

Meeting Minutes
Board of Zoning Appeals
April 11, 2024

Members present: Debbie Brammer, Chr
Dave Barker, Vice Chr
Don Criswell, VBM
Peggy Manor, VBM
Jennifer Kelsik, VBM
Joel Harvey, Atty
Kenny Melton, Sec
Janet Davis, Clerk

Absent: None

Also in attendance:

The New Castle Board of Zoning Appeals met on Thursday, April 11, 2024, in the City Council Chambers.

City Attorney Joel Harvey brought the meeting to order at 6:00pm, reading board member Debbie Brammer's reappointment by Mayor Greg York, expiring December 31, 2028. He then opened the floor to nominations for the 2024 officers of this Board. Don Criswell volunteered to service as Chairman, and was then nominated by Peggy Manor; second by Debbie Brammer. With no additional nominations, the motion passed unanimously. Mr. Harvey then turned the meeting over to Chairman Criswell. When the Chair called for nominations, Debbie Brammer volunteered to serve as Vice Chairman, and was then nominated by Jennifer Kelsik; second by Dave Barker. With no additional nominations, the motion passed unanimously.

After the Chairman confirm the members had reviewed the minutes from the December 14, 2023 meeting, Jennifer Kelsik made a motion to accept the minutes, second by Debbie Brammer; this motion also passed unanimously.

The Chair introduced the first item on the agenda, BZA-1-24, an application made by Bisely Lainez, 2107 Cottage Avenue, New Castle; requesting a variance to keep the 16' x 20' shed she had recently constructed on the property, that exceeds the size of accessory structures allowed; in R2 single- and two-family residential zoning.

Brenda Martinez of New Castle addressed the board, informing them that she was the translator for Ms. Lainez, who was on her way to the meeting but caught in traffic. However, her mother, who is also an owner of the property, was present, but Mrs. Martinez stated they preferred to move the other requests ahead of them, to allow Ms. Lainez time to arrive.

Chairman Criswell then introduced the next request application on this agenda, BZA-2-24, an application made by Andrew Meyer, 3721 South Timothy Lane, New Castle; requesting an expansion to the existing building at 3101 East Brown Street, New Castle, adding a 60' x 80'

shop, with 16' walls, and continue commercial use of the property; in R1 single-family residential zoning.

Mary Palmer, co-owner of Meyer Welding & Fabrication, appeared before the board to explain their request. She reminded the board that she had previously applied for and been granted a variance to operate their business in residential zoning. They had grown their business faster than they expected, and expanded into commercial, added another truck for a two-man crew, and are now a third-party contractor for Walmart. They have outgrown the small building and need additional storage and work space. Attaching the new space to the existing space will best suit their needs. They intend to add a drive on the south side of the property from North 31st Street, where semis could drive into the bays in the new shop area, with probably three bays added. Eventually, they plan to redo the smaller building by making one big peak to tie in the new addition.

She had mailed the certified letters to the neighbors, as required, although some did not pick up the notice. They had spoken to the surrounding neighbors about their request, and received only positive feedback. All of the neighbors she spoke to are pleased with how they have improved the property and cared for it. She then shared that they love their location, so instead of moving somewhere else they want to do this expansion to create the space they need and also help make the area a look littler nicer.

Dave Barker then confirmed with Janet Davis that the applicant had met the legal requirements. He then asked if the semis would be driving down 31st Street, and Ms. Palmer said that the semis don't usually bring their trailers, just bobtailing or occasionally will drop their trailer. They also work on a lot of dump trucks. She informed them that, for the next year or so, they will be working out of town a lot, as they are travelling into Illinois, Kentucky and Ohio. Dave Barker then confirmed that the new space would allow them to work inside and keep it contained instead of having things sitting in the parking lot.

Peggy Manor then commented that she had personally used their services and noticed how they work to keep their property clean and orderly. Kenny Melton had also used their services and noted their fabricating work was top notch. Don Criswell also commented that he had been encouraged to use their shop.

