

Board of Zoning Appeals
City of Crawfordsville
Meeting Minutes
May 17, 2023

The City of Crawfordsville Board of Zoning Appeals met as scheduled on Wednesday, May 17, 2023 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Bernard Thompson, Shelle Wheeler, Joyce Burnette, Scott Voliva, and Ron Henricks. Others in attendance were: Megan Huckstep, Director of Planning & Building Services; Tyler Nichols, City Attorney of Taylor, Minnette, Schneider & Clutter; and Kathryn Vice, Executive Assistant, Planning & Building Services.

Joyce Burnette called the meeting to order at 7:00 p.m. and the roll was called.

Meeting minutes from April 19, 2023 were presented for consideration. Scott Voliva made a motion to approve the minutes as presented. Ron Henricks seconded. Motion approved 5-0.

SE of 401 E South Boulevard	Parkbridge Investment Group	SE 0059
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With no items of old business, the Board moved forward with new business. Planning Director Megan Huckstep reviewed the staff report presented to the Board concerning petition SE 0059 submitted by Parkbridge Investment Group who was requesting a special exception from the schedule of uses of the City Zoning Ordinance to expand an existing mobile home park in an R-3, residential zoning district located southeast of 401 E South Boulevard, accessed from Ladoga Road. Ms. Huckstep explained that the property is currently vacant or wooded land. It was surrounded by R-3 to the north and east, B-3 to the west, and R-1 to the south and southwest. Ms. Huckstep reported that the wooded lot has served as a buffer between the existing mobile home park and the properties as well as Elm Street to the west. She stated that Mobile Home Parks or Subdivisions are a special exception in the A-R, R-3, and B-3 zoning districts and mobile homes are prohibited from being placed sporadically throughout the City. Ms. Huckstep reported that the property was annexed into the City limits in August 1970 and the property already included a mobile home park development at that time. Ms. Huckstep explained that the proposed development would be accessed from an extension of Argonaut Drive and Coachlight Drive within the existing Imperial Estates Mobile Home Park and would include a connecting road. She stated that the existing roads are private and the City does not maintain nor have jurisdiction of the roads. After an onsite review, Staff found vehicles double parked on the side of two different streets, in some cases with cars parked on the opposite side of the road as well. Ms. Huckstep stated that the existing mobile home park has two access drives from Ladoga Road, a heavily traveled two lane city road. Ms. Huckstep noted there were no known environmental, fire, police, or emergency issues. She reported that the Petitioner understands there are additional approvals necessary before the subdivision development could be approved, including consideration by the Plan Commission and review by the Technical Advisory Committee. The findings of fact are as follows:

1. *Whether the special exception is listed as such in the Official Schedule of Uses?*

Yes, a mobile home park or subdivision is a special exception in the official schedule of uses in a R-3, residential zoning district.

2. *Whether the special exception will not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons?*

The mobile home park subdivision exists and the special exception would be an expansion of the existing subdivision that would include potentially 31 new mobile homes in addition to a detention pond to meet the requirements of the Storm Water Ordinance. Neighbors have expressed that they have found people from the mobile park walking on their property in the wooded areas and they have expressed liability concerns.

3. ***Whether the special exception is a manufacturing or industrial/processing facility that will comply with all of the performance standards of Section 153.023?***

n/a. The proposal is not for a manufacturing or industrial processing facility.

4. ***Whether the special exception will be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties?***

It appears that the wooded buffer between the existing business to the northwest and the residential properties to the southwest would all be removed for the new mobile home park expansion. Staff found that there is an old chain link fence with slats that has acted as a barrier between the mobile home park and the old County Market grocery store, what is now known as a training facility on South Boulevard owned by Merchants Warehousing. The concept plan that is presented does not indicate there would be any type of fencing or landscaping between the mobile home park expansion and the adjoining properties.

5. ***Whether the special exception will produce a total visual impression and environment which is consistent with the environment of the neighborhood?***

Approval of the special exception would be an expansion of the existing mobile home park subdivision; it appears that the proposed plan would be consistent with the existing mobile home subdivision; however staff believes that there are standards from the city zoning ordinance concerning mobile home subdivisions that if not being met, may require development standard variances.

