

Board of Zoning Appeals
City of Crawfordsville
July 19, 2017

The City of Crawfordsville Board of Zoning Appeals met on Wednesday, July 19, 2017 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Don Swearingen, Don Gould and Phil Littell. Others in attendance were: Brandy Allen, Director of Planning & Community Development; and Darren Chadd, City Attorney of Taylor, Chadd, Minnette, Schneider & Clutter.

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

Meeting minutes from June 21, 2017 were presented. Don Swearingen made a motion to approve the minutes as presented. Seconded by Phil Littell. Motion approved 4-0.

Don Gould reviewed the rules of procedure.

2851 S State Road 47

Nathan and Julie Slavens

UV 0052

Under items of new business, Planning Director Brandy Allen provided a staff report for petition UV 0052 submitted by Nathan and Julie Slavens who were requesting a use variance from the schedule of special uses established by the City Zoning Ordinance to allow up to four (4) cabin rentals in an A-R, agricultural-residential zoning district at 2851 South State Road 47, Crawfordsville, Indiana. Ms. Allen reported that the Board approved a use variance in 2013 for the Slavens' to operate a banquet facility at 2865 South State Road 47, which is on the same property as their home addressed as 2851 South State Road 47. Ms. Allen noted that the facility opened in 2016 and had been very successful. She explained that the property was located on State Highway 47 South, which was heavily travelled. She reported that property owners had worked with INDOT to create an approved entrance and exit for the amount of traffic generated by the facility. She explained that the cabins would not necessarily increase the amount of traffic using the facility since they would most likely be rented by guests that would already be at the property for an event. Ms. Allen informed the Board that the petitioners would be required to seek approval from the Montgomery County Health Department for septic system approval for each cabin. She noted that state approval may also be required since the systems would be considered commercial uses. There was no known fire, police or emergency concerns addressed. Due to the success of the banquet facility, Ms. Allen reminded the Board that the request was to construct up to four cabins for rental in conjunction with the banquet facility. She provided specifications for the cabins which included, approximately 900 square feet each, to sleep six people. Ms. Allen stated that the cabins would most likely house families renting the lodge for the weekend; however since the cabins were not part of the original request, it was necessary for the Board to consider and take action on the additional use variance request. Ms. Allen noted that not all of the cabins would be built immediately, but the request was four cabins over time. Ms. Allen stated that a violation on the property was recently discovered. She explained that a permit was issued for a swimming pool on the Slavens' residential property in 2014. When the lodge was construction it was noted that the swimming pool did not meet the ordinance because there was no fence or automatic locking cover as required by the ordinance. Ms. Allen explained that the Slavens' discussed several options for fencing and variance from the code, but installed a fence prior to the certificate of occupancy being issued for the lodge, due to safety of the guests. Ms. Allen reported that it had recently been discovered that the fence had been removed and had been reported that lodge guests have been found in the pool on at least one occasion. She stated that staff requested the pool violation be addressed so that the ordinance can be met for the safety of the lodge and overnight guests. She also noted that it had been determined by the Montgomery County Health Department that if lodge guests are in the swimming pool, it was required to be a certified swimming pool and the necessary

process would have to be completed to get the certification. Ms. Allen reviewed the finding of fact as follows:

Whether the approval will not be injurious to the public health, safety, morals, and general welfare of the community?

The approval of this variance will not necessarily be injurious to the public health, safety, morals, or general welfare of the community. However, staff does have concerns about the pool on the property. Staff would recommend the pool violations be resolved prior to construction of cabins on the property.

Whether the use and value of the area adjacent to the property included in the use variance will not be affected in a substantially adverse manner?

The property is large enough that the petitioner should be able to construct these cabins without much impact on the surrounding properties. Since the property is already being used for commercial purposes, there will likely be no additional impact on the use or value of adjacent property.

Whether the need for the use variance arises from some condition peculiar to the property involved?

No, the need for this variance does not arise from any condition peculiar to the property involved. The Petitioner has an opportunity to expand the banquet facility business by allowing customers to stay on the property overnight.

Whether the need for the variance was not self-created?

The need for this variance could be considered self-created, because the property owner desires to expand their business to allow overnight rentals. The continued operation of the lodge does not require this variance. The addition of these cabins would be an added convenience for customers at Stone Creek Lodge, but the need could be considered self-created.

Whether the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought?

The strict application of the terms of the zoning ordinance would not constitute an unnecessary hardship if applied to the property. The property could still be used as a banquet facility without the rental cabins.

Whether the approval does not interfere substantially with the Comprehensive Plan?

