

**PLAINFIELD BOARD OF ZONING APPEALS**  
**November 20, 2017**  
**7:00 p.m.**

**CALL TO ORDER**

Mr. Monnett: I will now call to order the Plainfield Board of Zoning Appeals meeting for November 20, 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- here  
Mr. Monnett- here  
Mr. Cavanaugh- here  
Mr. Phillip- here  
Mr. Slavens- here

Everybody present and accounted for.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

Mr. Monnett: I will now entertain a motion or amendments for our board meeting minutes of August 21, 2017 and September 18, 2017.

Ms. Duffer: I was not here for the meeting on September the 18<sup>th</sup> so I will abstain with that one, but I move to approve the minutes from the 21<sup>st</sup> of August.

Mr. Cavanaugh: Second.

Mr. Monnett: I have a motion and a second to all in favor say aye. Thank you. Our minutes from September 18, 2017.

Mr. Slavens: I'll make a motion to approve the minutes from September 18<sup>th</sup>.

Mr. Phillip: I will second.

Mr. Monett: We have a motion and a second all in favor say aye. Thank you.

### **OATH OF TESTIMONY**

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

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. Tonight, we have BZA-17-017.

Mr. Berg: BZA-17-017 the Albers are seeking a variance of development standards to allow an attached garage to be built forward of the building line on a corner lot at a reduced front yard setback. This is an R4 which is medium density residential. This area over here is where they are looking to place the garage. I wish I could say that it looked like this today, but I took these from Google. This is looking eastbound towards Carr Road a then westbound towards Spruce, you can see what the lay of the land is. Here is the illustration that the applicant provided. It is very close to the public right of way, so as you can see it will be very close to that line. Here is the drawing that was provided. I did mention a porch here and there, a potential suggestion is that moving that would reduce, but not eliminate the need for the variance. If they were to build that even if they did move that structure northward they would still require a variance to construct it. Should you choose to approve this, we are asking for substantial compliance with the site plan as filed on the 25<sup>th</sup> of October and that no other additional accessory structures are permitted. At this point, this would put them at the limit. I have nothing further unless there are question for me, we do have applicant here.

Mr. Cavanaugh: Can you show us on that picture where the actual right of way line is?

Mr. Berg: It's a little bit off on here, probably the best way to put it is the white along here, it goes right along the white part.

Mr. Cavanaugh: How about the other picture?

Mr. Berg: The fence is pretty much at the right of way line.

Mr. Cavanaugh: Okay, thank you.

Mr. Berg: Thank you.

Mr. Monnett: If the petitioner would like to come forward.

Mr. Albers: William Albers 301 Raines Street.

Mr. Monnett: The white fence would be right on the right of way?

Mr. Albers: The white fence in that bottom picture is not there.

Mr. Monnett: Correct, but is that the intention?

Mr. Albers: To be within the property line. I am not sure what the setback needs to be on that, but whatever it is supposed to be from the property line. Mostly the concern is with the garage. The reason I would like to have it there towards the front is because the north end of the house goes right up to the property line, so I just have the front and back yard and we use our yard quite a bit, so I would like to keep as much as I can of the backyard from what will be left. Any space I can keep in the back towards the garage for personal use, when we have friends over we use that area quite a bit and I have spoken with the neighbors, the one who is directly behind me would be the closest to it, and she, Jessica Scott has mentioned a couple times she is happy with whatever I would like to do. She has absolutely no problem with having it there.

Mr. Monnett: You are wanting the garage for your vehicles, correct?

Mr. Albers: Yes, correct. I do landscaping and to be able to park my truck. The other garage that we have is very small single car.

Mr. Phillip: Mr. Albers, I presume from the plan that your initiative is to start the new garage at the edge of the darker asphalt behind the small fence?

Mr. Albers: Correct. Currently there is a white lattice with ivy growing on it that was there from the previous owner, but yes, the front of the garage would be pretty close to where that is. The material for the garage would match the house as well.

Mr. Phillip: Just from looking at your property driving by today and from the Google images, it looks like the power feed to your house goes right over that area. Have you explored that as an issue any?

Mr. Albers: We were talking about that earlier. My contractors are here, I'm not sure what the best answer for that it, we were going to talk to our electrician who is going to work on the project. And, if I might add with the Ivy that is currently there, as it grows this will actually be less of a site intrusion, because as this grows it will come out in the space that is there now and will be nicer than what is there currently.

Mr. Slavens: In the staff comments it mentioned about a porch?

Mr. Albers: Yes. The idea was to have an open 6-foot porch toward the back of the garage that faced the backyard. He had mentioned taking that off, but I would really like to keep that because its not a very big section that is going to be left and it would make it feel more open and a more comfortable setting for the backyard.

Mr. Monnett: We have nothing further. Thank you.

Mr. Albers: Thank you.

Mr. Monnett: If anyone else would like to speak for this petition please come forward now. With none coming forward I will close it to the public and open it up to our board for discussion.

Ms. Duffer: I would like clarification from Mr. Berg if that is okay. So, the house setback 23 feet from Raines and then 10 feet from Spruce, but with this garage addition it is only going to be less than one foot from Spruce?

Mr. Berg: The garage will be, yes.

Ms. Duffer: Then removing the porch because the porch is going to be 6 feet, so then we would have 7 feet right of way approximately.

Mr. Berg: Yes.

Ms. Duffer: Thank you.

Mr. Berg: That was my concern about the porch. It's an older section of town, is this going to come up again in this area? I don't know. It's rare that the setbacks are the right of ways in the older parts. It is restraint a little bit.

Ms. Duffer: So, does the angle of the lot and the area of town cause the hardship?

Mr. Berg: I would say yes.

Ms. Duffer: Does the one-foot concern anyone? It just seems awful close.

Mr. Cavanaugh: From my view it's a little bit hard to judge exactly where it is going to be. There is a dimension 8 feet ½ inch I believe and after being out there visually it didn't seem to be an issue to me and previous petitions where we had properties particularly small in the older part of town on a corner lot with a couple setbacks, it does throw some difficulty on development. I noticed there is one other home further to the east on Spruce that has rear/side addition that the very corner of it probably is very similar to this. I think the dual setback has been a hardship in other cases and certainly provides limitations to what the owner can do to his property. Is one foot adequate, I guess that is the question.

Mr. Klinger: Eric If the alleyway still existed would there be a setback from the alleyway?

Mr. Berg: There would be 5-foot side yard setback from the accessory structure.

Mr. Slavens: I had no chance to drive by, but after hearing your guys recommendations I have no problem saying it's not a safety issue.

Mr. Monnett: With that I will entertain a motion.

Mr. Slavens: Mr. President, I move that the Board of Zoning Appeals approve BZA-17-017 as filed by William Albers requesting a variance of development standards to allow a detached garage to be built forward at the building line at a reduced front-line setback subject to the following conditions.

1. Substantial compliance with the site plan submitted on file date October 25, 2017.
2. No additional accessory structures are permitted.

Mr. Cavanaugh: Second.

Mr. Phillip: We have a motion by Mr. Slavens and a second by Mr. Phillip. Mr. Klinger will you please pull the board?

Mr. Klinger:

- Ms. Duffer- yes
- Mr. Monnett- yes
- Mr. Cavanaugh- yes
- Mr. Phillip- yes
- Mr. Slavens- yes

BZA-17-017 is approved 5-0.

Mr. Monnett: Any other business Mr. Berg?

Mr. Berg: None at this time.

**ADJOURN**

Mr. Monnett: Entertain a motion for adjournment.

Ms. Duffer: So moved.

Mr. Slavens: Second.

Mr. Monnett: Thank you.