MINUTES OF THE PUBLIC MEETING
OF THE CITY OF ANGOLA BOARD OF ZONING APPEALS
HELD ON SEPTEMBER 25, 2023

The Board of Zoning Appeals held their regularly scheduled meeting on Monday, September 25, 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 Howard McKeever. Absent members: Susan Ralston. Also present at the meeting: Planner Brett Steele and Attorney Kim Shoup. Quorum was confirmed.

Chairman Moore asked for approval of meeting minutes. Member Sutter made a motion to approve minutes for the July 24, 2023 meeting. Member McKeever seconded the motion. 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 – New Business – 420 LN 130 Fox Lake Rd (ETJ).

Planner Steele presented the first case as Fox Lake Addition for development standard variance. The applicant is Pamela Graves on behalf of property owner Yvonne Graves-Hill. The property is located at 420 LN 130 Fox Lake with the current zoning of LR: Lake Residential District. The applicant is requesting relief from Section 18.64.040 Lake Residential Development Standards;(E) Front Yard. The hearing date is Monday, September 25, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on September 15, 2023. Twenty-one (21) property owners within 300-ft of the project were sent notice by Certificate of Mailing on September 11, 2023. The property is not within a floodplain.

Planner Steele continued stating the petitioner removed the front porch of the home due to significant issues with the structure. Today the petitioner intends to replace the front porch, which is legal nonconforming due to setback, however they wish to expand footprint. The property is located at 420 LN 130 Fox Lake, inside the ETJ, and consists of two lots: lot 37 and 38 platted in 1926.

Planner Steele mentioned the petitioner appeared before this Board on the June 26th agenda and was denied relief from front and rear yard setbacks. In addition, the petitioner had intentions to appear before the Plan Commission in July for lot combination to effectively make the property a conforming lot. The petitioner intended to build back the front porch that was removed from damage during 2022. At that time, the two additions that were never part of the legal nonconforming structure, therefore Development Standard Variances were requested for this project. During this time, the petitioner acknowledged staff recommendation on aesthetics to embrace the historical value to the neighborhood for the south façade.

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Planner Steele stated the Fox Lake Historic District, established in the spring 2001 with the United States Department of the Interior National Park Service, is the core of the larger area that comprises the Fox Lake Neighborhood Association, which includes most of the south side of Fox Lake. The historic district contains modest cottages, most of which were constructed before World War II. Many of the cottages are one-story, of frame construction with gabled roofs and concrete block foundations. Most had either open or screened porches, some of which have been enclosed to add more interior space. Within the registration form, 420 LN 130 Fox Lake is specifically defined as a particularly impressive example of an effective two-story dwelling with a gabled roof, exposed rafter ends and fly rafters, a gabled porch, and metal casement windows, built in 1940.

Planner Steele then presented the petitioner submitted a revised site plan which incorporated staff and community recommendations that are historically appropriate and would serve the needs of the petitioner. The south façade will embrace one large gabled roof and a majority of windows along the façade rather than a solid wall. The current site plan reflects the construction of the front porch back to its original footprint, however, expanding its footprint to the edge of the east/west facades, approximately additional 5-ft each side from former front porch. This alteration has been reduced several feet from the previous proposal, especially on the west end of the front façade.

Planner Steele showed images to the board as the property sits today. The first image presented a red line to reflect the desired setback of 10-ft off the south façade. The next remaining images showed different angled views of the dwelling from lane 130.

Planner Steele then broke down the contextual zoning and land use surrounding this property. As mentioned, the property is zoned LR and within the ETJ. Surrounding the entire property is LR zoning. Further land just beyond Fox Lake Road to the south is agricultural.

Planner Steele stated the comprehensive plan, future land use map supports this project with the following principles. Principle 1, Objective 1.5: Strongly encourage redevelopment of under-utilized, vacant, or abandoned structures and lots.

As of the meeting date, no public input has been received as a result of the legal notices noted Planner Steele.

Planner Steele finished by stating in conclusion, staff is encouraged to see restoration to cottages and accessory buildings within the Fox Lake Historic District to further ensure measures are being taken to preserve an area so rich with history well into the future. Staff feels the petitioner has embraced staff recommendations regarding appropriate scale and architecture design, in addition to neighbor input, to successfully embrace the historical value and fulfill petitioners need for more dwelling space.

Planner Steele asked board members if there were any questions for staff. Member Sutter inquired if he missed a reference image to how far out the proposed addition would extend. Planner Steele presented two site photos, one reflecting the approximate location of the 10-ft expansion off the south façade with a red line and an image of the front of the dwelling pointing the east and west facades.

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Chairman Moore opened the public hearing. Pamela Graves, 420 LN 130 Fox Lake Rd, mentioned that she has received zero complaints about her most recent proposal from neighbors. Ms. Graves outlined how she has worked with neighbors' concerns to get a positive resolution for her project. Ms. Graves asked if proposal was denied this evening by the board if she could get insight from them on modification needed to properly accomplish her desire.

With no comments from the public, Chairman Moore closed the public hearing. Planner Steele presented the Findings of Fact for Development Standard Variance.

1. The variances will not be injurious to public health, safety, morals and general welfare of the community because the dwelling will have adequate utilities and proper approvals from the Steuben County Drainage Board and Health Department. All members present agreed, none opposed.

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the additions complement neighboring properties in use and finished materials. The setbacks will practically be identical to adjoining properties. Additionally, restoring a historic dwelling with architectural features as outlined in the National Register of Historic Places registration form. All members present agreed, none opposed.

3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because the property was platted almost a century ago with different building best practices. Additionally, the existing dwelling being built over eight decades ago was positioned in a manner not feasible to today's Unified Development Ordinances. All members present agreed, none opposed.

Chairman Moore asked for a motion. **Member Sutter made a motion to approve Development Standard variance for Front Yard Setback. Member McKeever seconded the motion. All members present were in favor, none opposed.**

With no other business Chairman Moore asked for a motion to adjourn the September 25, 2023 meeting. Member McKeever made a motion to adjourn. Member McKeever seconded the motion. The motion carried unanimously. The meeting was adjourned at 5:15 p.m.

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Brant Moore, *Chairman* Date

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Brett Steele, *Secretary* Date

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