

Board of Zoning Appeals
City of Crawfordsville
February 15, 2017

The City of Crawfordsville Board of Zoning Appeals met on Wednesday, February 15, 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.

In the absence of President Don Gould, Vice-President, Don Swearingen, called the meeting to order at 7:00 p.m. and the roll was called.

Meeting minutes from January 18, 2017 were presented. Phil Wray made a motion to approve the minutes as presented. Phil Littell 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.

604 E. Jefferson St. John Roger Johnson on behalf of Megan Gayer DSV 0064

Brandy Allen presented petition DSV 0064 submitted by John Johnson on behalf of Megan Gayer who were requesting a development standard variance from the setback requirements established by the City Zoning Ordinance for the construction of a handicapped ramp at 604 E. Jefferson Street. Ms. Allen explained that the property was currently used as a single family residence, zoned R-2, residential with R-2, residential zoning surrounding the property as well. Ms. Allen explained that the Planning Department received a permit application for a handicapped ramp on November 7, 2016. The property owner has a medical issue that will require construction of a ramp. After reviewing the plans, it was determined that this structure did not meet the setback requirements of the Crawfordsville Zoning Code. The home does not have off-street parking, so the front entrance is the only feasible location for a ramp. Ms. Allen stated that approving this setback variance would not affect pedestrian or vehicular traffic in the neighborhood. She was not aware of any environmental issues and did not foresee any fire, police or emergency preparedness issues.

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, the approval will not be injurious to the public health, safety, morals, or general welfare of the community.
- ***The need for the variance was not self-created.***
The need for the variance was not self-created. Property owner needs a ramp due to a medical condition. The ramp can only be constructed at the front door. Indiana Code determines the appropriate dimensions for handicapped ramp construction, which requires the construction at this location to encroach upon the setback.
- ***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 adjacent to the property will not be affected in a substantially adverse manner from the construction of the handicapped ramp.

- ***The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.***

Yes, due to medical issues the property owner requires a ramp for use of her property. If the variance is not granted and the ramp is removed, the property owner may be forced to relocate.

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.

John Roger Johnson, representing Harvest Fellowship Church, stated that Ms. Gayer was his sister in Christ, and the church wanted to construct a handicapped ramp for Ms. Gayer. He stated that Ms. Gayer had been diagnosed with MS and required the use of a walker. Phil Littell asked if the ramp that was currently on the property would be what would remain. Mr. Johnson stated that the church put up a temporary ramp, but they would go back and make it more permanent if given the approval, but it will not be substantially different.

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

Mr. Swearingen stated that 11 notices were sent, and 10 receipts were received. It was noted that there was no correspondence on this petition.

Phil Littell moved to approve the setback variance as presented. Phil Wray seconded. Motion approved 3-0.

658 W. 83 N.

Kim and Julie Yager

DSV 0067

Brandy Allen presented petition DSV 0067 submitted by Kim and Julie Yager requesting a development standard variance from the minimum lot size requirements established by the City Zoning Ordinance for the construction of a single family residence with a septic system. Ms. Allen explained that this property houses Sugar Creek Campground, as well as two existing homes. The Petitioner would like to construct a new home on the property to replace a manufactured home, and has divided a lot from the larger parcel in order to meet the current code requirement of having one dwelling per lot. However, the transfer has created a lot that will not meet the minimum lot size standards for a home on septic. The county health department typically recommends the property be no less than one acre to allow adequate space for a well and septic system. However, the health department has approved a septic system on an adjacent property, and therefore an acre is not necessary for this construction. Ms. Allen stated that the property is accessed from a private drive off of 83 North. An easement has been provided from the Sugar Creek Campground to access the site. No transportation issues are anticipated. There are also no environmental, or fire, police, or emergency issues anticipated. Ms. Allen explained that the 1 acre minimum requirement for lots with septic systems was added to the ordinance based solely on county health department recommendations for the space typically needed to safely construct a well and septic, however the health department has been in discussion with the Petitioner about approving an off-site location for the septic system. As long as an easement is granted, the health department has no concerns with allowing the system to be constructed on an adjacent parcel. The Petitioner does not need approval to divide the lot; however the Board would need to approve a variance from the lot and yard requirements to allow this lot to be an approved buildable lot.

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.

- ***The need for the variance was not self-created.***

The need for the variance was not self-created. The property has had a residence at this site for many years, however the site was never an individual lot. While the dwelling was able to remain as a legal non-conforming use, when the manufactured home is removed and a new home constructed, the site must come into compliance. The Petitioner does not believe they have a workable option for creating a one acre lot.

- ***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. The property currently houses a manufactured home. The use and value of the area will be improved with construction of a stick built single family dwelling.

- ***The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.***

Yes, if the lot is not approved for less than the minimum size, the proposed home cannot be constructed.

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

Kim Yager, Sugar Creek Campground, came forward representing the request. Mr. Yager stated that he had nothing to add. Phil Littell asked for clarification on the location of the septic system. Mr. Yager explained the details of the presby system that would be required for the site due to past landfill areas and Duke Energy power lines. It was stated that the property is in the process of receiving septic approval for the site. Mr. Littell also inquired about the water source for the property. Mr. Yager indicated that a well house would be shared, as it has been in the past.

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

Mr. Swearingen stated that 6 notices were sent, and 5 receipts were received. It was noted that there was no correspondence on this petition.

Phil Littell moved to approve the variance from the minimum lot size on the condition that septic approval is obtained from the Montgomery County Health Department. Phil Wray seconded. Motion approved 3-0.

Brandy Allen shared that the Planning Department is working through enforcement on car sales at 1304 Grant Avenue. Also, the Department is in contact with the tire shop at 1000 E. Market St. based on violations of improper accessory uses on the property for storage. An inquiry was made about nuisances at a property on Englewood Drive, and Ms. Allen informed them that property was being regulated by the Code Enforcement Department.

With no further business, the meeting adjourned at 7:27 p.m.

Minutes Approved: 03.15.17

Da Jankel
President

William
Member

J.R. Swedy
Member

Member

Member