

BZA MINUTES**APRIL 19, 2022**

Members present: Jim Hufford, Bill Davis, Don Calhoun, Jason Hawley, Jon Peacock

Absent: Drew Cleveland, Tim Hart

Legal Representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Ed Thornburg, Chad Spence, Russell Harris

Chairman Hawley: Alright, judging by my watch is it currently 7 o'clock. I'd like to call to order the Board of Zoning Appeals, April 19, 2022. First order of business is the approval of the minutes from March 22, 2022. From what I understand they are still being corrected?

D. Johnting: They are finished but the copy you have still has some corrections. I will send them to you tomorrow.

Chairman Hawley: Okay, so we can just table that until next month? We will table that until the next meeting so we have a chance to read those over when we get the corrected minutes. So, moving on to the first petition BZA2022-15-V, for Russell Harris. Looks like requesting a variance to enlarge a porch. Did you sign in by any chance?

R. Harris: I did not.

Chairman Hawley: After you're done if you'd like to come up and tell us your name and address for the record, and tell us what you're looking to do.

R. Harris: Good evening, gentlemen, my name is Russell Harris, my wife and I live in the home that her family built in 1955. 713 Heaston Street. So, I've got videos of my wife at 9 months old walking around in that house. So, we are kind of charter members of that Heaston Street area. The home across the street at 708 Heaston is what we are talking about. We had the opportunity to purchase it this last year and it's fallen into a bit of disrepair, I've been in the process of working on it quite a lot. One of its problems is that it's got a 4'6" x 5'6" entry porch, and it has completely collapsed. So, it's got to be repaired, and in looking at it, if you... I put a picture, it's on the 4th page. I took my drone up in the air so you can look down and see this picture is the one I'm looking at. If you see the line. This is a four house block. And the four houses, 708 is the second house from the right. 704 Heaston has a porch that is about 8' 12". 8' out. Ours is 4'6" by 5'6" and the porch right next door is about 8' x 12' and then the house on Westwood actually has considerable things beyond the setback line. In talking to Randy when I first considered buying the house he made sure that I knew that the setback line is kind of this dashed line right here that I wasn't supposed to build beyond. All I am seeking to do is try and build in alignment with the neighbors on my immediate two sides. So, I am going to about 8' out, I'm going to build a porch 12' wide. I am trying to basically beautify the neighborhood. This is kind of the, I would say it's probably the worst house in the neighborhood. By the time I'm done with it, it will be

one of the nicer homes in the neighborhood. So, I want to do it right, I tried to give you guys a sense of the overview of what the vision would look like. It's just kind of evident. A little porch over the top of it, instead of an entry porch, it will be a small sitting porch. That's what we're trying to get done. I'd be happy to answer any questions you'd have.

Chairman Hawley: Any questions from any of the board members?

R. Abel: It's going to be just an open porch with cover?

R. Harris: It will be open, it will have a cover over it, very much how it is styled right now, but again, that porch if you see on page 2 you can see it's a very small entry porch roof. I will center the roof line on the center of the house and come down inside the two windows.

R. Abel: That's pretty similar to what the neighbors have.

R. Harris: Very similar. In fact, if you look on page two you can kind of see the porch over on 712, it's not quite that way any more but it's similar. This porch will look a little more integrated with the building and not kind of a bolt on but integrated with the house.

Chairman Hawley: It's not going to obstruct the sidewalk or anything right?

R. Harris: No, no, we are still, I don't have an exact number but at least six feet even after my steps. I've got at least 6 feet to get to the sidewalk.

D. Johnting: And it will still be seventeen feet from the right of way.

Chairman Hawley: It looks like it will be pretty much have continuity with the rest of the neighborhood.

J. Peacock: So, Randy, these other homes that have porches closer, and other things, closer, would there have been a different zoning ordinance then?

R. Abel: At the time it may have been a permitted use.

D. Johnting: The barn on the corner to the west, they did get a variance for that barn. To be right on the line.

R. Harris: He goes all the way to property edge so.

D. Johnting: And they did have variance for that, and they approved it, I guess it didn't obstruct anyone's view, so...

Chairman Hawley: Any other questions we have? Is there anyone who would like speak for against the proposed project?

