

Members present: Don Tichenor, Vice Chr.  
Dave Barker, VBM  
Larry Stewart, VBM  
Debbie Brammer, VMB  
Gregg Crider, Brd Atty  
Aaron Davis, Sec.  
Janet Davis, Clerk

Members absent: Josh Estelle, Chr.

**\*REVISED\***

The New Castle Board of Zoning Appeals met on Thursday, June 13, 2013 in the City Council Chambers. Vice Chairman Don Tichenor called the meeting to order at 7:03PM. He explained the procedures to follow during the meeting to those in attendance.

The minutes of the February 14, 2013 meeting were reviewed and approved with Don Tichenor making the motion, second by Dave Barker and the motion carried.

The only request on the agenda was BZA-2-13 by Martin James and Troy James, 1930 Fairmont Ave, New Castle, IN seeking a special exception to zoning from R-1 to R-2 to convert single family residence to a duplex (1440 sq ft). Martin James was in attendance at the meeting and spoke about the request.

Discussion was held as to **whether this request could be continued to the next** meeting, based on a missing voting board member, and the possible effect this may have on the outcome. The petitioner was under the impression he could request a continuance with a single missing member; Don Tichenor stated that was not the case. Gregg Crider stated he was not sure. The meeting continued, and the petitioner was asked to state his request.

Mr. Martin reviewed the reasons he had stated on the application for converting the single residence to a duplex, and noted that Aaron Davis, as Building Inspector, has been to the house and viewed the changes already made to the residence. Dave Barker asked if a pass through had already been eliminated, and Mr. James stated it had. Mr. Barker also asked if the separated sections would have separate heating, and Mr. James stated yes, one has forced air and the other baseboard heat.

Don Tichenor asked if the legal obligation had been met, including the newspaper ad and notification made to neighbors. Janet Davis stated it had. Mr. Tichenor also asked if the intent of the conversion was to create income property, and Mr. James stated it was. Mr. Tichenor further inquired about whether adequate parking for a two-family residence would be available. Mr. James feels the two-car garage would address that problem, as he would be living in one unit while renting the other, and so could monitor the parking situation. Mr. Tichenor stated he is concerned with the long term effects of the conversion, when another owner may not monitor parking.

Debbie Brammer stated that she has seen income producing properties added to neighborhoods that are intended as single family residential neighborhoods, and the problems this creates, including parking, trash, and disorderly properties. She further stated she believes Mr. James would care for this property but is also concerned with the long-term effect of an income property on this neighborhood.

Mr. James stated he feels he is improving this property with the updates he is making, and therefore adding value to the neighborhood.

Don Tichenor asked for further questions, and none were asked.

Mr. Tichenor then called for Board discussion, and as none was forthcoming, ballot vote was called for. Voting board members marked their ballot sheets and Vice Chairman Tichenor announced the following decision:

BZA-2-13 was denied by a vote of 2 to 2 with one voting member being absent.

Mr. James then questioned why he had not been allowed to continue the meeting due to an absent voting member, and Mr. Tichenor deferred to legal counsel. Mr. Crider stated he did not want to tender a legal opinion until he could research how the statute reads regarding options of petitioners when voting member/members are absent. He will contact the Building Commissioner's office with the outcome of his research.

There were no more requests on the agenda. Dave Barker made a motion to adjourn, second by Larry Stewart, and the meeting was adjourned at 7:38PM.

Respectfully submitted,

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Janet Davis, Clerk  
New Castle Board of Zoning Appeals