

**PLAINFIELD BOARD OF ZONING APPEALS**  
**August 21, 2017**  
**7:00 p.m.**

**CALL TO ORDER**

Mr. Monnett: Call to order the Plainfield Board of Zoning Appeals meeting for August 21, 2017.

**PLEDGE OF ALLEGIANCE**

Mr. Monnett: We will have the Pledge of Allegiance first.

**ROLL CALL**

Mr. Monnett: I will ask our Board Secretary to have a determination of quorum, please.

Mr. Klinger: Ms. Duffer- here  
Mr. Monnett- here  
Mr. Cavanaugh- here  
Mr. Philip- here  
Mr. Slavens- here

Everyone is present and accounted for.

**APPROVAL OF MINUTES (July 17, 2017)**

Mr. Monnett: I will entertain a motion from the Board for amendments and or approval of our Board meeting minutes July 17, 2017.

Mr. Cavanaugh: Mr. Chairman I move that the minutes for the July 17<sup>th</sup> meeting be approved as written.

Mr. Slavens: Second.

Mr. Monnett: All in favor say aye.

**OATH OF TESTIMONY**

Mr. Daniel conducted the Oath of Testimony

**PUBLIC HEARINGS**

Mr. Monnett reviewed the Guidelines Governing the Conduct of Public Hearings.

**CONTINUED FROM JULY MEETING**

Mr. Monnett: Our first one tonight is BZA-17-009 which was continued from July.

Mr. James: Good evening Mr. Chairman and members of the Board. This petition is for a use variance to allow 2 dwellings in the R-2 single family dwellings in the R-2 single family residential district at 3299 Clover Drive.

All of Clover Drive is zoned R-2 single family and most of the lots are about a half-acre in size, there is about 40 lots. Staff has no knowledge of other lots that might have 2 dwellings. The garage was illegally converted into a dwelling when the trailer was damaged so he got the garage that was converted, he had an existing mobile home on the lot. So, this created 2 dwellings on 1 lot, which is a violation of the zoning ordinance and also the building code because they did the conversion without a building permit. The dwellings are on a well and septic. Here is US 40, this is all Clover Drive, this lot is down here near the south end. This is AirTech Parkway back here, our new fire station is right in there. Here is an aerial view of the site, this is a mobile home and this is a mobile home and then this is the garage that was converted, this is the lot, a half-acre lot right there. Some photos taken back in June, the Zoning Compliant Inspector, Building Inspector were able to go inside and look around so you can see the building code violations and exposed wiring and exposed junction box. That is probably in violation of the air system and also the window. Then you can see it does have a sink with water from the well. Then the outside of the property we had some issues with high grass and weeds and storage of items outside of the house. So, the garage was illegally converted I think in 2007 based on the Hendricks County Health Department report, because they had some sewage issues. Backup of the sewage system because 2 dwellings wasn't designed to have two dwellings and it only designed for 1 dwelling. There is no record that the zoning was discussed with the Planning Department, they may have discussed this with the Building Department and if someone did tell them that the zoning was okay, then that was a mistake. So, the petitioners bought the property thinking the site was legal nonconforming, that means it is grandfathered in as 2 legal dwellings. So, does this justify the use variance and should the Board grant the variance with the conditions are necessary to make sure that the dwelling is safe and the converted garage is safe and habitable. Then maintenance of the property has been in an issue, what conditions are necessary to make sure the property is maintained. So, with that I will have a seat, Mr. Grider is here and I'm sure he would be glad to answer your questions.

Mr. Monnett: If the petitioner would like to come up to the podium. Give your name and address in the microphone please.

Mr. Grider: James Grider, I live at 944 East County Road 900 South, Clayton, Indiana.

Mr. Monnett: What year did you purchase the property?

Mr. Grider: Back around 2012, I'd have to check, somewhere in that area.

Mr. Monnett: At the time when you purchased the property for the previous property, did that previous owner mention to you anything about having another building on the property.

Mr. Grider: Well when he showed it to me he sold it to me as 2 rentals. The trailer I had put new vinyl siding on it and got rid of all the debris back there.

