

BOARD OF ZONING MEETING MINUTES
May 12TH, 2020
6:00 P.M.

President Ben Wicker calls the meeting to order at 6:00 P.M.

ROLL CALL: Dohn Green, Sandra Jackson, Vice President, Craig Trent, Phil Shanahan, Ben Wicker, President. Also present was Geoff Wesling, Attorney, and Gregg Duke, Director.

Ben explained some Board members , and public participants are present by teleconference.

APPROVAL OF MINUTES FOR March 10TH, 2020 Meeting: Motion was made by Mr. Shanahan to approve minutes as written and seconded by Mr Green. All in favor. Minutes approved.

Before starting with the New Business Mr. Wicker gave a quick explanation for the process and procedure of the meeting this evening to be conducted as written in Rules and Procedures.

NEW BUSINESS:

Mr. Wicker read the first agenda item: BZA 2020-5 Phillip and Judith Kuhn and agent Phillip Kuhn are requesting a Special Exception and Variance located in the 3300 block of N. 240 East in Union Township

Parcel # 70-07-15-100-003.000-012, 70-07-15-300-002.000-012, and 70-07-15-200-002.000-012 then asked planning staff for findings of fact as follows:

The Kuhn's are requesting a Special Exception to allow the construction of a dwelling in an A-3 Regulated Livestock district on less than 40 acres. The Kuhn's are also requesting a variance to allow the dwelling to be on less than 40 acres.

A-3 zoning only allows a dwelling by Special Exception or score 27 or higher on the Regulated Livestock Housing Scoring System. Anyone scoring 19 to 26 is allowed to be heard by the BZA. The Kuhn's scored 22 on the Regulated Livestock Housing Scoring System and have signed Appendix "D" Notice of Agricultural Activity.

Planning staff finds the following for a Special Exception:

- 1.) Ingress/egress should not be a problem since only residential traffic should be generated on a rural road.
- 2.) This Special Exception should have little effect on the surrounding properties (mainly agricultural and rural residential).
- 3.) Refuse and service areas will not be affected.
- 4.) Utilities will not be impacted and no unexpected wastewater or air pollution should be generated. The soil is suitable for a septic system. A water well is currently located on the property.

- 5.) No screening or buffering expected. An A-1 Rural Residential district is within 3,000 feet of this new subdivision.
- 6.) No signs or extra lighting other than usual residential use is expected or requested at this time
- 7.) The parcel size is 6 acres. The Kuhn's are asking for a variance to the 40 acre development standard.
- 8.) Housing in the area is moderate. This proposed housing seems compatible to the area. This will be a new dwelling.

With the Special Exception, the Kuhn's are also requesting a variance to 7.10.2(a) to allow a dwelling on less than 40 acres. The standard requires a minimum of 40 acres. No unnecessary hardship was presented.

Notice of this public hearing was locally advertised ten days prior and adjacent property owners were notified. This Special Exception is not expected to be detrimental to the public interest.

Recommendation:

Staff recommendation would be to approve the Special Exceptions to allow a dwelling in this A-3 Regulated Livestock district and the variance to 7.10.2(a) to allow the dwelling on less than 40 acres at 3352 N. 240 East.

Mr. Wicker asked the representative if he had anything to add for the record. Mr. Kuhn declined. Mr. Wicker asked if there were any questions from the Board. There was none. Mr. Wicker opened the public hearing and asked for public comment from the teleconference or in-person attendees. There was no public comment. Mr. Wicker then closed the public hearing. Mr. Wicker asked if there was any discussion from the Board. Hearing none, Mr. Green motioned for approval of the Special Exception and the variance from development standard 7.10.2 (a). Ms. Jackson seconded the motion. The Board then gave a unanimous voice vote for approval. Mr. Wicker verified the approval vote from Mr. Trent via teleconference.

Old Business:

Reports:

Attorney: Mr. Wesling had nothing to add.

Director: Gregg suggested the Board use Zoom next month.

Adjournment: Ms. Jackson motioned to adjourn. Seconded by Mr. Green. All in favor. Meeting adjourned at 6:15 P.M.

Ben Wicker
President

Gregg Duke
Executive Director