J. Hufford: I make a motion that we have a roll call vote.

B. Davis: I second.

D. Johnting: Don Calhoun, yes, Jim Hufford, yes, Jason Hawley, yes, Bill Davis, yes, Jon Peacock, yes, and Tim Hart and Drew Cleveland are absent. Motion approved.

Chairman Hawley: Congratulations, sir.

R. Harris: Thank you, I was in sales all my life and I was told that when you got done, get out.

Chairman Hawley: All right next on the docket looks like we have BZA2022-17-V Chad Spence. Looks like he's requesting a variance to build a home on a corner.

C. Spence: Thank you.

D. Johnting: I do have one correction from what I sent out on the petition. I've changed your copy there, Carter Street has a setback of 25', North Columbia has a setback of 30'. So, it will actually be a variance down to 5' away from the right of way on Carter Street, and just 25' instead of 30' on Columbia Street. They almost don't need a variance on Columbia Street. They are only 5' away from being okay there.

C. Spence: Hello, I'm Chad Spence, I live at 812 North Columbia, in Union City, so this is just down the street from me. What I am passing out, it's not a view of what that corner looks like now, it is a picture of the home, that would be going on the corner. What we have sought fervently to achieve, is a home designed architecturally that's complementary to the neighborhood. This is actually the corner there, if you're familiar with it, it would be the southwest corner of the intersection of Columbia and Carter. The corner there, the house we are proposing, there was a house that stood there for years, and it burned several years back and has been an empty lot since. And the house next to it has been a rental, and it's in dilapidated condition. Well, what I am in the process of doing pending approval of this variance tonight would be to purchase the entire corner tomorrow and I've already got a gentleman on the line to flip the home that is dilapidated, and make it home owner occupied. And then to build this new one on the corner because we're trying to shore up the neighborhoods, the very best that we can. Very similar to what the gentleman that just spoke to you, in terms of what we're trying to accomplish in Union City. And we've got a long way to go, I know, but this all stems from a Council meeting I had quite some time ago, in serving as Mayor of Union City. In trying to get a project started, basically, get wheels underneath it, which is Vision Corner, what used to be known as the Apothecary building. And ROC, which is Renovating Our Community it's a volunteer homeowner rehab group. When I first posed those, to the Council, it was little bit contentious at a meeting and I had a Council member specifically, Mr. Conklin ask me, while I was talking about it, we need to start investing in our community and making a difference and it got contentious, and he said, why don't you invest your own money? I told him about how I volunteer a lot at the park, Mr. Hubbard knows that. And I help out with the Christmas lights and other things in the community, but you know what I had never bought any land outside of the one I live on. And I never sought to try to do any improvements myself. So that's why I'm sitting here tonight. I want to put my money where my mouth is. So, I'm not going to ask anybody in the community, including the city itself to do anything that I'm not prepared to do myself. So that's why I'm proposing this variance to be able to build this home and create two, one

new looking home and one actual new home, right there on the corner and just down from the school. And also, in talking to Mr. Ward, he's Rick Ward, of Ward Construction, he was referred to us by Senator Ratz. He's the one that's been tapped for the housing project on Plum Street. And so also part of this is to create a corridor into Plum Street, I have told him, I said, I have no problem if you put the signage there, of course until the house sells, because I am sure the new owner won't want a sign there, but it's a small sign saying "New housing project on Plum Street", because in Union City, Columbia Street is the main corridor into town. And there's a lot of people that's going to come down Columbia Street, and they may not know that that housing project is there on Plum Street, so it's a way to promote from the same builder, a brand new home to promote the 62 home development on Plum Street by the school. So, there's a lot of moving pieces I know to the puzzle, or to this scenario but we're just trying to put our best foot forward.

R. Abel: It looks pretty similar to the house that used to be there years ago?

C. Spence: Correct, correct, it's a two story house also, and it's a European style, so I mean, that's not a design that's foreign necessarily to our community in many respects. We have a lot of architectural styles when you start breaking them down, actually.

