MINUTES OF THE PUBLIC MEETING
OF THE CITY OF ANGOLA BOARD OF ZONING APPEALS
HELD ON MARCH 27, 2022

The Board of Zoning Appeals held their regularly scheduled meeting on Monday, March 27, 2023 at 5:00 p.m., the minutes are recorded and prepared by the Department of Economic Development and Planning staff.

Chairman Brant Moore called the public meeting to order at 5:00 p.m. in the Angola Council Chambers at City Hall.

Present members: Brant Moore, Phil Roe, Michael Sutter, and Susan Ralston. Absent Members: Howard McKeever. Also present at the meeting: Director Jennifer Barclay and Planner Brett Steele.

Meeting opened in quorum with four out of five members present. Chairman Moore noted specific members would have to recuse themselves from two specific cases, one member per each case. Therefore, those cases would take all three voting members votes to be approved.

Chairman Moore asked for approval of meeting minutes. Member Roe made a motion to approve minutes for the February 27, 2023 meeting. Member Ralston seconded the motion. Member Sutter abstained since he was not in attendance. All other members present approved, none opposed.

Chairman Moore reviewed the meeting rules and procedures.

Chairman Moore moved to the next item on the agenda – Old Business – 1475 S 150 W Land Use Variance.

Director Barclay presented the first case as SBA Cell Tower for land use variance and development standards variances. The applicant/owner is SBA Towers INC, Greg Hines and Tony Dawson. The property is located at 1475 S 150 W with the current zoning of R1: Low Density Single-Family Residential District. The applicant is requesting relief from Section 18.40.020 R1 Permitted use, Section 18.160.170 Fence and Wall Standards – Residential and University, and Section 18.160.450 (C)(2)(a) – Tower Height. The hearing date is Monday, March 27, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on February 17, 2023. Three (3) property owners within 300-ft of the project were sent notice by Certificate of Mailing on February 14, 2023. Applicable code is Title 18: Unified Development Ordinance; Indiana Code: Board of Zoning Appeals 36-7-4-900 Series. The property is not located within a floodplain and staff is recommending conditional approval.

Director Barclay continued stating SBA Towers, Inc is seeking approval to construct a new self-supported communications tower (telecommunication facility) at 1475 S 150 W. The property gains access via an existing gravel drive and 25-ft access easement from S 150 W. This property already houses a non-sanctioned, 190-ft concrete tower, which will remain to continue to support equipment and utilities for the new tower. The proposed tower meets setbacks as measured from the center of the tower.

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The maximum height including all antennas and attachments is 261-ft. Per the applicant, the new tower will significantly improve the utilization of the property and provide cutting edge technology that will enhance the public safety and mobile telecommunications coverage to the area. The proposed height will allow all relocated and future user equipment to provide coverage over the existing tower. Existing accessory structures and utilities are planned to remain.

The new tower will be enclosed by a 7-ft tall, galvanized chain link fence with 1-ft of barbed-wire for a total height of 8-ft. The proposed fencing will connect to and expand the existing compound.

Director Barclay went into Additional Code Provisions:
Section 18.40.020 – R1 Permitted Uses

- Telecommunication Facility is not a permitted use.

Section 18.160.170 – Fence and wall standards – Residential and University.
(A)Types. (2) Prohibited Materials. Fences and walls shall not incorporate chicken wire, mesh wire, agricultural wire, metal or plastic lats within chain links, *barbed wire*, above-ground electrified wires, razor wire, glass, sharpened to spikes, or similarly hazardous materials.

- The proposal includes one-ft of barbed-wire on the top of the fence.

(C) Height. (2) Side and Rear Yards. Fences and walls shall not exceed six feet in height.

- The cumulative fence height, including the barbed-wire, is 8-ft tall.

Section 18.160.450 – Telecommunication facility standards – General.
(C)Design. (2) Height. (a) Telecommunication towers shall not exceed 199 feet in height.

- The tower is proposed to be 240-ft. Including all antennas and attachments, the overall height is 261-ft.

(F) Abandoned Towers. Any tower unused or left abandoned for six months shall be removed by the property owner at its expense. Should the property owner fail to remove the tower after 30 days from the date a notice violation is issued, the city may remove the tower and bill the property owner for the costs of removal and cleanup of the site.

- Plans note the existing tower is to remain to provide support equipment and utilities for the new tower.

