

WHITELAND BOARD OF ZONING APPEALS
[05/06/2021]

Council members present

Richard Hill, President	X
Byron Temple, Vice President	X
Leslie Beeson, Member	X
Dan Csikos, Member	
Juanita Emery, Member	X

Other town officials present

Jennifer Brooking, Deputy Clerk	X
Planning & Zoning Director	
Stephen Watson, Town Attorney	X
Kevin McGinnis, Town Manager	X

Call to order:

R. Hill called the meeting to order at 7:02 p.m.

Pledge Allegiance to the flag

Roll call: D. Csikos - Absent

Approval of Minutes:

L. Beeson made a motion to approve the minutes from the April 1, 2021 meeting. R. Hill seconded the motion.

Passed 4-0, 0 abstained.

Swearing in for public hearing

Old business:

- None

New business:

- **Case 21-V-03 – 518 Veatch Street**

Petitioner: Jon Williams

Request: Variance from development standards to construct a covered patio in front of the building setback line

- K. McGinnis presented Case 21-V-03
- Showed a picture of the lot and states part of porch will be in front of the building setback line
- K. McGinnis reviewed Staff Findings: The encroachment into the front yard setback along Veatch Street will not be injurious to the public health, safety, moral and general welfare of the community and will not impede the line of sight.
- The use and value of the area adjacent to the property included in the various will not be affected in an adverse manner.
- States the Staff's Recommendation is to approve the petition based on the above findings of facts.
- R. Hill questioned how much will the porch be encroaching setback line.
- K. McGinnis he could not scale the plot plan, but states he thinks it is around 12-14 feet
- L. Beeson questioned if the other 3 houses with porches are the same and if they encroach as well.
- K. McGinnis stated the other houses are the same and also encroached building setback line
- L. Beeson questioned if the other houses required a variance
- K. McGinnis stated that he wasn't sure but probably required a variance in the past
- L. Beeson questioned if the porch was considered part of structure

- K. McGinnis stated yes because it has a foundation
 - House is well enough behind the setback line but the porch will be encroaching on setback line
 - R. Hill questioned if the other houses that were in the picture is also encroaching and questioned if a concrete pad was considered a foundation
 - K. McGinnis stated it is a foundation part of the structure and stated the other porches are also encroaching
 - K. McGinnis stated the house has not been built yet because it needs the approval of the variance to build the home with the porch
 - R. Hill questioned if home hasn't been built can they just set the house back further on the lot
 - K. McGinnis stated that there is also setback in the rear of the lot
 - Lots are getting less deep as they go to the west
- Open public hearing at 7:11 p.m.
 - Kathryn Starks is the attorney representing the builder-821 N Madison Avenue Greenwood
 - Stated the prior houses were built without a variance because it was not needed for porch at that time
 - The house and porch will be keeping in line with same houses and aesthetics of street
 - Porch will not be enclosed
 - Kathryn Starks stated that prior houses did not need a variance
 - Shows original lots were prior too building these houses
 - N. Gabehart -1502 Young Street Franklin 46131
 - Give history on the previous reasons that variance was not needed for the other houses with porches
 - 4 permits issued on previous houses
 - Revised plat in 2017
 - Wanted to create houses that would create opportunities
 - Overhang on house those encroach but if it was an enclosed porch then it would be an impediment of sight
 - Kathryn Starks stated that all houses will be the identical of setback lines
 - Proposed buyer is okay with not enclosing porch
 - N. Gabehart stated the porch would be encroaching by 4 or 5 feet
 - Closed hearing 7:19 pm
 - S. Watson stated he looked up the term building and it states it is defined as a structure with having a roof or walls, that will provide the protection of persons or animals. He thinks it fits to fall within definition. Strict interpretation of zoning ordinance
 - L. Beeson made recommendation to approve the motion made to adopt the staff's findings of facts and what was provided by the petitioner. R. Hill seconded motion.

Passed 4-0

- **Case 21-V-04 – 120 West Street**
 - Petitioner: Russell Snyder
 - Request: Variance from development standards to place an accessory structure in front of the building setback line on the north side of their property
 - K. McGinnis presented Case 21-V-04
 - Stated that this will be a temporary structure
 - Helping mother and will only be temporary because he's moving in and is needed for storage
 - Accessory building will be 14x28 structure on north side of house
 - Staff findings recommends approval of structure based on the findings of facts

- L Beeson questioned how far off the street will the structure sit
- K, McGinnis guessed it would be around 16 feet-he does not have a plat of the area
- K. McGinnis stated that the structure will not be in line of sight
- S. Watson question if we have confirmation of notices being sent out to the public
- K. McGinnis stated he still has to get confirmation
- S. Watson stated petitioner is required to give notice to public and surrounding neighbors
- R. Hill made a motion to approve request on the condition that notices were sent and the public was notified. L. Beeson seconded motion

Passed 4-0

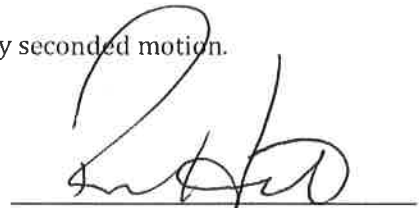
- R. Hill made a motion to adjourned meeting. J. Emery seconded motion

Meeting adjourned at 7:32 p.m.

Other business:

- None

R. Hill made a motion to adjourn. Meeting adjourned at 7:32 p.m. J. Emery seconded motion.



Richard Hill, President
Whiteland Board of Zoning Appeals

Passed by the Board of Zoning Appeals on this day 3 of JUNE, 2021

Aye


Nay

Leslie Beeson

Leslie Beeson

Dan Csikos

Dan Csikos



Juanita Emery

Juanita Emery



Byron Temple, Vice President

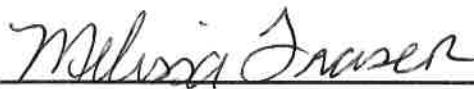
Byron Temple, Vice President



Richard Hill, President

Richard Hill, President

Attest:



Melissa Fraser Secretary & Deputy Clerk Treasurer