

WHITELAND BOARD OF ZONING & APPEALS

April 7, 2022

Board Members

Other Town Officials Present

Leslie Beeson, President

Melissa Fraser, Deputy Clerk
(Secretary)

X

Juanita Emery, Member

X

Jim Lowhorn, Town Manager

Gary Howard, Member

X

Carmen Parker, Community
Development Director

X

Byron Temple, Vice President

X

Stephen Watson, Town Attorney

X

Call to Order:

B. Temple called the meeting to order at 7:00 pm

Pledge to the Flag

Roll Call & Determination of Quorum:

- Absent – Leslie Beeson
- Quorum requirements reached

Approval of Minutes:

- G. Howard made a motion to approve the January 6, 2022, minutes as presented. B. Temple seconded the motion. **Passed 3 - 0**

Swearing in for Public Hearing:

- Completed by S. Watson at 7:02 pm

Communications/Reports of Committee:

- C. Parker stated need for new BZA Board member. Dan Csikos has submitted resignation.

Old Business:

- NA

New Business:

- Case 2022-V-01 – 58 Halldale Dr
 - Petitioner: Kevin & Joanna Babbitt
 - Request: Waiver to encroach building setback line along Mission Terrace
 - C. Parker
 - This is a corner lot, LOT 66. They are removing a rail type fence and replacing it with a chain link fence. They are pulling back farther away from sidewalk than it is now but will still be encroaching on setback line.

- A board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance.
- The board may impose reasonable conditions as a part of the board's approval. A variance may be approved under this section only upon a determination in writing that:
 - The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - **Petitioner's Statement:** We do not believe that this upgrade will cause a hazardous condition to our neighborhood
 - **Staff Report** - The encroachment into the front yard setback along Mission Terrace Dr shown on the petitioner's variance application will not be injurious to the public health, safety, morals, and general welfare of the community and will allow vehicles to adequately see oncoming traffic at the intersection.
 - The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - **Petitioner's Statement:** Because we are improving the aesthetics, will match our neighbor's fence, and keep a better distance with neighbors walking their dogs with our dogs inside the fence.
 - **Staff Report:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
 - **Petitioner's Statement:** Forty feet in butts up to our side of house (Whiteland inspectors marked the line) and it doesn't allow for even a gate to enter on that side. This will be a hardship for us to gain access from the side of the property.
 - **Staff Report:** The strict application of the zoning ordinance, will result in a practical difficulty in this case.
- Based on information collected the staff recommends approval of the petition based on the above findings of fact.
- Biggest concern was that original fence, placed by previous homeowner, was placed very close to sidewalk, and should've never been permitted. Current homeowner would like to pull fence back from sidewalk to ensure dog's safety.
- Homeowner believes fence will not be encroaching onto easement.
- S. Watson clarifying easement encroachment and placement to side and rear yard.
- B. Temple made a motion to approve variance Case 2022-V-01. G. Howard seconded motion including facts and findings. **Passed 3-0**

Other Business:

- NA

Adjournment:

- B. Temple made a motion to adjourn, G. Howard seconded. Meeting adjourned at 7:19 pm

Passed by the Board of Zoning and Appeals on this day 4th of August, 2022

Aye

Nay

Juanita C. Emery
Juanita Emery

Juanita Emery

Gary Howard
Gary Howard

Gary Howard

Byron Temple
Byron Temple, Vice President

Byron Temple, Vice President

Leslie Beeson, President

Leslie Beeson, President

Attest:

Melissa Fraser
Melissa Fraser, Deputy Clerk, Secretary
