

**Town of Georgetown
Board of Zoning Appeals
February 6, 2024 @ 5:00 P.M.
9111 State Road 64
Georgetown, IN 47122**

Haley James called the meeting to order.

Pledge of Allegiance

Roll Call: Michael Mercer, Jeff McCaffrey, Doug Wacker, Doug Bledsoe, and Mike Davenport.

Also in attendance: Kristi Fox, Haley James, and Bob Woosley.

Not in attendance: Reny Keener, Town Manager

Organizational Items

President

Doug Wacker made a motion to appoint Michael Mercer as president. Seconded by Jeff McCaffrey and approved 5-0.

Vice President

Jeff McCaffrey made a motion to appoint Mike Davenport as Vice President. Seconded by Michael Mercer and approved 5-0.

Attorney

Doug Wacker made a motion to reappoint Kristi Fox as the BZA attorney. Seconded by Jeff McCaffrey and approved 5-0.

Engineer

Jeff McCaffrey made a motion to reappoint Bob Woosley as BZA engineer. Seconded by Michael Mercer and approved 5-0.

Approval of Minutes

Jeff McCaffrey made a motion to approve the minutes from June 6, 2023. Seconded by Doug Wacker and approved 5-0.

Old Business

2300 Henriott Road- Zoning Violation (fence)

This property has been found in violation of our Zoning Code because of the type of fence & fence height in the front yard. Our Zoning code states, "Fences are allowed to be installed. However, the fence cannot exceed 3 ft in height unless it is a chain link fence. A chain link fence can be 4 ft in height.

A pool can be enclosed by a 5 ft high fence.” This fence was measured at 5 feet 10 inches and is considered not appropriate for permanent fencing. This issue was brought to the attention of the Town Council at the October and November Town Council meeting. The Town Council explained to Craig Woycheese (renter) his fence is in violation and needs to be removed or he needs to apply for a Developmental Standards variance through the BZA. The Town Council informed Craig Woycheese the other issues he spoke about regarding his neighbor Sandra Conrad were civil issues that did not involve the Town and to contact the police regarding those. The Town Council made a motion to send a violation letter to the renter and property owner via certified mail at the October 16, 2023, Town Council meeting. The renter never signed but the landlord did sign. This issue has involved the building department, the Town Manager, the Town Council, and the police department with the Town and County. As of today, the fence is still up and in violation. Craig Woycheese has added privacy screen to the fence panels.

Michael Mercer made a motion to allow Kristi Fox to pursue litigation. Seconded by Mike Davenport and approved 5-0.

New Business

Public Hearing for Matt Schaefer @ 8935 High Street - Developmental Standards Variance

Parcel # 22-02-03-300-341.000-003

Justin Endres, from Young, Lind, Endres, & Kraft law office is in attendance tonight to represent Matt Schaefer, the owner of 8935 High Street. The owner, Matt Schaefer, is also attending. They have submitted a Developmental Standards Variance application. Matt Schaefer owns both lots and would like to reestablish the original lot 9 and build the duplex on lot 9 since there is already a home on lot 11.

Bob Woosley presents his Town Engineer Staff Report. Bob Woosley explains when this parcel was originally platted, it was 3 lots, lot 9, 10, and 11. Lot 10 has been absorbed by Lot 9 & 11. Lot 11 obtained the East 42ft of lot 10 and lot 9 obtained the West 14ft of lot 10. According to today's code, these parcels do not meet our minimum requirements for lot size, width, and setback amounts.

Bob Woosley's comments are:

- The existing parcels are non-confirming lots that were created prior to our current code being adopted.
- The strict adherence to our code would result in these parcels being non-buildable.
- The existing home sits on Lot 11 (see schematic exhibit attached).
- Granting of the development standards variance will allow lot 9 to be developed as a residential lot as originally intended.

