

MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 21TH DAY OF DECEMBER 2017 AT 8:30 A.M.
MEETING ROOM DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Board of Zoning Appeals was called to order by the Vice Chairperson, Roger Miller. Staff members present were: Chris Godlewski, Plan Director; Mae Kratzer, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Joe Atha, Tony Campanello, Roger Miller, Denny Lyon.

Absent: Randy Hesser.

2. A motion was made and seconded (*Lyon/Atha*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 16th day of November 2017 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Lyon/Atha*) that the Board accepts the Zoning Ordinance and Staff Report materials as evidence into the record and the motion was carried with a unanimous roll call vote.

4. The application of **Mario Saldivar** for a Special Use for a home workshop/business for pallet repair on property located on the Southwest corner of CR 22 and Fairwind Dr., 1,600 ft. East of CR 9, common address of 25700 CR 22 in Concord Township, zoned A-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0880-2017*.

There were 13 neighboring property owners notified of this request.

Mr. Godlewski stated Staff received a request to withdraw this petition from Mario Saldivar. He explained when a petitioner requests a withdrawal they cannot reapply for six months. Attorney Kolbus stated the Board needs to approve the withdraw request.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Withdraw, **Moved by** Tony Campanello, **Seconded by** Denny Lyon that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for pallet repair be withdrawn at the request of the petitioner.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Joe Atha, Tony Campanello, Denny Lyon, Roger Miller.

5. The application of **Middlebury Little League, Inc.** for an amendment to an existing Special Use for a little league park to add property and a maintenance/restroom building located

on the North side of CR 12, West of SR 13, common address of 12311 CR 12 in York Township, zoned A-1, M-2, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0886-2017*.

There were 10 neighboring property owners notified of this request.

Jim Bates, President of the Middlebury Little League, 12100 CR 12, was present for this request. Mr. Miller asked what property they plan to add. Mr. Bates then pointed out the current building and the proposed location for the maintenance/restroom building. He explained the current maintenance building is very small, and they need more storage. Mr. Campanello asked if the building will be two stories tall, and Mr. Bates responded no. Mr. Campanello also asked what property will be added, and Mr. Bates responded none. He explained the easement is currently owned by Culver Duck, but it is not part of this request. He then stressed the new building is needed.

*****It should be noted Mr. Hesser arrived at this time*****

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Joe Atha that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a little league park to add property and a maintenance/restroom building be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitment was imposed:

1. Approved in accordance with the site plan submitted (dated 11/13/17) and as represented in the Special Use application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4, Abstain = 1).

Yes: Joe Atha, Tony Campanello, Roger Miller, Denny Lyon.

Abstain: Randy Hesser.

6. The application of ***Singing Hills School*** for a Special Use for an existing school and to allow for the construction of a new school building on property located on the East side of CR 33, 1,300 ft. South of CR 14, common address of 56256 CR 33 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0889-2017*.

There were five neighboring property owners notified of this request.

Paul Hochstetler, Freedom Builders, 54824 CR 33, Middlebury, was present representing Singing Hills School. Mr. Hochstetler stated a residence on the property was converted into a

school that has operated for years. He explained he assumed a Special Use had been approved for the school. He continued saying he came into the office to amend an existing Special Use, but it was found they did not have one. He added he was not involved in the school when it started in 2012 or 2013. Mr. Hochstetler stated they would like permission to tear down the residence and build a school. He explained the proposed school will be constructed in the same location as the old residence, and the barn will remain. He mentioned soil borings have not been completed, but a new septic is required. He stated this request is for a typical Amish school. Mr. Hesser asked if the residence has already been torn down, and Mr. Hochstetler responded the school is currently operating out of that building. Mr. Hesser also asked if the welding home workshop/business is still in operation, and he responded no. Mr. Hochstetler explained that business was operated by the previous property owner. Mr. Hesser asked if the Board should act on the previous Special Use. Mr. Godlewski responded in the future staff will request petitions no longer in use be rescinded as a condition of approval. However, he continued the petitioner can voluntarily rescind the request. Mr. Hochstetler stated he is in support of rescinding the old Special Use, because he did not know it was still active. Mr. Miller asked if rescinding the home workshop Special Use can be included as part of the motion. Attorney Kolbus stressed rescinding that petition was not advertised, but he will speak to Mr. Godlewski about a process for inactive petitions when a new request is approved. However, he continued Mr. Hochstetler can voluntarily request it be rescinded. Mr. Hochstetler stated he would like to voluntarily rescind the home workshop Special Use. Mr. Atha asked if the residence will be demoed after the new school is built. Mr. Hochstetler explained it will need to be torn down first, because the school will be constructed in the same location. Mr. Lyon asked if the site plan shows the new building, and Mr. Hesser mentioned the building is 36x84. Mr. Hesser asked if the new school will be constructed during the summer, and Mr. Hochstetler responded yes. He continued saying they hope to have it finished in time for the next school year.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Denny Lyon that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an existing school and to allow for the construction of a new school building be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitment was imposed:

