NEW WHITELAND BOARD OF ZONING APPEALS
OCTOBER 28th 2025

PUBLIC HEARING
6:30 pm

Mike Ryle began the October meeting at 6:29 p.m. Members present were Bill Conner, Mike Combs, Christy Ward and Mike Ryle. Attorney, Lee Robbins was in attendance.

MINUTES:
Christy Ward motioned to approve the minutes as presented from the previous meeting, which was August of this year. Mike Combs seconded the motion. Vote was 4 affirmative.

VARIANCE 25-v-03 Benjamin & Zoie Nusbaum 652 Mooreland Dr
Benjamin Nusbaum is requesting a variance to reduce the front set back from 35' to 22' to include the existing structure. Mr. Nusbaum stated that he purchased the property in 2022. They are in the process of selling the house and the buyer's title company discovered the problem. One of the previous owners were the DeHavens. Then it sold to a flipper, they renovated it and then the Nusbaums purchased it. Ben Nusbaum stated he has not done any improvements to the house. It's the same as when they bought it.

Amy Cloud is a Realtor, she called and spoke to Lee Robbins and asked what should be done since it has been like this for decades. The room addition is within the front set back. Nusbaums did not know about it. No one knew about the room addition being in the front set back without a building permit. The Nusbaums were totally surprised. And found this out one week before closing. Ben Nusbaum stated that when a property survey was done for the selling of the house, this problem was discovered. Ben Nusbaum stated that the formality is it's in the setback zone. That 13' or 12'8" is not insurable, he's not sure if that is true. Amy Cloud stated they are unable to get a clear owners title with the title insurance company.

Lee Robbins stated that he learned of the problem a few weeks ago when Amy Cloud called him. The room addition is located within the front set back. Who in

VARIANCE 25-v-03 Benjamin & Zoie Nusbaum (continued)
the past knew anything about it? Lee Robbins reminded the members that their decision is to be driven by the Finding of Facts submitted in the petition.

I stated that I looked all the way back to 1998 for a building permit or a variance and I found nothing on 652 Mooreland Drive. Mike Ryle stated that the structure has been there and sounds like it might have been missed in the sheriff sale in more recent years. Mike Ryle asked if anyone from the audience has anything to say? Amy Cloud stated she sure would like to see this seller be able to move on with the closing on the house.

Mike Ryle closed the Public Hearing at 6:40 p.m.

Bill Conner motioned to grant the variance to reduce the front set back from 35' to 22'. Mike Combs seconded the motion. Vote was 4 affirmative. Mike Ryle closed the meeting at 6:42 pm. Lee Robbins states that he will send a letter stating that the variance was granted because there was no signature line for the members to sign.

Respectfully submitted:

Cindy Yates

Cindy Yates
Recording Secretary

Approved By: