

**MEETING MINUTES**

June 17, 2020

President Mickey Hill called a meeting of the New Haven Board of Zoning Appeals to order at 7:00 p.m. in the Council Chambers of the City Administration Building.

Members Present: Troy Bennigan, Scott Eagleson, Mickey Hill, Mike Marhenke, Rick Trabel

Members Absent:

Staff Present: Rob Gutierrez, Renae Meredith, Attorney Pat Hess

**Old Business**

**A. Approval of the Minutes from the February 19, 2019 meeting**

Mike Marhenke made a motion to approve the minutes as written. The motion was seconded by Troy Bennigan and was approved unanimously.

**New Business**

**A. 20-BZA-01 Sign for Emanuel Lutheran Church**

Hugh Baldus, on behalf of Emanuel Lutheran Church is seeking to vary from Section 151.186 Sign Regulations in Residential Districts to allow for the construction of a new sign that is eight (8) feet tall, a variance of (2) feet from the six (6) feet maximum height for monument signs in residential districts.

Since this is a public hearing, Mickey opened the floor to the public for any questions regarding this variance. A resident called in and was concerned about the light coming from the sign. Hugh Baldus said the sign will dim down at night after dusk. The sign brightness will be scheduled to change at sunrise and sunset. With no more questions or public comments, the public hearing was closed.

Rob reviewed the Staff Report for Sign Variance for Emanuel Lutheran Church. The existing monument sign that exceeds the six (6) foot maximum height for signs in a residential district. In September of 1998, the church applied for an Improvement Location Permit to modify and add onto an existing stone monument sign. It appears that the existing monument sign met the six (6) foot height requirement but the modification proposal added an additional three (3) feet in height to the sign. The ILP was issued on September 18<sup>th</sup>, 1998. It is unclear why staff at the time issued an ILP for a sign that exceeded the maximum height requirement. The proposed sign will be a new 8.6' monument sign with a digital sign area of 40 square feet. The location and height of the new sign will be comparable to the old one.

Staff recommends **approval** of the variance based on the following findings of fact:

1. The approval of this variance shall not be injurious to the public health, safety, morals, and general welfare of the community because the additional sign height does not pose a threat to the community.
2. The use and value of the area adjacent to the property shall not be affected in a substantially adverse manner because the proposed sign will replace an existing sign of similar height that has been in the area since 1998.
3. The strict application of the terms of the New Haven Zoning Ordinance shall result in practical difficulties in the use of the property as the existing sign was approved in error by staff and the applicant is unable to reconstruct it to the original dimensions.
4. This property does not lie in a designated flood hazard area.

Mike Marhenke made a motion to approve 20-BZA-01 as presented with staff findings of fact and light dimming for sign for Emanuel Lutheran Church. The motion was seconded by Rick Trabel. After a roll call vote, the variance was approved with an 5-0 vote. The sign variance for Emanuel Lutheran Church was accepted.

**B. 20-X-01 Turnpointe Woods**

John Kohlmeier, on behalf of the members of the Turnpointe Woods Condominium Association, is seeking approval for the use of modular homes in the RS-1, Single Family Residential district.

Since this is a public hearing, Mickey opened the floor to the public for any questions regarding this special exception. There were no questions, so the public hearing was closed.

Rob reviewed the Staff Report for Turnpointe Woods. The original development proposal was for a 160-unit condominium retirement community that was broken into several phases. The original Phase I included 27 residential units, a 12,300 square foot community building, a tennis court, a pool and 35 parking spaces. The remaining undeveloped areas of the property outside the Phase I area were sold to Keller Development who is in the process of constructing the Kady Gene Cove Senior Housing Project. The amended Development Plan is for a single-phase development of thirty-five (35) single-family units with a community building. This is an increase of eight (8) units from the originally approved Phase I development. The Plan Commission has already approved this.

Staff recommends **approval** of the Special Exception based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety, and welfare will be protected because the modular homes shall be built to current Indiana Residential Building Code standards.

2. The Special Exception shall not reduce the values of other properties in its immediate vicinity because the use of modular homes in this area is long standing. Approval of this Special Exception shall allow for the continued use of modular homes which is consistent with the Plan Commission approved Development Plan.
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located.