Bob Woosley agrees with the applicant's reasonings and recommends approval of the requested variance. Bob Woosley recommends the board require a surveyor to perform a site survey to confirm the existing home does sit completely on lot 11, and not encroaching on lot 9.

Justin Endres introduces himself to the board and explains why they are requesting a Developmental Standards variance request for 8935 High Street. Justin Endres explains how this variance request meets all 4 criteria's on the application and this home is zoned R-2. The applicant plans to have parking in the rear of the property like the neighboring property at 8927 & 8929 High Street.

Kristi Fox discusses setbacks for the East side of the property and lot coverage, and lot size with Bob Woosley, Justin Endres, and board members.

There are no public comments in favor or in opposition of the ballot.

Mike Davenport prepares and reads the ballot and conditions out loud.

Michael Mercer made a motion to approve the Developmental Standards Variance Application for Schaefer Built Homes, LLC. at 8935 High Street. Seconded by Doug Wacker and approved 5-0.

The Ballot will be attached to these minutes.

Miscellaneous Business

Nothing to report.


Announcements

The next BZA meeting will be March 5, 2024, at 5:00 P.M. if needed.

Adjournment

Mike Davenport made a motion to adjourn. Seconded by Doug Wacker and approved 5-0.

Minutes Approved By:


Michael Mercer- President


Mike Davenport- Vice President

~~Doug Bledsoe~~


Jeff McCaffrey

Vacant

Attest:


Haley James, Secretary

DEVELOPMENTAL STANDARD VARIANCE BALLOT

GEORGETOWN BOARD OF ZONING APPEALS

Docket G-24 - 18 - 206

Petitioner's Name: Schaefer built homes LLC

ORDINANCE AUTHORITY:

Georgetown Zoning Ordinance

The variance petition shall be approved if the findings of fact are made consistent with the requirements of this Ordinance and Indiana State Code. The petition shall be approved with modification if the Board determines that the required finding of fact may be made if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.

DECISION

After careful review the Board finds that:

1. Approval of the variance (WILL NOT / WILL) be injurious to the public health, safety, morals, and general welfare of the community because:

The Subject property is Zoned R2. The Applicant desires to use The Lot As originally Platted And Intended For Residential Purposes. The new Construction ~~or~~ wouldn't Impact Property Values and will Promote Infill of Vacant Lots. Proposed use is Consistent with Adjacent Properties

2. The use and value of the area adjacent to the property included in the variance (WILL NOT / WILL) be-affected in a substantially adverse manner because:

The use is Consistent with Existing neighborhood uses. The new Construction on A Vacant Lot will not Effect Property Values And will Fit with The Character of the Neighborhood.

3. The strict application of the terms of the zoning ordinance (WILL / WILL NOT) result in practical difficulties in the use of the property because:

The strict Application of the Zoning ordinance makes Lot 9 unusable. Subsequent Zoning Amendments have ~~been~~ Retendered Lots Historically Platted like this one Impossible to use without Variance This Request is Consistent with the neighborhood As it was Developed Prior to Such Amendments

4. This variance (DOES / DOES NOT) involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10.

If such a structure is involved, the Petitioner (HAS / HAS NOT) provided the Board with a copy of the following:

- a. Permit for the structure issued by the Indiana Department of Transportation;

- i. Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and
- ii. Evidence that notice was delivered to a public use airport as required in Ind. Code 8-21-10-3 not less than sixty (60) days before the proposal is considered.

The Board of Zoning Appeals hereby **GRANTS** / DENIES) the Petitioner's Variance at the meeting held on the 6th day of February, 2024

Approval by the Board is subject to the completion of the following conditions:

1. Minimum of 5'0" East Setback no other ~~Setback~~ VarianceS
2. Lot Coverage Not to Exceed 60% Lot Coverage
3. Minimum 6000 Sq Foot Lot Size
4. Driveway Access in The Rear
5. Survey to Confirm or Adjust Property Line

Approval by the Board is subject to the following written commitments:

Board Members in Favor:

Board Members Opposed:

