board went through questions and answers in Petition # 2023 – 03 (V). Following the review and answers for the Petition. A motion to Deny Petition # 2023 – 03 (V) was made and seconded. Tally of Votes was: Ayes to Approve Petition- 0, 4 - Nays to Deny Petition, 1 Absent. Petition is Denied.

Paul explained to Angel Vivas and his Niece Stephanie that he would contact them and set up a time to discuss details of the options they have. The home can only be occupied as a single-family residence, or it can be rented. The downstairs and upstairs cannot be rented separately. No external stairway will be allowed

Paul indicated he would be contacting the board members to discuss a meeting date in August. There being no further business to come before it, the July 12, 2023, Huntingburg Board of Zoning Appeals meeting was adjourned at 6:18 pm.

Submitted by: Biley Schumacher
Secretary

Approved by: Primitivo Diaz Date: Aug. 9-2023
President