

**Albion BZA Meeting – Minutes
November 21, 2012 at 6:00 PM
Albion Municipal Building 211 E Park Drive**

Roll Call vote showed members present: Scott Cole, Mark Hunter, David Dunn and Dave Bremer (arrived later in meeting). Absent was member Terry Dazey.

Also in attendance were Town Manager Beth Shellman; Kendallville News Sun reporter Bob Braley and petitioner Keith Leatherman.

The meeting was called to order at 6:03 p.m. after it was determined a quorum was present.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the U.S. Flag was recited by all present.

CONSIDERATION OF MINUTES: Minutes from the June 20, 2012 regular meeting were approved as submitted by a motion and second (Dunn, Hunter). Motion carried unanimously 3-0 voice vote.

OLD BUISNESS: None

NEW BUSINESS:

Special Use 2012-01 Monarch Development, Inc., requesting a Special Use from Section 4, Authorized Uses; Albion Zoning Ordinance, to allow multi family dwelling units in a Central Business (CB) Zoning District; Lots 10 & 12 in North Ridge Village Section 2, common location 751 thru 767 Trail Ridge Rd (odd addresses only), Albion.

Chairman Cole cautioned that 3 votes are required to pass any motion. K. Leatherman asked for his petition to be considered by the members present. The hearing was opened at 6:05 p.m.

Keith Leatherman stated he seeks Special Use approval allowing him to construct nine duplex units in a Central Business district. The duplex units will be constructed mainly on Lot 10 and in at least two separate phases. Phase 1 will consist of three duplex units constructed by the end of 2012 and located closest to Trail Ridge Road. They will each be accessed with individual driveways off Trail Ridge Road. Phase 2 will consist of six more buildings (12 units) with driveway access from a shared internal private drive off Trail Ridge located to the west of Phase 1. All utilities are available at the site. The existing drainage tile and corresponding drainage easement commonly referred to as the Trinity Drain will remain. The internal Phase 2 driveway will be constructed over top of the drainage easement. Earth mounds will be constructed along N Orange Street to provide screening and privacy from the state highway. The majority of the trees located on lots 10 and 12 will remain, the undergrowth will be cleaned up and the lots will become grassed lawns. Units along N Orange Street will sit at elevations lower than the state highway.

Phil Troyer is designing the nine units to look similar to a drawing submitted by the petitioner (on file). The building exterior will have more brick than the units in the photo and they will also have a gable roof. All nine units will look identical and be managed by KBL (Keith & Barb Leatherman) Properties. Monarch Development will construct the units. There will be no age restriction on the occupants allowed to reside in the units and they are not government subsidized.

No written correspondence was filed with the office prior to the meeting. Note: Keith and Beth met at the site on 11-8-12 following the Plan Commission meeting to discuss drainage concerns brought

up by Les Coe during the meeting. What they found during the on-site visit is a slight depression at the rear property of the condo to the east of Lot 10 may channel a small amount of surface water towards Leslie's property. There was no noticeable erosion on the Coe property. However, Keith did agree to reshape the area, just north of the Coe property, to divert all storm water from the condo to the west towards the proposed development and existing drainage tile. This work will be done during Phase 1 development.

The development is restricted by INDOT from having any type of access from Orange Street.

It was noted the Special Use does not change the zoning of the property. Any additional units would require Special Use approval before being constructed.

B. Shellman noted the petition was reviewed by the Albion Plan Commission during a meeting on November 7th. The Plan Commission recommends approval of the request on the condition no more than 9 duplex buildings (18 total units) be constructed without the petitioner applying for another Special Use.

There were no further comments on the use and Chairman Cole closed the hearing at 6:15 p.m.

Board members reviewed and adopted Findings of Fact in the affirmative. A motion was then made and seconded (Bremer, Hunter) to approve Special Use 2012-01 on the condition only 9 duplex's resulting in 18 dwelling units may be constructed on the property without further approval. Voice vote determined the motion carried by a vote of 4 in favor – 0 opposed.

With no further business, a motion was made and seconded (Bremer, Dunn) to adjourn the meeting at 6:21 p.m.

Scott Cole, Chairman

David Bremer, Secretary