

June 12, 2019

The Ellettsville, Indiana, Board of Zoning Appeals met on Wednesday, June 12, 2019, at Ellettsville Town Hall. Russ Ryle called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Roll Call: Members present were Russ Ryle, Vice President; Fred Baugh and Todd Lare. Terry Baker and Pat Wesolowski were absent.

Election of Officers

Russ Ryle requested a motion to table the election of officers until everyone is present at the meeting. Todd Lare so moved. Fred Baugh seconded. Motion carried.

Approval of Minutes

Russ Ryle entertained a motion for approval of the minutes for the meeting on July 26, 2018, until all members are present. Todd Lare so moved. Fred Baugh seconded. Motion carried.

New Business

Request for a Variance from Development Standards to Allow a Gravel Parking Lot in a Commercial Zoning District; 703 W. Temperance Street (Nick of Time Antiques); Petitioner: Nick of Time Antiques, LLC; Case No. BZA2019-01

Denise Line, Assistant Planner, explained the Petitioner, Nick of Time Antiques, requested a variance from development standards to allow a gravel parking lot in a commercial zoning district. The property is zoned Commercial 1. Indiana Code requires certain criteria be met in order to approve a variance from developmental standards. The Staff Report was read into the record.

Town Code addresses commercial parking by stating "All open off-street parking areas shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds; or improved with concrete or a compacted macadam base and surface with an asphaltic pavement, to adequately provide a durable and dust-free surface that shall be maintained in good condition and free of weeds, dirt, trash and debris."

The property at 703 W. Temperance Street, at various times, has operated as a commercial establishment without a formal parking lot. However, before the current business, it was used as residential. The variance, if granted, will stay with the property.

The Board of Zoning Appeals action shall be in the form of approval, approval with conditions, denial or a continuance. It is staff opinion that the variance may/may not meet requirements and cannot make a recommendation for this variance request. More specifically, if the Board finds that a gravel lot is more appropriate for this location based on runoff and drainage, Staff would recommend approval of the variance. The Board may approve the variance if, after testimony and discussion, it finds that the request does meet all six of the stated requirements. If the Board denies the variance, it shall state which requirements(s) have not been met.

Russ Ryle found the alleyway is not passable because the south end is used as a parking lot by adjacent property owners. He is impressed with the slope of the south end of the property. It is a narrow driveway with limited visibility, and on the north end it dumps out onto a very busy W. Temperance Street. There is not a stoplight. It is not ideal to have parking on the alleyway. Was the gravel put behind the building adjacent to the alleyway by the petitioner or was it there when it was purchased?

Solomon Lowenstein, Jr., Petitioner, answered the Planning Department allowed them to establish a temporary lot because they obtained an occupancy permit and wanted to open their business. The alleyway is used as a street and nobody parks on it. Mr. Ryle asked if he anticipated customers entering/exiting off of W. Temperance Street. Mr. Lowenstein answered yes. Ms. Line commented Mr. Lowenstein and his partners requested permission to use the parking lot of the business beside the property but it was denied. Mr. Lowenstein added the Planning Department requested they seek permission to use the Monroe County

Public Library parking lot but they thought it would have taken too long to meet with their board. There is a public parking lot with 24 spaces within half a block they think would be sufficient for overflow parking. Mr. Ryle asked if the drain to the west of the building brings water down from Association Street. Mr. Lowenstein explained the necessity of the drain and how it worked. Not only is asphalt costly but it will exacerbate the drainage. There will be an accessible covered parking area. Ms. Line asked if the accessible entrance will be in the same location as identified in a site visit. Mr. Lowenstein answered yes and it will have an asphalt to the edge of the alley. Mr. Ryle commented it is quite the slope to access the gravel pad from the alley. Mr. Lowenstein explained their sign faces W. Temperance Street and the entrance is an easy turn off of it as well. Mr. Ryle confirmed there is not a big change in elevation when turning from the alleyway onto the gravel lot. Mr. Lowenstein agreed and they will have the contractor make it a more gradual slope. Mr. Ryle asked if the parking area will be sloped to the west for drainage. Mr. Lowenstein answered yes, they need to do some grading on the west side and a swale will be put in. Mr. Baugh commented there is more runoff from blacktop than gravel. Ms. Line asked if the variance is granted when will the work be completed. Mr. Lowenstein answered it will be done as soon as the contractor becomes available but could not provide a date.

Fred Baugh made a motion on BZA2019-01 to grant the variance. Todd Lare seconded. Roll call vote: Russ Ryle – yes; Fred Baugh – yes; and Todd Lare – yes. Motion carried.

Request for a Variance from Development Standards to Allow the Rear Setback to be Reduced to Seven Feet (7’); Petitioner: James and Kara Carnes; Case No. BZA2019-02

Denise Line, Assistant Planner, explained this is a request for a variance from development standards to allow the rear setback to be reduced to 7’. Hidden Meadow has a Commercial-3 zoning district with single residential use. The property is located at 5308 N. Targhee Court. The Staff Report was read into the record.

James Carnes, Petitioner, advised the house was built as far back on the lot as possible for curb appeal. They have two young children and there is not a lot for them to do in the rear yard. They thought building a deck would give them some summer enjoyment. Mr. Ryle asked how much deck could be added without requiring a setback variance. Mr. Carnes answered it is 19’ at the closest corner. With the current setback, the deck would basically be a couple of planks. They thought about having a wrap around porch but want to keep the side yards and functionality in the back yard as much as possible. While they had input on how the house was built, they did not on how the house was positioned. Mr. Ryle noted this is another case with a builder knowing the rules but pushing the limits. Mr. Carnes commented it was the last lot in the subdivision that was available and they wanted to be in Ellettsville and that neighborhood. Mr. Baugh confirmed they’re just wanting to bring the deck out on the rear of the house. Mr. Carnes answered yes, so it will be functional. Mr. Baugh asked if all the posts will be on his property. Mr. Carnes answered yes. Mr. Baugh asked if there were any easements at the rear of the property. Ms. Line answered no. If the variance is granted the deck will be 7’ from the property line. The petitioner will have to go through the building permit process and the Planning Department will make certain the deck is built within the parameters approved by the Board. Mr. Ryle asked if the deck is a wedge shape and will extend 12’ from his house. Mr. Carnes replied it is correct but the plans will change slightly and it will be closer to the house. Mr. Ryle asked if he would agree to a compromise of 10’ clear space between the property line and deck. Mr. Carnes answered if it is the best they can do then he would take it. Mr. Ryle asked the other members if they agreed to reducing the rear yard setback to 10’. All agreed.

Fred Baugh made a motion to approve BZA2019-02 with the condition of reducing the rear setback to 10’. Todd Lare seconded. Roll call vote: Russ Ryle – yes; Fred Baugh – yes; and Todd Lare – yes. Motion carried.

Planning Department Update

Denise Line, Assistant Planner, advised the next meeting is scheduled for July 10, 2019. At this time, there is not any new business so the meeting will likely be canceled.

Adjournment

Fred Baugh made a motion to adjourn. Todd Lare seconded. Motion carried. Meeting adjourned at 6:52 p.m.

Terry Baker, President

Fred Baugh

Todd Lare

Pat Wesolowski

Russ Ryle

Denise Line, Secretary