

BZA MINUTES

APRIL 20, 2021

Members present: Jon Peacock, Drew Cleveland, Bryn Albertson, Don Calhoun, Bill Davis, Jason Hawley

Absent: Jim Hufford

Legal Representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Jamie Meadows, Paul Faddis, Keri Scudder, Ed Thornburg

Chairman Hawley: Good evening, ladies and gentlemen, it's now 7 O'clock, this April 20, 2021 and I would like to call this meeting of the BZA to order. Has everybody had a chance to go over the minutes for January 19, 2021?

D. Calhoun: On the members present, Myron Cougill was not here, but Drew Cleveland was.

D. Johnting: Oh, ok, I will fix that.

Chairman Hawley: So, other than that amendment, do I have a motion to accept the minutes as presented?

B. Davis: So moved.

J. Peacock: Second.

Chairman Hawley: All those in favor to accept the minutes as presented say aye. All those opposed? Looks like we are moving to BZA2021-5-V, application for a sign company? Do I have anybody here that would like to speak on behalf of this petition? It's to replace an existing electrical sign for an electronic animated sign it looks like. At the Union School Corporation. Would you like to come up and state your name and address for the record please?

BZA2021-5-V, Union School Corporation

K. Scudder: Keri Scudder, Green Sign Company, and we are at 1045 East Freeland Road, in Greensburg, IN.

Chairman Hawley: This one seemed pretty straight forward to me.

K. Scudder: Yes, we are just upgrading the sign for the Union School Corporation.

Chairman Hawley: The rendering looks nice.

K. Scudder: Thank you.

Chairman Hawley: Is there any questions?

R. Abel: So, it is a part of your plan here that there won't be any crazy colors, or flashing animation type stuff, it's just for basic word messaging that changes?

K. Scudder: Correct, the software that comes with it is not necessarily animated, but it will have moving graphics like the waving flag and so on. But it will have auto dim, it's the American Brand so it's not going to be really be way bright at night, it dims itself to about 70% of what it is during the day. So, it does it automatically. So at night or on a foggy or cloudy day it will auto dim.

R. Abel: That was our concern was that we've seen signs like that, that are so bright at night they are really quite distracting. And on the highway that's pretty distracting. And we have even had issues in town where the auto dim went out—is there a way to override that if you have a failure?

K. Scudder: Yes, absolutely. Everything is wireless with these signs, it's built right into it. I can be in Greensburg and remote right into it, and dim it myself.

Chairman Hawley: Ok, if there's no other questions, thank you very much. Is there anyone here who would like to speak against the proposal? I see no one, so it looks like we have a motion to approve the variance on the table. Call for a vote?

D. Johnting: Jason Hawley, yes, Bill Davis, yes, Bryn Albertson, yes, Jon Peacock, yes, Drew Cleveland, yes, Don Calhoun, yes. Motion approved.

BZA2021-6-V, Jamie Meadows

Chairman Hawley: Congratulations. Alright, looks like next on the agenda is BZA2021-6-V, Jamie Meadows and JPF Holding. Who would like to speak on behalf of the project? Please state your name and address for the record?

J. Meadows: Sure, it's Jamie Meadows, 4601 W State Road 32, Winchester.

Chairman Hawley: Ok, and what exactly are you looking to do?

J. Meadows: So we have two parcels, this is Paul Faddis, he is with JPF holdings. Paul owns the parcel located at 401 W Washington Street, which includes right now a garage is the only building on the south end of that property. Here's 403, sorry, and my property is 405 W Washington, currently there is a two story house on that, and it's been vacant for about five years. The home that I have needs to be torn down. I originally purchased it with the intent to remodel that house. When we got into to it, tearing out most of the interior, it was just eaten up with termites, which is the reason we found out later the house next door had been torn down. So, rather than try to completely rebuild the structural inside of that home we determined it's more cost effective just to tear the house down and start back over with something new. So, following Paul purchasing the house lot door, he also owns the house which is on the other side of the alley. So that homeowner originally prior to Paul purchasing the property, has used and had used the garage at the other south end of the property there as the primary garage for his other house. There is a small one car garage that they had attached to that house which is a workshop, large enough for about a golf cart, but outside of that you couldn't fit a car in it. So, Paul would like to keep the garage and tie it together with the house on the other side of the alley and has committed to keep those properties attached and not sell them separately, and would like to give me the lot that is remaining, in order to become a buildable lot is our intention. And to build two houses

