

WHITELAND BOARD OF ZONING APPEALS
DECEMBER 4, 2014

RICHARD HILL CALLED THE MEETING TO ORDER AT 7:03PM
PLEDGE TO THE FLAG

PRESENT: RICHARD HILL, BYRON TEMPLE, JUANITA EMERY
OTHERS PRESENT: MICHELLE R. RICHARDS-CLERK/TREASURER, NATHAN BILGER-PLANNING AND
ZONING DIRECTOR, STEPHEN WATSON-TOWN ATTORNEY
ABSENT: LESLIE BEESON AND SCOT FORD

BYRON TEMPLE MADE THE MOTION TO APPROVE THE MINUTES FROM JULY 3, 2014. JUANITA EMERY
SECONDED THE MOTION AND PASSED 3-0.

NATHAN BILGER REVIEWED THE STAFF REPORT FOR 2014-V-02 DEVELOPMENT STANDARDS VARIANCE,
751 SOUTH SAWMILL. PROPOSAL IS TO PERMIT AN ALREADY CONSTRUCTED 8.5' X 24' ADDITION TO A
LEGAL NONCONFORMING DETACHED GARAGE IN THE SIDE YARD, APPROX. 1' FROM SIDE PROPERTY
LINE.

STAFF HAS NO RECOMMENDATION FOR APPROVAL OR DENIAL. IF APPROVED, STAFF RECOMMENDS
THE PETITIONER SHALL OBTAIN AN ACCESS AND MAINTENANCE EASEMENT ACROSS THE PROPERTY TO
THE SOUTH, WITH A WIDTH OF NO LESS THAN 9', LOCATED ADJACENT TO THE GARAGE ADDITION.

STEPHEN WATSON SWORE IN MEMBERS OF AUDIENCE WISHING TO SPEAK.
RICHARD HILL OPENED THE PUBLIC HEARING.

ROBERT RATLIFF, 751 S. SAWMILL ROAD FRANKLIN STATED HE FINISHED BUILDING THE ADDITION IN
AUGUST 2014 AND WAS UNAWARE OF THE PERMIT PROCESS UNTIL BROUGHT TO HIS ATTENTION BY
THE TOWN. IF THE VARIANCE HE IS SEEKING IS APPROVED HE WILL OBTAIN A BUILDING PERMIT. THE
PETITIONER TALKED WITH THE PROPERTY OWNER TO THE SOUTH AND THEY DO NOT HAVE A PROBLEM
WITH THE ADDITION.

ANDREW CARLSON, 761 S. SAWMILL ROAD, IS FOR THE ADDITION AND HAS NO PROBLEM WITH THE
SUGGESTED EASEMENT. HE DESCRIBED THE LONG TERM PLANS HE HAS DISCUSSED WITH HIS
NEIGHBOR.

RICHARD HILL CLOSED THE PUBLIC HEARING.

THE BOARD DISCUSSED THE CASE AND THE POSSIBILITY OF AN ACCESS EASEMENT CONDITION. THEY
REQUESTED STAFF TO REVISE THE SUGGESTED FINDINGS OF FACT FOR AN AFFIRMATIVE POSITION.

NATHAN READ THE REVISED FINDINGS OF FACT, WHICH ARE AS FOLLOWS:

QUESTION 1: APPROVAL OF THE VARIANCE WOULD NOT BE INJURIOUS TO THE PUBLIC HEALTH,
SAFETY, MORALS, OR GENERAL WELFARE OF THE COMMUNITY. GENERALLY, SIDE SETBACKS ARE
REQUIRED TO ENSURE ADEQUATE ACCESS WITHIN THE LOT FOR GENERAL CIRCULATION AND
MAINTENANCE OF BUILDINGS, TO PREVENT OVERCROWDING OF STRUCTURES ON ADJACENT LOTS, AND
TO PROVIDE ACCESS IN THE CASE OF FIRE OR OTHER EMERGENCY. THE REQUESTED GARAGE ADDITION
WOULD NOT GREATLY AFFECT CIRCULATION OF THE SUBJECT LOT; THE ENCROACHMENT COULD
REDUCE THE ACCESSIBILITY FOR MAINTENANCE AND IN CASE OF FIRE OR EMERGENCIES, PARTICULARLY
IF THE ADJACENT PROPERTY OWNER INSTALLS A FENCE OR LANDSCAPING NEAR OR ON THE PROPERTY

LINE. HOWEVER, IF AN EASEMENT WERE OBTAINED FROM THE ADJACENT LOT OWNER, ACCESSIBILITY WOULD NOT BE AN ISSUE.