The current comprehensive plan is being updated at this time, but the 2-mile is not currently represented.

Based on the findings of fact, Ms. Allen stated that staff recommended denial of the use variance. She explained that if the Board was inclined to consider approval of the variance request, staff recommended the following conditions:

- 1) The cabins should be appropriately screened from neighboring property owners to create minimal impact on surrounding properties.
- 2) The swimming pool issue should be addressed to bring the pool into compliance or seek a variance with the State of Indiana.

With there being no questions or concerns for Planning Director Brandy Allen, Board President Don Gould asked the petitioners to come forward. Nathan and Julie Slavens came forward representing the petition. Mr. Slavens stated that their intent would be to construct two cabins with the remaining two following in one to two years after it is determined if the first two do well. He stated that his intent was to construct the two cabins near the swimming pool first. Mr. Slavens stated that he considered the pool a water feature rather than a pool. Mrs. Slavens stated that she had submitted a variance request to the State but she would need to follow up on the status, because she had not received any communication. In addition, Mrs. Slavens informed the Board that a police officer was always present when alcohol was

served. She informed the Board that the pool was only three feet deep. She also explained that she had no desire to have people in her personal family pool. Mrs. Slavens informed the Board that there would be policies and procedures in place for the cabin rentals and they would be strictly enforced.

With no further questions or concerns among the Board for the Petitioners, the meeting was opened to public comment.

Sheridan Hadley, 2751 S State Road 47, came forward. Mrs. Hadley stated that she and her husband David Hadley believed for the good of community, there had to be economic opportunities for individuals as well as the protection of property rights. She stated how much she loved the Slavens' family. She explained that they had built and maintained a beautiful facility and feel that the venue has complied with the conditions that were included with the original variance request. Mrs. Hadley stated that the proposed request does change the original intent. She explained how she wanted to keep the country environment and not develop a commercial setting. Mrs. Hadley addressed concerns regarding lighting and noise. She questioned whether there would be security and enforcement. Mrs. Hadley also questioned whether the holding of firearms would be permitted. She stated that she was opposed to hunters using the cabins. Mrs. Hadley questioned if the innkeepers tax would be applicable to the cabin rentals. She recommended that the number of cabins be limited and that the location of the cabins have minimal impact on the neighboring properties.

Sandy Booker, 2755, S State Road 47, came forward and stated that she would prefer that the cabins not be approved and built. She stated that currently most all activities happened within the lodge with the exception of a few wedding ceremonies. Mrs. Booker stated that the cabins would be visually seen from her property and any activity at the cabins would be happening right beside her property. She stated that she was happy to know that the cabins would only be used for people using the lodge but had concerns with the cabins only 150 feet from her home. Mrs. Booker suggested that the location of the cabins be relocated on the other side of the lane if the Board approved the request. Mrs. Booker confirmed for the Board that she would rather the cabins not be approved and constructed; however if they were approved she hoped that the number of cabins would be limited and that the location could be reconsidered.

Julie Slavens came forward to address some of the concerns. Ms. Slavens informed the Board that they would be required to pay an innkeepers tax if the cabins were constructed. She explained that they had actually been paying the tax for approximately a year and then found out that they were not required to pay it with the facilities they had thus far so they have sense quit paying but would pay if and when the cabins were built. Ms. Slavens said that her husband does like to hunt and is particular but they would not be renting the cabins to hunters. In regards to lighting, Mr. and Mrs. Slavens stated that there would not be any type of security lighting but expected lighting similar to a home for the cabins. Discussion arose regarding the location of the cabins. Mr. Slavens explained how he picked the locations around the hills and valleys on the property as well as to meet the specifications for existing and future wells and septic systems.

With no further discussion, the meeting was closed to public comment. Discussion arose among the Board. Phil Wray explained that his inclination was to approve only two of the four requested cabins and stated that the pool violation had to be corrected. Phil Littell stated the did not have a problem with approving all four cabins but stated that he felt that the cabin rentals should be restricted to rentals in conjunction with the lodge only rather than independent cabin rentals. Discussion continued. Phil Littell made a motion to approve the use variance for two cabins to be built on the front of the property with the option of two more being built across the creek on the back side of the property with the restriction that the cabins must be rented with the lodge only, not independently and the swimming pool issue must be resolved with the State. Phil Wray seconded. Motion approved 4-0. The findings were signed by the Board.

With no further business, the meeting adjourned at 7:53 p.m.

Minutes Approved: 09.20.17

President

Dr. R. Swanson
Member

Member

Member

W. O. Obeday
[Signature]