

PLAINFIELD BOARD OF ZONING APPEALS

March 21, 2022

6:00 p.m.

Mr. Cavanaugh: Good evening, everyone. I'd like to call to order the Plainfield Board of Zoning Appeals meeting for March 21st.

ROLL CALL/DETERMINATION OF QUORUM

Mr. Cavanaugh: Mr. Berg, would you do the roll call to determine quorum please?

Ms. Robinson: It'll be me today. Mr. Clay – well, I don't think he's online, hang on just a second here.

Ms. Giesting – here

Mr. Philip – here

Mr. Cavanaugh – here

And Mr. Clay is not on yet, so we will move forward with three.

Mr. Cavanaugh: Okay, thank you.

PLEDGE OF ALLEGIANCE

Mr. Cavanaugh: Would you all join me in the Pledge of Allegiance, please?

APPROVAL OF MINUTES

Mr. Cavanaugh: First on our agenda, I'd like to consider approval of previous meeting minutes.

Ms. Giesting: I make a motion to approve our February 24th meeting, or the minutes for the February 24th meeting.

Mr. Philip: Second

Mr. Cavanaugh: A motion and a second. All those in favor please indicate by saying aye.

(All ayes)

Mr. Cavanaugh: Any opposed? No one left, so minutes are approved, thank you.

PUBLIC HEARING GUIDELINES

Mr. Cavanaugh: Public Hearings are designed to allow public input regarding the subject matter. The proceedings are recorded for public record purposes, so when you're presenting a petition, please come to the podium, located in the front of the room, give your name and address and make your presentation. Following your presentation please print your name and address on the speaker's sheet so the official records reflect your name and address.

OATH OF TESTIMONY

Mr. Cavanaugh: I'll ask our attorney Mr. Daniel to administer the Oath of Testimony, please.

Mr. Daniel: Anybody expecting to testify tonight, please stand and raise your right hand.

(Mr. Daniel administers the Oath of Testimony)

Mr. Daniel: Thank you

Mr. Cavanaugh: Thank you

PETITIONS FOR PUBLIC HEARING

Mr. Cavanaugh: I think our first order of business is a request to withdraw.

Mr. Berg: Yes, Mr. President, the applicant no longer has an option on the property, so they are withdrawing, and since it's been noticed to the board, it required official action.

Mr. Cavanaugh: Okay, thank you. With that in consideration, I would accept a motion.

Mr. Philip: I move that we withdraw a series of applications from RaceTrac Inc. that start at BZA-21-124-A, and run through BZA-21-124-J.

Ms. Giesting: I second

Mr. Cavanaugh: Would that be without prejudice?

Mr. Philip: Without prejudice.

Mr. Cavanaugh: All those in favor please indicate by saying aye.

(All ayes)

Mr. Cavanaugh: Any opposed? Motion carries. Is Mr. Clay online yet? No? I think we should have some clarification based on only having three members available for the first petition, please.

Mr. Daniel: This is a five-member board and for any action to be taken on a petition it requires a majority vote of the entire board, which would be three. We only have three members present tonight which means that any action would have to be a unanimous vote one way or the other. So, if anyone wants to withdraw their business before the board, before it is heard, because we only have three members, now is your time to do that.

Mr. Cavanaugh: Thank you. Any consideration for withdrawal?

(Brief pause)

Mr. Cavanaugh: Seeing none, we'll proceed. First on the docket for this evening is BZA-22-022, applicant Christopher Farrar for Farrar Barn. Mr. Jones?

