

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
January 24, 2018

The Highland Board of Zoning Appeals met on January 24, 2018 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Helms.

ROLL CALL: Present Mr. Helms, Mr. Martini, Mr. Grzyski, Mr. Leep and Mrs. Murovic. Also present Attorney Jared Tauber, Building Commissioner Mr. Ken Mika and Town Council Liaison Mr. Steve Wagner.

MINUTES: The minutes of the December 13, 2017 were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be February 28, 2018 at 6:30 p.m.

Appointments of BZA Members for 2018 were made as follows: Mrs. Murovic for Chairman, Mr. Helms as Vice Chairman and Mr. Grzyski as Secretary. Mr. Martini motioned to approve the appointments and Mr. Leep seconded.

Appointment of Attorney Jared Tauber of Tauber Law office. Mr. Helms motioned to approve the appointment and Mr. Martini seconded.

Appointment of recording secretary Patty Nagy. Mr. Helms motioned to approve the appointment and Mr. Martini seconded. All appointments were unanimously approved with roll call votes of 5-0.

Communications: None

Old Business: Public Hearing for Brenda Evett, 3134 99th St., Highland, IN requesting a variance to move fence beyond build line. Property is on a corner. {HMC 18.05.060}(G)(5)(a) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified: (a) In All Yards. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches; open terraces or decks not over four feet above the average level of the adjoining ground but not including a permanent roofed-over terrace or porch and not including terraces or decks which project into the required front yard by more than six feet from the front of the principal structure; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; arbors, trellises and flagpoles; fences, screens, hedges and walls; provided, that in residential districts no fence or wall shall be located in the required front yard and no landscaped screen or hedge shall exceed three feet six inches in height if located in the front yard, and no fence, landscaped screen, hedge or wall shall exceed six feet in height if located in a side or rear yard. On a corner or reverse corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots; fences shall not be installed beyond this point. No fence, screen, hedge or wall shall interfere with line of sight requirements for local streets or intersections. No fence, screen, hedge or wall shall be constructed of material that may be described as rubble, cardboard, chicken wire, trees and brush, corrugated tin, utility poles, railroad ties, barbed wire, broken glass or electrified material. The design, location and construction of a fence or wall shall be approved by the building commissioner prior to the issuance of a building permit.

Ms. Evett introduced herself and she distributed photos and Google maps of her property and photos of other properties with fences near her house that are beyond their build lines.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Ms. Evett spoke of her fence replacement and said her neighbors would like her to replace her fence as it is in disrepair and looks bad. She said she hired All Type Fence to replace the wood fence she already has prior to applying for the permit and that she would have to pay a restock fee if she were not able to install the new fencing.

Mr. Helm's referenced the last picture in her handouts, which is her neighbor's fence. He asked if her fence would look like her neighbor's and she replied yes. Her neighbor's fence is white vinyl.

Mr. Martini asked if she wants to replace her fence in the same manner as her neighbor's which would involve lining up her fence with their fence and she replied yes.

Mrs. Murovic mentioned a picture with Ms. Evett's pool in it. Mrs. Murovic asked if the pool was still in use and Ms. Evett said yes.

Mr. Helms said there was some discussion in the study session regarding Ms. Evett's fence and that usually the Board prefers to have the fence lines set back for visual safety reasons. He continued that with Ms. Evett's situation the Board felt it that if she would place her fence line back it would look odd. He also referenced the pool location in her yard and the fence line being set back would not work.

Mrs. Murovic opened up the Public Hearing. Hearing no remonstrances the Public Hearing was closed.

Mr. Martini asked Ms. Evett if the gate would be kept in the same spot in regards to the access to the garage and she replied yes.

Mr. Helms motioned to grant the variance request. Mr. Martini seconded and it unanimously passed with a roll call vote of 5-0.

BUSINESS FROM THE FLOOR: Mr. Martini motioned to add to the agenda that the Board would be amending the rules and regulations of the BZA regarding the Preliminary meetings. Mr. Helms seconded and it unanimously passed with a roll call vote of 5-0.

Mr. Helms motioned that the Preliminary Hearings would be eliminated and go directly to the Public Hearings in further meetings from this point on. Mr. Martini seconded and it unanimously passed with a roll call vote of 5-0.

Mr. Helms amended his motion to include Publishing in only one local newspaper prior to the Public Hearing.

Mr. Mika spoke and wanted to reference that Mr. Tauber did research prior to conversations of amending the regulations of the BZA meetings and determined that there would be no reason to

continue with the Preliminary Hearings based on State Statute. He also said that generally most communities only require one publication in local newspapers.

Mr. Martini then seconded the amended motion and the motion unanimously passed with a roll call vote of 5-0.

ADJOURNMENT: Motion: Mr. Grzymski Second: Mr. Martini Time: 6:42