Mr. Monnett: So the trailer was there first. Which was the primary residence.

Mr. Grider: Yes, the trailer was and then the garage. He told me about that but he sold it to me as 2 rentals, that was what I understand until here recently.

Ms. Duffer: When you received the deed of the titles search, you went through that process of the sale, did it have the outline of all the information on that purchase agreement and then did it say one living structure, two living structures, or anything to that effect?

Mr. Grider: We went up there and filed courthouse annex and I don't know. I didn't pay attention to that. I just took him off his word and I didn't get any more inspection on it. Which in the future I will know now.

Ms. Duffer: You currently have tenants living in both of the locations?

Mr. Grider: Yes. And as far as the garage they did tell me there was some things that has to be changed and if you guys grant this we will get them fixed as soon as possible.

Ms. Duffer: Do you own other rental properties Mr. Grider?

Mr. Grider: I have another one, yes.

Mr. James: Is it on Clover Drive?

Mr. Grider: No. Like I said as far as any violation I will take care of whatever needs done.

Mr. Monnett: If there is anyone here in the audience that would like to speak for or against this petition, you can please come forward now. Seeing none I will open it up for our board for discussion on this matter of further notes or anything before we make a decision.

Mr. Cavanaugh: We've had previous case similar to this in recent history for the Board and as I recall that was denied and we've been pretty consistent in maintaining the use as designated by the zoning ordinance. I think that is unfortunate that Mr. Grider got bad information, but the history of this site is just one of circumstance. Damage occurs to the primary dwelling the occupant moves in and makes some basic modifications to the garage and then there is another living structure here. So, I am not in favor of this variance.

Mr. Monnett: I agree with Mr. Cavanaugh. The property is, different circumstances have happened but it still goes back when you bought it, always check out everything and taking their word, that is fine but I would unfortunately it happened to you, which you should have dug into a little bit further. We go by what the zoning ordinances are set by the Town Council. Because you also have to consider safety, appeal and other things but when our comprehensive plan for the whole town, strictly one dwelling residence. There is different areas in Plainfield that has the same thing but our comprehensive plans have been around for numerous years, revised but that is what we go by and it is not that we give someone else preference or treatment, we do the same on every case. Every case will be different but we always go by the same thing as what our ordinance says.

Mr. Cavanaugh: I'm prepared to make a motion. I move that the Board of Zoning Appeals deny BZA-17-009, as filed by James Grider, requesting approval

of a use variance to allow two single family dwellings in the R-2 district at 3299 Clover Drive.

Ms. Duffer: I will second.

Mr. Monnett: I have a motion by Mr. Cavanaugh and a second by Ms. Duffer. Mr. Klinger, would you please poll the board.

Mr. Klinger: Ms. Duffer- yes  
Mr. Monnett- yes  
Mr. Cavanaugh- yes  
Mr. Philip- yes  
Mr. Slavens- yes

BZA-17-009 is denied.

Mr. James: How long should we give Mr. Grider.

Mr. Monnett: I was going to clean it up, that was the next step.

Ms. Duffer: And to vacate.

Mr. James: Well to get rid of the second dwelling.

Mr. Monnett: It is not safe at all and it is illegally there but it is also not safe, it is a hazard. So, I say as soon as possible. I don't know what legally. It doesn't exist, so immediately.

Ms. Duffer: They do have to adequate time though to make other living arrangements.

Mr. Monnett: I understand, yes, they do.

Mr. Cavanaugh: 30 days.

Mr. Daniel: Here is the concern. I think that to the extent that you give, Mr. Grider can move them out as quickly as he can and I think to the extent that you give him any time that something happens in the meantime it does expose the Town I think a problem because you basically allowed someone to live in an unsafe or appear to live in an unsafe premise.

## **PETITIONS FOR PUBLIC HEARING**

Mr. Monnett: Our next petition is BZA-17-012, the Lincoln Real Estate Holding LLC.

