

# Board of Zoning Appeals

MEETING DATE: January 18, 2022

TIME: 7:00 p.m.

LOCATION: Pendleton Town Hall

100 W. State Street Pendleton, Indiana

## **ORDER OF BUSINESS**

### **I. CALL TO ORDER**

Meeting was called to order by Chairperson Kyle Eichhorn at 7:00 p.m.

### **II. ROLL CALL AND DETERMINATION OF QUORUM**

Board members in attendance in person were Kyle Eichhorn, Jenny Sisson and Jerry Burmeister. Board members Jamila Zafar and James King attended virtually. A quorum was established. Individuals representing the Town was Interim Planning Director Hannah Urbanski, Clerk Denise Mckee and Shanna Kelly representing the Town Attorney Jeff Graham. Also, in attendance, were Josh Ring, Kyle Smith and David Gilman.

### **III. OATH OF OFFICE/ELECTION OF OFFICERS**

- A. Oath of Office – Jamila Zafar took the Oath of Office for Jerry Burmeister.
- B. Election of Officers –

**Motion to appoint Kyle Eichhorn as Chairperson made by Jenny Sisson; seconded by Jamila Zafar; roll call taken and all members voted in favor of motion; motion carried.**

**Motion to appoint Jenny Sisson as Vice Chairperson made by Jamila Zafar; seconded by Kyle Eichhorn; roll call taken and all members voted in favor of motion; motion carried.**

**Motion to appoint Jamila Zafar as Secretary made by Jenny Sisson; seconded by Kyle Eichhorn; roll call taken and all members voted in favor of motion; motion carried.**

### **IV. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**Motion to Approve the December 21, 2021 Meeting Minutes made by Jenny Sisson; seconded by James King; Roll was taken and all members present voted to approve the December 21, 2021 Meeting Minutes; motion so carried.**

### **V. OLD BUSINESS**

Shanna Kelly asked for a vote on motion to ratify the regular monthly meetings to be held on the third Tuesday of each month at 7 pm. All members voted in favor of said motion; motion carried.

## VI. NEW BUSINESS

### A. V01182022-01: Variance on lot size in Residential Core Conservancy District (RC) and lot width on one lot in proposed SF-2 District

- Hannah Urbanski presented the following information, with application and images provided in presentation and Google Drive:
  - David Gilman, on behalf of Petitioner Kyle Smith, filed application for Variance from Development Standards.
  - Land is old dump site that sits at Tile, Laurel and South Main.
  - Property currently zoned Residential Core Conservancy, previously Historic Residential under the prior Zoning Map.
  - Lots #9-10 in line with the Unified Development Ordinance, but lots #1-8 are larger than the maximum 10,000 square feet allowed for the RC District in the UDO.
  - Lot #11 frontage has a tricky point of ingress and is smaller than minimum allowed. Petitioner later plans to seek rezone southern lots to SF-2, but still smaller than SF-1 frontage requirement. Site plan rendering shared and available on Google Drive.
- David Gilman, in representation of Petitioner Kyle Smith, presented the following:
  - Petitioner Kyle Smith purchased the land in 2020 with intent to develop subdivision.
  - Petitioner has been working with former Planning Director Kayla Hassett on this development.
  - UDO was approved in October 2021 and was aware of the Zoning District of the property.
  - Developer believes subdivision fits the spirit of the UDO.
  - Subdivision matches existing platted lots surrounding the property.
  - Subdivision gives diversity.
  - Developer believes subdivision is a good transition from the Residential Core Conservancy District.
  - Developer desires lot width to keep to homes in the area, but challenge to stay under 10,000 square feet lot with the 176 feet deep lots.
  - Most of the lots are not far off standard as within 10% of the 10,000 square feet maximum. Lots #1 and #6 are the only parcels over 12,000 square feet.
  - Developer believes he did a great drop creating infill.
  - Between blue and yellow sections on the property rendering, exists the Pendleton ditch and change in topography gives a natural separation of the two areas. Homes in blue area will be 2200-2500 square feet homes, while desire 4000+ square feet homes in the yellow section.
  - Homes will be naturally wider as garages attached and not in alley as with nearby historical homes.
  - Seek Variance for Lot #11 as currently only offers 25 feet frontage at Laurel Street. Once 25.5 feet right-of-way is paved/improved and Laurel Street is

extended, frontage standard will be met. Yet, in the meantime, Variance is necessary.

- At Plan Commission Meeting scheduled for February 2, 2022, Petitioner will seek a change in zoning to SF-2 for the southern half of the property.
- Only inquiry came from nearby property owner on side of Tile. Inquiry addressed concern of low-spot on property during heaving rains causing flooding. Petitioner confirmed development will not worsen, if not improve, the drainage in this area. Petitioner relayed the following to the property owner:
  - Petitioner seeks two proposed Variances, including lot size and frontage standard at tonight's BZA meeting.
  - Petitioner will later present Zoning District change and Subdivision Plat approval to Plan Commission. At that time, Petitioner will also address water and drainage needs as well as pervious needs, adhering to the Ordinance requirements.
- All required notices sent out and received no other calls and/or concerns.
- Working with Hannah Urbanski regarding street trees to create a nice transition between urban and outlying areas.
- The following discussions took place:
  - Jenny Sisson asked if street cuts are appropriate. Sisson also asked if alley/back garages would be a possibility to match the Historic District nearby. Hannah Urbanski replied that Kayla Hassett had discussed street cut requirements with Kyle Smith. Urbanski also added that alley/back garage design was discussed and ideal, but that drainage needs may have been reason for avoiding reloading design.
  - David Gilman stated that the topography does not lend itself well to the south (yellow area), creating need for larger, wider lots, which is not fitting for the Residential Core Conservancy.
  - Kyle Eichhorn asked if there were detention plans. David Gilman replied that they do not believe a detention pond is necessary as have enough land and pervious areas for sufficient drainage.
  - David Gilman commented that the detach garage layout is not attractive for most, especially with the deep lots. Gilman added that the Developer also seeks diverse building product.
  - Kyle Eichhorn stated that BZA is only considering the following two requests at this time:
    - Lot size Variance for lots #1-8, to allow larger than 10,000 square feet
    - Frontage for Lot #11, to allow at 25 feet
  - Hannah Urbanski advised that these Variance requests are Step #1 before presenting Site Development Plan to the Plan Commission. Urbanski also advised that Planning Department has not received any letters from anyone with concerns about these requests.

- Kyle Eichhorn stated with 50-60 feet average frontage requirement, request seems to make sense as to the division of the property.
- Hannah Urbanski shared the following Staff recommendations:
  - Approve Lots #1-8 to be larger than maximum RC Zoning limit of 10,000 square feet
  - Approve Lot #11 width to be less than the required SF-2 Zoning requirement of 60 feet, to allow 25 feet
- Kyle Eichhorn asked the BZA members if there was a motion to approve the Variance Requests as presented, based on the Findings of Fact and Staff Recommendations.

**Motion to approve larger size lots #1-8 of the Residential Core Conservancy and approve lot #11 with a 25 feet frontage of proposed SF-2 as presented and based on Findings of Fact and Staff Recommendations made by Jenny Sisson; seconded by Jamila Zafar; roll call was taken and all members present voted in favor of said motion; motion carried.**

#### **VI. ADJOURNMENT**

Meeting was adjourned by Kyle Eichhorn at 7:38 p.m.

Next meeting February 15, 2022 at 7 pm.