

**HEARING OFFICER –Kelly Conference Room #155  
October 18, 2017 @ 2:00 p.m. – Record of Meeting**

The Hearing Officer meeting was held on Wednesday, October 18, 2017 in the Kelly Conference Room #155. Hearing Officer present: Beth Rosenbarger.

**REPORTS RESOLUTIONS AND COMMUNICATIONS:** None at this time.

**PETITIONS:**

- V-27-17      **Michael Valliant & Julia DeBruicker Valliant**  
2510 S. Madison St.  
Request: Variances from side and rear yard building setback standards to allow a detached garage to be converted to a single-family dwelling.  
*Case Manager: Eric Greulich*

Eric Greulich, Zoning Planner, presented the staff report. Staff recommends approval of this petition based on the written findings and three conditions outlined in the staff report.

Beth Rosenbarger, Hearing Officer, asked Greulich if he wanted to update condition #2 in the staff report regarding the sidewalk due to anticipated changes to the UDO (Unified Development Ordinance). I think you're saying based on the timing, it would be required unless the code changes and then it would no longer be required?

Greulich: Correct. I just wrote it as a general note so the petitioners are aware of it. We could certainly put a deadline in place. I think April 15 is the date enforcement staff usually use for projects that occur over the winter with improvements being done by April 15.

Rosenbarger said I don't mean we need to attach a date to it. I think you need a caveat with it if you're saying, *"If the code changes they would follow new code standards."* Otherwise this would still apply.

Greulich said we could add a few words to the end of the sentence of condition #2—***"Unless the UDO is amended to no longer require the sidewalk to be installed at the time of occupancy."***

Greulich: So condition #2 could say—***"A 5-foot concrete sidewalk is required along the property frontage unless the UDO is amended to not require a sidewalk."*** (Rosenbarger said that's fine).

Julia DeBruicker Valliant, petitioner, so the sidewalk would go 1-foot beyond the----(sentence not completed).

Greulich said it would be 1-foot inside the property line. It's a 1-foot separation between your property line and the edge of the sidewalk.

DeBruicker Valliant: So no tree plot?

Greulich said the tree plot would be whatever the remaining balance is. There is approximately 10-12 feet of right-of-way from your property line to your edge of pavement. The 5-foot sidewalk would take up 5 feet of that so there would still be 5 or 6-foot of separation between the sidewalk and the edge of the pavement.

DeBruicker Valliant: We would put in a tree plot?

Greulich said there would be space for the tree plot but you are not required to put in the actual street trees.

DeBruicker Valliant pondered how their sidewalk would flow into the neighboring sidewalk if her neighbors were ever required to install one.

Rosenbarger explained that even though their home is closer it would still be based on the location of the property line, which still leaves some space between the property line and where the edge of pavement is currently.

DeBruicker corrected the spelling of her last name in the staff report from DeBruicher-Valliant to DeBruicker Valliant—add the “k” instead of “h” and no hyphen. She also wanted to correct their address in the staff report to 608 W. Dodds Street—47403 and not a PO Box.

Greulich apologized for both errors in the staff report.

Public Comment:

John Erickson owns property to the west of the property in question. He said he didn't think the other properties along Madison Street have sidewalks. Is that correct? (Rosenbarger said that is correct).

Erickson asked why a new sidewalk is required then. This house is going to be single-family and not multi-family, right? (Rosenbarger responded yes).

Rosenbarger said Greulich could answer the sidewalk question.

Greulich explained the sidewalk is required because anytime there is construction of a new residence or establishment of a new residence on a property then you have to put in a sidewalk. There is a garage at this location. By virtue of them converting this garage into a dwelling unit, a sidewalk is required. The purpose here is as new houses get built, as lots develop or redevelop, then segments of sidewalk get installed at that time. He also confirmed that this would be a single-family house with a maximum occupancy of three (3) unrelated adults or one (1) family.

**\*\*Rosenbarger approved V-27-17 based on the written findings and three conditions outlined in the staff report, including the verbiage added to the end of condition #2 as previously stated by Greulich.**

Meeting adjourned.