Mr. Jones: Thank you. As you stated, this is for Christopher Farrar for a Variance of Development Standards in Chapter 154, Article 13.2 to construct an accessory structure taller than the principal structure. The site is located at 901 Walton Drive. You can see by the aerial, it is right at the "T" intersection of Rogers Drive and Walton Drive, just south of Stafford on the east side of Walton. The request this evening is as stated, to allow the construction of an accessory structure in excess of the height of the principal structure. There's a definition of what an accessory structure is, and basically in there it states that it is to be clearly subordinate to, in size, height, etcetera. Obviously, the height of the house is 15'6"; the proposed structure is to be 21'. And just so you'll have an idea on the overall bulk of the building, it's 42'x48', 2,016 square foot structure. For the purpose of everyone's understanding, the way that we measure the height is from the grade to the ridgeline of each structure, and that would be the highest ridgeline in existence for the structure. As you'll see in that photograph of the house, there's several different roof elevations. We take the highest, and in this case, we measured – the cupula is over the garage, and it might be an inch or so, a few inches taller than one of the ridgelines, but I don't believe at this point it's probably that critical. We could get the exact measurements if the board needs them. Here you can see the proposed structure. To give you a frame of reference, the porch would be facing south. The two overhead garage doors will be

facing west, which is just an extension of the existing driveway on the north side of the house. Then of course, the blank side would be the north, and there you can see an elevation from the south to what would kind of be the front of the structure. And then one garage door will meet off of the west side; it will line up and meet with another overhead garage door on the east side of the building, to function as a drive-through garage. One of the things that did come to mind as we looked at this, we noticed – as shown in the graphic here, there is some plumbing to be installed within the structure itself. One of the questions that we always have for any accessory building, when plumbing is being installed, we want to make sure that it's not intended to be used for any residential purpose. The ordinance clearly does not allow a secondary residential unit in this district, and it definitely wouldn't allow it in a separate structure. So, that's always a concern, and we bring it to attention. It doesn't matter if they didn't need a variance or not, that's always a question. Likewise, when we see something in an arrangement such as this, with the drive-through garage configuration, it always raises the question or specter of what's the intended use. It is going to be used for a business? That's a lot of the times what residents, when they see it go up, that's one of the things they're going to be concerned about. Would it be used for a business? Is it going to be used as an apartment or an accessory structure? So, based on that experience in the past, and in discussions with the applicant, we would recommend that an affidavit, if the board is favorable with this request, that an affidavit be presented that states that it will not be used for business or for residential purpose, or a living unit. Just as a matter of what I discovered this afternoon, the applicant did file a building permit earlier and in that file with the building request there is an affidavit, however we've discussed it internally and don't really find it to be in acceptable form. So, we would want that to be redrafted and reviewed by the board's legal counsel, Mr. Daniel, prior to it being accepted, should the board see fit to grant this variance. Like with all variance requests, findings of fact are always important. One of the most important findings that we always discuss internally is your Finding #3, strict application in terms of the zoning ordinance will or will not result in practical difficulties if applied to the property for which the variance is sought. Many times we do discuss, when we're putting the staff report together, what's the necessity, what's the need for the variance, can it be done without a variance. And usually if it can be done without a variance, that's where we try to persuade the applicant to go. I'm not really sure, I don't know how the board feels about the answer that the applicant provided for that finding but I'll leave it up to you. The applicant is here this evening, and they want to give a better explanation of how they would address that. With that, that's all the comments I have. If you have any questions, I'd be happy to address them.

(Mr. Clay joins the meeting remotely)

Mr. Cavanaugh: Questions for Mr. Jones?

Mr. Philip: Not at this point.

Mr. Cavanaugh: I have one Terry. The building permit that you're referring to, is that the one from 1989 that was in one of the plan packages?

Mr. Jones: No, I'm glad you mentioned that because it caught my attention too, because when I saw the square footage on there, I had to call the applicant and ask. That's the original house, that's for the original house and there have been some additions to it and there's a basement. So, it's a lot larger than what that indicated. Like I said, that – the permit was filed in the first part of March. The application was filed before. It hasn't been issued obviously, because it's been waiting for deliberation on the request for the variance.

Mr. Cavanaugh: Okay, thank you. If there are no further questions for staff, if the petitioner – sir, would you like to come forward and tell us a little bit about your project, please?

