



## **Board of Zoning Appeals City of Crawfordsville, Indiana**

City Building  
300 E. Pike Street, 2nd Floor  
Crawfordsville, IN 47933

### **June 21, 2023 at 7:00 PM Meeting Minutes**

The City of Crawfordsville Board of Zoning Appeals met as scheduled on Wednesday, June 21, 2023 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Shelle Wheeler, Scott Voliva, Joyce Burnette, Bernard Thompson, 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 May 17, 2023 were presented for consideration. Scott Voliva made a motion to approve the minutes as presented. Ron Henricks seconded. Motion approved 5-0.

#### **1251 W Country Club Road      David McFall      DSV 0126**

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 DSV 0126 submitted by David McFall who was requesting a development standard variance from the fence and wall standards of the City of Crawfordsville Zoning Code to extend the construction of his six (6') foot wood, privacy fence 48 feet north on his west property line in an R-1, residential zoning district located at 1251 W Country Club Road. Ms. Huckstep reported that the property was surrounded by R-1, residential in all directions. She explained the property was developed in 1988 with a single-family, residential home; a utility shed was added in 2005 and a garage in 2013. In April 2022, the Petitioner obtained a permit (IL 1336) for a deck and privacy fence along the west property line that did not extend past the front corner of the residential home in order to meet zoning standards. Ms. Huckstep reported no known traffic, environmental, fire, police or emergency issues anticipated. Ms. Huckstep explained the Fence and Wall standards of the City Zoning Ordinance allow a minimum 3.5 foot or 42 inch in any front yard of a residential zoning district. She stated the neighboring property to the west consists of a single-family dwelling with a small, detached apartment or in-laws quarters on the property, which had been established prior to current ordinance or even annexation. Ms. Huckstep explained the Petitioner's residence sits back further than both neighboring property owners, however both neighboring property owners appear to meet the 25 foot front yard setback. She stated the Petitioner would like to extend his existing privacy fence for added privacy from the neighboring vehicles and visitors and in addition, had the neighbor applied for the permit to construct the same fence, they would have been granted the permit for the fence without requiring variance approval because the fence would not be extending past the front corner of their residence. The findings of fact are as follows:

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



## **Board of Zoning Appeals City of Crawfordsville, Indiana**

City Building  
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The approval of this variance will not be injurious to the public health, safety, morals, and general welfare of the community. There are no visibility issues turning into or from the properties. If the owner of the property to the west had been applying for the permit for the same request, the permit would have been approved without the variance requirement.

**2. *The need for the variance was not self-created.***

The need for the variance was not self-created. The Petitioner purchased the single-family residence recently and it was developed in 1988 toward the back of the property. These properties were not annexed into the City until 2008, therefore city zoning standards have not always been considered for this property. Also, if the neighboring property owner has applied for a permit application for the same fence, a variance would not have been required because the fence would have met the city's fence and wall standards for their property.

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

The use and value of the area would not necessarily be affected in a substantially adverse manner. The Petitioner has made improvements to his property in 2022 and is requesting to make more improvements in 2023 with the privacy fence.

**4. *The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.***

No, the strict application of the terms of this chapter would still allow the Petitioner to use his residential property, however the Petitioner and his family would like to gain some added privacy from the adjoining properties.

Ms. Huckstep reported based on the findings of fact, Staff would recommend approval of the development standard variance with the condition that the privacy fence follows all other residential fence and wall standards.

At this time Mr. McFall came forward to address the Board. Mr. McFall stated that at any given time there could be eight to ten cars in the neighboring driveway. He reported having spoken with the neighboring property owners and received no objections to the proposed fence. Mr. McFall repeated the sentiment that had the neighboring property owners applied for the same permit, it would have been approved without requiring the variance. He stated the fence would provide privacy for both the Petitioners as well as the neighboring property owners.

With no members of the public present for comment, President Joyce Burnette reported that eleven adjoining property owner notices had been sent and all eleven had been received with no written comment either in support or opposition of the petition. Scott Voliva made a motion to approve the development standard variance. Bernard Thompson seconded. Motion passed 5-0.



## Board of Zoning Appeals City of Crawfordsville, Indiana

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### **215 W Main Street      Cheryl Cunningham c/o Durham Homes, Inc.      UV 0082**