Director Barclay detailed the Contextual Zoning and Land Use**.** The property for which variance is sought is currently zoned R1: Low Density Single-Family Residential District. The property is located in the City's Extra-Territorial Jurisdiction (ETJ). Immediate properties are zoned AG: Agricultural and consist of wooded land and single-family residential. Further out, properties are zoned LR: Lake Residential and AG: Agricultural and consist of single-family residential and agricultural land.

Director Barclay referenced the Comprehensive plan designates this area as General Agricultural in the Future Land Use Map. Principle 1: Manage Community Form and Growth, *Objective 1.2:* Utilize the Land Classification Plan and Map as the foundation for zoning decisions, *Objective 1.5*: Strongly encourage redevelopment of under-utilized, vacant, or abandoned structures and lots.

Director Barclay stated no input resulted from the public notices.

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In conclusion, Director Barclay focused on *Use Variance*, stating this property is zoned R1: Low Density Single-Family Residential District, which is not consistent with the existing use or the adjacent zoning districts/context of the area. Staff is supportive of and recommends approval of the use variance request, allowing a telecommunication facility, an already existing use, to be expanded for a second communications tower. With that being said, Staff would encourage a condition to this approval as follows: Should the existing 190-ft concrete communication tower ever be abandoned for 6-months or longer or should said tower become a risk of an unsafe structure, the owner of the property and/or tower shall be responsible for the demolition and removal of said tower.

Additionally, the *Tower Height* of the existing 190-ft tower is for quote some distance in the county. However, with the new structure not being a concrete structure the new tower will be less visible in the horizon. Additionally, the tower is buffered from immediately adjacent properties due to the heavily wooded property surrounding the tower. Because of this natural obstruction, Staff is supportive of this request as the taller height of the tower will allow improved coverage over the existing tower and tree canopy. Staff recommends approval.

Finally, the *Fence Height and Material* variance, the R1 zoning designation is not conducive to the fencing height and material necessary to secure this property. If this property were zoned AG like all adjacent properties, the proposed fence would be permitted by right. Since the fence will not be visible from any adjacent right-of-way or property due to the vegetation, Staff is supportive of this request and recommends approval.

Chairman Moore opened the floor to petitioner Tony Dawson, Associate with Kimley-Horn, Tampa Florida and consultant with SBA Towers. Mr. Dawson stated the current tower is maxed out structurally not allowing for more antennas. They also want to relieve some of the load and provide future space for other carriers. Mr. Dawson wanted to mention that county safety antennas are on current structure, and they will be moved to the new tower. The additional heighted is to get the new antennas over the old structure allowing for a little better coverage. Mr. Dawson mentioned the fence variance is to safely keep people out of the area to protect the equipment and overall general life safety.

Chairman Moore asked if any member had further questions, Member Sutter asked for clarification on the word abandoned. Mr. Dawson stated they were not going to abandon, rather relocate some of the equipment to the new tower. Member Sutter confirmed that county antennas would be included from old structure to new.

Chairman Moore opened the public hearing. With no comments from the public, Chairman Moore closed the public hearing. Director Barclay presented the Findings of Fact for **Use Variance.**

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because a telecommunications facility already exists at this property and has for decades. This request is to expand an already existing use. All members present agreed.

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2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the properties will be able to function as they currently do. The request is simply an expansion of an already existing use. All members present agreed.
3. The need for the use variance does arise from a condition peculiar to the property involved because the property in question is zoned improperly. The property is zoned R1: Low Density Single-Family Residential District, even though it is surrounded by AG: Agricultural and the R1 zoning is not supportive of the use that has existed for decades. All members present agreed.
4. The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property because the existing concrete telecommunications facility is not able to safely accommodate for the demand of the telecommunication services, therefore, requiring a need for a second, upgraded tower. All members present agreed.
5. The approval does not interfere substantially with the Angola Comprehensive Plan as the 2022 Comprehensive Plan update calls for the redevelopment of under-utilized, vacant, or abandoned structures and lots. This request allows for existing use to be upgraded while redeveloping the property instead of the telecommunications facility being relocated elsewhere and the property left abandoned and unusable. All members present agreed.

