

Meeting Minutes
Board of Zoning Appeals
May 9, 2024

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

Absent: Dave Barker, VBM; Peggy Manor, VBM

Also in attendance: Kim Criswell, Kara Criswell, Michael Criswell, Joshua McKee, Gary Pinnick, Jewel Groce

The New Castle Board of Zoning Appeals met on Thursday, May 9, 2024, in the City Council Chambers.

Chairman Criswell brought the meeting to order at 6:00pm, and after confirming the members present had reviewed the minutes from the April 11, 2024 meeting, Debbie Brammer made a motion to accept the minutes, second by Jennifer Kelsik; this motion passed unanimously.

The Chairman then explained the procedures of the meeting, advising the applicants of the requirements for approving a request and noting that only three of the five voting board members were present. Although this was a quorum, which allowed the requests to be heard, the applicants had the opportunity to postpone presenting their request until the next meeting in June. Kara Criswell, the applicant for BZA-3-24, advised the board she would like to postpone until the June meeting. Janet Davis also informed the applicant that she found that one of the certified notices was not sent to the owner's address of record, but to the property address. Although the applicant believed the owner was living there, Joel Harvey felt it best to certify another letter to the address of record, especially since the applicant had requested to postpone for a month anyway. Janet Davis then read an email from MacKenzie Torphy of Koransky, Bouwer & Poracky, representing Hill Oxford Three LLC for BZA-6-24, requesting to postpone their request until the June meeting, as well.

Chairman Criswell then moved on to read BZA-4-24, an application by Joshua McKee at 542 South 25th Street, New Castle; requesting a variance to add a 35' x 18' steel garage, with a 14' peak, to protect a travel trailer; exceeding the size of accessory structure allowed; in R2 single- and two-family residential zoning.

Mr. McKee presented his request, informing the board that he wanted the carport to cover his camper, to help protect it from the weather, especially the roof as that is what usually goes first. Jennifer Kelsik asked to clarify what about the structure was oversized, and was informed it would exceed in length only, which causes it to also exceed in square footage. He further

explained he would place the carport roughly 35' behind his house, and somewhere between 10' to 15' south of the garage. Mr. McKee plotted the location on a map for the board members. Debbie Brammer then asked if the legal requirements had been met. Janet Davis explained that, although Mr. McKee had notified five neighboring property owners, he did not notify the church across the street but instead notified those neighbors who were beside or behind the planned carport's location, so those with the most direct sightline would be aware of this request. Joel Harvey felt Mr. McKee had met his obligations with those neighbors that were notified.

Chairman Criswell then asked if any of the board members had questions, and with none, offered the floor to anyone wishing to speak in favor of or in opposition to the application. With no response, he then called for voting. After completing the roll call vote, Janet Davis announced the following outcome:

BZA-4-24: granted 3-0, with two absent voting members

The applicant was instructed to obtain a building permit for the carport from the Building Inspector's office.

The Chairman then introduced the next application, BZA-5-24: a request submitted by Gary Pinnick at 509 Church Street, New Castle, for a variance to add a 24' x 26' steel garage on the west side of his house, with a gravel drive to the west; exceeding the rear yard requirement; in R3 single-, two-, and multi-family residential zoning.

Mr. Pinnick explained to the board that he had purchased the lot to the west of his house, then combined lots in to a single parcel. The empty lot measures approximately 56' x 80', so he had plenty of room to add the structure. If approved, he intends to face the overhead doors to the west so that his vehicles will enter from South 5th Street, where there is no curb to cut or sidewalk to cross on 5th Street. The garage will have two overhead doors, along with a service door and a window. Jennifer Kelsik confirmed with Mr. Pinnick that the garage would be placed to the side of the house, as there was not enough room for the garage in the rear yard. Kenny Melton advised he had completed a site inspection at the property, and found Mr. Pinnick's plan to be a good one. Mr. Pinnick stated he had lived at the property for twenty-four years, and he once had a vehicle totaled while parked on the street. He would like to get off-street parking to avoid this from happening again.

Chairman Criswell confirmed with Janet Davis that this applicant had met all of the legal requirements, then offered to the floor to any board member with additional questions. When no additional discussion followed, he then offered the floor to anyone who wished to speak in favor of, or in opposition to, the request. With no response, he then called for voting. After conducting a roll call vote, Janet Davis announced the following decision:

BZA-4-24: granted 3-0, with two absent voting members

The applicant was instructed to obtain a building permit from the Building Inspector's office for the garage.

Chairman Criswell then introduced the final application on the agenda, BZA-7-24, an application made by Jewel Groce at 3100 Beechwood Drive, New Castle; requesting to add a 12' x 24' prebuilt shed beside the house, exceeding the size allowed and the rear yard requirement; in R1 single-family residential zoning.

Ms. Groce was present to explain that she wanted to add the shed, with an overhead and an entry door, and keep the shed she currently had.

When Jennifer Kelsik asked to confirm with Janet Davis that Ms. Groce had completed the legal requirements for her request, Mrs. Davis explained that the applicant had notified rear and front neighbors, and some of the side neighbors, but at least one of the neighbors across the street that would apparently have a visual of the new shed had not been notified. After the Building Commissioner and the city's attorney viewed the map of the certified notices, both felt the notices sent were sufficient.

With no additional discussion by the board members, the Chairman offered the floor to anyone who wished to speak on the matter, either in favor or in opposition. With no response, he than called for voting. After conducting a roll call vote, Janet Davis announced the following results:

BZA-7-24: granted 3-0, with two absent voting members.

Ms. Groce was advised she would need to obtain a permit from the building inspector's office.

Janet Davis advised the board members that the potential error on a ballot that had been discussed at the prior meeting, had been located and corrected. Then, with no additional business, Jennifer Kelsik made a motion to adjourn; second by Debbie Brammer. The meeting adjourned at 6:30pm.

Respectfully submitted,



Kenny Melton, Secretary

New Castle Board of Zoning Appeals