

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**December 13, 2023**

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on December 13th, 2023. Mrs. Murovic called the meeting to order at 6:32 p.m. The meeting opened with the Pledge of Allegiance led by Commissioner Briseno.

**ROLL CALL:** Present were Board Members Mr. Thomas, Ms. Briseno and Mrs. Murovic. Mr. Helms and Mr. Turich were absent. Also in attendance were Mr. Ken Mika, Building Commissioner/Zoning Administrator and Mr. John Reed, Town Attorney.

**MINUTES:** The minutes of the October 25th, 2023, meeting were approved as posted.

**ANNOUNCEMENTS:** The date of the next Board of Zoning Appeals meeting will be January 24<sup>th</sup>, 2024.

**COMMUNICATIONS:** None.

**Old Business:** None.

**New Business: Public Hearing for Michele & Trevor Parsley, 8817 Woodward Avenue, Highland, IN,** requesting a Variance to install a fence beyond the building lines at 8817 Woodward Avenue. 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.

Mr. Reed confirmed that the Proof of Publication was in order, published accurately and in a timely manner. Mr. Mika confirmed that the Sign was posted correctly.

Michele and Trevor Parsley stepped forward and introduced themselves, stating their address as 8817 Woodward Avenue. Michele explained that they were there to request a variance to build a fence that extended beyond the side building line on the Kenilworth Avenue side. She said that the proposed fence would present no problems whatsoever regarding safety issues and the sightline would be setback so far from the street it wouldn't block any views for pedestrians or traffic in any way. She added that the fence would be an attractive addition to the neighborhood and would improve the look of their property. She also mentioned that Trevor had a few classic cars that he liked to work with, and it would add some privacy for that purpose. She stated that they chose the 12' distance from the sidewalk because the driveway was significantly wider the closer it was to the house and it would present problems to have a gate that wide, due to sagging. She mentioned that the fence was solid up to a 5' height and had a foot of open, lattice design at the top, bringing the total height of the fence to 6'. The gate was to be chain link with white slats for privacy.

Mrs. Murovic opened the meeting to the public. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board.

Mrs. Murovic reviewed the survey of the property, along with the Board, and they discussed the measurements of the lot and figured the math in relation to the space and distance from the sidewalk/property line. The Board encouraged the petitioners to consider a more open fence design and to re-evaluate the distance from the house to see if they could come any closer to the house in order to make more green space on the side of the house where the fence was to be installed. After much discussion, Mr. Thomas made a motion to continue the hearing at the next meeting of January 24<sup>th</sup>, 2024. Ms. Briseno seconded, and the motion passed unanimously with a 3 – 0 roll call vote.

**New Business: Public Hearing for Kashmira Makwana, c/o Janjus Construction, 9911 Southmoor Avenue, Highland, IN 46322**, requesting a Variance of the R-1 zoned district at 9911 Southmoor Avenue, to allow a garage accessory structure addition of 364 square feet, making the total square footage for accessory structure at the property 936 square feet, including the existing 572 square foot garage. {HMC 18.05.060} (F) (5) Interpretation and application – Supplementary district regulation. Accessory Buildings. In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Reed confirmed that the Proof of Publication was in order, published accurately and in a timely manner. Mr. Mika confirmed that the Sign was posted correctly.

Kashmira Makwana stepped forward and confirmed her address as 9911 Southmoor Avenue in Highland, IN. She stated that she and her general contractor, Janjus Construction, were present this evening to request a variance to build a garage addition of 364 square feet at 9911 Southmoor Avenue. She added that the new addition would be fully contained to their property and would not encroach on any of the neighboring properties, and that they would maintain the required distance from the property line and easements. Her parents had purchased this home in 1996 as the first owners. She and her three siblings had been raised there. In 2008 her sister had moved back home due to health issues and a permanent disability, along with her young son. Kashmira had also moved back to the home during co-vid because her job became permanently remote, and instead of living alone, she decided to move back to help out with her parents, sister and nephew. At this point, she has a new job that is outside the home, but she still works at home a few days a week, so they are currently remodeling the home from a four bedroom to a five bedroom, because she requires an office. She continued to say that she and her parents already had a two-car garage of 572 square feet, and they wanted to build a third bay because of the fact that they had three drivers currently and her nephew would be driving within a year and at that point there would be four total drivers in the household. She had an electric car, and it was necessary for her car to be connected to the charger. Her mother and father were getting older, and her mother's car was the one that was outside because she still managed two local businesses and was in and out a lot, so in the winter months her mother often had to clean off ice and snow, which wasn't the best situation. She and her family love the neighborhood they are in and wanted to stay in this safe and comfortable home, but the garage situation was not good and since they had the room for the addition, they wanted to improve their situation with parking their cars.

Mrs. Murovic opened the meeting to the public. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board.

Ms. Briseno asked Mr. Mika if he had any problems with this proposed garage addition. He responded that the only issue he had concerns about was the aesthetic value of what was currently existing as far as the roof line and if it would be maintained. Kashmira replied that this issue was one of the first things she discussed with her contractor. She continued to say that the existing roof was relatively new, so the roof shingles would be able to be matched closely. They planned to finish the garage addition with the same siding that was currently on the top half of the home, rather than the brick that is covering the existing garage. Mr. Mika pointed out that aesthetics and matching what exists is very important, especially in a newer subdivision like theirs and that covering the addition with siding should not be an option; it should be covered in brick to match the existing garage. Mr. Thomas asked if they had any drawings of the proposed garage. Djordje of Janjus Construction replied that they did not have the plans drawn up yet.

Mr. Thomas then asked why the garage addition was to be 16' wide instead of the usual 12' or 13' for a single car garage. Kashmira replied that considering the smaller width was doable and she could consider that. Mr. Reed pointed out that if they went with the smaller size, it would save some money that could help with the cost of covering the addition with brick as opposed to siding. The Board made clear to the petitioners that drawings showing the proposed garage addition would be needed for them to make a decision on this Variance request. The aesthetics of the neighborhood were an important factor in this case. They suggested that the hearing be continued so that drawings could be obtained.

Mr. Thomas motioned to continue the public hearing for the proposed garage addition until the next meeting of January 24<sup>th</sup>, 2023. Ms. Briseno seconded, and the motion passed unanimously with a 3 – 0 roll call vote.

**BUSINESS FROM THE FLOOR:** None.

**ADJOURNMENT:** Motion: Ms. Briseno Second: Mr. Thomas Time: 7:28 p.m.