then on the two remaining lots that will be there. Given the code change that would be required for single family homes, we don't meet the lot sizes for each of those, for two single family homes, so the plan would be to build a duplex on the two combined lots and then in order to do that we would need to get a variance for 90% of the required lot size which would be 5,400 square feet for each of those two parcels. So we would re-subdivide those lots into two parcels being 5,400 square feet each and build a duplex on that and then again Paul would attach the garage that remains to the house on the other side of the alley. We're seeking a variance for the two lot sizes to each meet 5,400 square feet would be the minimum on each of those. And then the second variance that we would need would be the front setback, currently the code requires 25 feet front setback, the house that I have there right now sits about 3 feet from the current property line. The other houses on either side sit within 5 feet, and then if you go down on either side of those the average of all of those sit about 9 feet. So, we'd like to get a variance of 10' from the front property line to keep the front property line fairly consistent with the other houses around there, so we're not set so far back, and also to allow the deeper back yard which is where most people spend most of their time now. Those are the two variances that we're looking for.

Chairman Hawley: Ok, are there any questions from the panel?

B. Davis: No question, just a comment, I think it's a good idea and it is going to make a big improvement.

J. Meadows: That's the hope, and the hopes to add more homes in the town, because we don't have enough homes right now. And as businesses attract more people, and quite frankly I need to hire thirty people at the mint, and there's nobody to hire right now.

Chairman Hawley: I assume you are going to make it look suitable to the neighborhood and not doing anything crazy or anything?

J. Meadows: Absolutely, so, I proposed with that a couple of elevation views, most of those are very craftsman style ranches, depending upon the lot depth and the easement on the front, will really dictate whether we can do a ranch on that shallower lot, as opposed if we need to go to a two story. But either way both of those will be craftsman style homes, very conforming to what we see down the rest of the street. We definitely want to make sure that we keep the same styling while we bring something brand new.

J. Peacock: Just a question, if the zoning is 30' from the right of way, most of the houses are not 30' from the road, is that what you're saying?

J. Meadows: The right of way on Washington is thirty feet, the average within about 9'.

R. Abel: It ranges anywhere from 15' all the way to zero.

J. Meadows: Mine that is there now is three feet from the current property line.

J. Peacock: So, I guess my question is, why do we have this now, and it obviously wasn't there when all these places were built? The thirty foot?

P. Faddis: So, I think there's two things, zoning has changed, but also probably the build out on US 32 has changed.

R. Abel: And my assumption is that most of these were built way before the zoning ordinance was in place.

J. Meadows: My house was built in 1865.

P. Faddis: And Bob can speak to the fact that there are homes that have been torn down because of blight, and we've been trying to get someone to build on those properties but they no longer qualify to be built on because back when the homes were built on there, zoning was nonexistent, or was different, so that's why. It's a great question.

J. Peacock: So basically anybody who wants to tear down an existing home and they're going to have to come here to...

J. Meadows: To get a variance for the easement.

P. Faddis: The setback.

J. Meadows: Just mainly the setback to the front. The lot, they can build on the lot, as long as they meet the setbacks, side and front.

J. Peacock: So, this lot wouldn't be big enough is because you want to keep the garage at the back.

J. Meadows: Correct.

R. Abel: And technically, by the subdivision ordinance, I could not divide the lot for Paul, because it has to meet the zoning ordinance in order for me to list it as buildable. I can divide anything, but I can't list it as buildable. So, by him doing the contiguous lot form, and him agreeing to combine it with the other lot it now meets the zoning ordinance assuming that the variance goes through, because the way the subdivision ordinance is worded pretty well locks it up. It says the commission, nor the staff, can list it as buildable. Which means you can't give a variance for it and I can't do it, so it's like, meet the zoning ordinance or don't do the split.

D. Cleveland: So, I might have missed it, but what was the answer to why do we have a thirty foot setback in realistically if you start building houses it's not going to be able to be met?

