

**MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, FEBRUARY 27, 2018
MEETING ROOM B, CLAY COUNTY COURTHOUSE**

Members Present: Amos Baer, Perry Bushaw, Greg Anderson, Paul Krabbenhoft, Pamela Harper

Members Absent: None.

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja, Tom Stoneburner, Hannah Stoneburner.

Approval of Agenda:

On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board approved the agenda.

Approval of Minutes:

On motion by Paul Krabbenhoft, seconded by Greg Anderson, and unanimously carried, the Board approved the October 17, 2017 minutes as presented.

Citizens To Be Heard: There were no citizens to be heard.

TOM AND HANNAH STONEBURNER – REQUEST FOR VARIANCE

The applicants are seeking a variance from the setback required from a structure to a property line. The Code requires structures to be set back at least 10 feet from the property line. The applicants are seeking to place a 40' x 52' shed approximately 5 feet from the north lot line. The affected property is a 3.25-acre parcel known as Lot 1, Block 1, Nelson's Subdivision, located in Section 15, T138, R44 (Parke Twp.). This property is zoned Shoreland-Residential (SR).

On motion by Greg Anderson, seconded by Paul Krabbenhoft, and unanimously carried, the Board opened the public hearing.

Tim Magnusson, Planning Director, presented aerial views of the site consisting of a residence with attached garage. He pointed out the two residences within 400 feet of the property and showed the location of the internal access road. The two residences are separated and screened by vegetation so the proposed building may not be visible to them. If the 10-foot setback was met, the structure would impede on the internal access road. Magnussen stated the setback from the wetland is more than adequate. Additionally, the driveway could be moved but more trees would need to be cut down and would cause added expense.

Tom and Hannah Stoneburner, the applicants, were present for questions. They disclosed the history of the septic location on the north side as well as the RV dump that would have to be removed. They have been in contact with Bruce Jaster to discuss their options. They stated that Lynn Foss, Water Resource Management Technician, had visited the site, looked at different locations and provided input. This is the only reasonable location to build the shed due to the grade of the land. The terrain is quite hilly with a significant drop. The shed would be used as storage of vehicles, mowers, etc.

On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board closed the public hearing.

On motion by Paul Krabbenhoft, and seconded by Greg Anderson, and unanimously carried, the Board of Adjustment approved Tom and Hannah Stoneburner’s request for variance to allow a 40’ x 52’ shed to be constructed approximately five (5) feet from the north lot line, on property located at Lot 1, Block 1, Nelson’s Subdivision, located in Section 15, T138, R44 (Parke Twp.) for the following reasons:

- 1) The proposed variance is in harmony with the general purpose of the zoning district and intent of the Development Code;**
- 2) The proposed variance constitutes a 50% reduction in the setback;**
- 3) The circumstances related to this request constitute a “practical difficulty” due to the fact there is an internal access on this property that would be adversely impacted if a 10-foot setback were required, and due to the terrain of the land; and,**
- 4) The variance would not alter the essential character of the locality (sufficient separation and screening from adjoining structures).**

On motion by Perry Bushaw, and seconded by Paul Krabbenhoft, and unanimously carried, the meeting was adjourned at 5:53 p.m.

**By: _____
Amos Baer, Chair**