Chairman Moore asked for a motion. **Member Sutter made a motion to conditionally approve a Land Use Variance for a Telecommunication facility with condition of approval; should the existing 190-ft concrete communication tower ever be abandoned for 6-months or longer or should said tower become a risk of an unsafe structure, the owner of the property and/or tower shall be responsible for the demolition and removal of said tower. Member Roe seconded the motion. All members present were in favor, none opposed.**

Director Barclay presented the Findings of Fact for **Tower Height Development Standards Variance.**

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because the additional 62-ft of tower will not be significantly noticeable surrounded by the natural tree canopy and will provide improved service over what exists today. All members present agreed.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the height of the tower, not including antennas and equipment, is 240-ft. The height of the existing concrete tower including the tenant appurtenances is approximately 210-ft. The difference between the two is minimal and will not affect adjacent properties as adjacent properties have functioned with the existing tower for decades. All members present agreed.
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property as the property is surrounded by a heavy band of mature trees, which interfere with communication services if the tower is not tall enough. All members present agreed.

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Chairman Moore asked for a motion. **Member Roe made a motion to approve the Development Standard Variance of an overall tower height of 261-ft. Member Sutter seconded the motion. All members present were in favor, none opposed.**

Director Barclay presented the Findings of Fact for **Fence Height and Material Development Standards Variance.**

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because a similar fence has existed on this property without issues and the fence will not be visible or accessible from adjacent right-of-way or property. All members present agreed.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed fence will not be visible from any adjacent property. All members present agreed.
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because the property is improperly zoned residential although the existing use has existed for decades and the property is surrounded by AG: Agricultural. If this property were zoned appropriately, the proposed fence would be permitted by right. All members present agreed.

Chairman Moore asked for a motion. **Member Ralston made a motion to approve Development Standard Variance for a Fence Height of 8-ft and Material of barbed-wire. Member Sutter seconded the motion. All members present were in favor, none opposed.**

Chairman Moore moved to the next item on the agenda – New Business – 1212 S Wayne St

Member Ralston recused herself and left the chambers. Petitioner Dustin Everetts agreed to continue with only 3-members to rule on petition.

Planner Steele presented the second case as REMC Accessory Structure, Cold Storage seeking development standards variance. The applicant/owner is Steuben County REMC, Dustin Everetts. The property is located at 1212 S Wayne St with the current zoning of IS: Institutional District. The applicant is requesting relief from Section 18.76.040(L) – Maximum Structure Height; Accessory. The hearing date is Monday, March 27, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on March 17, 2023. Thirty-two (32) property owners within 300-ft of the project were sent notice by Certificate of Mailing on March 15, 2023. Applicable code is Title 18: Unified Development Ordinance; Indiana Code: Board of Zoning Appeals 36-7-4-900 Series. The property is not located within a floodplain and staff is recommending conditional approval.

Planner Steele continued stating Steuben County REMC wishes to expand their storage facilities by constructing a 4,800-sf cold storage accessory structure, 60-ft by 80-ft. The property is located at 1212 S Wayne St encompassing 22.75 acres of land. The property currently houses a 13,000-sf primary

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building, primary complex incorporating administrative functions (east side) and equipment storage (west side). This structure serves as the main focal point greeting. Additionally, immediately to the west of primary building sits an accessory structure built in 2014 connected to a large pervious lot.

The proposed accessory structure will store additional equipment and securely park their bucket trucks indoors, protecting them from the severe weather. The aesthetics of the building will mirror the same façade as existing structures constructed on the property. The proposed building site is approximately 500-ft west of S. Wayne St. This 4,800-sf accessory structure will be nestled between two current buildings on the property. The structure will be accessed from an established pervious drives and parking lot space. The proposed structure will be situated at the edge of existing gravel in a currently grass area.

The structure includes five, 14-ft tall garage doors for large apparatus to pass safely. The height of these overhead doors results in a taller walls, making the overall height of the structure exceed the maximum height requirement for accessory structures in the IS district. Therefore, the applicant requests a Development Standard Variance to increase the maximum permitted height of accessory structures from 20-ft to 26-ft, 10-inches; this is measured from grade to highest peak of the structure.

The addition of proposed accessory structure will utilize open space adjacent to the other buildings. It will mirror characteristic of the previous builds as in building materials used and site elevations. The structures garage doors will face to the south.

