NEW WHITELAND

BOARD OF ZONING APPEALS

APRIL 26, 2016

6:30 pm

Frank Telakowicz began the meeting at 6:31 pm. Members present were Frank Telakowicz, Chad Waltz and Jeff Weaver. Attorney, Lee Robbins and Zoning Administrator, Tim Guyer were both present.

MINUTES:

Jeff Weaver motioned to approve the minutes to the previous February BZA meeting. Chad Waltz seconded the motion. Vote was 3 affirmative.

VARIANCE 15-V-05 Lori & Rod Kupstas 28 Grassy Drive

The Kupstas’s are petitioning for a variance to reduce the rear set back from 25’ to 5’ and the side set back from 12’ to 5’.

Jeff Weaver walked the property and has heard there are already drainage issues in that area. Where they would like to place a shed is about 5-8’ from the drainage swale. There is also a major power line and a major phone line. Jeff Weaver thinks 5’ is too close. Tim Guyer states that from the drawing the shed would be in the easement about 2 ½’. Jeff asked the Kupstas’s if they can move the shed closer to the house. Lori Kupstas states they can move it some.

Jeff Weaver asked if the shed will be put on skids? Mr. Kupstas replied that they plan on purchasing the shed from Buster’s on Madison Avenue and it will be sitting on blocks. Buster’s will dig down 2’ like a fence post and then use concrete blocks.

Jeff Weaver states how backyards become a huge issue when people build in the easements. It causes major drainage issues and becomes a nightmare, and it usually becomes a civil suit between neighbors.

There was some discussion about the rule on accessory buildings, they cannot take up more than 20% of the back yard. Lee Robbins states that the swimming pool would not be included as an accessory building.

Frank Telakowicz asked Tim Guyer if all the variance paperwork is in order. Tim replied yes.

Jeff Weaver continued to talk about the drainage and neighbors to 28 Grassy Drive. One neighbor has taken out the swale and flattened it and put gardening in. Jeff spoke to that guy and he is going to clean that up and put the swale back. Jeff talked about keeping fences clear of debris so the natural flow of water can continue. A privacy fence is like a wall and will not let water get through it. Chain link fences also catch leaves and debris.

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Lee Robbins states that our Zoning Ordinance 7-203 “Accessory Use Requirements”, Section (d)(2) states the following;

“In all residential districts, shall not be located closer to any rear lot line than five (5) feet, but in no case shall it encroach upon any easement.” According to the plat map, the shed would definitely be in the drainage and utility easement.

Jeff Weaver states his concern about too many problems in the future and how it would be hard for the Kupstas’s to dig under that power line. Jeff wants to protect the residents, Duke Energy and Lori & Rod Kupstas. Jeff suggested going from the required 25’ to 10’. Superintendent, Wendell Johnson was in the audience and was asked what he thought as far as drainage. Wendell stated as long as they aren’t obstructing the drainage flow and are out of the easement, he is fine with it.

Frank Telakowicz motioned to grant the variance for the rear set back to be reduced from 25’ to 10’ and the side set back to be reduced from 12’ to 5’. Chad Waltz seconded the motion. Vote was 3 affirmative. Meeting adjourned at 7:10 pm.

 Respectfully submitted:

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Approved By: Recording Secretary