

Board of Zoning Appeals Meeting Minutes

Sept 14, 2015

Meeting was called to order.

In attendance: Brad Miller, Jan Linn, Robin Liechty, Mike Baker, Peg Garton.

This is a draft of the meeting notes and they will be reviewed and approved at the BZA next hearing date.

The previous meeting notes were read and approved.

Peg Garton explained the rules and procedures for the public hearing portion of the meeting.

Peg Garton reviewed the application of David Gall requesting a setback reduction for a new home on Cherry Street. Peg explained the variance process and what the board would be considering that evening. She also explained what the board had no jurisdiction over.

David Gall was asked to present his plan to the board of zoning appeals. Mr. Gall presented photos, plans, and a plot plan showing his desired layout.

Brad Miller opened the public hearing.

A list of those in attendance and those that spoke is on file with the meeting notes.

Those speaking for and against came forward at that time. Three letters of interest are on file.

The discussion included but was not limited to the following: adjoining property setback allotments, uses of the property, neighboring property, land use in the area, values of the homes and lots in the area, views of the reservoir, aesthetic opinions, the atmosphere of the community, visibility, utility easements, alleys, right of ways, size of streets, common areas, historical use of properties, accessory structures, the covenants pertaining to the primary subdivision split, character of the neighborhood, the lot size compared to the home being built, communal spaces, the intent of rules designed to benefit the community, the consistency of the neighborhood and the use of Cedarville Reservoir.

Mr. Miller allowed additional questions and answers of the applicant by those in attendance.

Peg Garton stated that the open area between Lakeview and the reservoir was not a topic that the board should consider. The property adjoining the reservoir is not the property that a variance request was being sought for as that belonged to the City of Fort Wayne.

Mr. Miller closed the Public Hearing portion.

Mr. Miller stated that those in attendance were welcome to remain but if they wished to continue to talk to one another that they need to go outside as the board would continue with their meeting.

The board reviewed all the documents received and debated issues discussed.

The board asked questions of the applicant regarding placement of the home and detached garage.

Peg Garton and the board discussed that the type of house, its appearance or cost, or the neighboring views of the reservoir, could not be a determining factor in their decision making as that is not part of the zoning board's duties or requirements. The board studied and questioned other neighboring setbacks and visual clearance for safety and vehicles.

After a lengthy discussion Brad Miller called for a vote.

Mike Baker made the motion to approve the variance of development standards as requested by Mr. Gall. Robin seconded the motion. Discussion continued in regards to the variance requested.

Although the board was mindful of those who had concerns of the size, cost, aesthetics of the home, historical open use of the property and lastly the views and characteristics that it allowed, they understood that that could not determine the outcome. The majority of the board felt as though the use was acceptable, and the setbacks requested would not interfere with the adjacent property owner, nor cause safety concerns, and proven to be common for the area

Brad Miller called for the vote. The motion passed with three in favor and one opposed.

Peggy Garton was asked to draft the findings of fact.

The meeting was adjourned.