Planner Steele explained site photos and explained the contextual zoning and land use. The property is zoned IS and the immediate surrounding uses include North: Mixed multi-family residential as well as duplexes, South: Commercial offices and auto shops, East: Single-family residential, storage units, and Angola Hillcrest Baptist Church, and lastly to the West: Fox Lake Farms Subdivision – Estate Residential.

The Angola Comprehensive Plan speaks to several objectives in support of a project like this. Objective 1.5: Strongly encourage redevelopment of under-utilized, vacant, or abandoned structures and lots. Additionally, Objective 1.7: Encourage infill development to direct commercial and residential growth inside the corporate limits when under-utilized sites are redeveloped.

Planner Steele stated no input resulted from the public notices.

Concluding the report, Planner Steele advised that staff is encouraged to see infill development and is supportive of the request. To store bucket trucks inside taller doors and taller building walls are needed. The project will utilize existing drives and mimic current structures in finished material and similar structure height. The request will further support a vital utility to our city and greater community.

Chairman Moore inquired to the (IS) Institutional District since several cases lately have fallen under that zoning. Director Barclay advised that zoning includes churches, city facilities, and utilities, etc.

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Chairman Moore opened the floor to the petitioner Dustin Everetts with REMC. Mr. Everetts advised that department growth and expanded services calls for this additional equipment. Chairman Moore asked what color of siding the building would have. Mr. Everetts stated with would be tan to match the main building. Member Sutter asked what kind of material would be stored in the building. Mr. Everetts advised the material would be for the fiber products. Director Barclay inquired how high things would be stored or stacked in the structure and Everetts advised everything would be kept to single floor storage.

Chairman Moore opened the public hearing, with no comments from the public, Chairman Moore closed the public hearing. Planner Steele presented the Findings of Fact for **Maximum Structure Height; Accessory.**

1. The variances will not be injurious to public health, safety, morals and general welfare because the accessory structure will be built in a location that is screened from public view via a heavily wooded area and other structures. Additionally, the accessory structure will be cold storage with no utilities and a minimal footprint for a 22.75-acre property. All members present agreed.
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the height practically matches established buildings on the property. Each adjacent use will continue as it exists regardless of the building height of this accessory structure. All members present agreed.
3. The strict application of the terms of the ordinance will result in practical difficulties in use of the property because bucket trucks are taller than regular vehicles used in the IS District. Overhead doors need to be 14-ft tall to accommodate bucket trucks which require tall structure walls. Well maintained and operated bucket trucks are vital to an efficient utility that support our city and greater community. All members present agreed.

Chairman Moore asked for a motion. **Member Roe made a motion to conditionally approve Developmental Standard Variance for Maximum Structure Height to be 26-ft 10-inches with the condition that if any utilities are installed within the accessory structure in the future, proper permits will be obtained. Member Sutter seconded the motion. Member Ralston abstained with all other members present in favor, none opposed.**

Chairman Moore moved to the next item on the agenda –1350 E Maumee St

Chairman Moore recused himself and left the chambers. Member Roe served as chairman.

Director Barclay presented the third case as MSD of Steuben County Tennis Pavilion seeking development standards variance. The applicant/owner is MSD of Steuben County, Matthew Widenhoefer. The property is located at 1350 E Maumee St with the current zoning of IS: Institutional District. The applicant is requesting relief from Section 18.76.040 – Maximum Structure Height; Accessory. The hearing date is Monday, March 27, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on March 17, 2023. Twenty-eight (28) property owners within 300-ft of the

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project were sent notice by Certificate of Mailing on March 14, 2023. Applicable code is Title 18: Unified Development Ordinance; Indiana Code: Board of Zoning Appeals 36-7-4-900 Series. The property is not located within a floodplain and staff is recommending conditional approval.

Director Barclay continued stating MSD of Steuben County is requesting to expand its recreational facilities and associated amenities including two new locker rooms, a new two-story viewing pavilion and fencing for tennis, facilities for track and field events, and a new parking lot. Pedestrians will be provided with upgraded or new sidewalks to these facilities.

Barclay advised they request a two-story viewing pavilion near the tennis courts is proposed to be 864-sf and a height of 29-ft. The maximum permitted height of accessory structures is 20-ft. The pavilion will be centered between all the tennis courts.