With no additional discussion, the Chair offered the floor to anyone who wished to speak in favor of the request, or in opposition to it. When no additional comments were made, he then called for voting. After completing the roll call vote, Janet Davis announced the following outcome:

BZA-2-24: granted 5-0

The applicant was instructed to provide plans as well as a state design release to the Building Commissioner when they were ready to move onto construction, to obtain a building permit.

The next request introduced by Chairman Criswell was BZA-3-24, a request made by Kara Criswell, 2120 Spring Street, Lot 132, New Castle; to place her 1995 mobile home at 400 North 30th Street, New Castle, a residential lot that is not located in a mobile home park; and also

cannot meet the minimum requirements for the front yard, rear yard, lot size, lot width and minimum ground floor square footage; in R1 single-family residential zoning.

Janet Davis explained to the board that this applicant had issues with the required legal publication in the local paper. The process to complete the notice was no longer handled at the local level, which was creating some confusion on submitting the ad copy, providing payment for the ad, and then obtaining the affidavit of publication. The legal notice for Ms. Criswell could not be verified for this meeting, as she had not received her affidavit and had been unable to acquire it although she had tried. Therefore, Mrs. Davis had advised Ms. Criswell that, without proof of the publication of her notice, her request would be tabled until such proof could be produced. Therefore, the applicant was not in attendance at this meeting.

The Chair then asked if anyone was present to speak on this request, and Drue Gilbert, 6071 E CR 700S, Straughn, addressed the board. Mr. Gilbert owned the property at 402 North 30th Street, New Castle, which bordered Ms. Criswell's property to the north. He stated was unsure of what zoning this request might violate, so he was then informed of the details of her request. He then informed the board that he had demolished the house on his property in February, and is now contemplating whether to rebuild or not. He expressed his concern of how a thirty-year-old mobile home on the lot next door might affect his property's value, believing it would hurt the value more than it would help, whether he builds or sells. Kenny Melton said he was aware of Mr. Gilbert's property and complimented how much he had improved the lot since purchasing it. The board then reviewed the drawing submitted by the applicant, to confirm the size of the lot and size of the trailer. Additional discussion was then postponed until the next meeting when the applicant would be present to participate.

Dave Barker then made a motion to table this application to allow time to confirm publication of the legal notice; second by Peggy Manor. The motion carried.

Next, Chairman Criswell returned to the first application on the agenda, BZA-1-24. Ms. Lainez had still not arrived, but Joel Harvey felt it was appropriate to continue with her mother, Maria Esperanza Lainez present.

Janet Davis explained to the board that this applicant also had issues with the required legal publication in the local paper, and had not yet received her affidavit of publication. Mrs. Martinez had, however, acquired The Courier Times edition, intact, for Thursday, March 28th, 2024, the date Ms. Lainez's notice published. Joel Harvey confirmed this proof was acceptable. At this point, Dave Barker confirmed with Mrs. Davis that the legals for this application had been met.

Janet Davis then explained that the Lainez family had begun working on the property without understanding local building requirements, and had the shed completed by the time the Building Commissioner became aware. Kenny Melton commented that they had a nice shed, constructed by them and not a prebuilt. Don Criswell then confirmed that the application was to keep the shed that had already been built.

The Chairman then asked for additional questions from the board members, and with no response, then offered the floor to anyone wishing to speak in favor of, or in opposition to the request. With none, he then called for voting. After conducting a roll call vote, Janet Davis announced the following results:

BZA-1-24: granted 5-0

Mrs. Lainez was advised to obtain a permit for the shed from the building inspector's office.

With no additional business, Chairman Criswell made a motion to adjourn; second by Jennifer Kelsik. The meeting adjourned at 6:35pm.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Kermy Melton", written over a horizontal line.

Kermy Melton, Secretary

New Castle Board of Zoning Appeals