Staff recommends that the following conditions be placed upon approval of the subject amended Special Exception:

1. Approval of this Special Exception does not authorize the use of manufactured/mobile homes built to FHA standards on the property.
2. All modular homes authorized by this Special Exception shall be constructed to the current Indiana Residential Building Code standards and shall be placed upon a permanent foundation.
3. The Board of Zoning Appeals reserves the right to revoke this Special Exception upon finding that the development is no longer consistent with the findings of fact in this staff report. If this Special Exception is revoked, existing modular homes on the development will be considered legal and non-conforming.

Scott Eagleson made a motion to approve 20-X-01 as presented with staff findings of fact and conditions for Special Exception for Turnpointe Woods. The motion was seconded by Troy Bennigan. After a roll call vote, the variance was approved with an 5-0 vote. The Special Exception for Turnpointe Woods was accepted.

#### **C. 20-X-02 Rezoning Quail Creek**

Mike Cummins, on behalf of Skyline Investors Group, LLC, is seeking a Special Exception for the use of Modular Homes in the RSP-1 Single Family Residential district for the property located at 6748 Moeller Road. The plan now is to have a total of 7 sections, with exception of the original 19 homes being able to stay there. Mike said that the people that have been there will get a fair price to purchase their lots.

Since this is a public hearing, Mickey opened the floor to the public for any questions regarding this special exception. There were no questions, so the public hearing was closed.

Rob reviewed the Staff Report for Quail Creek. Quail Creek is an existing mobile home park (MHP) located at 6748 Moeller Road. Initial approval of a Primary and Secondary Development Plan was granted by the New Haven Plan Commission back in 2000. The original proposal was for an MHP of 325 lots on 95.97 acres. Construction started on the initial infrastructure and 17 homes and a clubhouse were installed on the property. There are 19 manufactured homes that are there now.

Since the modifications to the park's Developmental Plan in 2013, little progress has been made towards the completion of the development. Ownership of the park was transferred to Skyline Investor Group LLC in April 2015. Only 19 homes and a clubhouse have been installed on the property to date. Starting in February 2020, city staff held discussions with Mr. Mike Cummins of Skyline Investors Group LLC and his engineer Mr. Steve Maxwell about potential options for the future of the development.

The petition for a rezone and primary plat was heard before the Plan Commission on May 12<sup>th</sup>, 2020. The rezone was given a do-pass recommendation to City Council and was heard and approved at the first reading before Council on Tuesday May 19<sup>th</sup>, 2020. The Primary Plat was tabled and staff was instructed to work with the petitioner to make some changes. The petition will be reheard at the June Plan Commission meeting.

Modular homes are not a permitted use in the RS-1 district but can be permitted as a Special Exception. The petitioner is seeking a blanket special exception for the whole property for the use of modular homes within this proposed subdivision.

Staff recommends **approval** of the Special Exception 20-X-01 based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety, and welfare shall be protected because the modular homes shall be built to current Indiana Residential Building Code standards.
2. The Special Exception shall not reduce the values of other properties in its immediate vicinity because the use of manufactured homes in this area is long standing. Approval of this Special Exception shall allow for the use of modular homes which will maintain higher property values than the use of mobile or manufactured homes.
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located.

Staff recommends the following condition(s) be placed upon the approval of the Special Exception:

1. Approval of this Special Exception does not authorize the use of manufactured/mobile homes built to FHA standards on the property.
2. All modular homes authorized by this Special Exception shall be constructed to the current Indiana Residential Building Code standards and be placed upon a permanent foundation.
3. Existing manufactured/mobile homes on the property may remain as legal non-conforming structures.

4. The Board of Zoning Appeals reserves the right to revoke this Special Exception upon finding that the development is no longer consistent with the findings of fact in this staff report. If this Special Exception is revoked, existing modular homes on the development will be considered legal and non-conforming.


Scott Eagleson made a motion to approve 20-X-02 as presented with staff findings of fact and conditions for Special Exception for Quail Creek Country Subdivision. The motion was seconded by Rick Trabel. After a roll call vote, the variance was approved with an 5-0 vote. The Special Exception for Quail Creek Country Subdivision was accepted.

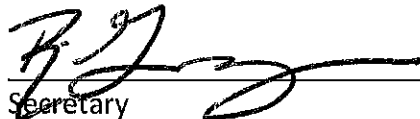
**D. Other Business**

Rob discussed that he is working on new packets for BZA petition and he will bring them to the next meeting.

**Adjournment**

Mike Marhenke made a motion to adjourn the meeting. The motion was seconded by Rick Trabel and was approved unanimously.

  
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President

  
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Secretary