

NEW WHITELAND BOARD OF ZONING APPEALS

JULY 26, 2022

6:30 p.m.

PUBLIC HEARING

President, Mike Ryle, began the July meeting at 6:31 p.m. Attorney, Lee Robbins was present. Members present were Mike Ryle, Matt Gillock and Duane McCauslin. Member Pamela Paulin was not in attendance. Zoning Administrator, Tim Guyer and Code Enforcement Officer, Bob Downey were both in attendance.

MINUTES:

Matt Gillock motioned to accept the minutes from the last meeting as presented. Duane McCauslin seconded the motion. Vote was 3 affirmative.

VARIANCE 22-V-02

Aaron Ohler

557 Sunny Lane

Lee Robbins states to Aaron Ohler that the Board of Zoning Appeals consists of five members and we currently only have four. The Town is trying to fill that fifth seat. Tonight there are only three out of the four current members, present. If any action is taken tonight, it will have to be the majority. All three members will have to vote together. The Board may have to grant a continuance until there are five members, but that could take awhile to fill all five seats.

Lee asked Aaron Ohler if he wanted to proceed with the variance with only three board members present tonight. Aaron Ohler replied that he doesn't want to wait months for a full board, he wants to move forward with the variance tonight.

Mike Ryle opened the Public Hearing. The Ohler's have about 8 acres at the Sunny Lane address. The variance tonight has 3 requests and they are as follows;

- 1) 6' Fence in front of house
- 2) Additional gravel parking
- 3) Permission to have more than 1 RV.

Aaron Ohler states to the board members that he is requesting a 6' fence in the front of his property for privacy and for safety for his dogs and children. He understands the rule for the front of the house, that the height of a fence can

VARIANCE 22-V-02 Aaron Ohler/ 557 Sunny Lane continued

only be 42" for the sake of visibility. However, there are no other streets or anyone next to him that the fence would block visibility from. Aaron Ohler states they want additional gravel next to the driveway. The driveway that they have a variance for, to allow gravel for 5 years. This gravel parking area is 200' from anyone else. Aaron states that they had two campers before they bought the 557 Sunny Lane property. Mike Ryle stated to Aaron Ohler that there are plenty of places he can pay to store the extra RV.

Aaron Ohler states that before they bought the property it was a farm field. This property could have been subdivided into 24 lots or so which would have been more invasive and intrusive.

James Farno
29 Rypma Row

James Farno states that he and the neighbors do not want the 6' privacy fence. James Farno states that he is amazed at the parking lot Mr. Ohler currently has with gravel and that he thought residents were only allowed one trailer. The neighbors don't need a business of RV's on that property. James Farno states they would like the board to vote no to this variance.

Debbie Tharp
556 Sunny Lane

Debbie Tharp states that she is bothered by the fence. A 6' privacy fence will hide more stuff and it has been nothing but trouble with the Ohler's. She runs a daycare out of her house and she is concerned for the safety of her clients and their children. Debbie Tharp feels that the traffic coming and going from the Ohler property, they are speeding. Debbie Tharp does not like the extra traffic from the Ohler's renting the RV's out. She has seen the ad, with their address, with Amanda Ohler's picture in the ad and they advertise to rent RV's. Debbie Tharp states that the Ohler's do what they want and then ask for permission later. Debbie Tharp states, "What is the purpose of having an ordinance if the Town isn't going to enforce it?"

VARIANCE 22-V-02 Aaron Ohler/ 557 Sunny Lane continued

Warner Colyer
72 Anjuli Ct

Warner Colyer states that he drives a semi-truck and he could park about three semi-trucks on that gravel parking lot that the Ohler's have put down. Warner Colyer wants to know if the Ohler property is on the Town's sewer system? Matt Gillock replied yes. Warner states that they dump the sewage from those RV's they are renting, into the Town's sewer system. Warner Colyer asks why do they need more than one RV?

Lee Robbins states that the variance request tonight has nothing to do with running a business from the property. That issue is not before the board tonight. And as far as the fence, Warner Colyer states that it's not the neighbors fault the way the Ohler's placed the house on the property.

Lenell Tate
19 Rypma Row

Lenell Tate is here tonight as a neighbor and a Real Estate Agent. The Ohler's are requesting to have more than one RV. Lenell is concerned exactly how many does that mean? If she were to sell her house, do you think someone is going to want to look at a parking lot of RV's behind the house? Lenell continued to state that the Ohler's already have a variance for a gravel driveway that has not been completed and now they are asking for a second variance. She would like to have seen things done in a proper order. Rules don't matter to the Ohler's and the property is not very well maintained.

Lee Robbins states there is some confusion and discourse because the members have nothing in front of them stating the size or scope of the parking lot/ expansion of the driveway. How can the members make sense without a description of what you are asking for? We need more information and as part of the variance package, the petitioner is required to submit a site plan showing dimensions and the scope of the variance request.

VARIANCE 22-V-02 Aaron Ohler/ 557 Sunny Lane continued

Aaron Ohler states that the gravel area is 70' x 90'. The intent is to build a pole barn on top of the gravel parking area. They do not have a building permit for this gravel parking area or a pole barn. When asked why he didn't get a building permit, Aaron Ohler states they were unclear on the rules. Aaron states that they do not plan on getting a lot of RV's. He also states that they pay a flat sewer rate.

Matt Gillock asked Aaron Ohler if they plan to encompass the entire 8 acres with the 6' privacy fence? Aaron Ohler replied that he wants the option. He may not install a fence around the entire eight acres.

He may have some fence in areas and not in other areas. He mainly wants privacy from the neighbors since they feel entitled to come on their property.

Lee Robbins asked Aaron Ohler if they are renting RV's? Aaron Ohler replied, yes. Lee Robbins states that renting RV's is a use that is not permitted and is a violation of the Town ordinance.

Maribeth Alspach
42 Rypma Row

Maribeth states that this is a hardship that the Ohler's have created.

Lee Robbins reviewed the Findings of Facts and instructed the BZA members that they are to base their decision on those facts. It is Indiana Code that they have to consider the Findings of Facts with each variance. Lee Robbins asked if there was anyone in the audience that came to say something and has not had the chance? There was no reply. Mike Ryle closed the Public Hearing at 7:22 p.m.

Matt Gillock wants a site plan submitted giving the board more information. A site plan is required with a variance request and one was not submitted. Duane McCauslin states the Ohler's have three requests on the submitted variance. The board cannot make a decision without a site plan to see exactly what the Ohler's plan on doing.

Board of Zoning Appeals
July 26, 2022
Page Five

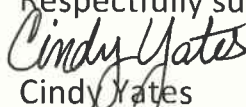
VARIANCE 22-V-02 Aaron Ohler/ 557 Sunny Lane continued

Duane McCauslin motioned to continue the variance until August 23rd at 6:30 p.m. in which the Public Hearing will be continued. Since this meeting was properly advertised, no further notification is required. In the meantime, Aaron Ohler will submit a site plan to the Town by August 8th. Matt Gillock seconded the motion. Vote was 3 affirmative.

Meeting adjourned at 7:30 p.m.



Approved By:

Respectfully submitted,

Cindy Yates
Recording Secretary