

Edinburgh Zoning Board of Appeals Minutes
 Wednesday, May 7, 2025
 6 p.m. Town Hall

Chairman Ron Hamm opened the meeting of the Edinburgh Zoning Board of Appeals with roll call. Members in attendance were Allison Detling, Bill Jones, Keith Sells, Greg Stinson, and secretary Stephanie Taylor. Staff members present were Dustin Huddleston, Town Attorney, and Planning Director Julie Young.

Keith Sells made the motion to accept the minutes of the February 5, 2025, meeting, as presented. Allison Detling seconded the motion, which carried.

Attorney Huddleston swore in those who wanted to speak.

Planning Director Young presented **Case ZB 2025-02V Princess Pineda**, a request for a *Variance from Developmental Standards* from the Town of Edinburgh Zoning Ordinance Division 2, Section 156.029, to allow for more than one principal structure on the property at 612 South Pleasant Street, Edinburgh, Indiana 46124. The existing single-family dwelling would remain. The petitioner is requesting to convert the existing detached garage into living space.

Staff Report recommended denial of the petition because of four issues:

1. the approval would create a non-conforming structure in that the building will not meet the setbacks for a principal structure;
2. the approval would create a non-conforming lot in that the lot would contain two principal structures;
3. a permit was previously issued (2020; extension in 2021) for an addition to the primary structure and the work was not completed; and
4. the addition provides an opportunity to add a living space without creating a separate principal structure. This opportunity was not complete and could be pursued with the submittal of building plans and obtaining a building permit.

Petitioner Princess Pineda spoke and answered questions in consultation with her mother. Ron Hamm and Greg Stinson asked about parking. There is currently parking in front of the original structure and in the grass, and that will not change. Bill Jones asked about the addition in the back of the house....will it be completed to become three rental properties. She is planning to complete the addition. She will not be renting the proposed structure. There are a lot of them who want to live together. Planning Director Young asked if the original structure is currently a rental. The answer was yes.

No one spoke against the petition.

Attorney Huddleston reminded the Board members that, according to Indiana law, if the Board chooses to deny the petition, the motion must state why the petition has been denied, using one of the three Criteria for Decisions presented by Planning Director Young. Greg Stinson made the motion to deny the petition based on Criteria #3 (page 6 of BZA Staff Report): **Practical Difficulty: The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property.** *Staff Findings:* The strict application of the ordinance **will not result** in a practical difficulty in the use of this property. Bill Jones seconded the motion, which carried.

Regarding **Case ZB 2025-03UV CarpHomes LLC**, there was a procedure issue that Attorney Huddleston presented to the Board. The completed Affidavit of Notice was not supplied to the Planning Department by the 4:00 p.m. deadline on Friday, May 2, 2025. The deadline was missed by a couple of hours. The Board must vote whether to allow the case to proceed or to put it off until next month's meeting. Keith Sells made the motion to proceed. Greg Stinson seconded the motion, which carried.

Planning Director Young then presented **Case ZB 2025-03UV CarpHomes LLC**, a request for a *Use Variance* from the Town of Edinburgh Zoning Ordinance Division 2, Section 156.036, Table 1, to allow for five (5) total apartments to be added to the second and third floors of the building located at 101 West Main Cross Street, Edinburgh, Indiana 46124. Town of Edinburgh Zoning Ordinance Division 2: District Regulations (Table 1: Permitted Uses and Special Exceptions: 156.036) does not permit multi-family dwelling uses within the Central Business District. The applicant has applied for a use variance since the use is not granted as a permitted or special use.

Staff Report recommended approval of the petition subject to six conditions:

1. That this decision is only granted to the Petitioner, and the Use Variance is not transferable to any other property owner(s) not directly associated with the Petitioner;
2. That this decision is null and void should the Petitioner fail to develop the subject parcel within two (2) years of the date of the BZA Findings of Fact;
3. That any parking areas established at 115 East Main Cross as outlined in the Access and Parking Easement Agreement shall be subject to the Highway Corridor Overlay approval process;
4. That all development be compliant with standards established in the Edinburgh Zoning Ordinances for development within districts zoned as Central Business District for which variances are not granted;
5. That all aspects of this project development be compliant with all applicable Building Codes adopted by the State of Indiana, and the developmental requirements of the Edinburgh Zoning Ordinances for properties in Districts zoned as Central Business District, for which variances are not granted; and
6. That prior to commencement of any construction at the subject property, the Petitioner shall acquire a Construction Design Release from the Indiana Department of Homeland Security and all required permits from the Town of Edinburgh Planning Department as applicable.

Petitioner Travis Carpenter, 3035 Stratford Place, Carmel, Indiana 46033, introduced himself, his background, and his plans for this property.

Greg Stinson asked the petitioner about off-street parking. Mr. Carpenter noted that he will provide private parking: two spaces per unit and one space for the studio apartment at 115 East Main Cross Street. He has an engineer working on parking design.

Bill Jones noted that the property at 115 East Main Cross Street was sold in a tax sale. He added that the property has a lien and judgment against it. How will this affect the access and parking agreement that Mr. Carpenter has had since September 17, 2024. Mr. Carpenter was aware that the property had been sold. He believes that the buyer thought he was purchasing the building, not realizing that the building was no longer there, and so believes that the buyer will back out of the sale or attempt to re-sell the property.

Attorney Huddleston asked if Mr. Carpenter paid for the easement. The answer was yes.

Bill Jones asked about installation of a fire system. Mr. Carpenter noted that there will be a sprinkler system. He is not certain of the requirements...commercial or residential. It will depend upon whether there is a laundry room, or if that becomes the studio apartment.

Bill Jones then asked about the entrance and water meters. Mr. Carpenter said the entrance will be on the Walnut Street side of the building. He said that each apartment will have its own water meter.

Greg Stinson asked about inside stairs. Mr. Carpenter said that the original stairs have been renovated and a second staircase has been added to the back side/opposite corner.

No one spoke against the petition.

Planning Director Young recommended approval with the six conditions presented.

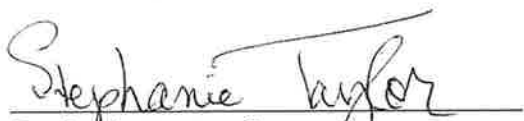
Greg Stinson noted that his biggest concern is regarding if the parking agreement would fall through.

Ron Hamm asked if East Main Cross still has two-hour parking. The answer was yes. Bill Jones noted that there is parking behind the Community Center and at the doctor's office.

Bill Jones made the motion to approve the petition, with the six (6) conditions listed above. Allison Detling seconded the motion, which carried.

There being no other business, Greg Stinson made the motion to adjourn the meeting at 6:33 p.m. Keith Sells seconded the motion, which carried.



Ron Hamm, Chair

Stephanie Taylor, Secretary