Mr. Farrar: Hello, I'm Chris Farrar, homeowner of 901 Walton Drive. What else, what do you need?

Mr. Cavanaugh: I'd like to hear a little bit about the intent and purpose of this large structure on your property, please.

Mr. Farrar: Okay. I have a couple of trailers I'd like to store in there, and that's the purpose of the drive-through, instead of keeping them outside. I've got a tractor also, and I've got a 1955 Cadillac that I'd like to store in there. There's lawnmowers and stuff like that, and weed eaters, just stuff like that, that I don't want to leave laying outside, on the sides of the house or backyard, anything like that. Currently I have everything in storage units and crammed in my garage. Currently, if I were able to build this barn, I would be able to put it all in there and have more room in my house for storage of different seasonal stuff, stuff like that, and keep all of my trailers and stuff like that out of the weather.

Mr. Cavanaugh: Okay. What kind of trailers, please?

Mr. Farrar: I do have a car hauler, and I have a 12'x7' gated trailer that I use to haul gravel or lawnmowers, stuff like that.

Mr. Cavanaugh: Okay. Questions from the board?

Mr. Philip: And it's not for business use?

Mr. Farrar: Absolutely no business will be conducted there. I do have a business in Greenwood, and that's where my shop's at, and that's the only place I'll be doing business.

Mr. Philip: Okay

Ms. Giesting: So, the purpose for a restroom and/or plumbing...?

Mr. Farrar: I would do one restroom out there in case I'm out there working or something, so I don't have to come inside my house to go to the restroom.

Ms. Giesting: Okay, sure.

Mr. Farrar: Or if we have a family event, they can use the restroom out there and not track up my house. But there's no living quarters, or no shower is going to be in there; it's just going to be a restroom.

Ms. Giesting: Okay. And I know the concern is the height of the building, or it's one of the concerns, is the height of the building, and what I'm hearing – you have to have it that height for your...?

Mr. Farrar: Well, just for storage of things. I'd like to build a little like upper-level storage where I can put other stuff out of the way, off the floor, in case there were a flood or something of that nature, so it wouldn't get all wet.

Ms. Giesting: Okay

Mr. Cavanaugh: Mr. Farrar, back to the bathroom – on the plans, I believe I see a shower indicated, and what looks to be perhaps a washer and dryer. So, is that plan accurate, or...

Mr. Farrar: No, we never planned on putting a washer and dryer in there at all.

Mr. Cavanaugh: Well, it looks like some type of mechanical equipment. It's not labeled but it would look to be something like that to me, and it looks like there's a space for a shower.

Mr. Farrar: There should be a sink application for it but as far as putting a shower in there, we were not putting a shower in there.

Mr. Cavanaugh: Okay. It's hard for me to illustrate this from here on that plan I guess, but on the entry wall of the restroom area, it looks like there's a water heater enclosure on the left-hand corner, and then a rectangle with an "X" on it. To me that looks like a shower.

Mr. Farrar: Okay, yeah, I'm not sure. We weren't planning on putting a shower in there, for sure.

Mr. Cavanaugh: Okay, so we have basically a room with a toilet and a sink?

Mr. Farrar: A toilet and a sink, yes sir.

Mr. Cavanaugh: Okay. And then on the other side of that wall it looks like, what I would refer to as a kitchenette with space for a kitchen-style sink, cabinets and perhaps a refrigerator?

Mr. Farrar: Yes, sir.

Mr. Cavanaugh: Okay. Any further questions for the petitioner?

Ms. Giesting: So, - and you see our concern...

Mr. Farrar: Yes, ma'am, I do.

Ms. Giesting: ...because it looks as though it's residential, right.

Mr. Farrar: No, we're not having anybody living there or anything like that. We had a paper notarized stating that also, that it's not going to be ran as a business or for a dwelling.

Ms. Giesting: Right. Was that the affidavit that you were referring to?

Mr. Jones: Correct. Yes, that's the one that again, a little bit premature. I mean, it was good to submit it, that he recognizes the situation, it's just not in the form and hasn't been reviewed yet. So, that's why we're not accepting that until you make your decisions here.

Mr. Cavanaugh: Okay. Any other questions?

Mr. Philip: No

Mr. Cavanaugh: Okay, thank you. I think we'll open this up for public comment now, public hearing.

Mr. Farrar: Thank you

Mr. Daniel: Can you put your name and address on that?

Mr. Philip: Thank you

Mr. Daniel: Thank you

Mr. Farrar: Thank you

Mr. Cavanaugh: If there are members of the public that would care to comment about this, would you please come forward? State your name and address, and also include that on our registry.

Ms. Lauderdale: Hi, my name is Tiffany Lauderdale and I live at 907 Walton Drive, directly next to Mr. Farrar. I do have some concerns. You know, he did say that he wanted to store lawnmowing equipment. He does not mow his yard; he pays someone to mow his yard. He's never once mowed his yard. We moved in about the same time. He does have loud parties on the weekends and based on the blueprints, I do believe that this will be a guesthouse, or you know, some type of residence for those people. You know, I do question – the blueprint, you know, I've been looking at it, and if those were not intentional, why would someone draw those into a blueprint to be submitted for a building that is being constructed? You know, he – like, you know, is the driveway also going to be widened and extended so there can be a drive-through? Because you know, his yard is very well taken care of, and I do not foresee vehicles being driven across the yard. You know, I just, I don't feel that the lot size justifies an accessory

building to contain not only the full living quarters – but for all intents and purposes, to me it seems like it is going to be a barn mansion. It's going to be you know, possibly be a one-story with you know, living quarters, and then storage up top. I have not seen trailers at his home prior to this past week when he's had people working on the house, not related to this. But you know, I do feel that a structure of this magnitude could create you know, an eyesore for surrounding properties. All the surrounding homes are very moderate, and he's got his home which is on a large lot, and he is wanting to throw on another structure that is twice the size of the surrounding homes. You know, to me it makes no sense why all of this and an 8' porch would need to be on a building that is feet away from his home.

Mr. Cavanaugh: Okay

Mr. Philip: Thank you

Mr. Cavanaugh: Thank you

Ms. Lauderdale: Thank you

Ms. Uberto: My name is Amy Uberto, and my address is 844 Walton Drive. So, I am across the street and midblock from the property that is being discussed. We've owned our home there since 1987, and I think 6 of those 10 homes in that first block there, probably about that same length of time. So, it's a very well-established neighborhood, and modest, as she said. I'm, just curious. I guess I had a little clarification on concerns about you know, whether this would be used for business or a living unit. I mean, I first thought of an Airbnb with all the plumbing and everything. I also heard Mr. Farrar mention – and I haven't met him or spoken with him – but I heard him mention today, possibly having so much family that they have to be out there, or that he had all this equipment and things, that he didn't have on the property before. I guess having just purchased that, I'm curious why he would buy in a residential neighborhood, knowing that your home and property didn't meet those needs, with the presumption that you might be granted a zoning variance. I might have purchased something in a more rural neighborhood or a more rural property where there weren't neighbors abutting your backyard or next door. For instance, if I was going to buy a home and wanted to put a mini barn and you know, a fence on my property, I wouldn't go to a neighborhood that had an HOA that possibly restricted fencing or mini barns; I would just go somewhere else instead of requesting a variance. The only other time I've spoke here, another question I had was another property owner on Stafford Road, same request, taller than his primary residence, and I believe it was denied at the time – but I received a letter notifying me of that. Is that not... you know, had I not driven by, I would not have known about this meeting. And so, I wondered, is that not a requirement anymore, to send out a letter? I didn't receive one.

