

WHITELAND BOARD OF ZONING & APPEALS

October 6, 2022

Board Members

Kimberly Blackburn, Member	<u>X</u>
Alida Craig, Member	<u>X</u>
Juanita Emery, Member	<u>X</u>
Gary Howard, Member	<u>X</u>
Byron Temple, Vice President	<u>X</u>

Other Town Officials Present

Melissa Fraser, Deputy Clerk Secretary	<u>X</u>
Jim Lowhorn, Town Manager	<u> </u>
Carmen Young, Community Development Director	<u>X</u>
Stephen Watson, Town Attorney	<u>X</u>

Call to Order:

G. Howard called the meeting to order at 7:00 pm

Pledge to the Flag

Roll Call & Determination of Quorum:

- Quorum requirements reached

Approval of Minutes:

- G. Howard made a motion to approve the August 4, 2022, minutes as presented. J. Emery seconded the motion.
Passed 3 – 0

Swearing in of new members:

- S. Watson performed swearing in of Kimberly Blackburn and Alida Craig

Swearing in for Public Hearing:

- Completed by S. Watson at 7:13pm

Communications/Reports of Committee:

- NA

Old Business:

- NA

New Business:

- Case 2022-V-04 - Variance from Development Standards
 - Petitioner: Vince and Melissa Fraser
 - Request: The petitioner is requesting an encroachment of the side yard easement by 7ft in exceedance of rear yard percentage of accessory structure allowed to occupy rear yard.
 - C. Young – Staff Report - The property is located at 460 Parkway St, Lot 65 in Section 2 of the Maplecrest 3rd Subdivision. The property is zoned R-1.

- C. Young discusses Zoning review - The easement is to be 12ft from property line as the side yard easement and the maximum occupancy of the rear yard for an accessory building, that is detached from main building, is 20%. Included was visual on how rear yard occupancy percentage is calculated. In this case an accessory building that would be allowable is a building of 1207 sq ft and this proposed structure is 1800 sq ft. Encroachment on side yard is being requested at 5 ft from property line.
- The approval will not be injurious to the public health, safety, morals, and general welfare of the community; **Petitioner's Statement:** private garage on private property will fit in with surrounding builds and will not cause any adverse effects on surrounding areas or to the public.
- **Staff Findings:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community due to the fact that there are multiple homes in this neighborhood that has similar additions of accessory structures and garages that encroach the side yard easement and the maximum rear yard occupancy has been exceeded on most of these properties as well.
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. **Petitioner's Statement:** We are improving our property and increasing property value. It will afford us the opportunity to house things indoor, so things are not sitting out and cause an eyesore.
- **Staff Findings:** The use and value of the area adjacent to the property will not be affected in a substantially adverse manner due to other nearby properties having similar additional accessory structures similar to the proposed structure.
- The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. **Petitioner's Statement:** The hardship we would have to move the sewer line to avoid pouring the foundation on the sewer if the structure needed to be relocated within the rear yard.
- **Staff Findings:** The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because it would limit the property owner from being able to utilize the rear yard of their property without impacting their sanitary lateral.
- **STAFF'S RECOMMENDATION:** Staff recommends **approval** of the petition based on the above findings of fact.
- G. Howard – Is there a utility easement in that 5 ft? C. Young – in this area there are no easements identified in the plat. No utilities in that area.
- Petitioner: V. Fraser – I should be at least 10 ft from utility easement and 15 ft from where sewer line runs.
- V. Fraser – My dad recently passed and I have added to my car collection, 3 of his vehicles, and need to store them indoors. I am trying to stay out of the easements.
- Tereasa Reagan – 480 Parkway St. How tall is building going to be? V. Fraser – It will have 12ft walls but should remain same height as house. T. Reagan – concern is that once this is built, they will decide to go into business. G. Howard – Its not zoned for that, so they won't be able to. M. Fraser – We are never opening up another business again. V. Fraser – I do not want a business; I'm just trying to keep everything covered. T. Reagan – air flow – asked to see aerial. It gets hot back there and concerned about air flow in that back corner of yard.
- C. Young – another note - any accessory structures shouldn't be taller than main structure and that was asked.
- G. Howard asks about driveway going back there. V. Fraser – gravel drive right now. Potentially wants to pave.
- Public hearing closed at 7:23 pm.
- G. Howard makes motion to approve proposal. B. Temple seconded. **Passed 5-0**
- S. Watson stated that there needed to be a vote for Findings of Fact and recommend board adopt the petitioner finds of fact included in their detailed statement.
- G. Howard makes motion to adopt findings of fact as S. Watson recommended. B. Temple seconded the motion. **Passed 5-0**

Other Business:

- NA

Adjournment:

- B. Temple made a motion to adjourn, G. Howard seconded. Meeting adjourned at 7:25pm

Passed by the Board of Zoning and Appeals on this day 7th of Sept., ~~2022~~ 2023

Aye

Nay

Kimberly Blackburn
Kimberly Blackburn

Kimberly Blackburn

Derek Westfall
~~Alida Craig~~ Derek Westfall

~~Alida Craig~~ Derek Westfall

Juanita Emery
Juanita Emery

Juanita Emery

Gary Howard
Gary Howard

Gary Howard

Byron Temple
Byron Temple, Vice President

Byron Temple, Vice President

Attest:

Melissa Fraser
Melissa Fraser, Deputy Clerk, Secretary