QUESTION 2: THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY MAY NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER. THERE ARE SIMILAR ENCROACHMENTS ON LEGAL NONCONFORMING PROPERTIES ELSEWHERE IN TOWN THAT DO NOT AFFECT THE USE AND VALUE OF THEIR SURROUNDING AREAS. ALSO, THE ADJACENT PROPERTY OWNER STATED IN THE PUBLIC HEARING THAT IT WOULD NOT AFFECT THE USE AND VALUE OF HIS PROPERTY.

QUESTION 3: THERE ARE PRACTICAL DIFFICULTIES THAT ARISE FROM THE STRICT APPLICATION OF THE ZONING ORDINANCE REQUIREMENTS. IF THE GARAGE ADDITION WERE LOCATED IN A PERMISSIBLE LOCATION ON THE NORTH SIDE OF THE EXISTING GARAGE, ACCESS TO THE ADDITION WOULD BE IMPAIRED, AND IF LOCATED IN ANOTHER PERMISSIBLE LOCATION ON THE EAST SIDE, THE RESULTING EXTENDED DRIVEWAY AND STORAGE ARE WOULD HAVE A SIGNIFICANT AESTHETIC IMPACT. AFTER EACH FINDING OF FACT WAS READ, THE BOARD VOTED ON THE QUESTION. EACH QUESTION PASSED 3-0.

RICHARD HILL MADE THE MOTION TO APPROVE THE VARIANCE BASED ON THE FINDINGS OF FACTS WITH THESE CONDITIONS: WRITTEN EASEMENT TO BE RECORDED WITHIN 6 MONTHS OF THIS BZA MEETING FOR AN 11' WIDE ACCESS EASEMENT ON THE ADJACENT PROPERTY, THE FINAL TERMS OF WHICH WILL BE WORKED OUT WITH STAFF AND ATTORNEY, AND OBTAINING A BUILDING PERMIT AND PAYING REQUIRED PERMIT FEES. BYRON TEMPLE SECONDED THE MOTION AND PASSED 3-0.

NATHAN BILGER REVIEWED THE 2015 MEETING AND DEADLINE CALENDAR. HE NOTED THAT THE JANUARY MEETING DATE WILL BE MOVED TO THE SECOND THURSDAY DUE TO THE HOLIDAY.

NATHAN BILGER REMINDED THE BOARD THAT THE NEXT WORKSHOP FOR THE US 31 VISION WILL BE HELD DECEMBER 17, 2014 AT 7:00PM.

THE BOARD INQUIRED ABOUT THE STATUS OF SOME PROPERTIES. NATHAN BILGER DISCUSSED THE STATUS. HE STATED THAT HE HAD RECEIVED A CALL FROM A REALTOR INQUIRING ABOUT ZONING FOR THE "MR. D'S PROPERTY", BUT THE REALTOR DID NOT GO INTO ANY DETAILS.

THE MEETING ADJOURNED AT 8:17

PASSED BY THE TOWN OF WHITELAND BOARD OF ZONING APPEALS ON THIS _____ DAY OF _____, 2015.

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NAY

SCOT FORD

SCOT FORD

RICHARD HILL

RICHARD HILL

LESLIE BEESON

LESLIE BEESON

BYRON TEMPLE

BYRON TEMPLE

JUANITA EMERY

JUANITA EMERY

ATTEST:

MICHELLE R. RICHARDS, IAMC, CMC