

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 purchased vacant property, some of which was already developed as duplex units. The owner would like to develop the remaining property as duplexes as well.

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

The need for this variance could be considered self-created, however many properties in this neighborhood are used for two-family and multi-family dwellings.

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?

Based on the limited information available with the application, staff does not feel that the Petitioner meets this finding, and 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 developed as single family dwelling units. However, the Petitioner may submit additional information at the hearing that would show a hardship.

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

No, the new Comprehensive Plan lists the area as residential neighborhood.

Based on the finding so fact as well as limited information concerning the proposed development, staff recommended denial of the petition.

Aaron Wall, representing LCD Investments came forward. Mr. Wall provided a brief personal background to the Board noting that he had been involved with property management and rentals since 2008. He explained that he had investors who wanted to invest in the community. He explained that the units would be intended for retired couples or singles. They would be constructed low to the ground and meet ADA specifications.

Phil Littell questioned why staff recommended denial. Ms. Allen explained that the all of the findings had to be answered in order for her to recommend approval. Based on Mr. Wall's narrative, she explained that the Board may be able to approve the request as long as they have all of the necessary information.

The meeting was opened to public input.

Matt Ford, 1425 S. Meridian Street, came forward. Mr. Ford expressed concerns regarding the additional traffic as well as the parking plans. He explained that Meridian Street was narrow. He questioned if parking would be similar to John Street. If so, he expressed concern with cars backing into his yard. In addition, Mr. Ford stated that he had had a water line rupture three times and expressed concern with the existing lines being adequate for the additional usage if the development was approved. Mr. Ford stated that if the variance was granted and the development approved he would likely be selling his property.

Mr. Wall came forward to address the concerns. He stated that part of the ongoing plan would be to present a parking plan and that he would consider Mr. Ford's concerns. It was noted that two parking spaces per unit were required and that the Technical Advisory Committee would review the parking plan as well as all other design specifications in addition to drainage.

It was noted that seventeen letters were mailed certified and that sixteen return receipts had been received. No written correspondence was received prior to the hearing. Phil Littell made a motion to approve the use variance as presented. Don Swearingen seconded. He emphasized that construction specifications

and drainage approvals were still required. With no further discussion, the use variance was approved 3-0.

609 S Grace Avenue

Jeff Servies

DSV 0075

Ms. Allen presented the second petition DSV 0075, submitted by Jeff Servies requesting a development standard variance from the fence and wall standards of the Crawfordsville Zoning Ordinance. Ms. Allen reported that the property at 609 South Grace Avenue was zoned R-2, residential and that Mr. Servies recently converted the existing structure from a tanning salon to a single family residential dwelling. She explained that Mr. Servies was requesting a variance in order to construct a six foot six inch vinyl, privacy fence along the north and south property lines due to privacy concerns on his property. She noted that the property was located along Grace Avenue and that no traffic or transportation issues were anticipated. Ms. Allen informed the Board that the fire department had requested that Mr. Servies set the fence back in order to maintain adequate access for a fire escape route on the north side of the adjoining apartment complex. Ms. Allen explained that the apartment complex was existing and did not meet current setback requirements; therefore it was considered legal, non-conforming. She reported that the Petitioner's home was constructed well behind the front yard setback line; therefore, for this reason, the petitioner has essentially no backyard to fence. She emphasized that the Petitioner was requesting the privacy fence to provide privacy from the neighboring apartment complex as well as from the neighboring property to the north. She explained that the fence would not be in violation along the front property line and if a fence was constructed along the east property line, it would be constructed to meet the ordinance. Ms. Allen reviewed the findings of fact as follows:

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 be injurious to the public health, safety, morals, and general welfare of the community, as long as proper exiting from the apartment complex is maintained.

The need for the variance was not self-created.

The need for the variance is not self-created. The Petitioner remodeled an existing structure that was built toward the back of the property. Because the neighboring property was constructed along the property lines, there is a need for a privacy fence in the front yard, rather than the back yard. Had the Petitioner's property been constructed along the same setback as the apartment, or the apartment been constructed to meet the ordinance, there would not be a need for a privacy fence in the front yard.

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 would not necessarily be affected in a substantially adverse manner. The abandoned building has been recently remodeled, and likely improved the value in the area. The privacy fence would be completed in the same manner.

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

No, the strict application of the terms of this chapter would still allow the existing building to be reused as a residential property, however the property owner has had issues with privacy at this property.

Based on the findings of fact, Ms. Allen stated that staff recommended approval of the variance with the condition that the fence construction satisfies the Fire Department's requirements for fire exit clearance on the apartment complex.

