

WHITELAND BOARD OF ZONING APPEALS

June 2, 2016

Richard Hill called the meeting to order a 7:01 pm

Pledge to the Flag

Roll Call:

- **Present:** Board members Byron Temple, Richard Hill, Leslie Beeson, Juanita Emery
- **Others Present:** Dan Cartwright-Community Development, Stephen Watson-Town Attorney, Debra Hendrickson-Clerk Treasurer, Julia Meece-Deputy Clerk Treasurer

Minutes from Last Meeting:

- Leslie Beeson made a motion to approve the minutes from February 4, 2016. Richard Hill seconded the motion.

Passed 4-0

Old Business:

- None

New Business:

- Public Hearing - Docket 16-V-01 David Stephens – Development Standards Variance
 - D. Cartwright presented variance request to board to legally establish a garage addition to the dwelling. Presented pictures of current home, how addition would be constructed on west side of the home, its relation to the neighbor's home and current utility locations. Petitioner is planning addition for west side of home instead of east side, where existing garage is located, due to location of current utilities on home and sidewalk. Home has the best kept landscaping in the neighborhood and staff feels that petitioner will make addition match current home nicely and maintain current level of upkeep. Addition would require a 2nd driveway that would meet the hard surface requirements of town ordinance of being concrete or brick pavers and would require removal of a tree. Home is currently zoned R2 and garage would be only 6ft from side property line instead of the 12ft currently required for this zoning of side yard. This build will have no effect on 2011 comprehensive plan or on the use of property, value of current home or other homes in the neighborhood.
 - Staff recommends approval of this variance request as long as petitioner complies with town's building codes, and 1) petitioner verifies with utilities that they are not affected, in writing, in easement, and 2) petitioner maintains drainage swale.
 - Public hearing opened to the public after being sworn in at 7:15 pm -
 - David Stephens (petitioner) provided a brief statement of residency history and that need for garage addition is to house a classic car. Addition will be in style of current home with roof pitch matched; there would not be an entrance into home from the addition. Utilities have been located and marked (pictures provided of this); and the utilities are fine with addition. He spoke with and got approval from neighbors on the street, including neighbor located directly beside the proposed addition area. He stated he has

looked at different options for this addition, including the back yard and east side of the home, but decided against them due to no room in back yard with current shed(s) & pool, and east side of the home having a potential issue with how the two different roof pitches on the current home would match up on the addition. He decided on the addition to be on the west die of the home and set back some from the front of the house

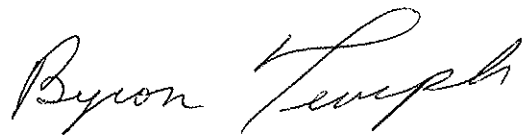
- Board questions and concerns about the proposed addition include -
 - Backyard changes and options instead of west side of home
 - Notice of public hearing being published within time frames, neighbors notified , and wording of publishing
 - Board is sure that homeowner would make it look nice visually, but has concern of board opening/setting a precedent from here forward of homes having two driveways, one on each side at the front of the home
 - Homeowner's knowledge of encroachment into easement would be at the owner's expense if public utilities should do any work in the future, wherever the final addition is located, if in an easement
 - Future drainage issues due to being in an easement
 - Consider to approve alternative variance request of variances on the front and east side of the home instead of only on the west side of the home, if homeowner would put the addition next to the current garage on east side of home and set forward 2ft ahead of the current garage to help with the roof pitch problem that would occur if it was build in-line with the current garage. This would also make an extension to the current driveway and remove the need of a 2nd driveway at the front of the home.
- Beacon website was also pulled up and viewed by board to look for alternatives to proposed variance of other locations for this addition.
- After board discussion of the above concerns, they concluded of need for petitioner to possibly amend today's variance request by providing alternative plans for a garage addition to be on the east side of the home with a variance request of 2ft in front of the home and a variance on the east side of the home into the easement. Petitioner will need to provide new prints, approval from utilities, and pictures to board for review.
- Leslie Beeson made a motion to continue the public hearing/variance request for the above amendment/alternative plan, until a special meeting can be held on/before June 16, 2016 at 7 pm. Richard Hill seconded the motion.

