

MINUTES
CHURUBUSCO PLAN COMMISSION
REGULAR MEETING
MARCH 9, 2022
6:30 p.m.

Boy Scout Building
501 N. Krieger Drive

MEMBERS PRESENT

Brandon Johnson
Devin Keener
Wayne Krider
Mark Pepple
Vivian Sade
Madalyn Sade-Bartl
Brenda Saggars
Pat Stanford
Ashley Wagner

MEMBERS ABSENT

STAFF
Nathan Bilger

ATTORNEY
Absent

(E)lectronic participant

AUDIENCE MEMBERS

Three guests were in the audience at the meeting. The guest list is kept on record and attached to these minutes.

CALL TO ORDER/ROLL CALL

Ms. Sade-Bartl called the meeting to order at 6:30 p.m. Mr. Bilger read the roll call with members present and absent listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

Mr. Stanford made a motion to accept the minutes of the February 9, 2022, meeting as presented; Mr. Krider seconded. Motion passed, 5-0-4. Mr. Johnson, Mr. Pepple, Ms. Saggars, and Ms. Wagner abstained from the vote because they had not been present at the February meeting.

OATH/AFFIRMATION

Mr. Bilger provided the oath/affirmation to those wishing to speak.

OLD BUSINESS

1. 22-CH-SUBD-2

At the February meeting, Kevin Lupardo requested primary plat approval for a 2-lot subdivision, proposed to be known as Lupardo Subdivision, on his property at 229 and 231 N. Line Street. Ms. Sade-Bartl recounted that the case had been tabled in order to gather additional information and in hopes that more Commission members would be able to participate in the discussion.

Ms. Sade-Bartl asked Mr. Lupardo to summarize his request for the benefit of the members who were absent from the February meeting. Mr. Lupardo explained his goal to divide the

property in order to sell the house but retain the garage and use it for storage. There were no questions for Mr. Lupardo.

Ms. Sade-Bartl asked the public if anyone else wished to speak. Lisa Fensler told the members she was concerned about how dividing the property would affect her property in the future. She stated that she had received a certified letter notifying her that Mr. Lupardo would be seeking to rezone the property from the Residential District. She said she also heard that he planned to use the garage for an engine repair business. Mr. Lupardo responded that he uses the garage for storage for his business and has no intention of repairing engines. He added that nothing would be changing from the way it already is, and has been, except that the house would receive a new owner. He stated that the zoning would remain residential. Mr. Bilger also clarified that Mr. Lupardo's case for the Board of Zoning Appeals was not for a zoning change but for variance from the allowable lot area, lot width, and parking standards.

Mr. Stanford asked if the garage was serviced by utilities. Mr. Lupardo said the building has an electric service that is already separate from the service on the house. Mr. Keener asked if the parking area for the house was shared with the western neighbor. Mr. Lupardo confirmed it was and stated he would not have any vehicle parked there long term. Ms. Sade-Bartl referenced the parking easement on the plat and stated that an easement agreement would be necessary in order for the owner of the house to have a location to park. Mr. Bilger said the Board of Zoning Appeals would consider the parking arrangement at their next meeting.

Mr. Stanford expressed that he did not feel this proposal was in line with the Comprehensive Plan. Considering the future, he stated that since the building is not serviced by utilities, it would not easily be converted to a dwelling if Mr. Lupardo no longer needed it as a garage. He wondered what would happen with the undersized lot at that point. Ms. Sade-Bartl agreed with Mr. Standford's comments and felt the proposal had too many conflicts. Ms. Fensler requested to speak and wanted the members to know that the parking area is rendered useless when flooding occurs. Mr. Lupado responded and said vehicles can be parked to avoid the flooding. He added that the western neighbor's portion of the parking lot is more greatly affected by flooding than his section. Mr. Lupardo also said that the Town recently cleaned the drain, and since then, the flooding has not been as great as in the past.

Mr. Stanford made a motion to deny 22-CH-SUBD-2. Ms. Sade-Bartl requested to amend the motion to add that documentation of the Findings of Fact be delegated to Staff. Mr. Bilger listed lot size, zoning variables, and incompatibility with the Comprehensive Plan as the Findings he had heard the members discuss. He requested to know if there were other items the members would like him to add. No suggestions were made. Ms. Sade seconded the motion. Ms. Sade-Bartl allowed Mr. Lupardo to comment, and he stated that he didn't feel his request would affect the Town. Mr. Stanford explained how the Commission uses the Comprehensive Plan as a guide and that looking towards the future, it may not be in the best interest of the Town to have an accessory structure on its own lot. He described problems the Town has seen in the past when such structures become vacant and stay vacant because the property is not able to be easily converted to another use.

Mr. Keener asked Mr. Bilger what experience he had with similar cases. Mr. Bilger stated that in the lake areas, which are under the County's jurisdiction, it is common for a garage to be on its own parcel and the property owner to reside several parcels away. He said

Churubusco's Code is worded slightly differently than the County's, and it does seem to allow a passive use, such as storage even though the structure is one typically defined as "accessory." He summarized that the Commission seemed to be concerned about the long-term implications of having a structure intended to be used as an accessory, being used instead as a primary structure. He stated that the current use, being a passive use, is a gray area in the Code, but the Commission was considering what may happen with the property in the future. Mr. Bilger confirmed for Mr. Keener that the Plan Commission would be the entity to review a rezoning of the property if it were ever requested, and he added that a business use would require commercial or industrial zoning. Ms. Sade-Bartl asked if there were any other comments or discussion. Hearing none, she called for a vote. The motion to deny 22-CH-SUBD-2 passed 8-1 with Ms. Saggars in opposition. Mr. Bilger stated he would prepare Findings for the Commission's consensus.

NEW BUSINESS

There was no new business.

OTHER BUSINESS

Mr. Bilger announced that he expected to have a draft Rules of Procedure for the Commission to review in the summer.

ADJOURNMENT

Being no further business, Mr. Stanford made a motion to adjourn; Mr. Johnson gave the second. By unanimous vote, the meeting was declared adjourned at 6:48 p.m.

GUEST LIST

1. Kevin Lupardo 231 Line Street, Churubusco
2. Cora Lupardo 231 Line Street, Churubusco
3. Lisa Fensler 223 Line Street, Churubusco