NEW WHITELAND

BOARD OF ZONING APPEALS

AUGUST 27, 2019

6:30 pm

Chad Waltz began the August BZA meeting at 6:30 p.m. Members present were Dennis Montgomery, Chad Waltz and Mike Ryle. Attorney, Lee Robbins and Zoning Administrator, Tim Guyer were both in attendance.

**MINUTES**:

Mike Ryle motioned to accept the minutes from the previous meeting which was September 25, 2018. Dennis Montgomery seconded the motion. Vote was 3 affirmative.

**ELECTION OF OFFICERS**:

CHAIRMAN:

Chad motioned to elect Dennis Montgomery as Chairman of the Board of Zoning Appeals. Mike seconded the motion. Vote was 3 affirmative.

VICE CHAIRMAN:

Chad Waltz nominated Mike for Vice Chairman. Dennis seconded the motion. Vote was 3 affirmative.

**VARIANCE 19-V-01 HABITAT FOR HUMANITY**

Attorney, Lee Robbins states that this is a Public Hearing and he introduced the variance request. Habitat for Humanity is petitioning for a reduction in lot size.

The way this is conducted is, the petitioner will speak. Then anyone in the audience will have a chance to speak. Then it goes back to the petitioner to address any concerns or questions. The variance request is for each lot to be slightly smaller than what the ordinance allows.

Attorney, Eric Prime with Van Valer Law firm states that Habitat for Humanity is interested in developing the 1.5 acre that is currently owned by The Town of New Whiteland. There is an active purchase agreement for Habitat for Humanity to purchase the land. Habitat for Humanity plans to divide the property into three single family lots for three single family homes.

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**Habitat for Humanity variance (continued)**

The 1.5 acre is on the south side of Tracy Road located near the Clark Pleasant soccer field. The New Whiteland Town Council voted unanimously to sell the property to Habitat for Humanity.

Mr. Prime states that it is hard to find ground to develop for Habitat for Humanity. It was a big deal when the Town offered to sell the land to them.

Mr. Prime continued that they could build 2 lots on the 1.5 acres and be in compliance with the zoning ordinance. Since they are so close to having enough acreage for three houses, they are pursuing that option.

The property is currently zoned RS1 and minimum lot size is 23,000 square feet.

Habitat for Humanity is petitioning tonight to ask for the minimum lot size be reduced to 21,778 square feet per lot. That is just a little bit under the minimum square footage required. It was mentioned that Habitat for Humanity will meet with the Plan Commission after the BZA meeting to present the preliminary plat.

If the Board of Zoning Appeals doesn’t grant the reduction of the lots then the review of the preliminary plat won’t happen tonight.

Eric Prime explained that these aren’t free homes. The people have to put sweat equity into it, go to a class for financial planning and they pay a mortgage to Habitat for Humanity.

Board member, Dennis Montgomery asked if they would still meet the required square footage for the actual house. Eric Prime replied, yes.

Gary McClain who resides at 1055 Hilltop Commons Blvd. asked if they are talking about the patch of grass by the soccer field. Yes.

Ron Griffith 6010 25 W asked what the cost of the land is. Lee Robbins asked Maribeth Alspach, who is the Clerk Treasurer for the Town of New Whiteland and is in the audience, if she remembers the purchase price. Maribeth replied $30,000.00. Ron Griffith asked if he could buy it. Lee replied, no because there is a

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**Habitat for Humanity variance (continued)**

current purchase agreement. Attorney, Lee Robbins states the only issue to be discussed tonight is the request for the reduction of lot sizes.

William Matthews resides at 1052 Hilltop Commons and is Vice President of the Hilltop Commons Development, states that he wishes he had known about the property being for sale. He thinks the property would be better suited for a fire station or a dog park. He also stated concern about drainage. Attorney, Lee Robbins explained that new development cannot discharge at a higher rate than before the development. It’s a state law as well as in the Town’s Comprehensive drainage plan. Mr. Matthews also states that he believes two houses in Hilltop Commons were missed on the notification. Lee Robbins and Eric Prime stopped and took the time to look this information up and verified that everyone who was within the 2 properties or 250’ were notified. These two properties that he is questioning are outside the required radius. Proper notification was given to surrounding property owners.

Alicia Bay resides at 251 W 600 N, she states that there are already so many houses crammed into places. Three houses for that small lot is too much. She states that her and her husband are against having three houses on 1.5 acres.

Barbara Penn resides at 1027 Hilltop Commons, she is also against it. That property is too small for three houses.

Maribeth Alspach, 42 Rypma Row states that Habitat for Humanity are not asking for alot. She doesn’t see the problem of helping three families with affordable housing.

There were several interruptions from the audience when Lee Robbins or Eric Prime was speaking. Attorney, Lee Robbins asked the audience to allow the applicant to respond. Most of these comments and complaints are not relevant to tonight’s petition.

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**Habitat for Humanity variance (continued)**

Attorney, Eric Prime states he thinks there is a misconception tonight from the audience. Habitat for Humanity is not asking to rezone the property. They just want to utilize this 1.5 acres to serve three families other than two families. Mr. Prime also states that the market value of these homes is hard to determine due to donations and such. He estimates the home’s value to be in the market of $65,000 to $80,000.00.

Lee Robbins reminded the BZA members to adhere to the Findings of Facts in making their decision. Dennis Montgomery closed the Public Hearing at 7:10 pm. Mike Ryle motioned to deny the variance to reduce the individual lot size.

Dennis Montgomery seconded the motion. Vote was 3 affirmative to deny the variance.

Meeting adjourned at 7:15 p.m.

 Respectfully submitted:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cindy Yates

Approved By: Recording Secretary