1. Approved in accordance with the site plan submitted (dated 11/13/17) and as represented in the Special Use application.

Further, the motion also included that a Special Use for a home workshop/business for a welding and fabricating business be rescinded at the request of the petitioner.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Joe Atha, Tony Campanello, Roger Miller, Denny Lyon, Randy Hesser.

*****It should be noted Mr. Hesser recused himself and stepped down*****

7. As a staff item, Mr. Godlewski presented the request for a minor change to the site plan for an existing Special Use for **Michelle R. Steigmeyer** (SUP-0274-2017). He explained this request is to change the sign size from 3x4 to 4x6 but the sign location will not change. He stated the request was attached to the Board's packets, and staff recommends approval as a minor change. Mr. Atha asked if the sign will be double sided, and Mr. Godlewski responded yes. Mr. Miller asked if this change falls within the allowed sign size. Mr. Godlewski responded no, and he added the petitioner was originally approved to exceed the size allowed. He stressed the Ordinance only allows a 2x2 sign. Mr. Campanello asked if Mr. Godlewski feels the petitioner is taking advantage of previous approval by asking for more. Mr. Godlewski mentioned this petition has been before the Board multiple times for changes. He continued saying if they come back again, the Board can require a full blown amendment. Mr. Campanello mentioned the Board has denied larger signs for requests that could have used it, and he stated he does not believe this is a minor change. Attorney Kolbus explained a motion then needs to be made deeming it a major change, and a Special Use amendment would be required. Mr. Campanello stated he would like to take staff's opinion into consideration, because they work with the petitioner. Mr. Godlewski mentioned the petitioner does not live locally, and she is trying to operate the business remotely. He stated it has been difficult for both staff and the petitioner to work out the details of this request. Mr. Miller stated he is surprised this is a minor change, but he appreciates staff's recommendation. Mr. Godlewski mentioned larger signs have been approved.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Tony Campanello that the Board approve the request as a minor change.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes =4).

Yes: Joe Atha, Tony Campanello, Denny Lyon, Roger Miller.

*****It should be noted that Mr. Hesser returned to the Board at this time*****

8. The staff item for the 2018 agreement for legal services for Attorney Kolbus was presented by Mr. Godlewski.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Denny Lyon, **Seconded by** Roger Miller that the Board approve the 2018 agreement for legal services for Attorney Kolbus as presented by staff.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Joe Atha, Tony Campanello, Roger Miller, Denny Lyon, Randy Hesser.

9. Mr. Godlewski stated he does not have an update for the Board on the Zoning Ordinance changes. He mentioned staff is currently working on implementing changes to the Subdivision Ordinance. He explained the Zoning Ordinance is being worked on, and comments from last

months hearing were taken into consideration. He stated at some point the Board will see a draft of the changes.

10. The application of *Pheasant Ridge Development Corporation, Inc.* for a Special Use for a wireless communication facility, and for a 78 ft. Developmental Variance to allow for the placement of a wireless communication facility 33 ft. from the Southwest property line (Ordinance requires 111 ft.) located on the North side of SR 120, 2,300 ft. West of CR 21, common address of 20375 SR 120 in Washington Township, zoned DPUD R-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0818-2017.

There were 12 neighboring property owners notified of this request.

Pat McCauley, MapleNet Wireless, 4561 Pine Creek Rd., Elkhart, was present representing the petitioner. Mr. McCauley stated they have worked with the developer of a new subdivision to provide broadband internet. He pointed out the tower's proposed location at the corner of an existing garage. He explained the tower will meet setbacks, and the proposed tower is 70 ft.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Tony Campanello that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a wireless communication facility, and for a 78 ft. Developmental Variance to allow for the placement of a wireless communication facility 33 ft. from the Southwest property line (Ordinance requires 111 ft.) be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitment was imposed:

1. Approved in accordance with the site plan submitted (dated 10/13/17) and as represented in the Special Use application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Joe Atha, Tony Campanello, Roger Miller, Denny Lyon, Randy Hesser.