Mr. Berg: Good evening. This is a variance of development standards to reduce the front setback on Stout Heritage Parkway frontage 30' to 10' to permit construction of medical building. The southeast corner of Stout Heritage and Quaker Boulevard, here in the lovely red box there in the in the OD- Office District Zone. Clarks Creek comes along there, school is there, about there-ish is Shops of Perry Crossing and 40 up there. The only questions that we did raise in the staff report is like with the Tim Horton's the three frontages in Clarks Creek, Stout Heritage, and the 267 Quaker Boulevard. Does that equal hardship. One of the things that was noted was that here on Stout Heritage there is a significant amount of green space there that the Town has a right of way between 20 and 30 feet, which could theoretically give the appearance of having that extra setback. We did put 2

conditions on the staff report, one was a substantial compliance with the site plan dated July 12, 2017 and the need for development plan and improvement location permit approval. This is the site here, ingress/egress proposed trash enclosure, building over here, little bit of a rise on this property to kind of plateau, so they had to take the trash enclosure somewhere. Are there other conditions that the board would feel comfortable putting on should we choose to approve this? that is all I have, Mr. Sells is here.

Mr. Monnett: Thank you Mr. Berg. If the petitioner would like to come forward or a representative.

Mr. Sells: Good evening, my name is Mike Sells I am with Kruse Consulting Our offices are located at 7384 Business Center Drive in Avon. I am here reporting on behalf of the petitioner, Tom Kingseed is with me this evening. The purpose for this request is the practice is currently located at the southeast quadrant Stanley Road and Quaker Boulevard, so it is just kind of moving up the street a little bit. With regards to the intensity of the use, the number of employees and the patients coming in. Patients being seen and patients leaving we have come to a determination that there is about 33 parking spaces required and in order to obtain that number of parking spaces we met with the TAC committee and we provided the site plan that you have before you this evening and we think that we can achieve that site plan to suit the needs of the development, but however to do so we would have to have the setback reduced from 30' to 10'. It is about a 3,200' facility building footprint, there is going to have a second floor and it may have a basement. Basically, the part that it was at the site it is only 57 hundreds of an acre and it has 3 frontages and we got 30' setback on three frontages it can really compress us to site so basically that is our reason for the request this evening.

Mr. Cavanaugh: I have a site development question. Is the grade going to change out there?

Mr. Sells: There is a substantial (inaudible) north to south and we believe we will have to construct a retaining wall on some portion of the project and possibly along the north (inaudible) side out. In order to divide site retention, we will have underground detention so it will not be a detention pond or detention base and that type of thing. So, it will be under the parking lot.

Mr. Cavanaugh: That is a challenging little spot.

Mr. Sells: Well when they wanted 33 parking spaces on a half-acre, yes it was.

Mr. Monnett: I will ask anyone else who would like to come forward to speak for or against this petition. Seeing none I will close it and open it up to our board for some further discussion or a possible motion.

Ms. Duffer: I would be in agreement but because of the 3 frontages that there is a hardship for that and this is a request that...

Mr. Monnett: A true hardship I believe.

Mr. Cavanaugh: We've had similar cases before, similar situations and with a full setback, the real challenge is the developable ability of that site.

Ms. Duffer: For anyone.

Mr. Slavens: So is the only variance the front of Metropolis Parkway, and that is going to appear to be okay.

Ms. Duffer: It will appear to be okay.

Mr. Philip: So Mr. Chairman I move that the Board of Zoning Appeals approve BZA-012 as filed by Lincoln Real Estate Holdings LLC. Requesting approval of variances to development standards to reduce the front setback line on Stout Heritage Parkway frontage from 30' to 10' to permit construction of a medical office building subject to the following conditions.

1. Substantial compliance with the site plan submitted file date July 12, 2017 and
2. Plan Commission approval of a development plan for this site and direct approval of an improvement location permit.

Mr. Slavens: Second.

Mr. Monnett: I have a motion by Mr. Philip and a second by Mr. Slavens. Mr. Klinger, would you please poll the board.

Mr. Klinger: Ms. Duffer- yes  
Mr. Monnett- yes  
Mr. Cavanaugh- yes  
Mr. Philip- yes  
Mr. Slavens- yes

BZA-17-012 is approved 5-0.

Mr. Monnett: Our next petition BZA-17-013, Jeff Snapp.

