

**PLAINFIELD BOARD OF ZONING APPEALS**  
**September 18, 2017**  
**7:00 p.m**

**CALL TO ORDER**

Mr. Monnett: Plainfield Board of Zoning Appeals meeting for September 18, 2017.

**ROLL CALL TO DETERMINE QUOROM**

Mr. Monnett: I will now ask our board secretary to have a roll call for determination of quorum.

Mr. Klinger:

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

We have four members here, one absent.

**PLEDGE OF ALLEGIANCE**

Mr. Monnett: Would you all please rise for the Pledge of Allegiance?

**APPROVAL OF MINUTES**

Mr. Monnett: We are unable to have a motion for approval of our board minutes from last month.

Mr. James: I'll tell you why there are no minutes. We switched the person that does the minutes and she hadn't had time to prepare them yet. We will see them if we have a meeting in October, you will see them then.

Mr. Monnett: Alright, thank you.

Mr. James: We will want to spend a little extra time auditing the minutes, since it is a new person. Making sure they understand their going to have to learn to match voices with names and things like that, so it may take a little longer.

Mr. Monnett: I will ask our Town Attorney Mr. Daniels to conduct our oath of testimony tonight.

## **OATH OF TESTIMONY**

Mr. Daniel conducted the oath of testimony.

## **PUBLIC HEARINGS**

Mr. Monnett: I will go over a couple of guidelines when governing the conduct of the public hearings. The proceedings are recorded for public record purposes. Please come to the podium located in the front of the meeting room. Give your name and address, and make your Presentation. Following your presentation if you would please print your name and address on the speaker sheet that has been provided by the board secretary to ensure that the official record reflect your appropriate name and mailing address. Our first petition tonight is BZA-17-014.

Mr Berg: Good evening board members, general public, everyone here. First that we have on the agenda is a special exception to allow the presence of on premise alcohol at an existing banquet center within the shops at Perry Crossings located at 2499 Perry Crossing Way, suite 205, at the former Serendipity banquet hall. As I mentioned this was a former Serendipity site, it did have a special exception back in 2010 that you approved. I guess the main question is, are there any concerns that were not addressed with the prior special exception that we need to address with this one? Does it propose special exception or propose any problems that were not present in any of the other ones that have been granted in the current shops at Perry Crossing? And also, that this is not within 200 feet of a foundation of a school or a church, so it complies with Indiana's regulation. We are asking that we do typically with these special exceptions for alcohol that this is zoned for CRG and LLC events and is not transferable to owner new business or new operator at the location. And I think that is all I have. The applicant is here, if there are any questions.

Mr. Monnett: Petitioner here tonight. If you could please state your name and address.

Ms. Whinrey: Kim Whinrey, Address of the event center is 2499 Perry Crossing Way Suite 205. My mailing address is 1726 Countryside Dr. Indianapolis, IN 46231.

Mr. Monnett: What are your typical hours of operation planning to be?

Ms. Whinrey: Typical hours for events could be as early as 7:00am, I doubt those would be using the alcohol license, but we are requiring that anyone ends at midnight. Weddings, or late events would end at midnight. Loud music or anything disruptive ends at 11:45.

Mr. James: Is that for every day of the week?

Ms. Whinrey: At midnight? Typically, yes. We could change that if need be. We are structuring everything right now.

Mr. Monnett: If there is anyone here for or against, you may come up at this time. Seeing none, I will close it to the public. I will open it up to our board for any further discussion and for a possible motion.

Mr. Slavens: I have no troubles with it.

Mr. Klinger: Mr. President I move that the BZA approve BZA-17-014 as filed by CRG events center LLC. Requesting a special exemption allowing the serving of alcohol at 2499 Perry Crossing Way Suite 205 within an established retail center, on a parcel zoned metropolis PUD within a gateway corridor subject to the following conditions. Number one approval is only for CRG event center LLC and is not transferable to a subsequent business owner or operator at the same location.

Mr. Slavens: Second.

Mr. Monnett: I have a second by Mr. Slavens and a second by Mr. Philip. Mr. Klinger will you please call the roll?

Mr. Klinger:

Mr. Monnett- yes

Mr. Cavanaugh- yes

Mr. Philip- yes

Mr. Slavens- yes

BZA-17-014 is approved by 4-0.

Mr. Monnett: Our next petition tonight is BZA-17-015 by The Gathering Together.

