



City of Carmel

Carmel Board of Zoning Appeals Hearing Officer Monday, February 25, 2019 Meeting Minutes

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

Hearing Officer: Mr. James Hawkins

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

Legal Counsel: John Molitor

Time: 5:30 p.m.

Public Hearings

(V) 651 1st Ave NE - Murray Residence, Lot Cover.

The applicant seeks the following development standards variance approval:

1. **Docket No. 19010005 V UDO Section 3.64.C.3 Maximum 45% lot coverage allowed, 50% requested.**

The site is located at 651 First Ave NE. It is zoned R3/Residence and Old Town Overlay District Character Subarea. Filed by Paul Owen of Wedgewood Building Co., on behalf of Tony & Susan Murray, owners.

Petitioner: Paul Owen

- The plan is to build a single family home with the same architectural style of the neighboring homes
- This is a smaller lot and we are trying to fit everything in to make it architecturally significant for the City
- We only need 5% additional lot coverage

Public Comments:

Ryan Garret, 645 First Ave NE: I have no objections. I just wanted to raise concern with the City about the drainage. When our house was built, there was no alleyway, and we were required to adhere to the swell that is north east of the property. Since the alleyway was constructed, it created a barrier and there's now a ponding effect that occurs in the north east corner of my lot. Our lot dips in the north east corner. *Refers to map to show where the water meter and drain are.*

Rebuttal to Public Comments: Paul Owen:

- I did meet with Mr. Garret and his wife to address his concerns about the storm water drainage
- The alleyway sits higher than his property, so it creates a natural area for water to sit
- One option we could grade the area up, so everything flows from Mr. Garret's yard to the beehive drain that's on the north side of the Murray's property

Department Report: Angie Conn:

- We will communicate this drainage concern to the City Engineering Dept. so they can address it
- The Petitioner has been working with the Engineering Dept. and has paid into the stormwater fee
- We recommend positive consideration of this variance

Board Comments: James Hawkins

- I would ask Staff to forward Mr. Garret's drainage concern to the City Engineering Department

Approved 1-0

(V) Wesley Residence, RV Location.

The applicant seeks the following development standards variance approval for a recreation vehicle:

- Docket No. 19010012 V UDO Section 5.34 Recreational vehicles shall not be stored any closer to a side lot line than three times the max. height of the recreational vehicle, and cannot be parked in the front yard more than 10 days per month.** The site is located at 11812 Prairie Pl. at Northwood Hills, Section 2, Lot 73. It is zoned S1/Residence. Filed by Darrell Dolan, attorney, on behalf of Jon & Deborah Wesley, owners.

Petitioner: Darrell Dolan

- The RV is 12' tall; Ordinance states you have to be 36' from the street. The Wesley's have been parking 40' from the street. *Presented an aerial photo to show location of RV*
- It is parked 15' from the neighbor's side yard property, instead of 36'
- The Ordinance is designed to protect his neighbor and the neighbors have written their letter of consent
- The neighborhood does not have an HOA or rules against RV parking
- There's 13 RVs and boats that are parked in this rural neighborhood and no one seems to care
- They have parked their RV on their reinforced concrete driveway since 1998
- Of the nine adjacent neighbors, seven sent in written consents, and one called me

Public Comments: None

Department Report: Angie Conn:

- The City's Code Enforcement was made aware of this RV parked in the driveway
- The Petitioner is open to provide screening or landscaping nearby the RV. It would take a big structure to screen the RV fully.
- Planning recommends approval with the possibility of screening on the side of the RV

Board Comments: James Hawkins:

- Was there a complaint that was issued? Why did we decide on this particular RV? It appears there are other RVs located in this neighborhood from the pictures provided. **Angie Conn:** We will provide this information to Code Enforcement. **Darrell Dolan:** I think providing screening or landscaping will draw attention to this. **James Hawkins:** I think you would be trying to hide something that you're not able to hide.

Approved 1-0

(V) Peasley Pool, Setbacks.

The applicant seeks the following development standards variance approval:

- Docket No. 19010014 V UDO Section 5.02.C.7 Min. swimming pool setbacks of 10-ft (or easement plus 3-ft) required, 5-ft side and 15-ft rear requested.** The site is located at 935 Doe Run Dr. at Buckhorn Estates, Lot 42. It is zoned S1/Residence-ROSO I. Filed by Bill Lambert of Perma Pools, on behalf of John & Elizabeth Peasley, owners.

Petitioner: Bill Lambert

- They want to build a pool and pool deck on their shallow rear lot
- 3' buffer is required for this easement in rear yard
- The neighbor has been contacted and they provided Staff an email of their consent to encroach
- The HOA has approved this project
- The grade of drainage easement will remain unchanged

Public Comments: None

Department Report: Angie Conn:

- This property has a 15' wide drainage and utility easement and they are proposing to build up the pool and concrete decking up to the easement line
- The pool starts 13' in from the side property line

- They meet the setbacks except for the small encroachment
- Staff recommends approval of this variance

Board Comments: James Hawkins:

- Was the adjacent neighbor's agreement sent to you? **Angie Conn:** Yes. Staff can provide that to you.
- Did it raise any alarms? **Angie Conn:** No

Approved 1-0

Meeting Adjourned at 5:54 p.m.

James Hawkins – Hearing Officer

Joe Shestak – Recording Secretary