11. The application of *Trista L. Shawhan* for a Use Variance for a kennel on property located on the Southwest corner of Shawn Dr. & CR 11, 880 ft. North of CR 106, common address of 25028 Shawn Dr. in Osolo Township, zoned R-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as Case #UV-0885-2017.

There were 24 neighboring property owners notified of this request.

Trista Shawhan, 25028 Shawn Dr., was present for this request and stated she does not want to operate a kennel. She continued saying staff instructed her to apply for a Use Variance,

because she owns seven miniature dachshunds. She explained her oldest dog is almost fifteen, and her heaviest dog is only twelve pounds. She stressed her dogs are never left outside unattended, but they do have two kennels for them to use the bathroom without being attended. She stated she owns more dogs than allowed, but she was told no special approval was needed when she purchased her residence. Mrs. Shawhan explained her oldest dog is blind, and the vet has told her it does not have long to live. She went on to say when staff inspected the property her children's dogs were present. She stressed her children live in an apartment, and her husband watches their dogs during the day. She added her children's dogs do not live on the property, but they stay there around eight hours a day. Mrs. Shawhan stated they strive to keep the dogs quiet. She also pointed out other houses in the neighborhood with dogs, and one with horses. She mentioned a chain link fence surrounds the yard, and a tarp was put up to keep the dogs from barking at children getting on and off of the school bus. Mr. Hesser mentioned the questionnaire states they have show dogs. Mrs. Shawhan responded only one is a show dog, and it has won \$4,500 in ribbons. She mentioned it is her smallest dog and weighs four pounds. Mr. Hesser asked if the dogs are breed, and she responded they recently had a puppy that will go to a family member in January. She explained the puppy was a surprise, and she does not purposefully breed her dogs. She stressed the dogs are not for sale, but her husband does frequently post pictures on facebook. She added she would have applied for a kennel Use Variance earlier, if she had known it was required. Mr. Miller mentioned the questionnaire asks to keep ten to fourteen dogs on the property. Mrs. Shawhan stated her friends occasionally bring her dogs to re-home like her show dog. She explained several of that breeder's dogs caught the flu and died resulting in some of her dogs being brought to Mrs. Shawhan's to be quarantined. She stressed in foster situations she would only temporarily have 10 to 14 dogs. Mr. Miller clarified 10 to 14 dogs will be kept in the residence, and she responded she will not have that many for long periods of time. Mr. Hesser reiterated she only has seven personal dogs. Mrs. Shawhan stressed her residence is 2,500 sq. ft.

Mike Prugh, 25154 Shawn Dr., came on against this petition. Mr. Prugh stated several dogs live in the neighborhood, but they do not bark often. He continued saying if they do bark, he asks the neighbors to quiet them down. He mentioned he has not personally heard her dogs, but he is aware she has several. He stressed he is concerned the number of dogs will increase, if this request is approved. He added his residence is close to the subject property, and he questioned the location of the kennel. He went on to say he purchased his property for the quiet neighborhood, and he is opposed to having a kennel close to him. Mr. Hesser asked the location of his property, and Mr. Prugh pointed it out on the aerial.

Tracy Malec, 53387 CR 11, came on in remonstrance. Mr. Malec stated Mrs. Shawhan's dogs sometimes bark loudly causing the dogs in the trailer park to bark. He continued saying once one dog barks, they all start barking. He mentioned he gave his dog away, because it barked too much. He stated he owns horses, but they do not make very much noise. He stressed fourteen dogs will not help the noise situation. He explained he works for a construction company that has built kennels. He continued saying once one dog starts barking, all of the dogs bark. He stressed he believes approval of this request will cause the quietness of the neighborhood to disappear.

Henry Towne, 53358 CR 11, came on opposed to this request and stated he owns property across the street from the petitioner. He stressed he is against this petition, and he does

not see a need for a dog kennel at this location. He explained he does not mind dogs, but he believes she has too many. He continued saying if approved this will become a nuisance. Mr. Towne stated he has a renter living in the area who has complained to him three or four times about the dogs. He stressed this is not a good location for a kennel.

