

**Board of Zoning Appeals (BZA) Special Meeting
Monday, October 30th, 2023 - 6:30 p.m.**

Amandia Jeschke recused herself from the subject case, due to it being a design project of hers, there was a lack of quorum for the case to proceed at the previous meeting. It was agreed by the board members, the attorney, and the planning director that there would be a special meeting held to establish a quorum and move the case along.

OPENING OF MEETING

The meeting was called to order at 6:30 p.m. by Amandia Jeschke.

ROLL CALL

- **BZA Members Present:** Dan Justus (via Zoom), Earl Bolander, Jr., Amandia Jeschke, and Nathan Sturdevant – Quorum Declared
- **Town Staff Present:** Jacob Antrim for Alex Intermill - Town Attorney (via Zoom), Adam Zaklikowski - Planning and Building Director, and Andy Williams – Recording Secretary
- **BZA Members Absent:** Rick Jacobs

PLEDGE OF ALLEGIANCE

NEW BUSINESS

Case No. VAR-11-2023 – 10 Noel Avenue – Howard – Variances

To consider a petition from Kevin Crotchfelt on behalf of Mitch Howard seeking approval of Variances to allow a relocated single-family residence within the Commercial: Community (CC) Zoning District.

Staff Presentation

Adam Zaklikowski gives the staff presentation via slides including a plan overview –

- **Location:** 10 Noel Avenue (behind Taxman)
 - 0.81 acres
 - Parcel No. 30-02-09-410-028.000-017
- **Owner/Petitioner:** Mitch Howard
- **Zoning:** Commercial: Community (CC)
- **Use of Property:** Mixed use – Single-family residential and commercial services (hair salon).
- **Request:** Mr. Howard would like to downsize his residence by converting an attached garage into living quarters for himself and his son. The living space is approximately 684 SF. The existing residence would be converted into commercial space in the future. A new single-family residence is not permitted in the Commercial: Community (CC) zoning district. His current use is legal non-conforming. Since this is a relocation of that use, a Use Variance is needed.
- Maps & images of aerial / parcel, oblique, proposed floor plan, staff review & analysis.
- **Variance Requested:**
 - New single-family residential use prohibited in CC zoning.
 - Note: The unit size of 684 SF exceeds the minimum dwelling unit since in CC zoning (500 SF minimum required).
 - Note: Since a 2-family dwelling unit is also prohibited in CC zoning, the existing unit could not be lived in (unless another Use Variance is sought and approved by the BZA).
- Community response requirements were completed and met for the Variances.
- Public Remonstrance for Variance – None
- Decision Criteria of General Welfare, Adjacent Property, and Practical Difficulty have been met.
- Staff recommends approving.

BZA Questions - None

Petitioner – Kevin Crotchfelt for Mitch Howard

Public Comments - None

Government Officials Comments / Remonstrance – None

BZA Questions - None

BZA Motion

E. Bolander, Jr. motions to approve Variances as presented, 2nd – D. Justus. Motion approved 3-0, individual roll call necessary: Dan Justus – Yes, Earl Bolander, Jr. – Yes, Nathan Sturdevant – Yes, Amandia Jeschke – Abstained.

Jacob Antrim, Town Attorney clarifies that there needs to be two more criteria evaluated in addition to the other three. IN Code 36-7-4-918.4 - Variance arises for some condition peculiar to the property and approval would not substantially interfere with the Comprehensive Plan for the Town.

Adam states that it would not have a negative impact on the Comprehensive Plan.

E. Bolander, Jr. motions to approve Variances as presented, considering all five criteria points, 2nd – D. Justus. Motion approved 3-0, individual roll call necessary: Dan Justus – Yes, Earl Bolander, Jr. – Yes, Nathan Sturdevant – Yes, Amandia Jeschke – Abstained.

ADJOURNMENT

Motion made to adjourn the meeting at 6:46 p.m. by E. Bolander, Jr., 2nd – D. Justus. Motion carried 4-0.

BZA Chairperson: Amandia Jeschke
Amandia Jeschke

Recording Secretary: Andy Williams
Andy Williams