TOWN COUNCIL AGENDA REQUEST

TOWN OF Brownsburg

Date:	Reference No.:	Agenda Item No.:
8/1/2011	BZUV-6-11-1071 - 32 Seumin Street	08.05.

Subject: BZA Fee Reimbursement Request by Jennifer Garabrandt

Summary of Request:

Ms. Garabrant owns a single-family residence at 32 Seumin Street, which has been used as such since it's construction in the early 1900's. In the 1950's the Town zoned Seumin Street and much of the rest of the Main Street corridor a commercial classification. Current mortgage lending practices have tightened and banks are reluctant to make residential loans on commercially zoned property. As a result of the commercial zoning classification on Ms. Garabrant's property, she has lost potential sales of the property. Ms. Garabrant went before the BZA in July 2011 to request a Use Variance to permit single-family residential in a commercial classification to help alleviate the issues for residential mortgage lending.

The proposed Zoning Map Update scheduled for earlier this year would have eliminated the need for Ms. Garabrant and potentially other property owners to request a Use Variance or Zoning change to accommodate for current lending practices for both new mortgages and refinances.

Financial Summary:

Budget Funds Available	If Yes, Amount
☐ Yes ☐ No ☑ N/A	

Budget Fund Information:

Line Item Name	Line Item Number

Recommend Bid/Contract Amount: N/A

Estimated Project Costs: (whole numbers)

Architecture/Engineering	N/A
Construction/Procurement	N/A
Contingency	N/A
Miscellaneous Costs	N/A
TOTAL ESTIMATE	N/A
Future Expenses (if any)	N/A
Revenue Generated (if any)	N/A

Department Head Approval: Todd A. Bu

Date: 8/4/2011

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Assistant Town Manager Approval:	Grant A. Klinberg
Date:	8/4/2011

ATM Comments:

After reviewing the staff comments on the letter provided by Ms. Garabrandt, and due to the fact that the Town has the intent to change the Zoning Map, possibly yet in 2011, it seems reasonable to approve the refund of the $600 for the action that will not be required in the future. I recommend waiver of the fee and a refund in the amount of $600 to Ms. Garabandt.

Supporting Documentation:

Letter from Jennifer Garabrant dated July 21, 2011

Action Requested:

Approval of the Reimbursement of all or some of the $600 BZA Application Fee.

Town Manager Approval:	Jac
Date:	4 Aug 11

TM Comments:

Jennifer M. (Wilkerson) Garabrant
274 Thornburg Pkwy
Brownsburg, IN 46112

July 21, 2011

Brownsburg Town Council
61 N Green St
Brownsburg, IN 46112

Dear Town Council Members:
This letter is to request either full or partial reimbursement of the $600 fee that was paid in order to apply for a Use Variance to add residential zoning to the current C-3 commercial zoning for 32 Seumin Street. The Use Variance application was approved by the Board of Zoning Appeals on July 11, 2011. It is my understanding that in the near future, the Town plans to rezone the area including 32 Seumin Street to be consistent with actual use (residential). This plan was discussed earlier this year which would have alleviated the need for this Use Variance Application but was put on hold. According to all available information, this property and the surrounding properties have been used for residential use since before the zoning was changed to C-3 approximately 60 years ago. It seems unreasonable that a home owner be expected to pay a fee for adding residential use to a property that has never had any other use and when there are plans for the Town to rezone the property in the near future. Though this zoning issue may not have been an issue in the past, in the current housing market, mortgage companies look for any reason to deny a mortgage application. Sales of the home have fallen through due to the commercial zoning of the property. The rationale behind this was due to property's use (Single Family Dwelling) being classified as a Legal-Nonconforming Use which, according to the Zoning Ordinance, cannot be rebuilt as a Single Family Dwelling if destroyed to the extent of more than 50% of the fair market value.

Therefore since there is still a plan to rezone the property, and during the 80 years of the life of the home, the use of the property has always been residential, it seems unfair to not reimburse the large fee that has been paid. The required $600 fee along with approximately $200 for certified mailings and a legal notice in the Hendricks County Flyer has been paid. At the time my husband and I moved from the home, we were not aware of the zoning issue and expected to proceed with a sale of the home quickly. This sale fell through due to the commercial zoning and then we learned that the town planned to rezone the area sometime in the beginning of 2011 and therefore did not proceed with the Use Variance application. We then learned that this was put on hold as we continued to lose potential buyers due to the zoning issue. The expense of this application has caused a large financial burden on top of continuing to pay the mortgage for this property due in large part to the zoning issue described in this letter and the Use Variance application.

I would be greatly appreciative of a full reimbursement of the $600 application fee at this time. If not possible at this time, I would like to request that full reimbursement take place once the zoning is officially changed by the Town for this property as planned. As upsetting as it would be to not be granted full reimbursement, I would be appreciative of even partial reimbursement of this fee at any time.

Thank you very much for your time and consideration.

Respectfully,

Jennifer M. Garabrant

Jennifer M. (Wilkerson) Garabrant