6. ***Whether the special exception will organize vehicular access and parking to minimize traffic congestion in the neighborhood?***

Staff completed a site review prior to the meeting and recognized some traffic congestion already in the existing neighborhood. Staff believes parking and traffic congestion would likely still be a concern; however the streets are private.

7. ***Whether the special exception is for a home occupation?***

No, the special exception is not for a home occupation.

8. ***Whether the special exception will preserve the purposes of this chapter?***

The property is zoned R-3, residential. A mobile home park is existing and this would be a small expansion of 31 units including infrastructure that would be private. Mobile Home Park Subdivision are a special exception in the R-3 zoning district. There is concern that the existing Subdivision does not meet the current guidelines for a Mobile Home Park or Subdivision such as the laundry facilities, resident and overflow parking areas, tornado shelters for residents.

Ms. Huckstep reported based on the findings of fact, Staff would recommend denial of the special exception. Should the Board feel inclined to approve the special exception, Staff would recommend the approval be granted with the following conditions:

1. The subdivision meet the ordinance for off-street parking spaces for each unit, in addition to parking be limited to one single lane of parking on each side of the street.
2. A privacy fence and/or landscaping buffer of at least 6 feet tall be constructed and maintained along the west and south property lines.

3. Should the subdivision not meet the current mobile home subdivision guidelines established by the City Zoning Ordinance, then the Petitioner would be required to request a variance from the BZA for those standards.

President Joyce Burnette ask for some clarification in regards to item two of the findings of fact, as well as item eight concerning the guidelines requiring laundry facilities, overflow parking, and tornado shelters. Ms. Burnette also asked for confirmation that a special exception would be a must approve, should it meet the criteria. City attorney Tyler Nichols stated that to be the case. Ms. Huckstep reported verbal concern from neighboring property owners regarding liability should closer proximity to the Mobile Home Park and lack of a buffer allow easier access for trespassers on their private property. She reiterated the guidelines for a Mobile Home Park Subdivision, stating she did not observe a laundry facility, overflow parking, tornado shelter, etc., which were not required when the existing park was built, but would be for any addition. Shelle Wheeler questioned how parking, fire, and safety would be enforced as they are private roads. Ms. Huckstep stated it would be reviewed to fire safety standards.

Roger Azar of DES Engineering came forward representing the Petitioner. He stated agreeance with Staff's recommended conditions should the Board be inclined to approve the special exception. Mr. Azar stated the fencing or another buffer along the west property line would be prudent. He reported the south side property line was already wooded and the existing Mobile Home Park currently had a dilapidated fence. Mr. Azar did not see a need for a fence on the south side property line, but would be compliant with the recommendation. He stated they would be compliant with drainage standards, reporting a pond in the preliminary design. Mr. Azar stated to address parking issues, the design of the street follows the City's standard and also allows for an additional nine feet on either side of the street to allow for parallel parking, so as not to impede with street traffic. Mr. Azar stated they could post no trespassing signage along the property line and recommended legal action should neighboring property owners find trespassers on their property. Mr. Azar reported discussions with the property owner regarding a tornado shelter, which would take up one of the lots and could serve dual purposes as a coin laundry as well. He reported that the design would meet the 600 feet requirement between fire hydrants. Mr. Azar reported that Agronoaut Drive, Coachlight Drive, and Mercedes Drive would be looped together, allowing easier access for fire trucks.

The meeting opened to the Board for questions. Bernard Thompson asked Mr. Azar if he had the Mobile Home Parks license number. Mr. Azar stated he did not have the license number for the existing park, but could get it from the Petitioner. Ms. Burnette asked if the entire parcel would be used for lots. Mr. Azar reported that aside from the pond and the shelter, the remaining area would be used for lots. Mr. Thompson asked if the State has ever inspected the existing Mobile Home Park. Mr. Azar reported that he was unaware of the answer at that time, but the existing homes were likely grandfathered in. Ms. Burnette questioned the location of the pond. Mr. Azar reported the pond would be located on the southwest corner, at the lowest point of the property and they could lose some lots should the pond need to get bigger to meet requirements.

The meeting opened for public comment. James Deer, 720 E 150 S, came forward to speak neither in favor, nor in opposition of the proposal. He reported large amounts of trash coming onto his property from the existing Mobile Home Park, as well as some sort of unknown water runoff flowing onto his property from the park. Mr. Deer stated he would be having the stagnant water tested, as his children had gotten stuck in it while riding their four-wheelers and the water had a strong odor.