Mr. Cavanaugh: Yes, it is a requirement. We'll address that in just a second. Thank you.

(Brief pause)

(Technical issue with audio)

Mr. Cavanaugh: If there's anyone else in the audience that wants to speak, please come forward.

Ms. Downey: Hi, my name is Kelley Downey; I live at 837 Walton Drive. I am not in as much concern about the size of the building, as what it's being used for. I'm wondering if you received a letter from another neighbor (inaudible) property. There's a long-standing issue (inaudible) for the (inaudible), and there has been (inaudible) on Stafford, but we have not had a significant amount of rain to see whether it would (inaudible). There is a significant (inaudible) that happens on (inaudible) to that drainage between Keller and Stafford. So, there's no way to know whether this large building (inaudible) is going to affect that as well. That was my only concern, is that if a study's been done about the drainage issues and how this would affect it.

Mr. Cavanaugh: We'll try to address that.

Ms. Downey: Okay

Ms. Reinbold: Hello, my name is Pamela Reinbold. I live at 872 Walton Drive, which is across the street from the Farrars. My concern has already been spoken here; the size, the use and everything, and I really don't want to see it put up.

Mr. Cavanaugh: Thank you

Mr. Reinbold: Good evening. My name is Randy Reinbold, (inaudible) Walton Drive. (inaudible) main concerns (inaudible). I did want to make (inaudible). I also want to make sure you understand that (inaudible), so some of this is coming from them as well. They said they were going to post on the comments, I don't know if they did or not. But here's what (inaudible) little piece of a discussion (inaudible) talking about here tonight, and that is the gatherings at the Farrar's house, on a regular basis, obviously draws vehicles. And at this point in time (inaudible), but at this point in time (inaudible), and that has been (inaudible) the neighbors (inaudible). Nothing against Mr. Farrar (inaudible) no suspicions of what (inaudible) or anything like that, I'm just saying that the frequent gatherings create an atmosphere that doesn't promote a quiet neighborhood, which is what we've had in the past. So, thank you.

Mr. Cavanaugh: Would anyone else in the audience care to speak on this petition?

(Brief pause)

Mr. Cavanaugh: Seeing none, we'll close the public hearing portion of this review, and open it up to the board for further discussion and any comment from staff, please.

Mr. Berg: If I may say, we did provide the applicant with the list of people that they had to notify, based upon the rules of procedure, and that would be anyone within either 600 feet or

two ownerships, whichever is the lesser. We do have the list here if anyone wants to check it, just to clarify that question that was asked.

Mr. Cavanaugh: Okay, thank you. The members of the audience that did not receive the letter, did you hear that explanation?

(inaudible)

Mr. Cavanaugh: Yes, 600 feet or 2 residences, whichever is the less.

Mr. Philip: (inaudible) Ms. Lauderdale, you're next door, is that correct? Were you noticed?

(inaudible)

Mr. Philip: Registered letter in the mail.

(inaudible)

Mr. Philip: Okay

(inaudible)

Mr. Cavanaugh: Okay

Mr. Philip: Thank you, that just helps us (inaudible). (inaudible) experience with the post office.

Mr. Cavanaugh: So, for clarification, I believe we have receipt from the registered letters, (inaudible).

(inaudible)

Mr. Jones: (inaudible) notices, the applicants are required to send notice out to those who are supposed to get (inaudible). What they're required to do is provide proof that they mailed it at least 10 business days prior to his meeting, and that's what the green slips are for. And so, then the post office has a minimum amount of 10 days to get those delivered. You know, sometimes you get that yellow slip in your mailbox to tell you that you have a letter at the post office. Sometimes those get (inaudible), sometimes the mail provider will deliver them to your door if you're at home when they're there to deliver. We have had many instances where actual letters are not picked up, and (inaudible)signed. But the requirement is that they make the notice in the time described, (inaudible).

