

**Huntingburg Board of Zoning Appeals
Minutes of the Regular Meeting
Wednesday, June 10, 2020 at 5:30 P.M. Local Time**

The Huntingburg Board of Zoning Appeals met in regular session on Wednesday, June 10, 2020 at 6:00 P.M. in the Council Chambers at the Huntingburg City Hall. Members present were Dave Schipp, Mike Fulkerson, Primo Nino, Nick Stevens and Ronald Mundy. Others present included: Planning Director, Paul Lake, Council members Tim Wehr and Glen Kissling, city attorney Phil Schneider, Larry Jeffries (petitioner) and Mr. Jeffries daughter.

The minutes from the Board of Zoning Appeals meetings held on March 18, 2020 were reviewed and a motion to approve as presented was made by Mike Fulkerson and seconded by Primo Nino. The minutes for the March 18, 2020 Board of Zoning Appeals meeting were approved.

Planning Director Paul Lake summarized the Use Variance request (Docket #2020-UV-1) which had the Petitioner Larry Jeffries submitted. Mr. Jeffries wishes to operate a bait and tackle shop (Froggy's) from a storage shed located on his property. Paul explained that the petitioner had met with him in late January/early February of this year to discuss whether he could operate the shop, and if not, what he needed to do in order to do so. He was informed that either a rezoning of the property to a business zoning or a Use Variance would be necessary to operate. Subsequently, Mr. Jeffries opened the business without pursuing either the rezoning or variance. On April 20, 2020 the City issued a cease and desist order to Mr. Jeffries informing him he could not operate until he either secured approval for a rezoning or Use Variance. Paul also encouraged him to seek guidance from an architectural or engineering firm concerning what state building safety requirements would need to be met. Mr. Jeffries filed a Use Variance request on April 29th. At that time, he was instructed that he could not operate unless the variance he was requesting was approved. Froggy's bait and tackle has continued to operate from that date until your meeting this evening. Additionally, Carl Deel from the State Fire Marshal's Office has cited Mr. Jeffries for operating a business without a State Design release and has informed him of what improvements would be required to meet State Code.

Paul indicated that he had received an email from Valerie Songer indicating concerns about increased traffic due to the business and traffic being blocked at the intersection of 2nd Avenue and Walnut Street. A copy of the email was provided to all present. Additionally, Paul confirmed that he confirmation in the file of the Notice of Public Hearing and Notice to Interested Parties having been done.


The Board of Zoning Appeals opened the public hearing at 5:53 pm. Mr. Jeffries and his daughter proceeded to describe the business and why the wished the board to approve the variance. Councilmen Wehr and Kissling both indicated that they had spoken to area residents

and that comments they received were split evenly between those not bothered by the bait shop and those concerned with traffic and appearance of the property/business. Mr. Jeffries daughter confirmed that the business had continued to operate even after the Cease and Desist Order was received.

The Board made it clear that they believed the bait shop was needed within the City. Dave Schipp explained that state law required the Board to make decisions based on answers to statutory questions. However, the answers provided did not provide enough information for the Board to decide to approve the request. If pressed for a decision at tonight's meeting the Board would likely be forced to deny the Use Variance request. Phil Schneider provided clarity on what was needed to address the State Statute. A motion to continue the public hearing to Wednesday, July 8th at 5:30 pm was made by Dave Schipp and seconded by Nick Stevens. The case is continued to July 8th at 5:30 pm to allow Mr. Jeffries to amend his responses to the questions.

The Board and Paul encouraged Larry to seek assistance in revising his responses to the application/questions.

There being no other business to come before the Board, a motion to adjourn the meeting was made by Nick Stevens and seconded by Mike Fulkerson. The June 10, 2020 Board of Zoning Appeals meeting was adjourned at 6:12 pm.

Submitted by: 
Secretary

Approved by:  Date: 07/08/2020
President