

MINUTES
CHURUBUSCO BOARD OF ZONING APPEALS
REGULAR MEETING
September 15, 2022
7:30 p.m.

Churubusco Town Hall

MEMBERS PRESENT

Jason Bartl
Alan Malcolm
Ashley Wagner

MEMBERS ABSENT

Brenda Saggars
Miles Wilson

STAFF

Nathan Bilger

ATTORNEY

absent

AUDIENCE MEMBERS

Two visitors were present at the meeting, and the Guest List is included with these minutes.

CALL TO ORDER/ROLL CALL

Mr. Bartl called the meeting to order at 7:30 p.m. Mr. Bilger read the roll call with members present and absent listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the June 2022 meeting were not yet ready for consideration.

ADMINISTRATION OF OATH

Mr. Bilger administered the Oath to visitors who wished to speak at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 22-CH-VAR-2

Melissa and Tracy Sarrazin requested development standards variances for construction of an attached garage and fence on their property at 131 Staunton Avenue. The 0.31-acre property, zoned R-2, Two-family Residential, was located on the northeast corner of Greenwood Drive and Staunton Avenue.

Mr. Bilger presented the staff report. The petitioner sought to construct a 32'x24' attached garage on the south end of the house, with a south setback of 10.2' from the Greenwood Drive right-of-way. He stated that because the property was a corner lot, this was an encroachment into the second front setback; however, the structure would not encroach into the 10' utility easement parallel to the street. Additionally, the petitioners planned to construct a 6' privacy fence parallel to Greenwood Drive, which would also require a variance since only 3' or 4' fences were permitted within front setbacks. Finally, he added that they requested to use gravel for the new driveway area, which also would require a variance as new driveways less than 75' long were required to be paved.

He then summarized the review criteria. He noted that because of the oblique angle of the side street, the proposed building encroachment would have minimal effect on intersection visibility, and otherwise the proposed variances seemed in character with other properties in the same neighborhood, including a property immediately across the street. He stated that an alternative code-compliant location for a garage could be in the northeast corner of the property, but that location would likely have a greater impact on the surrounding area than the proposed.

Having no questions from the Board, Mr. Bartl asked the petitioner to speak. Melissa Sarrazin provided details of their request. She stated that the purpose of the garage expansion was for storage and to park their vehicles since the original garage had been previously converted to living space. She noted that many other properties in the neighborhood also had gravel driveways.

Mr. Bartl asked if there was anyone else who wished to speak. Hearing none, he closed the public hearing and asked for discussion or a motion.

Mr. Malcolm made a motion to approve the variances for the building encroachment, the tall fence, and the driveway material as presented; Ms. Wagner seconded. Motion carried, 3-0.

OTHER BUSINESS

2. Rules of Procedure

Mr. Bilger presented the proposed Rules of Procedure as had been discussed at previous meetings. He highlighted the following from the Rules:

- The conflict of interest standards for the BZA. Mr. Malcolm stated that this was similar to the rules for Town Council.
- Compensation would now be paid to BZA members.
- The order of items listed on the agenda would follow the rule, but the Chair could revise the order if necessary.
- Electronic participation by members would be permissible, but usually petitioners would need to be physically present.
- Regular meetings would adjourn by 10:30 p.m.
- Notices to interested parties would be changed from certified mail to only the adjacent property owners to certificate of mailing or certified mail to surrounding properties, two ownerships deep or 660' whichever came first. Additionally, an on-site sign would be required. Mr. Malcolm stated that Allen County had used signs for years, and it was agreed that this would be a positive change.
- Abstentions were discouraged, and if a member abstained, a reason should be given. Providing a specific reason would avoid claims of a member being arbitrary.

Mr. Bilger asked for any questions or changes. Having no changes or further questions, there was a brief discussion on the effective date of the Rules.

Mr. Malcolm made a motion to adopt the Rules of Procedure as presented, with an effective date of October 1, 2022; Ms. Wagner seconded. Motion carried, 3-0.

ADJOURNMENT

There being no further business, Mr. Malcolm made a motion to adjourn. Ms. Wagner gave the second. Motion passed, 3-0, and the meeting was adjourned at 7:49 p.m.

GUEST LIST

1. Melissa Sarrazin 131 Staunton Avenue, Churubusco
2. Tracy Sarrazin 131 Staunton Avenue, Churubusco