Drew Shellenbarger, 25175 Shawn Dr., came on in remonstrance and pointed out his property on the aerial. Mr. Shellenbarger stated he is concerned a building will be constructed close to the back property line. He continued saying if she is allowed fourteen dogs, he would like to know how that is enforced. He added he believes she will take in more dogs and end up with twenty or more. He stressed he does not want the situation to grow out of control.

Mrs. Shawhan came back on and stressed she is not constructing a kennel. She continued saying staff told her she needed a kennel Use Variance, because she owns too many dogs. She added nothing will be constructed in the woods, and she will not adopt any additional dogs. She explained she asked for up to fourteen in case she watches a friend's dog for a few days. She stressed she is only asking for a kennel Use Variance to keep her own dogs. She mentioned she will be forced to relocate, if she cannot keep her dogs, and she moved to the county to avoid restrictions. She apologized to the neighbors and stressed she did not realize her dogs were a nuisance. She went on to say other dogs in the neighborhood also bark. Mrs. Shawhan stated the neighbors horses are not a burden. She explained she referenced them, because she was told the neighborhood was residential not agricultural.

The public hearing was closed at this time.

Mr. Hesser stated horses are a separate issue, and he stressed the Board is making a decision on the kennel request. He explained the request is to keep seven dogs instead of five. Mr. Miller asked the county's regulations for kennels. Mr. Hesser responded over five dogs is considered a kennel. Mr. Godlewski explained kennels are allowed by right in an A-1 zoning district with over three acres as long as they meet proper setbacks. However, this petition is in an R-1 zone limiting Mr. Shawhan to five dogs. He also mentioned the rule was increased from four to five dogs a few years ago. Mr. Campanello stressed if the Board denies this request the petitioner will be in compliance with the Ordinance. Mr. Hesser clarified she would have to reduce the number of dogs by two. He stated in some cases the Board gives petitioners a period of time to bring their property into compliance. Attorney Kolbus suggested approving the request for seven miniature dachshunds for a period of time. Mr. Campanello clarified once she is down to five dogs, she is unable to increase that number. Attorney Kolbus stated the Board has had similar cases where natural progression brought the property into compliance, and the petitioner was then required to stay there. Mr. Hesser asked if the request needs to be approved to go through that process, and Attorney Kolbus responded yes. Mr. Hesser stressed he cannot overturn staff's findings #3 and #4. He explained he understands the dogs are kept inside, and he does not see this as a nuisance. He added he understands letting nature bring the number into compliance, but he cannot find the property unique. He suggested giving the petitioner up to a year to comply. Attorney Kolbus stressed if their children's dogs are on the property for eight hours a day, it is considered a kennel. He continued saying those dogs are not allowed on the property regularly, if the request is denied. Mr. Hesser added he does not believe irregular visits constitute a kennel, but the dogs cannot be present on a daily basis. Mr. Campanello stressed he does not believe any remonstrators want Mrs. Shawhan to get rid of her dogs; they just want a quiet neighborhood.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Deny, **Moved by** Randy Hesser, **Seconded by** Denny Lyon that this request for a Use Variance for a kennel be denied in accordance with finding #3 & #4 of the Staff Analysis as the Findings and Conclusions of the Board:

3. A need for the Use Variance does not arise from a condition that is peculiar to the property involved. The petitioner has not demonstrated the need for a kennel on their property.
4. Strict enforcement of the terms of the Zoning Ordinance would not constitute an unnecessary hardship if applied to the property. There are more appropriate places to have a kennel.

Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

Yes: Joe Atha, Roger Miller, Denny Lyon, Randy Hesser.

No: Tony Campanello.

Also included as part of the motion, Petitioner must reduce the number of dogs to 5 (five) within one year.

12. The application of *Marlen & Miriam Martin* for a Use Variance to allow for two existing residences on one parcel located on the Northwest corner of CR 40 & CR 17, common address of 22151 CR 40 in Harrison Township, zoned A-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0888-2017*.

There were 12 neighboring property owners notified of this request.

Mr. Miller asked if the property owners or renters live in the residence. Mr. Hesser responded according to the questionnaire both residences are rentals. Mr. Godlewski mentioned the petitioner can further expand on the request.