Passed 4-0

Reports & Recommendations:

- None

Meeting adjourned at 8:40 pm.



Richard Hill, President

Whiteland Board of Zoning Appeals

Byron Temple, vice President

WHITELAND BOARD OF ZONING APPEALS

June 15, 2016

Richard Hill called the meeting to order at 7:00 pm

Pledge to the Flag

Roll Call:

- **Present:** Board members Richard Hill, Leslie Beeson, Juanita Emery
- **Absent:** Board member Byron Temple
- **Others Present:** Dan Cartwright-Community Development, Stephen Watson-Town Attorney, Julia Meece-Deputy Clerk Treasurer

Old Business:

- Continuation of Public Hearing - Docket 16-V-01 David Stephens – Development Standards Variance
 - D. Cartwright presented information about meeting with D. Stephens about other options for the garage addition. Backyard would need pool moved. Looked at other side of the home, would be encroaching on side yard and front yard set back requirements. Would satisfy one driveway requirement, but would be a big issue with the roof and utilities to the home.
 - D. Stephens presented that building on the east side of the home would cause him more issues and financial cost. Talked with a builder about roof lines for building on east side. Provided some drawings of options for roof lines and placement of addition on east side. Wants a 20-22 ft total garage addition added. Wants to place addition forward on the east side to not block the window on the side of the home, this would put the addition 8 ft in front of the current garage, putting it 6 ft into the encroachment. Brought a drawing of the garage on the west side of the home also, as previously proposed, this is the one he prefers. Builder said it is doable on the east side of the home, but it would come at a substantial cost. Would run into issues accessing the back yard now and blending into current roof and home. The board previously had a concern of having two driveways, he found and provided pictures of homes in his current addition that have two driveways and some with two garages also, one on each side of the home. Also provided pictures of options for the driveway, it could be concrete, concrete pavers, perennial pavers (where grass can grow in between the pavers to make it look more like grass, but could support the weight of a vehicle), or no driveway at all, if not required.
 - Board questions and concerns about the proposed addition include -
 - Would changing the current garage roof to include the addition on the east side cause any other code issues?
 - D. Cartwright said it would not really. Code would require a hole between the old roof and new roof to allow firefighters access to the dead space.

- Slope of east side of the home supporting addition and access to back yard
- Able to put the garage door at the back of the home if built on the west side of the home?
 - Would not be able to access the back door due to the opening between the addition and the neighbor's home would not allow enough room to turn the car around.
- After board discussion the concern of two driveways and two garages on each side of the home is no longer an issue. The original proposal of the addition on the west side of the home with an encroachment into the side yard set back requirement and DUE easement. There are not any utilities currently in the easement on this side of the home. The original proposal and findings of fact were reviewed. Along with the requirement of preserving the value of the adjacent properties in granting the variance request.
- Leslie Beeson made a motion to approve the variance as presented subject to the staff recommendations with condition of the statement from the utilities be at the staff's satisfaction and approval. Richard Hill seconded the motion.

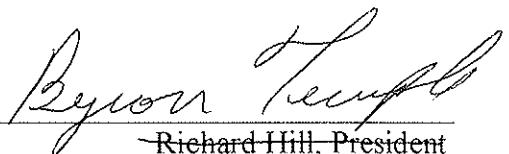
Passed 3-0

- Leslie Beeson made a motion to adopt the proposed Findings of Fact in the staff report for variance with the exception of the first sentence being delete that reads "The proposed addition would require a new driveway, thus making two driveways for the dwelling." Richard Hill seconded the motion.

Passed 3-0

*Record notes - the board understands that the Findings of Fact is the entire staff report with the one sentence stated above being deleted.

Meeting adjourned at 7:56 pm.



 Richard Hill, President
 Whiteland Board of Zoning Appeals
 Byron Temple, vice President

Passed by the Board of Zoning Appeals on this day 7th of July, 2016

Aye

Nay

Richard Hill

Leslie Beeson

Leslie Beeson

Juanita Emery

Juanita Emery

Byron Temple

Byron Temple

Richard Hill

Leslie Beeson

Juanita Emery

Byron Temple

Attest:

Julia Meece

Julia Meece