Petitioner Jeff Servies came forward to provide additional information regarding his request. He explained that his intent was to have the fence 48 foot long between his property and the apartment

complex. He stated that the fence would only go to the front of the neighbors house on the North side to offer privacy for both residents. He reported that the front of the house to the north faced his front yard so the fence would provide a privacy barrier. He even noted that the property owner offered to pay half the cost of the fence; which Mr. Servies indicted was not necessary. Question arose regarding the existing wire fence in the back of Mr. Servies property. Mr. Servies stated that he had had his property surveyed and the alley was on his property but the fence was to keep animals as well as vehicles out of his yard and garden. Mr. Servies proceeded to comment on the Fire Department's concerns. He stated that he was aware of ADA specifications and provided details. He informed the Board that he would like to have the approval without conditions. He questioned why he should have to suffer because the neighboring property was non-conforming.

It was noted that twelve letters were mailed certified and that eleven return receipts had been received. No written communication had been received prior to the meeting. Phil Littell made a motion to approve the variance request as presented for a vinyl privacy fence on the north and south property lines at 609 South Grace Avenue. Phil Wray seconded. Motion approved 3-0.

408 E South Boulevard

John and Rosetta Keller

UV 0054

Ms. Allen presented petition UV 0054 submitted by John and Rosetta Keller who were requesting a use variance to operate a hair and nail salon in a R-1, residential zoning district at 408 East South Boulevard. Ms. Allen reported that the property had most recently been used as a single family residential home. The properties to the east, west and north were also classified R-1, residential; however it was noted that there were multiple commercial uses west of the property being discussed. Ms. Allen noted that all the property to the south was zoned B-3, business and had many commercial uses. She explained that the property was located along South Boulevard, which was a busy street on the edge of a commercial area. Ms. Allen stated that she was unaware of any environmental, fire, police or emergency issues. She explained that the area was already in a busy commercial corridor, so the additional business would not likely create a huge impact. However, Ms. Allen indicated that the addition of parking in the front as well as rear of the property may impact surrounding properties. Ms. Allen explained that the City Zoning Ordinance required screening between commercial uses and residential uses that are not setback 40 feet from the property line for any new construction. She also noted that there would likely be a significant drainage impact with additional impervious surface in the front and rear of the property for parking. She explained that adding a significant amount of impervious area would likely require drainage work, which would have to be reviewed and approved by the City Engineer. It was noted that seven parking spaces were required by ordinance, and the Petitioner's plan showed eleven. The findings of fact were reviewed as follows:

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

No, this area is already a commercial corridor and will not be injurious to the public health, safety, morals, or general welfare of the community.

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 use and value of the area adjacent to the property could be affected in a substantially adverse manner. While a hair and nail salon is not an intense use, the addition of so many parking spaces may create drainage and screening issues that need to be addressed appropriately.

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.

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

The need for this variance could be considered self-created, because there is nothing about this property that would stop it from continuing to be used as a residential home.

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.

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

The Comprehensive Plan shows this area as residential.

Based on the findings of fact, Ms. Allen reported that staff recommended denial of the use variance; however she stated that if the Board was inclined to consider approval of the variance request, the following conditions were recommended: 1. The parking area should be approved by the Stormwater Dept. and City Engineer; and 2. The property should be adequately screened to the east side to minimize the impact on neighboring residential properties.

Petitioners John and Rosetta Keller came forward to address the Board. Mr. Keller informed the Board that he had previously talked to Gary Weliver regarding Storm Water. He indicated that there was one low area of concern and the parking improvements should take care of the issues. Ms. Keller also noted that they had talked with the neighboring property owner, Dr. Russell who had not indicated any issues. Mr. Keller confirmed their plan would be to have parking in the front as well in the back of the property and the plan was to have asphalt parking. He reported that the ordinance required one space for every 200 square feet. It was noted that there would be approximately four employees. Mr. Keller stated that the structure would be used for business only; no one would live in the structure. He indicated his intent was to remove the existing 12' x 12' storage building.

Discussion arose regarding the comment letter submitted by Dr. Russell. It was noted that eight letters were mailed certified and that eight return receipts had been received.

Phil Littell moved to approve the request. Phil Wray seconded. Discussion arose. Phil Wray then withdrew his second and Phil Littell withdrew his motion. Phil Littell then made a motion to approve the use variance with the following conditions: 1. The parking area should be approved by the Stormwater Department and City Engineer; 2. The property should be adequately screened on the east side to minimize the impact on neighboring residential properties; and 3. The sign must meet the requirements of the Zoning Ordinance for a sign in a business zoning district. Phil Wray seconded. Motion approved 3-0.

Under miscellaneous items, Brandy Allen reported that the Comprehensive Plan was adopted by the City Council and would be recorded. She also informed the Board that she had money in her 2018 budget allotted for the revision of the Zoning Ordinance and asked for the Board to begin noting their thoughts and concerns regarding the existing ordinance.

With there being no further business, the meeting adjourned at 7:50 p.m.

Minutes Approved: 10/18/17
Dave [Signature]
President
Phil [Signature]
Member

[Signature]
Member
[Signature]
Member