

Meeting Minutes
Board of Zoning Appeals
October 9, 2025

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

Absent: Janet Davis, Clerk

Also in attendance: Ed Hill, Ashley Lovell, Jerry Cash, Corey Murphy, Jeff Ray, Lisa Lovell

The New Castle Board of Zoning Appeals met on Thursday, October 9, 2025, in the City Council Chambers.

Chairman Criswell brought the meeting to order at 6:00pm. He then confirmed the members had reviewed the minutes from the August 14, 2025 meeting. Debbie Brammer made a motion to accept the minutes, with a second made by Jennifer Kelsik; this motion passed.

The Chair first introduced BZA-11-25, an application made by Rickie & Doris Beatty at 1303 Riley Road to keep the 20' x 20' carport added to the driveway in the front yard; in R1 single-family residential zoning.

Mrs. Beatty explained to the board that they had installed a carport in the over the drive in the front yard without knowing the ordinance requirements. She then explained their side yard was not wide enough to allow access to the rear yard to install a carport there.

Mr. Barker confirmed with Kelly Allen that all legals had been met. Chairman Criswell then offered the floor to anyone wishing to speak in favor of the request, or in opposition to it. He then asked if the Board had any questions. Peggy Manor asked if this was a new rule from the UDO, and Kenny Melton explained that ordinance had always required an accessory structure to be behind the rear corner of the house. Peggy confirmed with Mrs. Beatty that they did not own the vacant lot to the west of their property. When asked, Mrs. Beatty stated they did not place the carport flush against the house because of concerns with runoff from rain, ice and snow. She also advised they had not received any negative feedback from their neighbors.

When there was no additional discussion, Chairman Criswell called for voting. After completing the roll call vote, Kelly Allen announced the following outcome:

BZA -11-25: granted 5-0

The Beattys were advised to acquire a permit from the building inspector's office.

President Criswell then recused himself from voting on the remainder of the requests on the agenda, due to a conflict of interest. He had been hired by Affordable Housing Solutions of Henry County LLC to complete the foundations for these requests, if approved.

Chairman Criswell then introduced the next item on the agenda, BZA-6-25, an application made by Ed Hill for Affordable Housing Solutions of Henry County LLC; 8561 South Spiceland Road, Spiceland, IN; requesting to add a 15'6" wide single-family residence to the empty lot located at 1 Elliott Court, New Castle, which is less than the minimum required 20' width; with a 17' front setback instead of the required 25' minimum; in R1 single-family residential zoning. This request was tabled from the August meeting and postponed from the September meeting.

Mr. Hill was present, and explained to the board members that he lived at 808 Elliott Avenue, and that the corporate address is the 8561 South Spiceland Road. He then stated that they had obtained the soil compaction test which was positive. Dave Barker asked city attorney Joel Harvey if the City should start requesting compaction tests for any house built on a property where a previous structure had been demolished. Mr. Harvey stated that if it was requested in a variance, then the Board would need to make that a condition of the variance. If the Board wanted this to be a uniform rule for every structure that was demolished, it would need to go to City Council. Ed Hill then stated that all four properties on this agenda had soil compaction tests completed with positive results on all four.

When the Chair asked if there was anyone that would like to speak in favor of this request, Cory Murphy with the New Castle / Henry County Economic Development Corporation, 100 South Main Street, Suite 203, New Castle, stated the infill development for housing at this price point that our community needs. He explained that this was long-term economic prosperity, and commended the owners for filling a need by partnering with the landbank, and the community foundation for financing, to bring houses back to our neighborhoods at a price point that were affordable, and getting properties back on the tax roll. He encouraged the board to approve this variance.

Jerry Cash, president of Affordable Housing Solutions LLC, then spoke in favor of their request. He believed they would be installing quality homes that no one should have concerns about living next to. Ed Hill shared pictures of a similar home that was installed in Fort Wayne. Peggy Manor then inquired if any of these houses had been bought then sold, and were they holding their value upon resale. Ed Hill's response was that there have been a number of these homes constructed in the South Bend and Indianapolis areas, but he was unsure if there were any statistics out there. Dave Barker stated he had been in the factories and these were quality homes that were stick built in factories instead of built onsite. Jennifer Kelsik asked what the price point was going to be, and Ed Hill responded \$165,000-\$175,000 for 1488 square feet of living space.

Peggy Manor expressed that her only contention with the variance is that the house was not big enough. There was some additional discussion among the board members, with Corey Murphy commenting as well, regarding the old zoning ordinance and the requirements of the new UDO.

The Chair then asked if there was anyone present in opposition of this variance. Ashley Lovell, 2 Elliott Court, approached the Board to state that she was not in favor of granting the variance. She presented a petition that neighbors had signed in opposition to granting this variance. Peggy Manor asked if she tried to get the neighbors to attend the meeting, explaining that if people did not attend, it was difficult to hear their opinions. Ed Hill then asked Ms. Lovell what the question was on the petition. She answered that the petition stated that a house was being built there that did not meet the requirements to build. Ed Hill then stated that he had settled that with the Building Commissioner's office and that it was considered a non-conforming lot due to using the average setback from the front. Jennifer Kelsik asked Mr. Hill if this house would cause an obstruction for traffic at the intersection, as that was already a dangerous intersection. He explained that the front setback will be 17' off of the property line and in line with the existing houses on Elliott Court, so the house would not be directly on the street.

