DELPHI BOARD of ZONING APPEALS (BZA)

Aug 21, 2023 – 6:30 PM

Second Floor, City Building, 201 S. Union Street

Greg Norman was sworn in as a BZA member by Mayor Werling.

President Brandon Short opened the meeting at 6:31pm

Attendance:

BZA Member	Present	Absent
Brandon Short (P)	X	
Courtney Kingery (VP)	X	
Christina Langsdorf (S)	X	
Jacob Grist	X	
Greg Norman	X	

Introductions were made by members present.

The July 17, 2023, meeting minutes were reviewed.

- Additions/changes noted:
    - Courtney Kingery made the motion to adopt the rules and procedures. Christina Langsdorf made the motion to adjourn, and Jacob Grist seconded.

    - Regarding the notes on the Robinson Dr special exception:
        - The paragraph beginning "Deb Luzier presented the staff report" should read:

            BZA would only evaluate whether or not to allow multifamily units and would **NOT** consider the number of units or whether the lot should be subdivided. As written the statute allows one duplex per lot. The board could also **DETERMINE** whether improvements are needed to the road or other such conditions.
        - The last paragraph, beginning "the board had a lengthy discussion" should read:

            A motion was made by Courtney Kingery to approve the special exception with conditions related to the widening of the road and dead ending the street, seconded by Christina Langsdorf. The motion failed (2 yes/3 no). A second motion was made by Christina Langsdorf that failed to get a second.

Courtney Kingery made a motion to approve the July 17th minutes, as amended. Second by Jacob Grist. Greg Norman abstained. Motion carried.

The agenda was considered, and no changes were made.

Other Business

1. Proposed Fee Schedule and Application Forms

Deb Luzier walked through the proposed application packet. The packet is a "one size fits all" application for the following:

- Special Exception - approval of a land use that would be permitted in the subject zoning district provided it meets certain conditions.
- Variance - A modification of the specific requirements or standards of the zoning ordinance.
- Variance of Use – approval of a specific land use that is not otherwise permitted in the subject zoning district.
- Use Classification – the classification of a land use that is neither listed nor similar to any use listed in the zoning ordinance.
- Appeals – an appeal of the Administrator's review, decision, or determination in the enforcement of the zoning ordinance.

Christina Langsdorf asked about the different review standards within the application packet and how those would be voted on. Deb Luzier advised that the applicant will be asked to provide information on how the project meets the applicable review standards and the BZA will determine, as needed, if each element of the applicable review standard will require a separate vote.

Jacob Grist made a motion to adopt the proposed fee schedule and application packet. Second by Courtney Kingery. Motion carried unanimously.

Old Business

1. Tabled Special Exception 2023-3 202 N. Robinson Street—Hammons Development LLC.

Christina Langsdorf made a motion to move the Special Exception from the table. Second by Greg Norman. Motion carried unanimously.

Additional information, based on questions from the July 17th BZA meeting, was provided by Mayor Werling.

- Robinson has been made a dead-end street per photographic evidence. The Delphi Board of Works voted to affirm the dead-end street for Robinson Street.
- The right of way is a platted 40 foot right of way, so the street could be widened. It is currently 13 ½ feet wide. Recommendation would be to widen it to 18-20 feet. It was noted that the Delphi Streets Department would prefer it be widened to 20 feet, but the

exact width is to be determined. The timeline for the work to be done is also to be determined as no action has yet been taken on the special exception.

Staff presentation: Deb Luzier reiterated that the petition is requesting a two-family unit on the property. Only one duplex is proposed. The question in front of the BZA is if the use is appropriate for the site and any conditions needed. Deb Luzier stated that in the future, the property owners would need to apply for a subdivision of the property and adhere to set back requirements, etc. She also noted that this could be done today on this piece of property for single family homes without additional approvals by the BZA.

New BZA member Greg Norman asked for a brief overview of the previous discussions.

- The Hammonds summarized their previous presentation, noting that they hope to have 3 single story duplexes on the property and while they would not limit the occupancy to 55 years or older, they recognize that as a specific niche market in Delphi. The Hammonds also noted that they have until the end of 2024 to complete the project based on IRS rules for opportunity zones.
- Mr. Potts spoke to having heard the plan was to have 4 multi-family, subsidized housing units on the property. The Hammonds denied subsidized housing was ever part of the plan. Mr. Potts also expressed concern about flooding with current drainage.
- Mr. Piatt spoke to safety and drainage concerns. Water runoff from Robinson floods outside his garage (standing water) today. Mr. Piatt also spoke to several potential traffic accidents recently. Clarifying question from President Short noted that the incidents were before the dead end was completed.
- Christina Langsdorf also reminded the public that all previous documentation (petitions, photos, etc.) are still part of the BZA board materials.

Christina Langsdorf made a motion to approve special exception 2023-3 with the condition that necessary drainage would be put in place to ensure current conditions are not worsened. Second by Courtney Kingery. Ayes: Christina Langsdorf, Courtney Kingery, Greg Norman, Brandon Short. Abstain: Jacob Grist. Motion carries.

There being no other business, moved to adjourn made by Christina Langsdorf, second by Greg Norman and the motion carried. The meeting was adjourned at 7:15p.m.

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Christina Langsdorf, Secretary