The Contextual Zoning & Land Use shows the property is currently zoned IS: Institutional and is located at the edge of city limits. Properties to the east are zoned mostly AG and R1 and are within the City's ETJ. Properties to the south are zoned AG. Properties to the west are zoned R1, R4, and PR. Properties to the north are zoned R1 and AG, R1, R4, and IS. Adjacent land uses include agriculture/undeveloped, single-family residential, and multi-family residential.

Director Barclay states the project reflects the Angola comprehensive plan objective 2.8 and applicant received plan review comments from staff on March 03. There were notable comments, but none specifically centered around the request.

Director Barclay stated no input resulted from the public notices.

Director Barclay finished with staff is supportive of improvements to the middle and high school recreational facilities. A two-story viewing pavilion is a pleasant way to allowing view of multiple courts and enhances the patrons experience.

Next Steps: The development plan, including all proposed improvements, will appear on the April 10 Angola Plan Commission agenda.

With no questions by members for Director Barclay, Member Roe opened the floor to representative speaking on behalf of MSD. Petitioner Ethan Yoder with Engineering Resources Inc. confirmed the tennis pavilion is part of a larger request. The pavilion is designed to meet all safety request and is an amenity for the community and school district. The pavilion is a crucial to provide flexible views of all court.

Member Roe opened the public hearing, with no questions by members nor members of the audience, Member Roe closed and asked for finding of fact. Director Barclay presented the finding of fact to members.

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1. The variances will not be injurious to public health, safety, morals and general welfare because the accessory structure will support recreational facilities. All members present agreed.
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the accessory structure supports existing recreational facilities. All members present agreed.
3. The strict application of the terms of the ordinance will result in practical difficulties in use of the property because with current permanent placement of the tennis courts restricts additional seating being added around majority of the courts. With the slope of the terrain, a two-story observation pavilion eliminates a much larger land disturbance to allow viewable access from one designated location to all ten tennis courts. All members present agreed.

Member Roe asked for a motion. **Member Sutter made a motion to approval approve Development Standard Variance to Maximum Structure Height to be 29-ft with the condition that all plan review and routing comments are adequately addressed. Member Ralston seconded the motion. Member Moore abstained with all other members present in favor, none opposed.**

Chairman Moore moved to the next item on the agenda – 850 E Maumee St

Planner Steele presented the fourth case as Accessory Dwelling seeking Land Use variance. The applicant/owner is Phillip Meyers. The property is located at 850 E Maumee St with the current zoning of R1: Low Density Single-Family Residential District. The applicant is requesting relief from Section 18.40.020 – Low Density Single-Family Residential, Permitted Uses. The hearing date is Monday, March 27, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on March 17, 2023. Seven (7) property owners within 300-ft of the project were sent notice by Certificate of Mailing on March 16, 2023. Applicable code is Title 18: Unified Development Ordinance; Indiana Code: Board of Zoning Appeals 36-7-4-900 Series. The property is not located within a floodplain and staff is recommending conditional approval.

Planner Steele continued that The property consists of 4.89 acres with a 2,300-sf primary structure and three accessory structures. Two accessory structures sit south of the primary residence and one along the west property line. In October 2013, the homeowner received variances for accessory structure standards to exceed the maximum number of two storage-based structures permitted to three and maximum size cumulative square footage to exceed one hundred percent of primary structure footprint.

Today, the applicant wishes to convert a 30-ft x 40-ft accessory structure into an accessory dwelling. The property is located within the R1: low density single-family residential district which an *'Accessory Dwelling'* is not permitted.

The applicant's son and daughter-in-law(tenants) currently reside on the property and are in the process of purchasing it. The tenants have been remodeling the primary structure for some time. The accessory dwelling is comprised of two-bedrooms which gain access from the west façade. Additionally, there is a kitchen, full bathroom, laundry room, living room and a one stall attached garage bay.

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Planner Steele expressed the contextual zoning and land use that the property is zoned R1 which does not permit Accessory Dwellings. The property to the north is a vacant lot zoned institutional. The property to the south is the Angola Park and Recreation. The properties to the east are residential dwellings and farmland within three different zoning classifications: agricultural, R4 and R1. To the west, immediate properties included commercial shops, auto dealership, and gas station.

Planner Steele advised members to glance over the Plan Review comments, Steele noted that the staff made comments were in black and comments received back from applicant in blue.

Moving forward, Planner Steele advised the comprehensive plan touches a couple objectives. Those objectives are 1.7 and 1.10.

