CALL TO ORDER
At 7:00 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Karen Clementi, Tom LeCuyer, Donna McKay (Vice-Chair), Dick Thompson & Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: Scott Cherry
In the audience: Catherine & David Katz & Lindsey and Bryan Harl

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the September 29, 2014 ZBA meeting minutes with the minor corrections Ms. Clementi emailed to Planner Zubko. Tom LeCuyer seconded the motion. All were in favor and minutes were approved.

Chairman Mohr swore in anyone interested in talking at this meeting.

PETITIONS
#14-31 Catherine & David Katz- Variances
Planner Zubko stated the property is located at 29 Oak Hill Road in the Oak Hill subdivision on the east side of Oak Hill Drive about 0.09 miles south of Pleasantview Drive. The petitioner is requesting four variances to fix a violation and issue that has been going on for a while. Request for variances for a home that was built in 1959 to be located 66’ from the front property line, 6.07’ from the side property line, 22’ from the rear property line and the deck to encroach into the 15’ easement by 4’. The setbacks are 67’ from the front property line, 17.8’ (10% of the lot width) from the side property line and 50’ from the rear lot line.

The Oak Hills subdivision was platted in 1956 and River View Heights directly east of this property was also platted in 1956.

Apparently this subdivision has been incorrect since it was built. There are so many iron pipes due to the many lot lines and the surveyors starting at different locations it was not realized till 2006. That is when the neighbor at 23 Oak Hill Drive complained a deck was built on 29 Oak Hill that encroached onto their lot line. It became a civil matter between the two neighbors. Since then Catherine & David Katz have acquired 23 Oak Hill and would like to resolve the issue. They have drawn up a new plat showing the new lot line change and requesting variances to get everything cleaned up.

Staff would recommend approval of the variances.
Donna McKay got some clarification with regards to the lot line and the two existing homes.
Chairman Mohr opened the meeting for public testimony. Mr. Whitfield asked some questions about the deck. With no further testimony Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a variance, they were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.* The property has a house that was constructed in the 1950’s. Once the homeowner built a deck that put the deck onto the northern property line. It took years for the current owners to own both pieces of property to fix this issue.

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.* To date no issues like this have ever come up.

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.* The surveyors messed up the pins back in the 50’s.

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.* This will fix a violation that has been ongoing. The only people it would affect is the property to the north which the same petitioners own.

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.* This variation will not impair an adequate supply of light or air to adjacent properties as everything is already constructed. It will also not increase the congestion in the public streets or increase the danger of fire or public safety.

With no further discussion Dick Whitfield made a motion, seconded by Donna McKay to approve the findings of fact as written and the variances were passed. All were in favor and the findings of fact and variances were approved.

### #14-32 Bryan & Lindsey Harl- Variance

Planner Zubko stated the property is located at 3416 Route 47 on the east side of Route 47 about 0.1 miles north of Kennedy Road. The petitioner is requesting a variance to construct an accessory structure that will be located in the 150’ setback to the centerline of the roadway. The structure will be located 108’ from the current centerline of the roadway, requesting a 32’ variance (68’ from the property line).

This property is very unique in its pie shape so really only have 3 sides. To the west is Route 47 which is being evaluated to be widened. The plans have been assessed and the house will remain if the road is widened. To the north is the Blackberry Creek and to the east is a subdivision but it is heavily wooded along the property line. The petitioner is also trying to preserve as many trees as possible and utilize the existing driveway.

Staff would recommend approval of the variance.

Mr. Harl introduced himself and stated he would like to build an accessory structure to store his boat and some other items. He would prefer not to park the boat in the grass. The structure will match the same color as the house and the structure will be about 14’ tall with 10’ eaves. He stated he will also be adding some landscaping around the new structure.
Chairman Mohr opened the meeting for public testimony.

Ms. McKay asked about some clarification about the existing driveways. Mr. Mohr asked about the size of the building which Mr. Harl stated would be 30’x40’. Mr. Harl showed some pictures of what is would look like.

Joan Hafenrichter introduced herself and stated her concern is when they widen the highway they would be putting up a sound barrier wall like in Oswego and wondering where that is going to go on this lot. Also she asked if this would be used for retail at all. The group discussed IDOT’s plans and the future ROW.

With no further testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a variance, they were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.* The shape of the property is such that the proposed area is the most feasible and visually appealing area for the proposed building. The area to the east of the main structure is exceptionally narrow, making placement unfeasible. Further north on the property is a flood plain area, is low lying, and offers no access via a driveway to access the structure. A gravel or paved drive through the east or west side of the main structure to access the building if it were placed to the north would also subtract from the visual appeal of the property.

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.* Many A-1 zoned properties have a more rectangular shape, making a building as proposed more feasible in more than one area of the property. The shape of the property, the location of the low lying areas prone to flooding, and the aesthetics of the property deem placement of the proposed building best suited to the proposed location.

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.* The property was purchased on August 25th, 2014 long after the house was built (1978).

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.* The approval of the variance will not be detrimental to the public welfare, or substantially injurious to the neighborhood. The property is heavily wooded and special use has been taken to ensure the majority of the trees remain, which will surround the proposed building.

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.* The proposed building is a tasteful, aesthetically pleasing building designed to increase the functionality of the property. The building will be used to store vehicles, and a boat; which would otherwise be parked on the property. Careful planning has been completed to place the proposed building in an area where mature trees will surround the building. Light and air supply will not be impaired to adjacent properties. Entries and exits to all surrounding properties, including the property in question, will be unaffected. Public streets and traffic will not be affected.
With no further discussion Karen Clementi made a motion, seconded by Dick Whitfield to approve the findings of fact as written and approve the variance. With a roll call vote of 5-1 were in favor and the findings of fact and variance were approved. Mr. Mohr voted no that the building of that size does not match the character of the neighborhood.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES**- None

**NEW BUSINESS/ OLD BUSINESS** – The ZBA asked about the hearing last month and what the petitioner ended up doing.

**PUBLIC COMMENT**- There were no members in the audience to comment.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**- Next meeting will be on December 8, 2014

Karen Clementi made a motion to adjourn the ZBA meeting, Donna McKay seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:33 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary