

Boone County Board of Zoning Appeals (BZA)
June 25, 2025, at 7:00 PM
Lamar Meeting Room - Boone County Government Building

Members Attending: Brent Henschen, Jay Schaumberg and John Merson

Members Absent: Danielle Morrison

Staff Attending: Deborah Luzier (Planning Director), Ashley Elliott (Administrative Assistant) and Mallory Kaehr (Representative Attorney on behalf of the Boone County BZA and APC)

Participants Who Attend on Zoom:

** 1 person attended under the name Ed.

A. Administrative Issues

1. John Merson opened the meeting at 7:00 pm by leading the Pledge of Allegiance.
Introductions followed.

2. **Determination of Quorum:** 3 of 4 members present.

3. Approval of Minutes for May 28, 2025, meeting:

Brent Henschen made a motion to approve the minutes from May 28, 2025.
Jay Schaumberg seconded the motion. Motion carried 3-0.

4. Approval of the Agenda:

25WO-7M-091 Elizabeth Carpenter; Special Exception to allow a Minor Residential Subdivision in the Agricultural (AG) District – Continued to the next APC meeting to consider these buildable lots for the drainage outlet identified.

B. Old Business Public Hearings:

None at this time.

C. New Business Public Hearings:

1. 25CE-14-085 Norman and Virginia Mazurowski; Variance to allow Living Quarters in an existing Accessory Structure

Deborah Luzier read the staff report.

Virginia Mazurowski came forward on behalf of this petition. Virginia stated they are planning to put the septic system in and that Mr. Keyes would take care of the soil sample, but didn't get it to the Environmental Health Department so we are in limbo, but plan to put the septic system in.

No one else came forward.

John Merson closed the public hearing and opened it to the board. Jay Schaumberg stated he would be fine with it after the septic system was installed and doesn't feel like a continuation is necessary.

Brent Henschen made a motion to approve 25CE-14-085 provided the septic and the conditions stated in the staff report are met.

Jay Schaumberg seconded the motion. Motion carried 3-0.

2. 25CL-7V-088 Ruby and Zak Werner; Special Exception to allow Residential Use in the Agricultural (AG) District and a Variance from 100-foot Road Frontage Requirement

Deborah Luzier read the staff report.

Ruby Werner came forward on behalf of this petition. No one else came forward.

John Merson closed the public hearing and opened it to the board.

Brent Henschen stated hesitation about flag lots and wouldn't this meet the definition of a flag lot.

Deborah Luzier responded by saying this is a flag lot.

John Merson asked if there was a compelling reason why you couldn't have a shared driveway with your parents or you couldn't have a driveway next to your parents.

Jay Schaumberg noted we'd probably like to see it with a separate entrance. Deborah Luzier then followed that according to the Ordinance it defines a flag lot a lot with access provided to the majority of a lot by means of a narrow corridor and the only other thing it mentions is that the front lot line is measured from the bulk of the property and not the roadway and it doesn't prohibit them or curtail them in anyway. Jay Schaumberg then said he thinks this gives an opportunity to ask a question if there are remonstrators and it is hindering another property, but in this case it's not the case. Brent Henschen then said we've passed flag lots before but just want to make sure there are no other options and doesn't think there is. Deborah Luzier then explained that the reasoning a flag lot can be an issue is that when properties change hands and if there is any dispute and things like that and now, you're looking at your front your is in their back your kind of thing. Another concern that comes up sometimes is addressing the property. John Merson then asked if the property behind your 2 acres is still owned by your family and asked if there was a reason you couldn't build it adjacent to your parents' house. The father of the petitioner responded that with the 75-foot easement off the mud creek there's no room. John Merson responded by stating that we must think past this generation and the next generations. He then asked if they could change the orientation of your house so you're not looking into their backyard. Ruby Werner responded that she could, but she thinks it would look silly to not face the road. Brent Henschen then commented that we don't like flag lots, but given these unique natures I would go on with what staff say and would be one to approve of it.

John Merson asked them why they couldn't do or change certain things to get away from having a flag lot and said he doesn't know who told you that was the best option, but that's not a criteria for whether or not we'd like this project, but the fact somebody else told you that it was a great option. He said it looks to me there is an option that makes you compliant with our necessary road frontage that gets away from the flag lot statement that we're not a fan of. Ruby Werner then responded by saying she has a large amount of money to get to this stage.

Jay Schaumberg then asked if we the APC, direct you towards this option. Ruby Werner then answered she was given both options in the beginning to build behind by parents or to build in between them and my grandparents and based on my Surveyor Jim Swift he said that would be best and that's what I brought to the TAC meeting and they all approved it.

Brent Henschen then asked if you explored building in the area we're talking about, and Jim Swift preferred you to one way or another and she responded yes.

Then John Merson asked why he said that, and she responded mainly because of the septic system outlet into mud creek, and it takes up the least amount of farm ground. Jay Schaumberg then responded by “do you mean perimeter drain” and she responded yes. John Merson then stated that in his opinion there are a lot of options that don’t involve a flag lot and he’s sorry Mr. Swift told you that was the best option, but he doesn’t speak for the BZA. Deborah Luzier was then asked by John Merson her thoughts and she replied in looking at the layout your processing if they took 2 acres south of the existing home then 2/3 of their lot would be under that drainage easement for that ditch and right now the farmer can farm right up to it and she thinks Jim is right and that it would be consuming more than the 2 acres in order to make a buildable lot. With the Ordinance not prohibiting the flag lots and understands the concerns it creates, but with the Ordinance not prohibiting them I can’t find an issue with how its configured right now and since the home will be a little farther south then the existing home then it’s is really no different if her driveway came in right along the drainage ditch and accessed the house. John Merson then asked the petitioner if she only had enough money to buy the 2 acres and is there a reason why you couldn’t purchase more. Ruby responded by stating her grandparents gave her the land. Then John asked if it’s not a financial hardship and Ruby responded the land was the easiest part, but the financial hardship is that if I had to move all this is a huge issue. John Merson then asked what’s to keep another family member from coming back and wanting to build on the lot next to the road. Deborah Luzier responded, saying they would have to do a Minor Subdivision Plat at that point. She then stated that if the legal drain wasn’t there, she would have guided them up front saying you needed to have your road frontage, but the legal drain throws some issues with what the best configuration would be on what they want to do with the property. Jay Schaumberg then stated he thinks the purpose of the flag lot Ordinance is to protect the adjacent property owners. Brent Henschen made a motion to approve 25CL-7V-088 with the conditions stated in the staff report. Jay Schaumberg seconded the motion. Motion carried 3-0.

3. 25WO-7M-091 Elizabeth Carpenter; Special Exception to allow a Minor Residential Subdivision in the Agricultural (AG) District

Continued to the next APC meeting to consider these buildable lots for the drainage outlet identified.

D. Reports, Resolutions, Communication & General Discussion

1. Director’s Announcements:

None at this time.

With no further business, Jay Schaumberg made a motion to adjourn at 7:37pm.
Brent Henschen seconded the motion. Motion carried 3-0.