

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

Members absent: Aaron Davis, Sec.

The New Castle Board of Zoning Appeals met on Thursday, July 11, 2013 in the City Council Chambers. Chairman Josh Estelle called the meeting to order at 7:00 PM.

The minutes of the June 13, 2013 meeting were reviewed. Larry Stewart made a motion to pass, subject to correcting the minutes by replacing the phrase “what constitutes a quorum” with “whether the request could be continued” in the third paragraph; second by Dave Barker and the motion carried, subject to that correction.

The first request on the agenda was BZA-2-13 by Martin James and Troy James, 1930 Fairmont Ave, New Castle, IN representing request for 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.

Mr. James, after requesting a copy of the previous meeting minutes, addressed the issues discussed in the June meeting of the BZA. He provided pictures of the residence, reflecting his plan to increase off street parking by adding a gravel parking space in the rear of the house, and widen the size of the driveway (also with gravel) to accommodate additional tenant parking. Some discussion was held regarding these proposed changes.

Additional discussion was held, debating the use of the phrase “rezone R1 to R2” in the work sheet and ballots. Mr. Estelle inquired of Mr. Crider if an exception or additional requirements could be included in an approval, to which Mr. Crider confirmed this was possible. Further discussion was held regarding rezoning versus an exemption to allow this individual to split to duplex, and require next owner to reapply to keep as duplex. Mr. Stewart commented that this residence does not appear to be a duplex from the street. Both Dave Barker and Mr. James commented that this neighborhood already has 2, 3, and multifamily homes, whether they were done legally or not.

Mr. James was questioned about how he separated the two living quarters, in regards to the space to be rented. The rented apartment is a 2 bedroom, single bath, with a living room and a kitchen. Heating has been separated, with this unit receiving heat from a gas furnace, and a separate 200amp panel was installed.

Since this board cannot rezone a property, Mr. Crider asked how to reword the request since it was made to “rezone”. Mr. Stewart commented that this property had already been converted into a 2 family residence, awaiting the finishing touches.

Mr. Martin then addressed previously expressed concerns of the problems that a duplex might create in a primarily single family neighborhood. He plans to require additional damage deposit, covering the cost of additional large item and/or trash removal, to ensure the tenant will be held responsible.

Further discussion was then held regarding changing the variance request, since this board cannot vote on rezoning. Mr. Crider asked if the legal would have to be republished. The legal notice from the newspaper and the mailed notices to the neighbors were made available to the board for review, showing they stated only that the petitioner has requested converting a single to a two family residence and making no mention of rezoning. Mr. Crider then suggested a motion to amend the ballot and vote on the variance.

Mr. Estelle asked for additional comments, and received none. Mr. Barker made a motion to amend the ballot to match the wording of the legal notice, changing “rezone” to “variance”, second by Debbie Brammer.

The next request on the agenda was BZA-3-13 by Todd Check of C & C Future, LLC, of 1501 S Memorial Drive, New Castle, seeking a special exception to maintain existing advertising sign at existing size and location, and raise height not to exceed 35’ from base. Mr. Check was in attendance at the meeting to speak about the request.

He stated that, although they are not “local”, they are a local property investor. They have purchased a few properties in New Castle, which they are currently improving. The proposed sign is 160 square feet, and he understands ordinance allows only 100 square feet if unoccupied for over one year, requiring they apply for a variance to keep the size. He stated they need the advertising this sign would provide, as they need a higher percentage of units rented to continue to operate. Their plan is to raise the sign a maximum of 35’ from the base, restore it and improve the indirect lighting. If successful, they may expand.

Mr. Barker raised concern with the changes proposed and the current state of disrepair of the sign. Mr. Check said they are willing to correct the base, and electrical as well, to be certain the sign is properly supported. Some discussion was held regarding the sign. Mr. Barker further questioned if they plan to excavate and rebase the sign, and not widen it, to which Mr. Check agreed. Mr. Check was told by the “lady with the State” that the sign is not hanging over the state highway.

Mr. Estelle asked for additional questions from the board, and there were none. He also asked if anyone had comments in support of or in opposition to this request, and there were none.

Mr. Tichenor stated that Mr. Check must keep the Building Commissioner fully abreast and apprised of these change, and that a preapproval be submitted to and approved by the Building Commissioner so that all ordinances and guidelines are meet.

Voting was called for, completed, collected and counted by Chairman Estelle, who then announced the following decisions:

BZA-2-13 was approved by a vote of 4 to 1 with, the following conditions: wording of request is amended to read as the legal notices read, removing the verbiage “rezoning” and replacing it with “variance”; the variance is specific to Mr. James, and does not run with the land; and, the stone and pavers to add additional off-street parking must be completed prior to tenant occupation.

BZA-3-13 was approved by a vote of 5 to 0 with the condition that the Building Commissioner will approve the project prior to work commencing.

There were no more requests on the agenda. Larry Stewart made a motion to adjourn, second by Dave Barker, and the meeting was adjourned at 7:45PM.

Respectfully submitted,

Janet Davis, Clerk
New Castle Board of Zoning Appeals