Ms. Giesting: So, you're saying that they were sent to the appropriate folks, they just haven't been delivered.

(inaudible)

Mr. Philip: Yeah, this isn't the first time we've had some timing issues (inaudible) delivered.

Mr. Jones: Yeah, I remember last year, I think it was, we were getting deliveries of the notice well after the meeting, and that wasn't the applicant's fault, (inaudible) post office was battling some issues, and that can occur. And so, the other thing that's confusing sometimes with the way that our rules read, is it says, "two lots or 600 feet, whichever is less", and so if there are lots between you and the applicant, you might be a lot closer than someone else maybe down the street that gets notice because there's only one lot between them and it could be like 300-400 feet, and you could be 100 feet (inaudible).

Mr. Cavanaugh: (inaudible)

Mr. Jones: (inaudible)

Mr. Cavanaugh: (inaudible)

(12 minutes of completely inaudible audio)

BZA-22-022 was denied with a vote of 3-0.

(Audio picks up 46:05 minutes into the meeting, still having technical difficulty)

Mr. Cavanaugh: (inaudible) all that complies with the ordinance, then that should be fine.

Mr. Philip: Yep

Mr. Cavanaugh: I think that concludes our new business for this evening, and we have one item...

Mr. Philip: Do we (inaudible) 22-023?

Mr. Cavanaugh: Oh, I'm sorry

Mr. Philip: (inaudible) that they didn't properly notice (inaudible) continuance here.

Mr. Jones: Why don't you go ahead and continue.

Mr. Daniel: (inaudible) continue (inaudible).

Mr. Philip: I move that we continue BZA-22-023.

Mr. Cavanaugh: I have a motion, I'll second that. All those in favor please indicate by saying aye.

(All ayes)

Mr. Cavanaugh: Any opposed? Motion carries. Thank you.

OLD BUSINESS

Mr. Cavanaugh: And now to old business. We have findings of fact for BZA-22-010.

Mr. Whaley: This petition was denied by the board last meeting, and they provided a set of negative findings of fact for your consideration and adoption.

Mr. Cavanaugh: Do we have a letter signed?

(inaudible)

Mr. Daniel: (inaudible) motion on that.

Mr. Cavanaugh: So, we need a motion of adoption of the negative findings of fact for BZA-22-010.

Ms. Giesting: I'll make a motion for the adoption of negative findings of fact for BZA-22-010.

Mr. Philip: Second

Mr. Cavanaugh: We have a motion and a second. All those in favor please indicate by saying aye.

(All ayes)

Mr. Cavanaugh: Any opposed? Motion carried. Thank you.

Mr. Philip: What other business do you have for us, sir?

Mr. Whaley: All right, the last item I have for you is, we do have a new design for our public hearing signs, and this is in response to some feedback that we actually received (inaudible) from this body several months ago. When it came time to order our next batch of signs, we decided to incorporate a change into the design, which is to add the white bar underneath the Plainfield logo and the QR Code, which allows for the applicant to take a dry erase marker and they can write the dates and the time on the signs. So, that will help people gather more information about the meeting. That was one of the concerns that was voiced by this board several months ago, so we did incorporate that (inaudible) this design. I think the signs, we've been using them for a little over a year now, and the feedback that we've received so far has been very positive, and so we're just continuing to try and make incremental improvements as we go.

Mr. Philip: When I drive by a neighboring community and see a sign that has the mouse print on it (inaudible), I just kind of shake my head and think, you can do better. So, I appreciate (inaudible) by staff.

Mr. Whaley: That's all I have.

Mr. Cavanaugh: I think that will be very helpful. Thank you. Do we have any further business for discussion this evening?

ADJOURNMENT

Mr. Cavanaugh: If not, then...

Mr. Philip: I move we adjourn.

Mr. Cavanaugh: Motion to adjourn...

Ms. Giesting: Second

Mr. Cavanaugh: Second – all those in favor please say aye.

(All ayes)