



City of Carmel

Carmel Board of Zoning Appeals Hearing Officer October 22, 2018 Meeting Minutes

Location: Carmel City Hall Caucus Rooms, 2nd Floor, 1 Civic Square, Carmel, IN 46032

Hearing Officer: Mr. Jim Hawkins

Staff Present: Angie Conn, Planning Administrator
Joe Shestak, Administrative Assistant

Legal Counsel: John Molitor

Time: 5:30 p.m.

Public Hearings:

(V) Miller Pool Setback.

The applicant seeks variance approval for a swimming pool in the rear setback:

1. **Docket No. 18090002 V PUD Ordinance Z-598-14, Section 7.2.E: Min. 10' rear yard setback required, 6' proposed.** The site is located at 1490 Daylight Dr., on Sunrise on the Monon, Lot 24. It is zoned PUD/Planned Unit Development. Filed by Joe & Kris Miller, owners.

Petitioner: Joe Miller

- 4' of the concrete apron of the pool area will encroach on the rear yard setback
- We have no neighbors adjacent to our rear yard
- We have support from the neighbors and HOA
- We did consider moving our pool to the north-east of our lot. This would place the pool next to the garage, where it wouldn't be seen from inside our home. There's also a proposed 40' walking path on the east side of our lot. This path would connect the adjacent neighborhood to ours. We would lose privacy if the pool was placed on the north-east side of our lot.

Public Comments: None

Department Report: Angie Conn:

- Petitioner has addressed our remaining comment
- The encroachment would be within 6' of the 10' rear setback
- There are no easements in this area, and no utilities are affected
- We recommend positive consideration of this variance

Board Comments: None

Approved 1-0

(V) Reasner Garage.

The applicant seeks variance approvals for size and setback of a proposed detached garage:

- 2. **Docket No. 18090003 V UDO Section 5.02.B.1: Garage Location. Garage setback 25-ft behind house face required, 52-ft in front of house proposed. And, garage to straddle side lot line.**
- 3. **Docket No. 18090004 V UDO Section 5.02.B.3: Garage Floor Area. Max. 24' x 30' size required, 26' x 32' proposed.** The site is located at 1966 E. 110th Street, on Lots 1 & 2 in Woodland Golf Club Subdivision. It is zoned S2/Residence. Filed by David Reasner, owner.

Petitioner: David Reasner

- Unable to locate the garage in the rear yard due to the natural drainage that comes off of Woodland Country Club and a structure in the rear yard wouldn't allow access to this drainage easement
- There are other homes in this area that have car garages in their front yard
- The garage will be built by the same designer of the existing home and use the same materials and colors
- We will keep the existing trees and will not affect any drainage
- I have received letters of support from the neighbors

Public Comments: None

Department Report: Angie Conn:

- The garage will be place approximately 25' in the front of the front face of the house
- A lot of the homes on this street have front yard and side loading garages
- They provided a photo the flooding that takes in the rear yard, and this is why they didn't want to place it there
- Staff recommends positive recommendation of the two variances

Board Comments:

Jim Hawkins: Can you verify you are at least 35' from the street ROW? **David Reasner:** We are 29' from the ROW
Angie Conn: We wanted clarification of the site plan; it shows a setback from the easement. We weren't sure if the measurement from the easement or the actual street ROW.

Approved 1-0

(V) Barbour Garage Setback.

The applicant seeks variance approval for an existing detached garage front yard building setback:

- 4. **Docket No. 18090006 V UDO Section 5.03.B: 25-ft setback required behind principal building, 50-ft in front of house proposed.** The site is located at 2028 E. 106th Street. It is zoned S2/Residence. Filed by Gradison Design Build on behalf of John & Gloria Barbour, owners.

Petitioner: Adam Mears, Gradison Building Corp.

- The detached garage has been here since the late 60's
- The new home was constructed directly behind the existing older home
- We are demolishing the older home, and the detached garage will remain out in front of the newly built home

Public Comments:

Robert Doster, lives at 2023 E 106th St.: I'm in favor. I understand why it's required to have strict zoning requirements, but I don't understand why this wasn't handled administratively when the existing garage has been there for 60 years.

Department Report: Angie Conn:

- This is a unique situation
- The front yard setback is over 300'
- Staff is in support of this variance

Board Comments: None

Approved 1-0

(V) Ney Fence.

The applicant seeks variance approval for a wooden privacy fence in the front yard:

5. **Docket No. 18090007 V UDO Section 5.09.B Max. 42” fence with at least 25% visibility required in the front yard, 6’3” tall wooden privacy fence proposed.** The site is located at 12067 Eden Glen Dr., in Eden Estates, Section 2, Lot 53. It is zoned R-1/Residence. Filed by Chyrise Ney.

Petitioner: Chyrise Ney

- We want to replace the existing fence that was installed in 2002
- The new fence will have the same footprint as the existing fence
- The existing fence is in bad shape and needs to be replaced
- The fenced in area being considered is listed as a front yard, since our home is on a corner lot
- The 6’ fence will keep the sound and car lights out of our home, and will provide better privacy

Public Comments:

Jeff Worrell, City Council Southeast District: Is in support of this variance. I submitted a letter of support.

Department Report: Angie Conn:

- It is a corner lot because it has two street frontages
- This variance will bring the new fence into compliance
- We recommend positive consideration of this variance

Board Comments:

Jim Hawkins: Is the new fence the same general color as the old fence? **Chyrise Ney:** Yes

Approved 1-0

Meeting Adjourned at 5:45 p.m.

Jim Hawkins – Hearing Officer

Joe Shestak – Recording Secretary