

MINUTES
CHURUBUSCO BOARD OF ZONING APPEALS
REGULAR MEETING
FEBRUARY 20, 2025
7:00 P.M.

CHURUBUSCO TOWN HALL

MEMBERS PRESENT

Jason Bartl
Brandon Johnson
Alan Malcolm
Brenda Saggars, Vice chair
Miles Wilson, Chair

MEMBERS ABSENT

STAFF

Nathan Bilger

ATTORNEY

absent

AUDIENCE MEMBERS

Three visitors signed the Guest List, which is included with the minutes of this meeting.

CALL TO ORDER/ROLL CALL

Mr. Bartl called the meeting to order at 7:00 P.M. Mr. Bilger read the roll with members present and absent listed above.

ELECTION OF OFFICERS FOR 2025

Mr. Bilger asked for nominations or a motion for the Chair and Vice chair for 2025.

Mr. Malcolm nominated Mr. Wilson as Chair; Mr. Bartl seconded the nomination. Having no other nominations, Mr. Malcolm made a motion to close nominations; Mr. Bartl seconded. Mr. Wilson was elected as Chair by a vote of 5-0.

Mr. Johnson nominated Ms. Saggars as Vice chair; Mr. Bartl seconded the nomination. Having no other nominations, Mr. Malcolm made a motion to close nominations; Mr. Bartl seconded. Ms. Saggars was elected as Vice chair by a vote of 5-0.

CONSIDERATION OF PREVIOUS MEETING MINUTES

Mr. Bilger stated that the December meeting minutes were not distributed and would need to be reviewed at the next meeting.

ADMINISTRATION OF OATH

Mr. Bilger administered the Oath to visitors planning to speak at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 25-CH-VAR-1

Mr. Bilger stated that 25-CH-VAR-1 would be continued to the March 20 meeting due to lack of newspaper notice.

2. 25-CH-VAR-2

Michael Carlin, Jr., owner of the subject property at 979 W. Wheatfield Lane, requested a variance of the platted building line to permit a placement of a shed and a variance to permit a tall fence within a front setback.

Mr. Bilger summarized the Staff Report and stated the property was a corner lot in Thresher Ridge. The fence was a 6' vinyl privacy fence installed by a previous owner, located in the front/side yard up to the right-of-way of Turtle Run. He reminded the Board that corner lots with platted building lines are treated as having two front yards, and only 3' tall fences are permitted in front yards, so a variance was needed. He stated that the shed was placed by the current owner along the southwestern side of the house, which encroached into the front setback.

He commented on the variance criteria, stating that the variances would not have substantial impacts on public health and safety and the surrounding area. He stated that being a corner lot might create a practical difficulty for the fence, especially since it predates the current owner. He noted that if variances for fences adjacent to rights-of-way were kept to a minimum, there would not be substantial impacts, but if many fences were permitted, it could impact property values. He stated that the shed placement along the house was due to a patio and deck on the southeastern side of the house. He felt the location had less impact on the surrounding properties than if it were placed in a compliant, but more visible, location in the rear yard.

Mr. Wilson asked if there was a complaint about this property that triggered this case.

Mr. Bilger replied that there was a complaint about another property elsewhere in the neighborhood that triggered the review of all the properties in Thresher Ridge.

Having no more questions for staff, Mr. Wilson asked the petitioner to speak. Mr. Carlin said that the staff report covered the details and confirmed that he bought the property with the fence on it and that it was a big reason why he bought it. He commented that he had spent about \$400 to be able to keep the fence.

Mr. Wilson asked for any comments from the audience.

Mr. Salazar asked to confirm the fence location as being in the side yard. Mr. Bilger stated that it was in the side, which was treated as a front yard for corner lots. Mr. Salazar said he had no problem with this, as he thought it was proposed to be in the front of the house.

Mr. Callaway stated he had no problem with the variance.

Having no others in the audience, Mr. Wilson closed the public hearing and asked for discussion or a motion. Mr. Bartl made a motion to approve the variance requests as presented; Mr. Malcolm seconded. Motion passed, 5-0.

OTHER BUSINESS

Mr. Wilson asked if there was a way to minimize the variances like this case in Thresher Ridge since many of them were not installed by the current property owners, and they had no knowledge of the zoning problem. Mr. Bilger said that he understood the imposition to the owners but felt that handling each property individually would be the least problematic process. He suggested that alternatives could include a blanket variance or a code change. A blanket variance would permit any fences in front yards and would require application by all property owners, even those without fences. A code change would go through the Plan Commission, take some time, and may or may not be appropriate for other parts of town. He said that a preemptive action by the Board might contradict zoning laws, as well as potentially remove an opportunity to be heard if someone did have issue with a particular case. He did say that the department would continue to investigate if there were other options to streamline the process.

Mr. Bilger reminded the Board that there would be a March meeting due to the continued item.

ADJOURNMENT

There being no further business, Mr. Malcolm made a motion to adjourn. Mr. Bartl gave the second, and by unanimous vote, the meeting was adjourned at 7:24 P.M.

GUEST LIST

- 1. Chris Callaway810 Turtle Run, Churubusco
- 2. Michael Carlin979 Wheatfield Lane, Churubusco
- 3. Misael Salazar893 Turtle Run, Churubusco