

**Huntingburg Board of Zoning Appeals**  
**Minutes of the Regular Meeting**  
**Monday, January 9, 2017 at 7:00 P.M. Local Time**

The Huntingburg Board of Zoning Appeals met in regular session on Monday, January 9, 2017 in the Council Chambers of the Huntingburg City Hall. The meeting was opened at 7:02. A quorum was established with Board members Dave Schipp, Michael Schmett, Allen Bauernfiend and Ronald Mundy Present. Board member Amy Lehr was not in attendance. Also present was Planning Director Paul Lake and representatives for the two (2) petitions before the board.

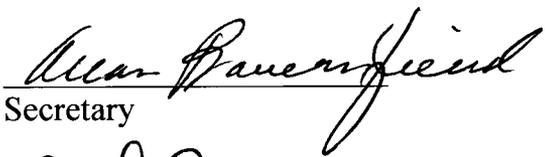
Minutes of the September 19, 2016 Board of Zoning Appeals meeting were reviewed and a motion to approve them was made by Mike Schmett and seconded by Allen Bauernfiend. The minutes were approved.

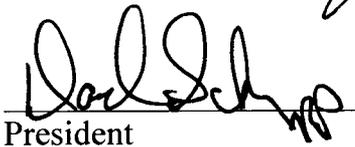
Paul Lake summarized the first petition: A Development Standards Variance request from Brian K. & Cathy J. LaRoche for Lot 1 and Lot 2 in Willow Lake Estates. The petition requests that a single-family residence on a 1 acre lot be allowed in an area zoned Agricultural (2-acre lot size required). Paul indicated that proper notice for the hearing was mailed to 'interested parties' and the notice of public hearing was published as required by city ordinance. The request is nearly identical to one the Board heard and approved in 2016. The 2-acre requirement of the Agricultural zoning district is intended to allow for a septic field. In the case of the LaRoche's petition, the home will be connected to the Huntingburg Sanitary Sewer. The public hearing was opened at 7:11 pm. Mike Schmett asked a question about who the property owners were on east side of this one. Brian LaRoche indicated that city police officer Cody Byrd lived to the east of the property. There being no other questions, the public hearing was closed at 7:20 pm. A motion to approve the Development Standards Variance was made by Dave Schipp and seconded by Allen Bauernfiend. The Development Standards Variance was approved (4 ayes, 0-Nays)

Paul Summarized the Use Variance Petition: A Use Variance Petition from Section 154.274 (A) and (C) of the Huntingburg Zoning Code. The petitioner being Susan E. Ranger (property owner) and Jan Olinger (potential purchaser). The request is to allow for the garage to be sold to Jan Olinger. Paul indicated that proper notice for the hearing was mailed to 'interested parties' and the notice of public hearing was published as required by city ordinance. Paul indicated that staff was opposed to this as legal ingress and egress to the garage is via a private alley. As such, the city cannot grant a Use Variance as it can't convey access via a public alley. Additionally, the garage is an accessory structure to the single-family residence is lies behind. By separating and allow the sale of the garage alone, it essentially becomes commercial use as a mini-storage facility. This is not a use allowed within a residential zoning district. The public hearing was opened at 7:23 pm. Jan Olinger indicated he did not believe access to the property was a problem as vehicles drive up and down the alley now and his use of the garage would not increase traffic. Paul pointed out that it was a question of a historic access via the alley versus the city not being able to grant a legal access across private property. Mr. Olinger also indicated he did not wish to purchase the home, only the garage itself. He did not believe his using the garage as a storage building and workshop would impose harm the residential uses surrounding it. The public hearing was closed at 7:30 pm. Board president Dave Schipp indicated he would be abstaining from the vote as he was one of the 'interested parties' for this request. A motion to deny the requested Use Variance was made by Mike

Schmett and seconded by Ronald Mundy. The Use Variance was denied (0-eyes, 3-nays and 1-abstention).

There being no further business before the Board, a motion to adjourn was made by Dave Schipp and seconded by Ronald Mundy. The meeting was adjourned at 7:37 pm.

Submitted by:   
Secretary

Approved by:  Date: 8-23-17  
President