

**BOONE COUNTY  
ZONING BOARD OF APPEALS  
MINUTES  
Meeting February 23, 2016  
County Board Room  
7:00 P.M.**

**ROLL CALL**

**Members Present:**

Tony Savino, CHM  
Brian Van Laar, VCHM  
Norm Stimes  
Mark Rhode  
Joan Krumm

**Staff Present:**

Kathy Miller, Interim Planning Director  
Gina DelRose, Associate Planner  
Drew Bliss, Senior Building Inspector  
Catherine Crawford, Administrative Assistant

**Ex-Officio:**

Denny Ellingson  
Brad Stark

With a quorum present, Chairman Tony Savino called the meeting to order at 7:00 p.m.

**MINUTES:**

It was moved and seconded (Stimes/Van Laar) to approve the minutes of the December 22, 2015 meeting. The motion carried with a 5-0 voice vote.

**PUBLIC COMMENT:**

Joan Krumm stated that her board packet arrived a day after the meeting last month.

**NEW BUSINESS:**

**01-2016; Boone County:** The applicant is requesting a text amendment to the Boone County Zoning Ordinance in Chapter 4: Design Criteria for Specific Uses by adding a new Section 4.15. Second Dwelling Unit for Lot of Record Exchange with the following intent:

4.15.1. Intent. The purpose of the Dwelling Unit linked to the lot of record land exchange special use is to provide a means of obtaining the agricultural goals and objectives of the Boone county Land Use Plan to those properties with an existing lot of record that for some reason the owner wishes to build on the farm in a different location than the existing lot of record. This special use would allow the land owner of a lot of record to exchange land on a contiguous farm property with an existing dwelling unit to exchange a parcel of land (not less than two acres with 250 feet of road frontage) to construct a second dwelling. The existing lot of record would then be abandoned. The lot of record shall be located in the A-1 Agricultural preservation Area District and in lawful existence prior to May 10, 1978.

The public hearing opened at 7:04 p.m.

Gina DelRose said she would present the case for Kathy Miller who was running late. Ms. DelRose was sworn in. Ms. DelRose said the case was published twice in the Boone County Journal; the second publication date was February 5, 2016.

Kathy Miller arrived at 7:05 p.m.

Gina DelRose stated Boone County is the applicant of the proposed text amendment. Ms. DelRose explained that the proposed text amendment does not provide for a second dwelling unit to be built on a lot of record; it allows the owner of a lot of record to move the lot of record to another location within the contiguous farm. At times, a lot of record may not be ideal or desirable for building. The proposed amendment would allow the owner to move the buildable site elsewhere on the farm. The proposed language is written to provide for this exchange only if there is already a dwelling unit built on the farm. Ms. DelRose suggested the board members may wish to discuss allowing such an exchange on farms that are vacant of dwelling units. The text amendment would make such an exchange allowable with a special use permit; therefore, the county board would make the ultimate decision to allow such an exchange. The special use process allows the county to verify that the former lot of record has been abandoned with an officially recorded document. The exchanged parcel may not be less than two acres and must have a minimum of 250 feet of road frontage with a minimum distance of 200 feet between detached dwelling units. If the house is built on a larger lot, and the property owner wished to separate the two acres containing the house from the remaining parcel (a circumstance often required to secure refinancing), the proposed language allows for the smaller parcel to meet the A-1 zoning requirements of a minimum of two acres with 250 feet of road frontage. The staff recommends approval of the text amendment.

Kathy Miller said a letter was provided to her from the Boone County Fire District Four; the letter expressed concern with accessibility for driveways over 200 feet in length. The fire district expressed concern for tree setback and equipment turn-around.

Brian Van Laar provided information he received from the Fire District that long driveways often have trees and shrubs along their length; such obstructions make it difficult to bring fire equipment to a fire. There is a danger in the necessity of bringing firehoses across long areas of field.

Joan Krumm agreed and indicated she had some experience with this.