Mr. Berg: As mentioned, BZA-17-015 by The Gathering Together 115 Krewson. This site did have a prior variance of use to put in an insurance agency and hair salon that was back in 1998. The applicant did receive this property to the south, a variance of use to do the hospice at that location. Variance of development center is well later in 2011 for the lot line setback, which is actually the lot line of this site. Also, a variance of use for the expansion as well. According to everything we've read in the previous staff reports of that location has been used in a commercial manner probably for its entire existence. Comprehensive plan, which I've pulled the map from here shows this is downtown mix use with residential and public, semipublic to the north. Everything that we've seen seems to indicate the hours of operation and number of employees should not have an impact on local residents. All indications will be similar to the hours used as the insurance and hair salon. Staff is asking three conditions. First is the substantial compliance with the site plan. Second is that the use should be limited to the

Fiorentino/Gathering Together and shall only be to support the operation of the hospice. And that any other expansion should come before you, the Board of Zoning Appeals. That's all that I have on this. The applicant is here if there are any questions.

Mr. Monnett: If the applicant, or representative thereof, would like to come up?

Mr. DuBois: Hi, my name is Brad Dubois, the Chamber of Commerce. The address of Gathering Together is 147 N. Center St. My home address is 4324 Nigella dr. Plainfield, IN. I would be happy to answer any question.

Mr. Monnett: I do not have any questions, I am familiar with her over the years professionally, and I think it's a fantastic establishment, and you've done a lot of good that I've seen over the years. I'm glad you've got hopefully an extra place to stand. But, I don't have any questions

Mr. Philip: I don't have any questions.

Mr. Monnett: if anyone here in the public would like to speak for or against, please come forward. Seeing none I will close it to the public and open it up to our board for any discussion and or possible motion.

Mr. Cavanaugh: I move the Board of Zoning Appeals approve BZA-17-015 as filed by Rita Fiorentino in a variance to allow an expansion of hospice care and services in an R-4 district, support the operations of the adjacent hospice subject to the following conditions. Number one, substantial compliance of the site plan submitted file date August 23<sup>rd</sup>, 2017. Number two, use shall be limited to Ms. Fiorentino, the Gathering Together and shall only be to support the operations of the adjacent hospice facility. Number three, any further expansion shall require the approval of the Board of Zoning Appeals.

Mr. Slavens: Second.

Mr. Monnett: I have a motion by Mr. Cavanaugh and a second by Mr. Slavens. Mr. Klinger will you please pull the board?

Mr. Klinger:

Mr. Monnett- yes

Mr. Cavanaugh- yes

Mr. Philip- yes

Mr. Slavens- yes

BZA-17-015 is approved 4-0.

Mr. Monnett: Our next petition tonight is BZA-17-016 Westport Homes.

Mr. James: Good evening. This petition is a request for a variance to increase the lot coverage on 16 lots in Devonshire single family subdivision zoned R-4 residential from the R-4 standard 40% to 46%. The minimum lot size is 7,200sq.ft. and we are getting a lot of interest in two popular models. With outdoor amenities like a sunroom or screened in porch, that puts them over the 40% for lot coverage. So, they are requesting to increase the lot coverage on 16 lots. The lot seeking a variance range in size from 7,200 to 8,118sq ft. Three out of five sections have been built in Devonshire and there is about 118 lots out of a 211 lots left, so 55.9% of the lots are left to be built. Ten will be sixteen lots at the minimum lot size of 7,200sq. ft. and would need to increase to 46% if the two popular models are put on those lots. Here is Devonshire, it is surrounded by I-2 to the north and east. To the west is Hendricks County, to the south is The Settlement which is actually an Avon PUD. This is the primary plat that was approved. So, the three sections are basically from here down to Bradford Rd. and you still have two sections left to plat. They are in the construction phase for section 4. Section 5 has yet to be submitted. So, there are 8 lots in section 1, the red dots are lots that are seeking a variance to increase the lot coverage. In section 2 there are 7 lots, again it's the red dots. And, section 3 there is only 1 lot. This is the Grandover, it is single story ranch. It will still comply with all the setbacks, the front setbacks, the side yard setbacks, and the rear setbacks. What's causing the issue is when they add the sun room or screened in porch to the back there. That's grand number 2, and again it will comply with all the setbacks the rear, front, and side setbacks. This is the matrix they provided, these are all the lot numbers and area of each lot. And shows you the lot coverage of these two popular models with the patio and sunroom or screened in porch. So, it shows you how it increases the lot coverage. The petitioner's engineer has confirmed that the increase in a previous surface of the lot coverage on the 16 lots will have a minimal drainage impact in the drainage system as designed should function with no adverse impacts. The Devonshire gross density is 3.04 units per acre. That allowed for over 18 acres of open space. That means 27% of the subdivision is open space, which is more than your typical R-4 subdivision. The lot coverage increase on 16 lots will have a minimal impact on drainage, so that and addition to the large amount of open space, does that help support the variance request? Section 4 is under construction, so it might be too late to redesign those lots, but there's still time to modify the lots in section 5 if they want to add these models. What they need to do is just make these lots bigger, so they don't need a variance. It will comply with the 40%. So, what about the compliance with the 40% lot coverage for section 4? Is that another condition and is that proposed condition adequate so they won't have to come back and seek the same variance in section 4 and 5. All property owners of the adjacent properties have been noticed for the hearing, and if the variance is granted, the future home buyers should be notified, again that is another condition to be offered. And, is this proposed condition adequate? With that, I'll have a seat and John Moore is here representing Westport, and I'm sure he'd be glad to answer your questions.