Mr. Berg: BZA-17-013 is Jeff Snapp 911 Ridgewood Drive, located here. Staff drove along the area there, this would be the only carport that we noticed along that street. Site property line, this house was built before we started collecting plot plans back in the 60's so we don't have one on file. Beacon is the GIS's (inaudible). There is 13-14' between the 2 houses so it is very likely that there is proper spacing but in order to not come back 3 or 4 months from now and say well we need a side setback variance along with the front, that is why we ask that should this be approved that one of the conditions that one of the conditions is that south property line be confirmed. Over here, lot 146, as I mentioned in the staff report is that the drainage and utility easements are in the rear like a lot of the ones we have now, so anything that we do in there should not impact those easements. Should the board choose to approve this, we are asking substantial compliance of the site plan submitted on the 21<sup>st</sup> of July. No additional accessory structure shall be permitted within the setback. Should they choose to work out here within the right of way, for instance widening the apron or anything like that but that little (inaudible) turn into a right of way permit from the Department of Public Works and required issuance of a building permit we are asking for the location on the property line (inaudible). The applicant did provide some photos today and I believe we have them and the applicants are here to answer any questions and if there are none for me...

Mr. Monnett: Thank you. If the petitioner would like to come forward, please.

Mr. Snapp: My name is Jeff Snapp, I live at 911 Ridgewood Drive. I would first like to thank Eric, he was a big help not going through this procedure before, he was a big help in assistance in getting the paperwork together. This is an open sided 1 ½ single car that is, it is a 13 wide by a 20' carport. It will have a gable roof on it just like the house, it is open sided. One of the questions Eric had brought up was on the south side you will see the black car, that is my truck there. That will be the front part of the carport, it will end right there. The carport like I said open sided and this wide enough so we can get a car underneath the carport and there is a little bit of space left there, you see it is on the picture on the top right it is kind of tough on the walkway in there to the house. So, with that carport there will be an additional area in there where we can walk up to the house. It will help us get in and out of the house. We've struggled a little bit with my wife's accessibility issues. It is pretty plain and simple it is just 13X20 carport open sided and again we are going to blend that into the house so it will look just like it is a fixture of the house. We are going to modify the poles in the front porch there to match the carport so it looks like an entirely blend. Any questions for me?

Ms. Duffer: Mr. Snapp just to clarify. The picture on the top left, you said the carport will not extend past the about where the end of where that black car is.

Mr. Snapp: No, my truck. One of the questions was I think the visibility from the south to the north and it really isn't going to impact the visibility because of a tree that is in the front yard and then you will see on the south side at the bottom the south side of the truck you will see there is a dogwood there, which that is where it will be right there. So as far as visibility it is really not an issue. There is quite a bit of space between the front of the truck and the actual street so they will have visibility to the north it doesn't impact our neighbor of us at all.

Ms. Duffer: Thank you.

Mr. Cavanaugh: Mr. Snapp you mentioned that you are going to blend the carport into the house and the drawing shows it being attached.

Mr. Snapp: It will not be attached to the house, it is going to be a separate fixture. It won't have electrical or plumbing in it. There is really no need, I will probably put some downspouts on the bottom of it, but they will blend like I said right into the house but we are not going to have it attached. There is no feasible way to do that.

Ms. Duffer: But you do plan to have it, there is a concrete foundation, so it will be a permanent type of structure.

Mr. Snapp: Yes like we have to go down 38" or 36" around here for the cross line so basically it will be a 6X6 poles in the ground and there will be 3 on each side so the structure is stable.

Mr. Monnett: Did we receive the cards back here? Has your office received any response?

Mr. Snapp: As far as a proper line goes to the south the carport will not extend any further south than the existing house, or the existing home. So where ever the property line is it is going to be there and hopefully we won't have to split the house up.

Ms. Duffer: That would be a whole other issue.

Mr. Snapp: That is as far south as it is going to go. It is well within that you can see from that picture it is going to be well within whatever property line.

Mr. Monnett: You are aware that before they give you the building permit if this is approved you will have to get your south property line determined, correct?