R. Abel: So, the thirty foot is the standard for new development. So, technically if he was building a new house just on his lot, he could move that back thirty feet, on a deeper, single lot. You might have to build a little smaller house, but you can meet those front setbacks. But in a case like this, especially when you're going into the older portions of a city, and all the others are up, it only makes sense, and in the new UDO, it's probably going to say, and I will just give you a heads up on it, it's probably going to say to take the average of the block and that's your minimum setback in the old portions of town like this. So, it will change in the new ordinance. But typically if you are brand new, thirty feet is the setback.

Chairman Hawley: In that neighborhood, you're lucky if you find any houses that are not a hundred years old and sitting on the sidewalk.

R. Abel: But part of that is too, so if the state comes along and decides to widen the road, they don't have to tear down ten houses because maybe half of them met the thirty foot and wouldn't have to be torn down.

D. Johnting: Washington Street continues out to if you guys know where Jim Nance lives, and that's a ways out of town but that's still Washington Street. So, a new development out in either direction on Washington Street still continues out, and it would make sense to have thirty feet.

P. Faddis: Right, once you get out of the downtown area.

R. Abel: And not too far in the past, they actually widened State Road 227 to 100 foot right of way. We actually had to move a house just in the nick of time. Because when he came in for a permit he was planning to be closer to the road. That set it back a lot further than he had anticipated. And that's because, sometime in the future, they may want to widen 227.

D. Johnting: And I think it's a good time to mention, we have what's called lot of record. Any house in town that's sitting on a lot right now that was there before the Subdivision Ordinance is a lot of record. We have to be very careful not to say that a lot is not buildable, because that reduces the value, and reduces the potential taxes. So, every house is rebuildable if it can meet, not the lot lines, but the setbacks. If they have to, they can come in and get a variance, which some of them might have to do. The object of the Commissioners, the goal was so that no home owner would come in and find out that they lost their house and now they can't rebuild. Now, in Paul's case, a twenty foot wide house might not be the most saleable house he could build.

R. Abel: And we changed that to 17, I think, to a lot of record.

D. Johnting: We can't tell you that you can't rebuild, it's just if you want to rebuild the house that would fit there.

Chairman Hawley: Are there any other questions? Is there anybody who would like to speak against the proposal? So, now we can accept a motion to take a vote on the proposal.

B. Davis: So moved.

B. Albertson: Second.

Chairman Hawley: Roll call vote?

D. Johnting: Bryn Albertson, yes, Jon Peacock, yes, Drew Cleveland, yes, Don Calhoun, yes, Jim Hufford is absent, Jason Hawley, yes, and Bill Davis, yes. Motion approved. Oh Jason, we had two questions, I wrote them down, and forgot to have you vote separately. I'm sorry. Front setback and lot size.

J. Welch: Was that to approve both? Did you understand that was to approve both?

Chairman Hawley: Oh, yes, sorry. So, let's just go through those one at a time then. Let's just do that so we have that on the record. Let's have a motion for reduced lot size for 90% of lot size.

B. Albertson: Moved.

B. Davis: Second.

D. Johnting: Bryn Albertson, yes, Jon Peacock, yes, Drew Cleveland, yes, Don Calhoun, yes, Jim Hufford is absent, Jason Hawley, yes, and Bill Davis, yes. Approved. Now, the front setback, they have requested to amend it to ten feet?

Chairman Hawley: So I need a motion to vote on the front setback?

B. Davis: So moved.

B. Albertson: Second.

D. Johnting: This is to reduce the front setback to ten feet. Jon Peacock, yes, Drew Cleveland, yes, Don Calhoun, yes, Jim Hufford is absent, Jason Hawley, yes, Bill Davis, yes, Bryn Albertson, yes.

Chairman Hawley: Alright, so is there any other business coming toward the BZA for tonight? I move we adjourn for the evening.

B. Davis: So moved.

Chairman Hawley: All those in favor of adjournment this evening, say aye, all those opposed. Thank you very much ladies and gentlemen.

Jason Hawley, Chairman

Debra Johnting, Recording Secretary

Bill Davis, Vice Chairman