Mr. Moore: Good evening. My name is John Moore. My address is 50 S. Meridian St. Indianapolis. I am here on behalf of Westport Homes this evening. With me tonight from Westport is John Donaldson, and we are happy to answer any questions that you have. As Mr. James explained, Westport is requesting a variance of development standards on 16 of the 211 lots in Devonshire. Its less than 8% of the lots. To increase the lot coverage from 40% to 46%.

Mr. James pointed out Devonshire is zoned R-4, however it does have some development standards that are greater than R-4 standards. Specifically, minimal lot size for R-4 is 6,000 and Devonshire is 7,200. The density in an R-4 district is approximately 4-5 units per acre, and the density in Devonshire is 3.04 units per acre. That density will not change with this variance request if it's granted. And we saw some of the red raise of the homes that are being built in Devonshire, here are a couple of the typical homes being constructed. As Mr. James explained, what Westport is experiencing as people wanting more outdoor amenity type areas. They are wanting the patios, the pop outs for a sunroom, screened in porches and so forth to add that onto the homes here. They are seeing more and more demand and request for those type of outdoor living amenities, as people are spending more time outside, especially given the wonderful summer we've had here in Indiana. There are 16 lots requesting to accommodate these outdoor amenities. So, we need to increase the lot cover from 40 to 46%. Here is an example of what that will do. Doesn't change anything to the front. On the left here, there is 40% lot coverage, on the right we have 46% lot coverage. Side yard setback the same, front yard setback the same. So, from the streetscape everything looks the same, the difference is right here, this home for 40% lot coverage has a 3-foot bump out, this home has 6-foot bump out with an outdoor patio. Pretty minimal difference from the home, but it does increase the lot coverage from 40% to 46%. Again, no change to the side, the home isn't moving forward on the lot or anything like that. So, from the streetscape everything looks the same, same setbacks, we just have a little pop out here to the rear to increase that outdoor space. Also note that the house on the right would come at a higher price and would have a higher asses value and thus would have higher property taxes as well. Also, I want to point out, as we said the minimum lot size in R-4 district is 6,000sq. ft. Devonshire is 7,200sq.ft. What that means is when we look at the yard and open space for each lot, in an R-4 district you typically have 3,000sq ft. of lawn. In Devonshire with the variance the lawn still has 3,888 so the lawn will still be longer than a normal R-4 development. You still have more open space than you typically see in an R-4 development and that because we have the larger lot sizes. And again, the variance will not increase the density in the subdivision. So, in summary this variance is limited to 16 of 211 lots, less than 8%. The lots are larger than an R-4 lot, so the yards will still be larger in Devonshire than in a standard R-4 lot. The density 3.04 units per acre is less than the density of an R-4 district. The variance will have minimal impact on the drainage of the subdivision. The buyers are seeking larger ranch style homes with outdoor amenities. Such increase in size in addition to the amenities will increase the asses value of the homes and Westport Homes does agree to the three conditions recommended by the staff. So, with that we would like to respectfully request your favorable consideration of our request and we are happy to answer any questions that you may have.

Mr. Philip: Mr. Moore, am I correct to expect that Westport was surprised that there's more ranch style homes being requested than they initially came forward with?

Mr. Moore: I think there has been a surprise as to people wanting to add on to the basic Grandover model, which is very popular they're wanting to add on more than what was anticipated, yes that's true. And a future development in a subdivision, they are going to take that into account.

