

The Pendleton Board of Zoning Appeals met on August 21, 2018 at 7:00pm at the Pendleton Town Hall, 100 W State Street, Pendleton, Indiana. The meeting was called to order at 7pm. Board Members present were Tammy Bowman, Tim Swartz, Tim Pritchard and Jerry Kelly. A quorum was established with four of five members present. Representing the Town were Planning and Zoning Administrator Kayla Hassett, Town Counsel Alex Intermil and Planning Clerk Kate Edwards. Minutes of the July 17, 2018 meetings were approved.

Others in attendance included Amy and Curt Sigler of 612 S Broadway Street Pendleton and Steve Costerison of 780 N Pendleton Avenue Pendleton.

OLD BUSINESS

None

NEW BUSINESS

V08212018-01 771 N Pendleton Avenue – Accessory Building

Kayla Hassett presented on Google Drive. The Variance Application is for a pole barn larger in square footage and taller than the Ordinance allows. Proposed structure is 1,536 square feet, code allowing for 1,200, and 19.75 feet tall, code allowing for 15 feet.

Presentation included plans for the proposed barn. Paul Schwinghammer has purchased about 15 acres on N Pendleton Avenue. He plans to sell five to seven acres and build his home and barn on the remaining acreage. A site plan of the proposed layout was provided along with an aerial of the acreage and photos of the land and neighboring properties. Zoning for this property is Single-Family and the proposed use for the barn is for RV parking. Petitioner has been made aware that the barn cannot be used for human habitation or for business.

Pritchard asked and received confirmation that the lot being sold was buildable.

Swartz asked if there were any responses from neighboring property owners. Hassett reported that one neighbor, Mr. Costerison, was present. Costerison was asked if he had any concerns and he stated his only concern was that he wanted to make sure the lot for sale was only going to be for a single home and he was advised that it was only for a single home. Costerison had no other concerns.

MOTIONED BY TIM PRITCHARD, SECONDED BY TIM SWARTZ, TO APPROVE V08212018-01. MOTION CARRIED WITH A UNANIMOUS VOTE.

FINDING OF FACT FOR V08212018-01 SIGNED BY ALL PRESENT MEMBERS AND ATTESTED BY KATE EDWARDS.

V08212018-02 612 S Broadway Street – Front yard Parking Area

Hassett Google Drive Presentation included the Application for a Variance from owners Curt and Amy Sigler, a couple images of the property with a vicinity map, an aerial of the property showing the driveway running along the north side to the garage in the rear, a drawing of how they would like to expand it by 14 feet and photographs of the property. Hassett advised this Variance came to Planning after the contractor began installing the driveway, came in for a permit and was advised the Variance process was necessary because Planning considered this to be front yard parking and not a driveway.

Staff Findings:

Unified Development Code

158.09 OFF-STREET PARKING AND LOADING REQUIREMENTS

158.09.01 Schedule of Off-Street Parking Requirements

Dwellings, Single and Two Family require two spaces per dwelling unit.

158.09.04 Location of Required Parking

C. Front Yard Parking Requirements.

Parking shall not be allowed in the front yard of any residential zoning district and no parking shall be allowed within seven feet of the front property line in all other zoning districts.

D. Driveway Parking Prohibited Except in Residential districts

Except in residential districts, parking in driveways connecting the public right-of-way with a parking area or garage shall not be permitted on or adjacent to the driveway.

158.09.06 Design and Improvement Standards for Off-Street Parking Areas

C. Improvement Standards

1. Off-street parking facilities shall be surfaced with Portland cement concrete, bituminous aggregate mixture, bituminous concrete pavement or paving brick. Tar and chip surfaces, cold patch, and gravel are not considered permanent surfaces and are not allowed unless otherwise stated in this Section. In low-traffic residential parking lots, porous asphalt or grass pavers may be used to reduce surface runoff. Parking areas with five or fewer spaces in rear yards of residential zoning districts may be surfaced with gravel or tar and chip.

152.02 DEFINITIONS

Yard – A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided in these zoning regulations.

Yard, Front – A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the front lot line and the front building line.

Yard, Side – A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally at 90 degrees with the side lot line, from the nearest part of the principal building, except in the cases of irregular or pie-shaped lots when the width of the required side yard shall be an average of the width of the area between the side lot line and the principal building measured horizontally at 90 degrees with the side lot line.

Kelly asked petitioners if the backyard was going to remain gravel for parking and the petitioners said yes.

Swartz asked if the new front yard parking plans to be concrete and petitioners said yes. He also asked if there were other examples of this in town and Hassett could only refer to the one across Broadway but that was for a one car garage conversion and the drive was already existing.

Pritchard made the request to the owners not to park between the tree and the road.

Kelly asked about any concern regarding storm water runoff to the north and Hassett advised it should not change from the existing driveway line.

Bowman brought up the issue about parking between the tree and the road. Swartz added that is about 18'. Pritchard added they should comply with not parking there.

MOTIONED BY TIM PRITCHARD, SECONDED BY TAMMY BOWMAN, TO APPROVE V08212018-02 WITH NOTED 7' X 18' DIMENSIONS AS THE PARKING SET BACK. MOTION CARRIED WITH A UNANIMOUS VOTE.

FINDING OF FACT FOR V08212018-02 SIGNED BY ALL PRESENT MEMBERS AND ATTESTED BY KATE EDWARDS.

Next meeting is scheduled for September 18, 2018 at 7:00pm.

Meeting adjourned at 7:18pm.

Kate Edwards
Planning Clerk
Town of Pendleton