Mr. Snapp: Yes.

Mr. James: Mr. Snapp, you are pretty confident that it is still going to comply with the 6' setback on the south property line?

Mr. Snapp: Whatever the edge of the house is, that is as far as south as it is going to go there on the upper right hand picture.

Mr. James: So it will just become the driveway.

Mr. Snapp: Yes. I am going to set the poles on the outside of the driveway, obviously for the carport.

Mr. James: So you don't have to widen the driveway?

Mr. Snapp: I do not have to widen driveway, it is a single car carport. Again, these homes are built in the 60's and there is kind of a different, everybody had just 1 car and a one car garage. I don't even know how they fit one car in the garage in the 60's. You remember the cars of the 60's.

Mr. James: Are you able to use the garage?

Mr. Snapp: My wife's car is in the garage.

Ms. Duffer: I know we didn't receive any notice of anybody having any word one way or another back, but have you spoken to your neighbors of your intent?

Mr. Snapp: Well in fact Tim Belcher's mom and dad live right across the street. We've talked to them and neighbors to the south and the neighbors to the north, Forrester Hatfield is the next house down and then further north from us, they came over and took some pictures and had no impact.

Mr. Monnett: I will close it to the public and open it up to our board for discussion or a motion. I do want to quickly and Kevin help me because he has a good memory. Kind of a similar case we had on Stafford and Longfellow.

Ms. Duffer: Yes, I remember that.

Mr. Philip: I drove by that one today.

Mr. Monnett: Similar situation.

Mr. James: Good memory.

Mr. Cavanaugh: I believe a preexisting.

Mr. Monnett: Yes it was already there. So, thank you for coming in ahead of schedule because it is not fun to have remove it.

Mr. Cavanaugh: I have one thing for consideration. Interesting you should bring that other case up because I believe Mr. Snapp's proposed an attractive permanent structure, but with this as a precedent is that strong enough for future requests to have to meet the same standard as opposed to putting up something that comes from a kit from Lowe's, a metal prefab structure, which speaking as one I would not want. So, I think that if we move forward with this that that has to be on the table as a consideration, can we control in the future the type of carport that maybe allowed to be built there?

Mr. Snapp: There are a couple of other carports in that area and one is a metal carport and the other is a flat top metal carport and it had a driveway and everything put in it. There is one on the street on Gary, the next street over and it is a flat top. That one looks okay because they blended into the house.

Mr. Cavanaugh: That is my only concern. I think it is a reasonable request it is a good application and there is a hardship there because of the setback, but I think we need to bear that in mind for future applications and we will have to have a fairly high standard of application for my way of thinking.

Mr. Daniel: Kevin if you wanted to make a record of that you could put a condition on here that the carport must comply with the concrete foundation or whatever specifications he has indicted and put it right in as a condition.

Mr. Cavanaugh: If there is no other discussion I am prepared to make a motion. I'd move that the Board of Zoning Appeals approve BZA-17-013 as filed by Jeff Snapp, requesting a variance of development standards to allow a carport to be built within the front setback, subject to the following conditions.

1. Substantial compliance with the site plan building elevations and construction details file dated July 21, 2017.
2. No additional accessory structures are permitted within the front setback.
3. If the work will be done in the right of way, such as widening the driveway, a right of way or access permit will be required.
4. Before a building permit is issued the location of the south property line shall be confirmed and the carport addition must comply with the 6' setback.

Mr. Philip: Second.

Mr. Monnett: We have a motion by Mr. Cavanaugh and a second by Mr. Philip, Mr. Klinger would you please poll the board?

Mr. Klinger: Ms. Duffer- yes  
Mr. Monnett- yes  
Mr. Cavanaugh- yes  
Mr. Philip- yes  
Mr. Slavens- yes

BZA-17-013 is approved 5-0.

**OLD BUSINESS/NEW BUSINESS**

Mr. Monnett: Old or new business Mr. James?

Mr. James: No that was is all we have for tonight.

**ADJOURNMENT**

Mr. Monnett: Motion for adjournment.

Ms. Duffer: So moved.

Mr. Slavens: Second.