Mr Phillip: And they are going to need to. I have not been on this board in the longest period of time, but this isn't the first time that I've heard about a ranch size home bumping up against the 40% standard as us older people are looking to not be climbing up and down stairs and that type of thing. I'm a little surprised Westport didn't think of that in the first three phases.

Mr. Monnett: How did you determine which lots that you are seeking the variance for?

Mr. Moore: Most of the other lots are built out already. And, these are most of the remaining lots in the sections that have not been platted. In the future sections, when we plat those we will take this into account. We won't need the variances.

Mr. Monnett: If there is anyone who would like to speak for or against this petition, you can come forward now.

Mr. Nation: Can I ask one question please?

Mr. Monnett: Can you swear in please.

Mr. Daniel conducted the oath of testimony.

Mr. Nation: My name is James Nation, 1834 Devonshire Ave, in the Westport development. My question basically is I want to know what is the minimum requirement for an R-4 lot?

Mr. James: 6,000 square feet. When this was rezoned to R-4 they committed to the minimum lot size of 7,200 square feet.

Mr. Nation: If I may, one other question. They were talking about no impact on drainage, what about that wetland that runs parallel to Devonshire Avenue? It comes back up into our yards after any decent rain. It is to the west of Devonshire Avenue. We have the Army Branch that runs in behind us, and they have moved the course of that creek up behind the cul-de-sac, and now it comes down to a retention pond that drains into somebody else's property. But, our backyard is along that stretch. Any decent rain it will come out, I mean we do have easements granted, but any decent rain it comes out and our backyard is useless for 2 or 3 days while it dries out. So, if this new building is going to have any effect on that, we are not going to be too happy about that. That retention pond, I don't know if its set up right, or what, but it's doesn't take the water fast enough. The property that is down to us, the creek isn't allowed to flow anymore, they put tubes in the ground so it could get over the creek to bush hog his property back there. So, it's not a natural flow of water through that whole Army Branch going out to 200 or Bradford Rd. and we don't know if that's an issue or not. But, the drainage is a concern for the houses going along Devonshire, on the west side. Because the water does come up like I said, even though there's an easement, there's going to be 6 houses right there that we get water. I don't know if it was because they changed the creek up above it, but they keep telling

us that's a wetland, you can't touch it. But, they go in there and change the whole course of the creek.

Mr. Monnett: We received a letter in our packet from Banning Engineering for Westport I assume, and I will would to ask Mr. Cavanaugh if he could explain the run off, please.

Mr. Cavanaugh: I'm not an engineer, but in general when the lots are developed and site planning is done and drainage planning is done there are development standards that the engineer has to meet. It goes through the town review process and as hard surface is added, the drainage either existing or engineered installed has to be adequate to support the same level of drainage as it did prior to when the property was developed. Without knowing the details of that particular area or the engineering work that was done, a creek and a wetland area is normally going to get more water under rain flow. The engineer should have, and I believe that they probably did, take into consideration all of the runoff that would come from new hard surfaces and they have those calculations in hand, they would then be able to calculate the additional square footage of hard surface for an enclosed patio, which is what we're talking about being regulated here, and then add that into the mix and see if their calculations are still acceptable. So, from the letter that we received, I would say that they have probably done that exercise and are saying that it still is compatible. Do you know, sir, one we are not here to evaluate drainage. Do you know when the water rises in the wetland area is that within the bounds of the easement that you're talking about, or does it exceed those bounds?

Mr. Nation: The water comes out of the easement area. But, with the smaller yards and you have grandchildren and you say, "you can't play outside because it's wet" for 3 or 4 days, you know. We knew going in that we had the wetland behind us, but we also thought we had a flatter lot at the time, and we pretty much don't have a backyard because the way it steeps down.

Mr. Cavanaugh: I certainly haven't been there, I haven't seen your property. I don't know the parameters of their design work. But, I would suggest that if the water is not exceeding the easement then it's working properly. I'm not sure if I understood your comments about the other work someone else has done to put tubes under the roadway. Is that a farmer?

Mr. Nation: I don't know if they farm that area or not. We had Shannon and Jason come out several times as the development has been going up, of course for the town representing the Town of Plainfield. They made a comment to say that the retention pond looks like it's being drained illegally, because it doesn't go straight to the creek.

Mr. Cavanaugh: Okay, well I think the folks at Banning are pretty professional and if they are wanting to state professionally that the drainage way will accommodate the additional hard surface anticipated from these potential 16 lot addition, then I for one am comfortable with that.