Dave Barker then confirmed with Joel Harvey that he could propose the condition of adding a wrapped porch, should the request be approved. He then made a motion to add the condition to construct a wrapped front porch creating the appearance of a 20' width on the front of the house, extending the wrapped porch on the side by the depth of the porch along the front; second made by Jennifer Kelsik. Mr. Barker felt that by wrapping a porch around the side, the footprint of the house would at least appear wider, even though the actual size would not change. The Chair then asked if there was any further discussion on the motion. Ashley Lovell then stated she was willing to buy the lot, and was informed the lot was not for sale. She expressed her displeasure that the lot was not offered for sale. Then, with no further discussion, the Chair conducted a voice vote and the motion passed 4-0, with one member abstaining.

Chairman Criswell then asked if there were additional questions regarding this application. When Debbie Brammer asked about parking, and both Dave Barker and Don Criswell confirmed off-street parking in the driveway that the UDO requires would be added, but there would not be a garage. Dave Barker then confirmed with Kelly Allen that all legals had been met.

The Chair then called for roll call voting, and after conducting a roll call vote, Kelly Allen announced the following outcome:

BZA-6-25: granted 3-1 with one member abstaining from voting. The condition to require the porch was included with the approval.

The Chair then introduced the next item on the agenda, BZA-8-25, an application made by Ed Hill for Affordable Housing Solutions of Henry County LLC; 8561 South Spiceland Road, Spiceland, IN; requesting to add a 15'6" wide single-family residence to the empty lot located at 1625 F Avenue, New Castle, which is less than the minimum required 20' width; in R2 single- and two-family residential zoning. This request was postponed from the September meeting.

Ed Hill stated they were seeking this variance for the same house to be constructed. Mr. Hill informed the board members that this lot was narrow at 38' wide, and there were similar style houses in the area. Don Criswell mentioned that this was the same neighborhood where Habitat was building homes, on C and D Avenues. When the Chair asked if the board had any questions for Mr. Hill, Dave Barker stated he would like to make a motion to require the same previously approved condition for a wrapped porch. When asked, Mr. Hill told them the intended width of

the porches was 5', and this lot size was 38' x 132'. After some discussion regarding manufactured homes, modular homes, and stick-built homes, and their differences and similarities, the Building Commissioner confirmed manufactured homes must have an approved HUD sticker on them and Joel Harvey advised state law did not allow prohibiting a home just because it had an approved HUD sticker on it.

Kenny Melton then presented a letter that was submitted to his office from Valdis Kremers, the owner of a neighboring property that was located at 1311 S 17th Street, who was in opposition of this request. Joel Harvey then confirmed for Mr. Criswell that reading this letter was the same as the writer of the letter being present, and it should be acknowledged as part of the record for the Board to consider. Mr. Criswell then asked if there were any additional questions, with no response. He then called for voting, but Dave Barker first confirmed with Kelly Allen that this applicant had met the legal requirements. Then, after conducting a roll call vote, Kelly Allen announced the following outcome:

BZA-8-25 passed 4-0, with one member abstaining. The condition to require the porch was included with the approval.

Chairman Criswell introduced the next item on the agenda, BZA-9-25, another application made by Ed Hill for Affordable Housing Solutions of Henry County LLC; 8561 South Spiceland Road, Spiceland, IN; requesting to add a 15'6" wide single-family residence to the empty lot located at 1227 S 18th Street, New Castle, which is less than the minimum required 20' width; in R2 single- and two-family residential zoning. This request was also postponed from the September meeting.

Mr. Hill approached the board to explain they were again seeking to add the same style of house to this lot as the other requests. The lot at this location was 40' wide, and was a corner lot. The lot's location was confirmed for Mr. Criswell. Dave Barker then made a motion to propose the same condition of adding a wrapped porch, should the request be approved; second made by Jennifer Kelsik. The motion passed 4-0 with one member abstaining. Ms. Kelsick confirmed with Kelly Allen that all of the legals had been met, and the chair then called for voting. After conducting a roll call vote, Kelly Allen announced the following outcome:

BZA-9-25, passed 4-0, with one member abstaining. The condition to require the porch was included with the approval.

Chairman Criswell introduced the last item on the agenda, BZA-10-25, an application made by Ed Hill for Affordable Housing Solutions of Henry County LLC; 8561 South Spiceland Road, Spiceland, IN; requesting to add a 15'6" wide single-family residence to the empty lot located at 1609 Columbus Street, New Castle, which is less than the minimum required 20' width; in R2 single- and two-family residential zoning. This request was postponed from the September meeting, as well.

When Mr. Hill was asked if there was already a foundation on this lot, he verified the lot with a foundation that the members noticed on Columbus Street was for the request that was approved at the August meeting. No foundation work had begun on this lot. Don Criswell advised the members that, because the manufacturer charged the same whether they delivered one or two houses, AHSHC opted to postpone delivery until two houses could be added. Until this meeting, only one had been approved so delivery had not yet been made.

Dave Barker then made the same motion that, if approved, a wrapped porch would be required with the same conditions as the previously approved requests; second made by Peggy Manor. Chairman Criswell then conducted a voice vote, and the motion passed 4-0 with one member abstaining. Jennifer Kelsik confirmed that at least some of the trees on the lot would be removed, because the lot was small. Peggy Manor and Jennifer Kelsik simultaneously asked if the legals had been met, and Kelly Allen confirmed they had. Don Criswell then called for voting, and after Kelly Allen conducted a roll call vote, she announced the following outcome:

BZA-10-25, passed 4-0, with 1 member abstaining. The condition to require the porch was included with the approval.

Dave Barker reminded Mr. Hill to obtain the appropriate permits for these properties.

With no additional business, Peggy Manor made a motion to adjourn; second by Dave Barker. The meeting adjourned at 6:58pm.

Respectfully submitted,

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

Kenny Melton, Secretary

New Castle Board of Zoning Appeals