

Board of Zoning Appeals
City of Crawfordsville
January 18, 2017

The City of Crawfordsville Board of Zoning Appeals met in special session on Wednesday, January 18, 2017 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Don Swearingen, Phil Littell and Phil Wray. Commission member Don Gould was out of state and unable to attend the meeting. Others in attendance were: Brandy Allen, Director of Planning & Community Development; Darren Chadd, City Attorney of Taylor, Chadd, Minnette, Schneider & Clutter; and Megan Huckstep, Executive Assistant, Department of Planning & Community Development.

2016 President, Don Swearingen, called the meeting to order at 7:00 p.m. and the roll was called.

Mr. Swearingen requested nominations for 2017 officers. He informed the Board that he had decided that it was his time to step down from serving as President but had spoken with Don Gould who had agreed to serve as President if the Board chose him. Mr. Swearingen stated that he would agree to serving as Vice President in the Presidents absence. With that being said, Board member Phil Littell made a motion nominating Don Gould as President; Don Swearingen as Vice President and Phil Wray as Secretary for 2017. Don Swearingen seconded and closed nominations. Motion approved and officers approved accordingly 3-0.

Meeting minutes from November 14, 2016 were presented. Phil Wray made a motion to approve the minutes as presented. Don Swearingen seconded. Motion approved 3-0.

Mr. Swearingen then reviewed the rules and procedures for the meeting.

There were no items of old business to discuss; therefore the Board proceeded with new business.

1500 Delegates Row

Daniel and David Houston

DSV 0066

Brandy Allen presented petition DSV 0066 submitted by Daniel and David Houston who were requesting a development standard variance from the setback requirements established by the City Zoning Ordinance for the sale of existing duplex units as single-family attached dwelling units in the 1500 block of Delegates Row, Constitution Row and Martha's Court. Ms. Allen explained that the property was currently used for rental duplex units and was currently zoned B-3, business with B-3, business zoning surrounding the property as well. She explained that the duplexes were built as independent living rental and have been rented out since that time. She stated that the original discussion in 1983 show that the property was intended to be zoned B-3 PUD; however the original rezoning ordinance only rezoned the property to B-3, not to a PUD or Planned Unit Development. Ms. Allen explained that the Petitioners were requesting a variance from the setback requirements of the ordinance. She identified that there were currently twelve (12) duplex units being rented out at independent living apartments. She reported that the Petitioners would like to convert the units to single family attached dwelling units as they are vacated. Ms. Allen explained that in order to sell the properties, the Petitioners needed a variance since two units would share a common wall; therefore would not be able to meet the setback requirements of the ordinance. Ms. Allen reviewed the area traffic patterns and transportation system. She reported that the property was accessed from Constitution Row off of 100 West. She explained that approving a setback variance would not change traffic or transportation in the neighborhood. She was not aware of any environmental issues and did not foresee any fire, police or emergency preparedness issues. Again, Ms. Allen reiterated that the property had operated as residential rental property since the time it was constructed. She stated that the use would not change and that it was her understanding no new units would be added at this time. Ms. Allen informed the Board that the Property Owners were also seeking a rezoning request because they would like to sell the units as single family attached dwelling units rather

than rentals, and she explained that single family dwellings were not permitted by right in the existing B-3 zoning district. Again, she explained that the changes would happen gradually as the existing rental units were vacated.

The findings of fact for a development standard variance were reviewed as follows:

- ***The approval will not be injurious to the public health, safety, morals, and general welfare of the community.***
No, this approval will not be injurious to the public health, safety, morals, or general welfare of the community. There will be no visible change to the neighborhood when these units change from rental units to single family attached units.
- ***The need for the variance was not self-created.***
The need for the variance was not self-created. The units were constructed in this manner originally.
- ***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 use and value of the area will not be affected in a substantially adverse manner. There is a market for single family attached dwellings in Crawfordsville, and this change could increase the value of the property.
- ***The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.***
Yes, strict application will result in the properties being classified as non-conforming uses. A non-conforming use often creates issues with financing entities and could create issues if there are any changes to the units in the future. If the property is rezoned, that removes a burden from the financing process and allows these units to be sold individually.

Based on the findings of fact, Planning Director Brandy Allen reported that Staff recommended approval of the development standard variance from the setback requirements of the Crawfordsville Zoning Ordinance.

Richard Stoney McGaughey, Attorney, came forward representing Daniel and David Houston. Questions arose among the Board. Phil Littell questioned who would own the land. Mr. McGaughey explained that each individual unit would be sold and would include the structure and land underneath it.

No one came forward in favor or opposition of the request.

Phil Littell moved to approve the setback variance conditional on the zoning approval. Phil Wray seconded. Motion approved 3-0.

With no further business, the meeting adjourned at 7:16 p.m.

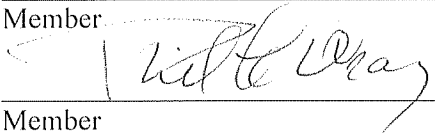
Minutes Approved: 2/15/17

President

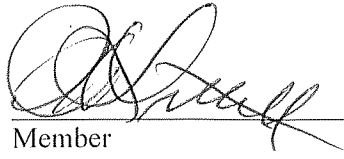


Member

Member

A handwritten signature in cursive script, appearing to read "Walter Gray", is written over a horizontal line.

Member

A handwritten signature in cursive script is written over a horizontal line. The signature is highly stylized and difficult to decipher.

Member