Mr. James: Keep in mind, they still have two more sections to build. That should improve drainage. It should capture the drainage up here, and prevent it from draining to the south.

Mr. Daniel conducts oath of testimony for Ms. Nation.

Ms. Nation: I'm Pricilla Nation 1834 Devonshire Ave, Avon. Behind lot 16 they put a retention pond, and we had have people out looking at that because it illegally drains on our property and the wetlands also draining in someone else's property. When Westport did build back there, they didn't go beyond that to check where all that water was draining to, and like my husband said that drains into 4 little pipes and it's not enough to accommodate all this water that is coming from the development. You have water that's been rerouted when these houses were built. Then they did some work down in here. The retention pond they put there, which drains underneath the road, down behind these houses in the retention pond. Like I said, it drains out to the wetland and into people's property.

Mr. Monnett: I understand your concern, but as far as what we're here for, that has nothing to do with this unfortunately. And, I didn't mean to put Mr. Cavanaugh on the spot there.

Mr. James: I believe that Banning Engineering could maybe take another look at it.

Mr. Monnett: Yes, and if there is no other public, I will close it to the public and open it to our board for any discussion or a possible motion.

Mr. Cavanaugh: I have a question. It seems to me that if we are favorable of this request that we should be prepared for similar requests from individual property owners seeking to add similar additions to their buildings as well. So, I'm just a little interested if there's any other concern about that or if we need to have any other discussion of what to do with the remaining vast majority of the 211 lots.

Mr. Slavens: We need to have a discussion. I thought of that earlier. We are going to have all these other homeowners come back. How do we go about that, we can't really cover that presently, can we?

Mr. Philip: It's hard to anticipate who or how many or whether anyone will even come in or not. But, I know what Mr. Cavanaugh is talking about.

Mr. Cavanaugh: It is the fact that we talked about in the past, that people have made those additions and not always go through all the steps and the process, whether we like it or not. My opinion, any time that we've got ranch style homes on these R-4 lots at 40% is a risk of not being the most honest assessment of what's going to happen.

Mr. James: Can a large enough distinction be made between developed lots and underdeveloped lots?

Mr. Philip: There is a difference that these haven't been built yet. The developers came in and anticipated this before the lots are built on. Obviously, those that are already built with the standards were built with the standards that were in affect at that time.

Mr. Cavanaugh: I move that the board of zoning appeals approve BZA-17-016 as filed by Westport Homes Incorporated. Requesting approval of a variance to increase the maximum lot coverage from 40% to 46% for 16 lots in the Devonshire residential subdivision zoned R-4 subject to the following condition. Number one the variance to increase maximum lot coverage to 46% should comply to the following lots in Devonshire, 3, 4, 5, 17, 26, 29, 44, 61, 64, 75, 76, 78, 89, 90 and 111. Number two section 4 or 5 of Devonshire or any remaining unplatted sections shall comply with the R-4 maximum lot coverage of 40%. Number three all lot owners and homebuyers of undeveloped lot adjacent to the above lot where a lot coverage has been increased to 46% shall be informed of the variance.

Mr. Slavens: Second.

Mr. Monnet: I have a motion by Mr. Cavanaugh and a second by Mr. Slavens. Mr. Klinger will you please pull the board?

Mr. Klinger:

Mr. Monnett- yes  
Mr. Cavanaugh- yes  
Mr. Philip- yes  
Mr. Slavens- yes

BZA-17-016 is approved 4-0.

### **OLD BUSINESS/ NEW BUSINESS**

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

Mr. James: Yes, we have one old business item. Last month you heard the variance request BZA-17-009 James Grider was the petitioner to allow two dwellings in the R-2 district at 3299 Clover Dr. The board recommended denial of that use variance, so we need to adopt the negative findings of fact tonight to support that denial motion. I passed out the negative findings for you to review.

Mr. Monnett: I will entertain a motion for approval of the negative findings of fact on petitioner Mr. Grider at 944 E CR 900 S. Owner of 3299 Clover Dr. Clover Dr. Plainfield, IN.

Mr. Phillip: So move

Mr. Slavens: Second

Mr. Monnet: I have a motion and a second, all in favor say aye. Thank you.

Mr. James: Thank you, that's all we have for tonight.

**ADJOURNMENT**

Mr. Monnett: Motion for adjournment.

Mr. Cavanaugh: Submitted.

Mr. Monnett: Thank you.