

**NEW WHITELAND
BOARD OF ZONING APPEALS
APRIL 27, 2021**

6:30 pm
PUBLIC HEARING

Chairman, John Purdie, called the meeting to order at 6:30 p.m. Members present were Mike Ryle, Pamela Paulin, John Purdie and Matt Gillock. Member Duane McCauslin was not in attendance. Attorney, Lee Robbins and Zoning Administrator, Tim Guyer were both in attendance.

MINUTES:

Mike Ryle motioned to approve the minutes to the previous meeting as presented. Matt Gillock seconded the motion. Vote was 4 affirmative.

VARIANCE 21-V-04 Parnell Jennings 40 Rypma Row

Parnell Jennings is here on behalf of his Mother Judy Jennings, who is the homeowner of 40 Rypma Row. Parnell is requesting a reduction on the side setback from 12' to 8', and a reduction on the rear setback from 25' to 15'. This is in order for him to construct a 12' x 28' storage shed. Parnell states that the existing shed will be removed.

The question was asked how tall will the shed be? Parnell did not have that dimension. He stated that it will not be taller than the house. Scott & Maribeth Alspach were in attendance. They live next door to the petitioner. They voiced their concern of water run off onto their property. The land is steep between the Jennings property and the Alspach's property. Scott's biggest concern is the drainage, he doesn't want more water running onto his property. Parnell Jennings responded that the floor of the shed will be stone, so drainage shouldn't be a problem.

Maribeth states that the size of this storage shed is enormous. The shed is longer than your house is wide. She is concerned this big storage shed will diminish the view from her back yard. She is also thinking about the future. If they were to sell their house, it may be a negative selling point.

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VARIANCE 21-V-04 (continued)

Chairman, John Purdie, states that he has lived in the Break-O-Day neighborhood for twenty five years. On advice from Robbins, Purdie indicates that he does not believe he needs to abstain from voting on the matter. Purdie indicates that there is no other house with a shed that size. John Purdie states he believes there will be more run off. Attorney, Lee Robbins, states that no more than 20% of a rear yard can be for accessory buildings. Lee states it is an unusually large size storage shed, but aside from the requested variance it does not violate any town zoning. Lee Robbins also states that Parnell doesn't want it too close to his Mother's house, so he is putting it closer to the neighbors, the Alspachs.

The Findings of Facts were discussed. John Purdie states that valid concerns arise from the size of the shed. John also has concern for #2 and #3 on the Findings of Facts.

Lee Robbins brought up the fact that the need for a variance is due to the size of the building, not because of the required minimum setbacks. There is nothing unique about the land. It's not the shape of the lot. You are creating the need for the variance because of the size of the shed you have chosen and because of where you want to place it on the property. Lee Robbins states that you are not entitled to a variance if you created the situation. Your request does not comply with the Town's Development Standards.

Purdie noted that Parnell will very likely build the shed if the variance is not granted, but the result is that it will be closer to the road and thus more visible. This is viewed by Purdie as a less desirable result.

The potential to grant the rear setback without granting the side setback was discussed and Robbins indicated that reduced relief can be granted if the petitioner will modify his variance request. This change would mitigate somewhat the drainage concerns of the Alspach. Parnell requested that his variance be so modified to remove the portion of the request having to do with the side yard setback, leaving only the rear yard variance setback request.

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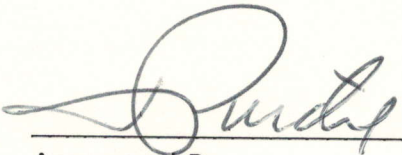
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VARIANCE 21-V-04 (continued)

John Purdie closed the Public Hearing at 7:11. Pamela Paulin motioned to grant the variance request to reduce the rear setback requirement from 25' to 15'.

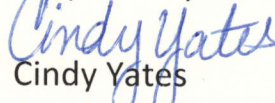
Mike Ryle seconded the motion. Vote was 4 affirmative. Chairman, John Purdie adjourned the meeting at 7:19 p.m.

John Purdie closed the Public Hearing at 7:19 p.m.



Approved By: _____

Respectfully submitted,



Cindy Yates

Recording Secretary