

Board of Zoning Appeals

MEETING DATE: February 21, 2023

TIME: 7:00 p.m.

LOCATION: Pendleton Town Hall

100 W. State Street Pendleton, Indiana

ORDER OF BUSINESS

I. CALL TO ORDER

Meeting was called to order by Vice President Jenny Sisson at 7:09 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Board members attending in person were Jerry Burmeister, James King, Jenny Sisson. A quorum was established. Individuals representing the Town in person: Planning and Zoning Administrator Denise McKee, Planning Director Hannahrose Urbanski. Representing the Town via Zoom Town Attorney Jeff Graham. Also attending in person: Steve Bucci, Sandi Butler.

III. APPROVAL OF PREVIOUS MEETING MINUTES

Jenny Sisson requested a motion to approve Meeting Minutes from the January 17, 2023 Meeting, with wording revision to Section V. A. bullet item 6. Jerry Burmeister made the motion. James King seconded motion. Roll call vote was taken and all members present voted in favor of said motion with revision. Motion carried.

IV. OLD BUSINESS

A. Condemnation hearing for 116-118 W State St – Steve Bucci

- Denise McKee reviewed the progress:
 - The condemnation order was amended on January 3, 2023 Special BZA Meeting, allowing occupancy for 120 W State Street
 - Certificate of Occupancy was issued on January 4, 2023 by Brett Mabrey for 120 W State St
 - In late January a preliminary inspection was conducted by Building Inspector, pre-inspection notation and renderings submitted to Arsee Engineers for review, Structural Engineer Findings for Structural Engineer Inspection provided to Steve Bucci
 - In mid-February Structural Inspection was performed by Phil Savich from Arsee Engineers and Fire Inspection performed by Fire Chief Chris Nodine; items for Final Inspection provided to Bucci

- February 21, 2023 Final Inspection completed by Building Inspector per Bucci's request and Findings relayed to Arsee Engineers (photos on Google Drive)
- February 21, 2023 Arsee Engineers submitted Assessment Release with findings in support of complete structural remediation at 116-118 W State Street
- Denise McKee provided the Staff Recommendation:
 - Based on Arsee Engineers Assessment Release and favorable findings found by Building Inspector and Fire Chief, Condemnation Order on 116-118 West State Street can be lifted
 - Issuance of Certificate of Occupancy by Building Inspector once Condemnation Order on 116-118 West State Street is lifted
- Denise McKee asked the Board for questions or comments:
 - Jenny Sisson thanked Steve Bucci for his hard work at completing the remediations and reminded him of the Main Street grants that might be available in the future
 - Hannahrose Urbanski and Mckee also thanked Brett Mabrey, Jim Cook, Scott Reske, Fritz Herget, Phil Savich, and the Board Members for doing their due diligence, and especially Bucci for his willingness to work with the Town and get his building repaired.
- Denise McKee recommended that the Condemnation Order be lifted, and for a Certificate of Occupancy to be issued.

Jenny Sisson requested a motion for the Condemnation Order to be lifted and for a Certificate of Occupancy to be issued for 116-118 W State Street. Motion made by James King; seconded by Jerry Burmeister. Roll call vote was taken and all members voted to approve said motion. Motion carried.

- Steve Bucci made the following comments:
 - It was a long nine and a half months, as he did all repairs himself
 - During the inspection, Fritz told him he never said to condemn the building, and Bucci continued to support his opinion that it never should have been condemned
- Additional discussion and comments:
 - Jenny Sisson indicated a system needs to be in place to disseminate building / fire code information to building owners. There should be procedures for inspections moving forward; a list of requirements, checklist, triggers for more action, and possibly information for new building owners about expectations of historical downtown building ownership. This is especially important given the quasi-judicial role of this Board.
 - Jerry Burmeister informed that the new fire territory with paid staff will enable them to be proactive with inspections, and will allow for collaborations with assessing fire / building codes and structural issues
 - Denise McKee stated the iWorqs software will be beneficial in tracking and collecting such information

- Jeff Graham reported that his office is working on Violation Ordinances that will go before the Town Council
- Jenny Sisson inquired if Bucci has plans for the front of the building. He said he plans to fix the shanks and paint when the weather warms. Sisson encouraged him to look into available façade grants.

IV. NEW BUSINESS

Hannahrose Urbanski reported she will be reviewing and updating the BZA Rules; she will present red-lined drafts for comparison.

VI. ADJOURNMENT

Meeting was adjourned by Jenny Sisson at 7:42 p.m.

Next meeting March 21, 2023 at 7:00 pm.