R. Abel: If I recall, it's in about the same place in reference to Carter Street, too.

C. Spence: Correct.

J. Hufford: That home burnt, it practically sat right up to the sidewalk on Carter Street. Probably right against it.

C. Spence: This one, thank goodness is not going to do that.

J. Hufford: I was going to say that was pretty close.

D. Johnting: If you look on the two pictures, at the bottom it shows that the right of way on Carter is as wide as the right of way on Columbia. It's almost as wide as it is on State Road 32, and State Road 1 and US 27. Half this street from the center over to where the house will be is 45 feet. We have streets in town that are not 45 feet.

R. Abel: Do you know what utilities might be in that right away? Why it's so wide?

C. Spence: That's a good question. I don't know.

R. Abel: I mean, usually that's the reason why they are so wide.

C. Spence: Yeah, yeah.

R. Abel: Either existing or future plans for utilities.

J. Hufford: Yeah, most of those utilities run right out into the street.

C. Spence: Yeah, yeah, so I don't know.

D. Johnting: This row of houses all sit...some of them are closer than this one. This little picture up here is kind of hard to see, but most of these are right up to the property line.

C. Spence: And we are working hard to make it blend in. I mean, this is going to sound crazy, I want people to know it's a new house, but I don't want people to notice that it's a new house, if that makes any sense at all. I just want people to notice that it's a nice house, but I don't want people to be like, what is that doing there? I don't want it to stick out in any way shape or form. Other than just complimenting the community and enhancing the community. And it's not going to be a rental. And my wife would not even, nor would I, not even entertain that. And I am not disparaging anybody who owns rentals. God bless you, that's just not our intent. We want to build it, and sell it. We want as many homeowner occupants as possible.

Chairman Hawley: Okay, any other questions from any of the board members? Any other comments from the general population either for or against the petition? I move for a roll call vote?

J. Hufford: So made.

B. Davis: Second.

D. Johnting: Jim Hufford, yes, Jason Hawley, yes, Bill Davis, yes, Tim Hart is absent, Jon Peacock, yes, Drew Cleveland is absent, and Don Calhoun, yes. Motion approved.

C. Spence: Thank you so much.

Chairman Hawley: Congratulations.

B. Davis: How soon you going to get started on that?

C. Spence: Well, I'm going to call Ricky tonight. He's building a couple of homes down by the school as well, not just on Plum Street but on Park Avenue. So, this summer. Aaron Black is doing the flipping of the home next to it, because he wants to be able show it in the fall. But thank you so much, and thank you for what you do.

Chairman Hawley: Sure. Alright, moving on, do we have any old business? Reports of officers, committees and staff.

The following few minutes was discussion by the board on the Rules of Procedure. There were questions on whether time limits could or should be set on presentation time, for comments in support, and for comments in opposition. There was discussion on having an attorney present, and what would a plan be if a situation would arise in the future where Jason could not attend. Jason said that the last

hearing would have been difficult to bring in someone new who was not familiar with the process and also had not attended the prior meeting.

There were questions about the petitioner staying at the table after the presentation, and where the opposition should stand to give their comments. Jason said that the petitioner should leave the table so that the opposition could come up to the microphone. Deb had concerns about folks speaking out from their chairs in the audience, and the microphone picking up their comments. To make sure that the minutes are transcribed correctly, people who wish to comment should come up to the table and introduce themselves each time they make a comment.

There was discussion on how to handle a petition that has been tabled, on setting a speaking time to present any petition, and the potential start and end times for hearings. Can the time period be limited to a certain amount of time before tabling the petition? There was discussion on how soon changes could be made to the Rules of Procedure to regulate speaking times. Jason is going to do research and find out what changes would be appropriate, and if and how changes should be made.

There were questions on the ballot points, and the benefit of voting on them individually. Members asked if they were able to ask questions of each other, for example, if a project was going to happen in a particular member's town, could another member ask their opinion? Jason said there is no problem with members having a discussion about a petition as long as it was on the record. Randy suggested that they use a resource called the Indiana Planners Guide to become more familiar with speaking and meeting procedures.

There was discussion on having more explanation about the petition as it pertains to the rules of the Zoning Ordinance, and Jason said that he would try to help with that in the future.

Chairman Hawley: Can I have a motion to adjourn?

B. Davis: So moved.

We are adjourned. Thank you, ladies and gentlemen, please don't forget to turn your ballots in.

Jason Hawley, Chairman

Debra Johnting, Recording Secretary

Bill Davis, Vice Chairman