

To: Board of Zoning Appeals, City of Madison, Indiana

From: Allen and Nancy Watson
1509 East Wehner Drive
Madison, Indiana

Re: Request for Variance from development standards for setbacks
Application made by Laura Studebaker
BZVD-23-22

We ask that the request, BZVD-23-22, for variance from development standards for setbacks be denied.

Allen and Nancy Watson are the original owners of 1509 E. Wehner Drive and have lived there continually for 47 years. We have raised our children in this home. They played in the yard and woods and so have their children. The property is our family's inheritance.

Our children now have survivorship of this property as we have established a Watson Family Trust. They have given us permission to speak on their behalf in pursuing this denial.

The property has a large front, side and back yard and is surrounded on two sides by woods. One of the main factors in not moving from this home has been the beauty of the woods and green space we purchased and maintained.

Over the years improvement and maintenance of the home and property have been top priority. A large addition was added to the back of the home and includes a 97 inch window facing the yard & woods in the family room area and a 60" window in the dining area also facing the yard and woods.

A screened three season porch on the back of the house facing the yard and woods and a large concrete patio space used for gatherings and enjoying the outdoors have been added.

Landscaping and maintaining the yards and woods is not just work. Planting flowers, planning and creating garden areas, planting trees and shrubs is enjoyable and the results are a pleasure that improves our property. We have planted trees and shrubs that attract and shelter the birds we feed. We pay a landscaper twice yearly and use a lawn service to improve the lawn.

We put this much time and effort in because in good weather we spend time daily outdoors whether it is working in the space, hosting gatherings, or simply relaxing. We feed the birds, watch the deer and other animals, view the sunsets and enjoy the panoramic view of the woods.

Some Facts:

The east side of the garage as proposed would be one foot from the property line.

Allen phoned the City Building Inspector, Brian Shaw. We were told the required set back is 10 feet.

The site map provided to us by Laura Studebaker on December 31, 2023, is incomplete; not showing a ramp currently located on the east side of their deck.

A 30+ year old oak tree that houses two bird feeders is located 12 feet east of the property line. We are concerned that having the proposed garage one foot from the property line and so near the large oak tree, which would hang over their garage and also hangs over our house, would create a danger to our safety in case of a fire in the garage.

The proposed drive and garage would be too close to an established garden space. Depriving it of the air flow and the western sunlight it needs to thrive.

Laura recently had the property surveyed. The survey showed their back yard fence is over on our property. The survey shows her current drive sits on the property line.

Her plan wants to use the existing driveway which is already on the property line. If that drive was extended straight back to a garage it would not even be one foot from the line; it would be on the line.

The existing fence, drive and side ramp do not meet the standard of 10 feet. No permits or variances were ever granted for these.

There are many detached garages built in our subdivision. None of those garages are built one foot from a property line. Granting this variance would set a new precedence resulting in devaluation of appearance and financial value of property.

We have never agreed to or given any indication that we would agree to this variance.

We have many questions with unknowable answers about the welfare and safety of our property if this variance is granted and the east wall of this garage is one foot from the property line.

*What will the garage look like?

*How well will the neighbors maintain the exterior of the garage?

*What will be stored on the outer east side of the garage? Will there be garbage cans, debris, overgrown grass and the like one foot from our yard and close to an existing garden?

*What will the garage be used for? Vehicle storage? Workshop?

* Will there be cars lining the drive in the back one foot from the property line or perhaps on the property line?

*How tall will this garage be?

Will it block the light from the sun on the back of our house potentially causing mold to grow on our siding and block fresh air from reaching our windows?

*How will the gutters and downspouts be positioned?

Will rainwater and snowmelt be directed onto our property causing a gully to form and erosion to occur as it is a downward sloping area?

*Will they be working on their vehicles there, washing their vehicle there; running waste water down our property?

*They have one very loud truck already. What other vehicles will they bring in?

How will this noise affect the peace and enjoyment of our yard and screened porch?

* What are their plans for the limbs from our oak tree?

*Will the crushed stone they plan to use to extend the drive into the garage be 10 feet from the property line or one foot from our yard? Will that crushed stone wash onto our lawn and garden?

*Even if these folks are respectful and care for their property; what about the next buyer?

Additional Information:

This variance is not the only option available when building a garage at this residence:

1. Per Laura Studebaker's surveyor, Brian McAllister, there is ample space to lay a drive and build a garage on the west side of her property. There is ample room to meet the 10 foot distance from all property lines.

They could enter their house using the backdoor off the deck.

Duke Energy can relocate the electric service and the internet provider can do the same.

This option would not require any change to the current 10 foot requirement or encroach on other's property and would allow them the garage space they desire.

As a bonus, the drive would run along the westward neighbor's garage space and dog kennel as opposed to running under our two bedroom windows, and family room window.

2. The existing drive could be used without further encroachment on our property by removing the existing east side ramp (that is not used or needed) & redesigning the steps to their back deck which offers a door into the home.

They would then be able to move the garage further to the west and achieve the required 10 feet from the east property line.

Either of these options would prevent the garage and vehicles from being one foot from our yard.

In closing

Not only do we consider this proposal a sacrifice on our part which would result in invasion of privacy and space, but we believe there are too many unknowns preventing us from allowing this to go forward.

We are extremely concerned about the safety of having a garage, where combustibles are present, only one foot away from the property line.nancy
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We firmly believe that having the garage only one foot from the property line and the drive on the property line will diminish the appearance and thus the value of our property and will be a deterrent when selling the property.

There are viable options for building a garage at 1497 E. Wehner Drive that would require no discomfort or sacrifice from any of the neighbors.

We are asking that you deny this application for variance for the protection and preservation of our years of investment in this property as well as our future safety, enjoyment and well being.

Allen and Nancy Watson
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