Marlen Martin, 22151 CR 40, Goshen, came on for this request. Mr. Martin explained he came in for a building permit and was told he needed a Use Variance, because he has two residences on one parcel. He continued saying both houses were on the property when he purchased it, and a single woman rents the smaller residence. He added a father and son lived in the residences when he purchased the property in 1998. Mr. Lyon asked how long he has owned the property, and Mr. Martin responded twenty years. Mr. Hesser asked if the drive extends to the second residence and if the property can be subdivided. Mr. Martin clarified to subdivide the property the residence and at least three acres need to be deeded separately, but he believes that could be done. He stated he is a dairy farmer, and he is not familiar with splitting property. He mentioned he is willing to do whatever the Board requests. He explained his plan is to remove the smaller house, and he request the Board give him five years to demo that residence. He added he was hoping current tenant would move, but she has not yet. He continued saying he recently repaired the roof for her, and she is now looking for a residence. Mr. Miller suggested the request be approved for three to five years. Mr. Martin stated he is okay with three years, and he wanted to have the house torn down a while ago. Mr. Hesser asked if he plans to replace the structure, and Attorney Kolbus mentioned the petitioner came in for a barn addition. Mr. Martin stressed he will not build another residence. Attorney Kolbus explained a three year time

period is needed to prevent a new second residence from being built. Mr. Lyon asked if the tenant is considering moving out, and Mr. Martin responded she is looking to purchase a residence. Mr. Lyon also asked the petitioner how long of a time period he would like, and he responded three or five years. Mr. Hesser clarified this request is needed, because Mr. Martin is adding onto a building on his property. Mr. Lyon mentioned the petitioner was caught with two residences. Mr. Hesser stated the property is legal non-conforming, and he asked how a barn addition changes that. Attorney Kolbus explained a legal non-conforming property cannot be expanded, and the barn addition will expand that use. Mr. Hesser clarified the addition is not for the non-conforming residence. Mr. Atha reiterated in order to expand anything, the property must be in compliance. Mr. Miller mentioned the building being expanded does not need to be dealt with by the Board. Mr. Hesser stated it is rare for the Board to add a time limit to these requests, and Attorney Kolbus added it is possible.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser asked if a time limit should be added and if so how long. Mr. Lyon and Mr. Miller both suggested a three year limit.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Tony Campanello that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Use Variance to allow for two existing residences on one parcel be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. Approved in accordance with the site plan submitted (dated 11/13/17) and as represented in the Special Use application.
2. Approved for a period of three years with renewal before the Elkhart County Advisory Board of Zoning Appeals.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Joe Atha, Tony Campanello, Roger Miller, Denny Lyon, Randy Hesser.

13. The application of **John J. & Gail F. Bergan** for a 10 ft. Developmental Variance to allow for an existing residence 0 ft. from the North property line (Ordinance requires 10 ft.) located on the West side of CR 3, 2,630 ft. South of CR 26, common address of 60473 CR 3 in Baugo Township, zoned A-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #DV-0660-2017*.

Mr. Godlewski stated the Bergansø Attorney, Loren Sloat, request the petition be tabled for an additional 90 days, because they have not come to an agreement for the land transaction. Mr. Hesser suggested tabling this petition indefinitely. Attorney Kolbus stressed at some point the petition needs to be acted on. Mr. Miller stated he believes the request should be denied, if

they cannot come to an agreement. Mr. Godlewski suggested denying the request, if the petitioner does not come to a resolution within 90 days.

There were no remonstrators present.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Table, **Moved by** Randy Hesser, **Seconded by** Roger Miller that this request for a 10 ft. Developmental Variance to allow for an existing residence 0 ft. from the North property line (Ordinance requires 10 ft.) be tabled until the March 15, 2018, Advisory Board of Zoning Appeals meeting at the request of the petitioner.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Joe Atha, Tony Campanello, Roger Miller, Denny Lyon, Randy Hesser.

14. The staff item for Michelle R. Steigmeyer (SUP-0274-2017) was previously heard as item #7 on page 4.

15. The staff item to approve the 2018 legal services for Attorney Kolbus was previously heard as item #8 on page 4.

16. 2018 changes to the Zoning Ordinance were previously discussed as item #9 on page 4.

17. The meeting was adjourned at 9:32 A.M.

Respectfully submitted,

Laura Gilbert, Recording Secretary

Randy Hesser, Chairman

Tony Campanello, Secretary