

**WHITELAND BOARD OF ZONING APPEALS**  
**December 03, 2020**

**Council members present**

Richard Hill, President	_____
Byron Temple, Vice President	X _____
Leslie Beeson, Member	X _____
Dan Csikos, Member	X _____
Juanita Emery, Member	X _____

**Other town officials present**

Ronda Cover, Deputy Clerk, Secretary	X _____
Carmen Parker, Community Development & Engagement Director	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:**

- Absent R. Hill

**Determination of Quorum:**

- Needed Quorum reached

**Approval of Minutes:**

- L. Beeson made a motion to approve the minutes from the September 5, 2019 as presented.  
B. Temple seconded the motion. **Passed 4-0**

**Swearing In:**

- Completed at 7:02 pm

**Old business:**

- None

**New business:**

- Case 2020-V-01: Variance – 56 Larimar Way
  - C. Parker presented case #2020-V-01: 56 Larimar Way seeking approval to permit construction of a fence within the front building setback line. The petitioner is requesting a variance from the development standards in order to place a 6' opaque vinyl privacy fence with the front building setback line. The property is located at 56 Larimar Way (Lot 111, Millstone Subdivision, Section 3). The property consists of 10,340 square feet at the southwest corner of Larimar Way and Mission Terrace Drive. The property is bordered by single family residential on all sides, with R1 zoning. When the petitioner asked for the variance, as staff, we are asked to address a couple of questions; to vary from the development standards the approval would not be injurious to the public health, safety, morals, and general welfare of the community and will allow vehicles to adequately see the oncoming traffic at the intersection. Another factor to consider is, the use and value of the area adjacent to the property included in the variance will not be affected. Staff feel this would not be affected in a substantially adverse manner. The last thing we are asked to consider is the strict application of the terms of the zoning ordinance, which will result in practical difficulties in the use of the property. We do feel that if they are not able to use some more of their yard, that it would make it more difficult for the homeowner to use their property, as they purchased it thinking that with a corner lot, they would have more yard

but if the yard cannot be utilized with a fence that this would be a practical difficulty for them. The staff does recommend approval of this petition.

- The board opened the floor for a public hearing.
  - Board had the following questions/comments/concerns and they were answered by C. Parker and Petitioner.
    - It is 6 foot tall?
      - It is a 6-foot vinyl opaque fence and HOA approval has already been received but due to the location and placement of the fence the homeowner was informed a variance would be required.
  - No public present besides petitioner
  - J. Emery made a motion to approve Case 2020-V-01: Variance 56 Larimar Way per staff recommendation and based on the findings of fact stated in the staff report. L. Beeson seconded the motion. **Passed 4-0**
- Case 2020-V-02: Variance – 61 Larimar Way
    - C. Parker presented case #2020-V-02: 61 Larimar Way seeking a variance from the development standards in order to place a 6-foot privacy fence within the front building setback line. This property is located at 61 Larimar Way, Lot 74 of the Millstone Subdivision. This is the same request as the petition we just heard from. The findings of fact are the same.
    - C. Parker did read the state requirements as follows; The development standards the approval would not be injurious to the public health, safety, morals, and general welfare of the community and will allow vehicles to adequately see the oncoming traffic at the intersection. The use and the value of the property adjacent to the property included in the variance will not be affected. Staff feel this would not be affected in a substantially adverse manner. The last thing we are to consider is the strict application of the terms of the zoning ordinance, which will result in practical difficulties in the use of the property. If the yard cannot be utilized with a fence that this would be a practical difficulty for them. The staff does recommend approval of this petition.
    - The board opened the floor for a public hearing.
    - Alex Macharia, the petitioner/homeowner was sworn in. Clarification was given to the board as to where the fence would be placed.
      - Board had no questions/comments/concerns regarding the petition.
  - No public present besides petitioner.
  - L. Beeson made a motion to approve Case 2020-V-02: Variance 61 Larimar Way per staff recommendation and based on the findings of fact stated in the staff report. J. Emery seconded the motion. **Passed 4-0**
- Case 2020-V-03 – Variance from Zoning Code, Johnson County Public Library, Clark Pleasant Branch
    - C. Parker presented case 2020-V03: Variance, Johnson County Public Library, Clark Pleasant branch. The petitioner is requesting a variance from the development standards requiring 100% masonry on the exterior of all buildings within a C-1 zoning. The property is located at the corner of US 31 and Clearwater Boulevard. The property consists of 7.5 acres with a planned structure of approximately 17,000 square feet. The property is bordered by single family residential North and East sides, empty lot zones C-1 to the south and US 31 to the west. This property is currently zoned C1. In the staff report there are a couple of visuals of what the library would look like with the proposed exterior materials. Visuals do show the materials being proposed for use. D. Weekes provided items specifically asked for an exterior material coverage with percentages so it can be seen what the percentage of each material being requested to be used that differs from masonry. The development standards for the approval

would not be injurious to the public health, safety, morals, or general welfare of the community. The staff does recommend approval of this petition.

- D. Weekes, spoke on behalf of Kevin Kennedy, the architect for the Johnson County Public Library. Computer renderings and information were presented to give visuals of the proposed plan. Materials to be included are glass, which is a very important part of the exterior façade. Similarly, having natural light on the inside of the building enhances the user experience of the varied interior spaces of the building. The exterior finishes will include glazing, mid-tone metal and fiber cement panels and a warmer wood like accent material that will combine to define a lively and inviting experience to this modern library building. As a library should be a beacon to the community, these materials were chosen to help offer a lively and welcoming presence from a distance and as it is approached from the parking lot. These materials have been chosen for their long lasting and low maintenance properties.
  - The board opened the floor for a public hearing.
  - Board had the following questions/comments/concerns regarding the petition.
    - L. Beeson asked about the maintenance properties of the materials that will be used. D. Weekes addressed the question and stated that the architect and engineer have chosen these materials partly due to their low maintenance and long sustainability.
    - Will the proposed building affect the surrounding properties value due to the type of materials to be used on the building? C. Parker stated the materials will allow for a more welcoming feeling to the public with the proposed designed, as opposed to concrete blocks and will potentially add value to the surrounding homes by having a modernized library to offer to the community.
- No public present besides petitioner.
- L. Beeson made a motion to approve Case 2020-V-03: Variance Johnson County Public Library Clark County Branch per staff recommendation and based on the findings of fact stated in the staff report. D. Csikos seconded the motion. **Passed 4-0**

L. Beeson made a motion to adjourn. B. Temple seconded. Meeting adjourned at 7:32 pm.

Passed by the Board of Zoning Appeals on this day 4th of March, 2021

Aye  
Leslie Beeson  
Leslie Beeson

Nay  
\_\_\_\_\_  
Leslie Beeson

\_\_\_\_\_  
Dan Csikos

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Dan Csikos

Juanita Emery  
Juanita Emery

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Juanita Emery

Byron Temple  
Byron Temple, Vice President

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Byron Temple, Vice President

Richard Hill  
Richard Hill, President

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Richard Hill, President

Attest: Jennifer Brooking  
Jennifer Brooking Deputy Clerk, Secretary