Gina DelRose said such concerns might be a factor not only in agricultural and residential districts, but also in industrial zones. Ms. DelRose said perhaps such a limit to allowable driveway lengths might be added to the Fire Code and could apply to all zoning districts.

Chairman Savino said the issue might be something to remember when a special use application is presented.

Joan Krumm asked why the language includes a limit of no less than two acres.

Kathy Miller said this is the language that is already in the zoning ordinance.

Joan Krumm asked that the staff explain a recent letter from Manchester Township expressing concern with the proposed text amendment.

Kathy Miller was sworn in. Ms. Miller said Manchester Township was concerned that the language of the text amendment was not strong enough regarding the abandonment of the existing dwelling unit; the objection was based on an incorrect assumption on the part of Manchester Township. The intent of the proposed amendment is to allow for a lot of record without a house on it to be exchanged for another parcel within the same contiguous farm. It does not refer to any abandonment of an existing dwelling unit on another lot of record.

It was moved and seconded (Van Laar/Rhode) to close the public hearing. The public hearing was closed at 7:18 p.m.

Chairman Savino clarified that the proposed language allows a landowner with a lot of record to exchange the lot of record designation to another parcel on the contiguous farm if there already exists a dwelling unit on the property. The language proposed does not allow for such an exchange on farms without a primary dwelling unit.

Joan Krumm asked if it would be possible to remove the language regarding the second dwelling unit.

Chairman Savino said he believed the members could discuss removing the language if they wished.

Kathy Miller said the amendment intent is to allow a second dwelling unit on a contiguous farm where a house already exists.

Drew Bliss said the intent is to allow for a second dwelling unit within the same contiguous farm. This is not meant to exchange lots of record throughout the county.

Brian Van Laar asked if it is correct that the text amendment is meant to address a farm dwelling and a second farm dwelling on the same contiguous farm.

Tony Savino said that is correct.

Brian Van Laar said if one has a lot of record on a farm with no house in existence, one can already build a house if one wishes.

Tony Savino asked if it may be unnecessarily limiting to include the language for the second dwelling.

Gina DelRose said if one had a five-parcel farm with no existing house, one could not exchange the lot of record to another one of the remaining four parcels with the language of the proposed text amendment.

Kathy Miller said the original discussion was clear in its intent to limit the language to a second dwelling unit.

Drew Bliss agreed, and added that it could only apply to someone with more than one lot of record and an existing home.

Joan Krumm said it seemed unnecessarily limiting.

Drew Bliss said the language was meant to limit the usage.

Chairman Savino said no matter what, there will never be more than two dwelling units on a farm.

Gina Delrose said if the property is not already a lot of record and does not have a conservation easement, it is not buildable under the current zoning ordinance.

Mark Rhode said in his opinion, a family should be allowed to exchange a lot of record if they wish to, whether a house exists on the farm or not.

Kathy Miller said the point was to create a net zero gain in lots of record.

Tony Savino clarified that each scenario results in the same number of lots of record in the county. Mr. Savino said he realizes the intent was to restrict what is allowed, but feels that allowing the same type of exchange of lots of record on a farm with no home does not result in any further overdevelopment.

Discussion was held regarding recommending a change in the proposed language.

Gina DelRose stated she was aware of several local families who have multiple farms throughout the county. The proposed language does not allow for a family to exchange lots of record although they own a farm elsewhere in the county, if the second farm is vacant. Ms. DelRose said she is not advocating exchanging parcels throughout the county, but allowing an exchange within a contiguous farm, with or without an existing house.

Chairman Savino said he sees no difference if an exchange is allowed on a farm without a house.

Drew Bliss said he is concerned with the possibility of changing the intent of the text amendment giving farm families a mechanism to keep families together on the farm.

Brian Van Laar said he feels the board should approve the text amendment as presented, with the recommendation for the county board to consider removing the word "second" from the proposed text language.

It was moved and seconded (Krumm/Rhode) to approve the proposed text amendment as presented, with the recommendation that the PZB consider removal of the word "second" from the language of the proposed amendment.

The motion carried with a unanimous roll call vote.