It was noted that staff has received no public input from the public notices being sent.

Planner Steele concluded that staff is supportive of the request. Fitting in accessory dwellings whenever possible reduces rent cost, etc. This accessory dwelling is subordinate to the primary structure on the same parcel on land providing adequate parking, restroom facilities, kitchen facilities and bedrooms. Additionally, the large size of the property may accommodate an accessory dwelling regarding building and health safety requirements; once the plan review comments and conditions of approval are adequately addressed.

Staff does recommend the following as part of approval:

1. Compliant ingress/egress bedroom windows install prior to issuance of Certificate of Occupancy from Angola Building Commissioner.
2. The following Commitments are recorded within 30-days of this approval.

Recorded Commitments include:

a. Should the owner wish to split the parcel the accessory dwelling must remain on the same parcel at the primary structure.
b. Should the accessory dwelling ever be parceled separately, it will need its own independent connections to utilities.
c. Accessory dwelling is only permitted if primary dwelling is owner occupied.

With no questions for staff, Chairman Moore opened the floor to the petitioner Phillip Meyers. Mr. Meyers advised that the property has been in his family since 1926. It was originally approximately 120-acres and has since been sold off for homes, city park, and commercial use. At the time, no member of Meyer's family wanted the property, so he took on the project of fixing up the residence. Mr. Meyers has been working on the residence since at least 2013 when he filed for variances of additional accessory structures permitted. Shortly after, Mr. Meyers ran into some medical issues and at that time he was approached by his son to purchase the property. Mr. Meyers then turned over the podium to his son and daughter-in-law, Thad and Abby McClelland. Mr. McClelland advised they converted the

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building for a sick family member which has since passed away. They are currently living in the dwelling so they can easily work on the remodel of primary residence.

Member Sutter asked that once renovations are complete on primary residence, would the accessory dwelling become a rental. They advise they will never rent out the unit, that it would be strictly family based since they have five children.

Chairman Moore closed the public part of the hearing stating that the property is a pretty unique place. It was noted that nothing will be beside nor behind the property. Chairman Moore concluded it is a unique property and it lends itself to this request.

Chairman Moore opened the public hearing, with no questions by members nor members of the audience then Chairman Moore asked for finding of fact. Planner Steele presented the finding of fact to members.

1. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community because the building will meet all minimum dwelling and life safety requirements for an accessory dwelling. Additionally, adequate off-street parking is provided, and a property curb cut, and drive material will be installed. All members present agreed.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the use complements the existing uses and nature of the area. Additionally, all utilities are currently adequately provided and converting an accessory structure into a dwelling will increase surrounding property values. All members present agreed.
3. That the need for the use variance arises from some condition peculiar to the property involved because with the large parcel would normally be zoned Estates Residential, which supports special exception use of accessory detached dwelling unit. The proposed accessory dwelling will accommodate the building and health safety requirements; once the plan review comments and conditions of approval are adequately addressed. It should be noted housing affordable to those living and working in the community is difficult as shown in the Steuben Co. Economic Development Corporation 2020 Housing Study. All members present agreed.
4. The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because an accessory dwelling will fit in the character and development pattern of the area. All members present agreed.
5. The approval does not interfere substantially with the Angola Comprehensive Plan because the plan dedicates this area residential. All members present agreed.

Chairman Moore asked for a motion. **Member Sutter made a motion to approve with conditions and commitment the Land Use Variance for Accessory dwelling**.
Conditions of Approval include:

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1. Compliant ingress/egress bedroom windows install prior to issuance of Certificate of Occupancy from Angola Building Commissioner.
2. Recorded Commitments are recorded within 30-days of this approval.

Recorded Commitments include:

1. Should the owner wish to split the parcel the accessory dwelling must remain on the same parcel as the primary structure.
2. Should the accessory dwelling ever be parceled separately, it will need its own independent connections to utilities.
3. Accessory dwelling is only permitted if primary dwelling is owner occupied.

Member Roe seconded the motion. All members present were in favor, none opposed.

With no other business Chairman Moore asked for a motion to adjourn the March 27, 2023 meeting. Member Ralston made a motion to adjourn. Member Sutter seconded the motion. The motion carried unanimously. Meeting adjourned at 5:54 p.m.

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Brant Moore, *Chairman* Date

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Brett Steele, *Secretary* Date

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