

Meeting Minutes
Board of Zoning Appeals
December 12, 2024

Members present:

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

Absent:

Also in attendance: David Upchurch, Jim Howard

The New Castle Board of Zoning Appeals met on Thursday, December 12, 2024, in the City Council Chambers.

Don Criswell brought the meeting to order at 6:05pm. He confirmed with those members present that they had reviewed the minutes from the September 12th meeting. Dave Barker made a motion to accept the minutes, second by Peggy Manor; the motion passed unanimously.

Chairman Criswell then introduced BZA-19-24, an application submitted by Justin Upchurch and David Upchurch, PO Box 2, New Castle; seeking a variance at 116 North 25th Street, New Castle, to operate a used car lot in C1 Commercial – Local Business zoning.

David Upchurch informed the board members that this location was previously a car lot for many years, before Pattan's Body Shop began to operate there. He also let them know that the property was in fairly bad shape from the last tenant there, and since taking possession, he and his son had worked hard to clean it up.

Dave Barker asked if they intended to operate a body shop as well. Mr. Upchurch let him know that their plan was to get the car lot opened first but they were considering adding a body shop at some point in the future. Building Commissioner Kenny Melton confirmed the body shop would be a legal, nonconforming use since a body shop had been operating there for many years, under multiple owners.

After Dave Barker confirmed with Janet Davis that the legal requirements for this application had been met, Chairman Criswell then offered the floor to anyone wishing to speak on this request. With no other comments, he then called for voting. After conducting a roll call vote, Janet Davis announced the following outcome:

BZA-19-24: granted 5-0

Chairman Criswell then introduced the next request on the agenda, BZA-15-24, an application submitted by Roger Crowe, PO Box 545, New Castle; requesting a variance to erect one 1736 square foot duplex and one 868 square foot single-family residence at parcel 030-90564-00, an empty lot on P Avenue; exceeding lot coverage, rear setback, front setback, and the number of dwellings allowed on a residential lot; in R2 single- and two-family residential zoning.

Jim Howard, the general contractor who worked with Mr. Crowe to design the plans, was present to explain this request, and would also be representing him on the other three requests on the agenda that were made by Mr. Crowe. He let the members know that the rear setback was short of the requirement by 5", the front setback was short by 3', the sides met the required 5' setback on each side.

Dave Barker then confirmed with Janet Davis that the legal requirements for this request were met.

Don Criswell commented that it would take all of \$200,000 to build, and how the new construction would help the city by adding property taxes. Dave Barker asked if the intention was to lease or to sell, and Mr. Howard said he was not certain but thought the intent was to lease them. Debbie Brammer then stated that she was involved in the sale of the land to Mr. Crowe and his intention at the time of purchase was to build rentals. Peggy Manor commented that she had just been in Fishers, and the distance between houses developed there is very small, which seems to be the trend now. She felt it was better to develop additional housing on the lots. Kenny Melton added that Mr. Crowe was making major improvements on P Avenue, and Dave Barker agreed, adding Mr. Crowe would take good care of the properties as long as he owned them. Mr. Howard informed the members that the construction on this lot was intentionally planned as single story so it would be ADA compliant. The members agreed this would be a huge improvement to this neighborhood.

Chairman Criswell offered the floor to anyone wishing to speak on the matter, and since there was no one else in attendance, he got no response. He then called for voting. After conducting a roll call vote, Janet Davis announced the following outcome:

BZA-15-24: Granted 5-0

The Chairman then introduced BZA-16-24, an application also made by Roger Crowe, requesting to erect two 1976 square foot duplex dwellings on the empty lot at 2029 P Avenue, New Castle; exceeding lot coverage, rear setback, and number of dwellings allowed on a residential lot; in R2 single- and two-family residential zoning.

Mr. Howard advised that this lot is the smallest of the three adjacent lots owned by Mr. Crowe on the south side of P Avenue. There is a property owned by the county at the rear of this lot. Although there were no current ground water issues, they realize these developments would cover a great deal of the land and want to avoid creating issues. They've checked with Zed Leath at the city's wastewater treatment plant and been advised there is a storm sewer on the road, that is 6.5' and 8" round. Mr. Leath believed they could tie downspouts onto this with no concerns. Dave Barker stated he would like to confirm whether this is storm only or combination, since they would not be able to tie into it if it was combination.

Mr. Howard further advised they would add adjoining driveways between 2035 and 2029 P Avenue, because of lot sizes. Tenants may use them jointly but they will be separate, without crossing property lines. Tenants would not be able to park on the access drive but each of the units would have separate drives and garages at each of the units.

Dave Barker then confirmed with Mr. Howard that the square footage figures presented are living space, both upstairs and downstairs, and do not include the square footage of the attached garages. These units would be three bedroom and two bath. When Peggy Manor asked if there were nearby playgrounds, it was noted that there is a school and Baker Park within walking distance.

Dave Barker then confirmed with Janet Davis that the legal requirements for this request had also been met.

Since there was no one else in attendance, Chairman Criswell called for voting. After conducting a roll call vote, Janet Davis announced the following outcome:

BZA-16-24: Granted 5-0

Mr. Crowe's next application, BZA-17-24, was then introduced, requesting to erect two 1975 square foot duplex dwellings, this time on the empty lot at 2035 P Avenue, New Castle; also exceeding lot coverage, rear setback and the number of dwellings allowed on a residential lot; in R2 single- and two-family residential zoning.

Mr. Howard informed the members that the intent was to develop an identical plan to the property adjacent to it, but flipped. This property would be developed with a 12' driveway instead of the 10' drive planned on that adjacent property, because of the difference in lot width.

When Don Criswell asked for an idea of the cost to construct at each of these properties, Mr. Howard said he thought Mr. Crowe had estimated somewhere in the \$275,000 to \$350,000 range for each. Peggy Manor was curious what the rent might be but Mr. Howard was not informed on that matter.

Jennifer Kelsik then confirmed with Janet Davis that the legal requirements for this application had also been met.

Again, since there was no one else in attendance, Chairman Criswell called for voting. After conducting a roll call vote, Janet Davis announced the following outcome:

BZA-17-24: Granted 5-0

The chairman then introduced Mr. Crowe's next application, BZA-18-24, requesting to erect two 1976 square foot duplex dwellings on the empty lot located at 2037 P Avenue, New Castle; which would also exceed the lot coverage, rear setback, and number of dwellings allowed on a residential lot; in R2 single- and two- family residential zoning.

Mr. Howard stated the development plan for this lot was the same as the previous plan. The only difference was this lot was deeper by 7'.

Peggy Manor confirmed with Janet Davis that the legal requirements for this request had also been met.

With no additional discussion, and no one else in attendance, Chairman Criswell called for voting. After conducting a roll call vote, Janet Davis announced the following outcome:

BZA-18-24: Granted 5-0

In reference to 2029 P Avenue, these buildings are within inches of the driveway, so Mr. Howard asked if the city had comments on whether they raised the curb, added bollards, or decrease the length of buildings. There were no comments.

In reference to the storm sewer, Dave Barker let Mr. Howard know he will check on that matter and let him know what he finds.

Don Criswell asked when they planned to start and was informed the variances that were approved last year are going up now. These developments would begin after those were completed or at least near completion.

With no additional business, Don Criswell made a motion to adjourn; second by Peggy Manor. The meeting adjourned at 6:40pm.

Respectfully submitted,

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

Kenny Melton, Secretary
New Castle Board of Zoning Appeals