Continuing with new business, Ms. Huckstep reviewed the staff report presented to the Board considering petition UV 0082 submitted by Cheryl Cunningham on behalf of Durham Homes, Inc. who was requesting a use variance from the schedule of uses established by the City Zoning Ordinance to allow an 8 foot by 12 foot shed as an accessory structure without a principal structure in an R-3, residential zoning district located at a vacant parcel between 204 and 210 W Pike Street. Ms. Huckstep indicated on a map the location of the proposed shed. She reported the property is surrounded by single and multi-family residential uses and properties in all directions were zoned R-3, residential, however there were some properties to the northeast zoned B-3, business. Ms. Huckstep stated current zoning code only allows for an accessory structure when a primary structure is already located on the property. Ms. Huckstep provided a brief history of the property, stating Durham Home was established in 1937 by Sarah Durham to house independent women. She stated that Ms. Durham created a trust to maintain the home and in 1944 Durham Home, Inc. was formed as the beneficiary of the trust. Ms. Huckstep reported there is a five member Board of Directors for Durham Home. She reported the home has capacity for nine independent women residents to rent rooms at a substantially reduced monthly fee. Ms. Huckstep reported that nine staff members are employed by Durham Home, one of whom is on site 24 hours a day. She stated Durham Home is actually located at 215 W Main Street. Ms. Huckstep reported currently there is no garage or other accessory buildings on the facility site and there is off-street parking on the property. Ms. Huckstep reported in 2010 renovations (BP 0257) were completed to Durham Home. She stated representatives informed staff that two lots on W Pike Street had been purchased with the intent to expand Durham Home facilities in the future as well as add additional off-street parking and accessory structures, if needed. Ms. Huckstep stated due to the existing alleys being used by many neighbors to access their properties, they are unable to combine their parcels together at this time. Ms. Huckstep reported no known traffic, environmental, fire, police or emergency issues anticipated at this time. Ms. Huckstep explained the accessory structure would be used to store outdoor equipment such as a snow blower, ice melt, and gardening tools. She reported the description of the shed indicates that it will be painted yellow and white to match the existing color scheme of Durham Home and would have a gray metal roof. She stated the shed would be a portable, prefabricated structure, therefore it could be removed in the future if plans change or the property was sold. 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?***

In general, having a shed as an accessory structure on a single parcel of land will not be injurious to the public health, safety, morals, and general welfare of the community. Petitioners have indicated that they have purchased the additional properties with intentions for future expansions of the existing facilities. In addition, they have chosen to paint the shed so it matches the primary structure that is existing within 50-80 feet away from the proposed location of the shed.



## **Board of Zoning Appeals**

### **City of Crawfordsville, Indiana**

City Building  
300 E. Pike Street, 2nd Floor  
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**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?***

Petitioners have taken steps to have the shed painted similarly to their existing facility so it will match. They have indicated that they have intentions to make it look nice and in character with the neighborhood. The location of the shed is proposed at the back of the property, therefore if the Petitioner would ever sell the property, a primary structure could face or have frontage on Pike Street. The shed will meet all setbacks for a residential accessory structure on the property. Should Durham Home sell the property or the shed not be a need for the home, it could be removed from the property since it is a portable structure. Therefore, there should be no effect on the adjacent properties.

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

Yes. Durham Home has existed since 1937, prior to zoning regulations. If the Petitioner attempted to place the shed on the existing facility property at 215 W Main Street, they would require a development standard variance due to setback requirements of the ordinance and site improvements that have already been made to the property. The Petitioners have obtained additional land in the area with future expansions in mind. Currently they have no outside storage and they store outdoor equipment inside the home. They have reported that outdoor equipment has to be taken all the way through the home to get it outside safely. From a safety standpoint of the residents, an outside storage shed would be preferred. The Crawfordsville Fire Department conducts annual inspections of the home and there are no known violations at this time. Fire inspectors explained that the code allows for maintenance items to be stored inside the home to a certain extent, but if outdoor equipment and any type of combustible substances can be stored outside the home in an outside storage facility it is preferred. The Petitioners would combine the parcels if they were able to, but due to the public alleys being used for access at this time, they are unable to combine their properties at this time.

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

The need for the variance could be seen as self-created however, the need for women's services in general for our county is growing every day. This facility has had an opportunity to expand over time and intends to make additional improvements and expansions in the future. The outside storage shed would be beneficial for their facility use as they continue to grow and could essentially eliminate some safety concerns. Petitioners would combine the parcels they own but the public alleys run between their properties and are currently used by other neighboring property owners and their residents.

**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?***



## Board of Zoning Appeals City of Crawfordsville, Indiana

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The strict application of the ordinance may constitute a hardship if applied to the Durham Home property. Currently, the property is sitting vacant, however Durham Home has purchased the property with intentions to expand their facilities in the future. Without the accessory structure there could potentially be safety concerns for staff and residents if the outdoor equipment continues to be stored in the home.

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

The future land use map shows this property as residential in the core neighborhood areas. Older homes, some historic, are mostly in these areas within the city limits on smaller lots. The Durham Home has been designated on the National Register of Historic Places. We want to preserve that history. With the paint colors chosen to match the principal structure, Durham Home is keeping the character and integrity of the neighborhood in mind.

Ms. Huckstep stated based on the findings of fact, Staff would recommend approval of the use variance and that if the Board is inclined, they could add a condition that the portable shed be removed if it was no longer in use or if Durham Home ever sold the property.

Lucy Moody, Executive Director of Durham Home came forward representing the Petitioner. She explained they would like to have a gardening type shed to store a snow blower, ice melt, and outdoor equipment.

Scott Voliva commented that his own residence is only one half block from the Durham Home and in his opinion it is one of the most beautiful properties he has ever seen. He further explained that they had cleaned up surrounding properties and stated his support for the petition. Shelle Wheeler stated having no objections.

Scott Voliva made a motion to approve the use variance with no conditions. Ron Henricks seconded. Motion passed 5-0.

Under miscellaneous items, Ms. Huckstep reported the Unified Development Ordinance being reviewed internally. She stated upon review, it would subsequently be presented to the Board for feedback and ultimately taken to Council.

With no further business, the meeting adjourned at 7:25 p.m.

Minutes Approved: \_\_\_\_\_



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*Shelle Wheeler*  
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