**02-2016: Brent Johnson:** The applicant, on behalf of the owner Huntwood Holdings I LLC is requesting a Special Use Permit to allow all metal siding as the exterior building material in the US Highway 20 Corridor Overlay District in the I-1 Light Industrial District at 1445 Huntwood Drive in unincorporated Flora Township.

The public hearing opened at 7:41 p.m.

Gina DelRose was sworn in. Ms. DelRose summarized the staff report. Ms. DelRose stated the case was published in the Boone County Journal on February 5, 2016. Ms. DelRose said the property in question is currently the Evac North America building. The parcel is zoned I-1, Light Industrial District. The Huntwood Business Park is within the US Highway 20 Corridor Overlay District. It was rezoned Light Industrial in 1998, platted in 1999 and the building was constructed in 2001. The Overlay District guidelines were adopted in 2008. The US Highway 20 Corridor Overlay District requires building to be constructed of masonry or glass materials. Metal siding is allowed in limited quantities on side and rear walls. The applicant plans to construct a 10,000-square foot addition to the rear of the existing facility to be constructed entirely of white metal siding to match the existing building. The existing building has 20,000 square feet of warehouse space and 7,000 square feet of office space. The notified county agencies had no objections to the special use. The addition will be to the rear of the building and will not be visible from Huntwood Drive. The majority of the buildings within Huntwood Business Park are comprised of metal siding. It is not anticipated to be a detriment to the neighborhood or to detract from the value or marketability of the area; it will be a benefit by allowing the business to stay in the community. The planning staff recommends approval of case 02-2016 subject to the following three conditions:

1. Compliance with the narrative, site plan and building elevations dated January 26, 2016.

2. A full site plan shall be submitted to and approved by the staff (building, public works, police, fire, planning, etc.) prior to the issuance of building permits.
3. The special use shall comply with all applicable codes and ordinances.

Chairman Savino clarified the request.

There were no questions for the staff. The chairman invited the applicant's representative to step forward.

Scott Mutton was sworn in. Mr. Mutton presented handouts with photos to the board members; Mr. Mutton indicated on street-view posters the "before and after" images of the proposed facility. The images indicated the addition will only be visible from the Wheeler Road side of the business park.

There were no questions for Mr. Mutton.

It was moved and seconded (Rhode/Krumm) to close the public hearing. The public hearing was closed at 7:48 p.m.

It was moved and seconded (Krumm/Van Laar) to accept the findings of fact. The motion carried with a 5-0 voice vote.

Brian Van Laar asked if the current zoning guidelines for building materials of the buildings in the US 20 Overlay were implemented after the building was constructed.

Kathy Miller stated the use of all metal siding on the front of buildings is prohibited in the US Highway 20 Corridor Overlay District section of the zoning ordinance. This is what triggers the special use.

Brian Van Laar noted that all the other buildings in the subdivision were constructed with metal.

Mark Rhode asked why the Evac facility would not be grandfathered in.

Kathy Miller stated the original facility is grandfathered, but an addition must meet the ordinance.

Gina DelRose stated that having the other buildings in metal make the findings of fact positive as the use is not detrimental to the area.

It was motioned and seconded (Van Laar/Stimes) to approve case 02-2016 as presented. The motion carried with a unanimous roll call vote.

**UNFINISHED BUSINESS:**

None

**OTHER BUSINESS:**

None

**DISCUSSION:**

None

**COMMUNICATIONS/PLANNING REPORTS:**

Gina DeRose said the staff would present a variance request for an oversized garage to the next ZBA meeting on March 22, 2016.

Chairman Savino reminded board members that this is Kathy Miller's last ZBA meeting before her retirement in March. The ZBA members wished her well.

**ADJOURNMENT:**

It was motioned and seconded (Stimes/Krumm) to adjourn the meeting.

The meeting was adjourned at 7:50 p.m.

**Recorded by:**

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Catherine Crawford  
Administrative Assistant

**Reviewed by:**

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Kathy Miller  
Interim Planning Director