Neighboring property owners, Foo Wolf and Kasey Ferguson, came forward to speak in opposition of the proposed Mobile Home Park expansion. They were especially concerned with trespassers, as it has already been an issue on their property. Mr. Wolf stated he would be in favor of some sort of buffer. Additionally, Mr. Wolf and Ms. Ferguson had concern regarding the detention pond, stating the low spot was on their property and suggested exploring the possibility of piping all the way to the creek on their property. They were very concerned

about the effect on their property value. Ms. Ferguson stated at the time of purchase they were told verbally by the previous property owners that this expansion would never happen.

Mr. Azar came forward to address the comments. He stated that the statute requires them to discharge onto their own property and to not impact adjacent property owners negatively. He stated they could pipe it all the way to the creek, however that would require an easement from Mr. Wolf and Ms. Ferguson. Mr. Azar offered an alternative solution of a rip rap channel, which would not require an easement and could be included in any conditions the Board sets forth. Mr. Azar stated he would be willing to review the design with Mr. Wolf and Ms. Ferguson to ensure their satisfaction. Scott Voliva questioned if Mr. Azar had looked into the runoff going onto Mr. Deer's property. Mr. Azar reported a surface drainage pipe going onto Mr. Deer's property. He suggested that after testing, Mr. Deer could address any issues with the Montgomery County Health Department. Mr. Voliva questioned if some sort of rip rap channel could address Mr. Deer's runoff as well. Mr. Azar stated he cannot address what is existing, that the Petition is only for the expansion. He suggested Mr. Deer work with the property owner directly to come up with a solution. Mrs. Wheeler questioned whether a buffer could be negotiated. Mr. Azar stated the recommendation could be more specific and they would comply with what the Board decides. Ms. Ferguson asked whether the pond was for the thirty-one new lots. Mr. Azar confirmed that was the case. Ms. Ferguson reiterated her adamancy for a fence and not simply a tree line.

After some further discussion amongst members, Ms. Huckstep clarified that the Board was considering land usage only at this time. There would be several other entities to go through, including the State, prior to final approval. Joyce Burnette made a motion to approve the special exception with the following conditions:

1. The subdivision must meet the ordinance for off-street parking spaces for each unit, in addition parking in the subdivision will be limited to one single lane of parking on each side of the street;
2. A security fence of at least six (6) feet tall and a landscaping buffer of evergreen trees must be constructed and maintained along the west and south property lines;
3. Should the subdivision not meet the current mobile home subdivision guidelines established by the City Zoning Ordinance, then the Petitioner would be required to request a variance from the BZA for those standards.

Scott Voliva seconded. Motion passed 5-0.

720 E 150 S

James Deer

UV 0081

Continuing with new business, Planning Director Megan Huckstep reviewed the staff report presented to the Board considering petition UV 0081 submitted by James Deer who was requesting a use variance from the schedule of uses established by the City Zoning Ordinance for a guest house in an R-1, residential neighborhood located at 720 E 150 S. Ms. Huckstep explained that the property is currently used for a single-family residence. The property is surrounded by R-3, residential to the north and properties to the south, east and west are zoned R-1, residential. She stated the Petitioner indicates the guest home may be used for a nanny or a family member who currently lives with them. Ms. Huckstep stated the property has been used for a single-family residence since being constructed in 2019. In 2019, a permit was issued for a detached garage. In 2020, an improvement location permit was issued for an outdoor kitchen/patio area, then in 2021 a permit for a pole barn was issued. She stated the Petitioner subdivided the property in March 2021 and was recorded in April 2022. Ms. Huckstep reported a six foot privacy fence was approved in the front yard by the BZA. She stated that in May 2022 the BZA denied a request for the Petitioner to operate a grooming and boarding business from the residential property, then in August 2022 the BZA denied a request for a second dwelling on the property for an in-laws quarters, as the Petitioner did not attend that meeting. Ms. Huckstep reported no known traffic, environmental, fire, police or emergency issues. The findings of fact are as follows:

1. ***Whether the approval will not be injurious to the public health, safety, morals, and general welfare of the community?***

The structure is already existing. A second residential dwelling should not be dangerous, injurious, or noxious to any other properties.

2. ***Whether the use and value of the area adjacent to the property included in the use variance will not be affected in a substantially adverse manner?***

The use and value of the area adjacent to the property included should not be affected in a substantially adverse manner, so long as the use and the structure is kept in a tasteful fashion and does not become unmaintained.

3. ***Whether the need for the use variance arises from some condition peculiar to the property involved?***

The need for the use variance does not arise from a condition peculiar to the property. The property is zoned R-1, Residential. A detached single-family dwelling is a permitted use. The structure was built as an accessory structure.

4. ***Whether the need for the variance was not self-created?***

The need for the variance could be considered self-created. The structure was built for storage and then turned into a dog kennel; however the BZA denied the Petitioner a Use Variance to operate a dog grooming and boarding business. The property has also been subdivided; therefore a second home could be constructed on the adjoining lot that was subdivided and meet the City's Zoning Regulations.

5. ***Whether the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought?***

Staff does not believe that the strict application of the terms of the zoning ordinance would constitute an unnecessary hardship if applied to the property. The structure was originally constructed as an accessory structure for the property. The property has been subdivided and a detached single-family dwelling could be constructed on the adjoining vacant parcel if it met the zoning and building requirements.

6. ***Whether the approval does not interfere substantially with the Comprehensive Plan?***

No, the use does not interfere substantially with the Comprehensive Plan. The Future Land Use Map identifies this area as residential neighborhoods. The property has been divided and a second dwelling could be constructed on the second lot and conform to the current Zoning Ordinance regulations.

Ms. Huckstep stated based on the findings of fact, Staff would have to recommend denial of the request. Should the Board be inclined to approve the request, Staff would recommend the following conditions:

1. The structure meets all building codes for single-family dwelling including but not limited to: electric, sewer, and water utilities;
2. The structure does not become a rental unit.

Mrs. Wheeler asked for clarification if the proposed guest house was on the same lot as the principle residence. Ms. Huckstep stated the guest house was on the same parcel. Additionally, she stated the Petitioner had moved the fence and installed a pond, which varied from the aerial view that had been presented to the Board. The Petitioner provided an updated survey depicting the subdivision for members to review.

The Petitioner came forward to address the Board. He stated the need for a nanny to help with their six children and having space for them to live in. Mr. Deer also reported family members and friends who stay with them and need their own space away from all the children. Mr. Deer referred to pictures presented to the Board of the existing building. He saw no reason that adjacent property owners would be negatively affected by the proposal.

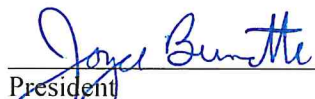
After some additional discussion amongst the Board, Ms. Burnette read a letter of opposition received from Loretta J. Richard-Robicheau, 711 E 150 S. Joyce Burnette made a motion to approve the use variance with the following conditions:

1. The structure meets all building codes for a single-family dwelling including but not limited to: electric, sewer, and water utilities;
2. The structure does not become a rental unit, Airbnb, or business.

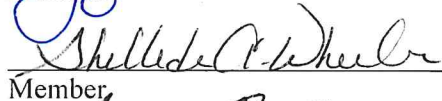
Scott Voliva seconded. Motion passed 5-0.

With no further business, the meeting adjourned at 8:35 p.m.

Minutes Approved: _____



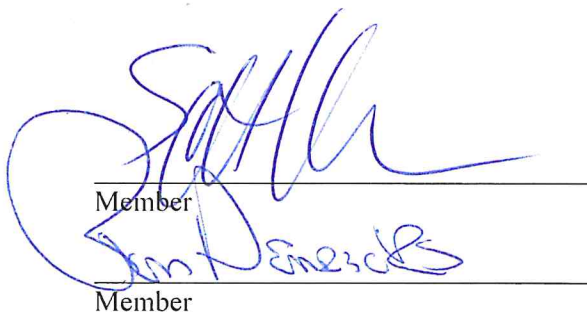
President



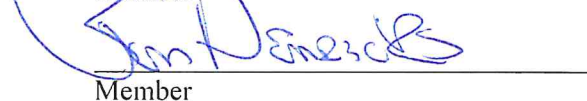
Member



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