

# Board of Zoning Appeals

MEETING DATE: March 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 7:00 p.m.

### II. ROLL CALL AND DETERMINATION OF QUORUM

Board members attending in person: Jerry Burmeister, James King, Jenny Sisson, Jamila Zafar, attending via Zoom: Kyle Eichhorn. A quorum was established. Individuals representing the Town in person: Planning and Zoning Administrator Denise McKee, Planning Director Hannahrose Urbanski, Attorney Evan McMullen. Representing the Town via Zoom: Town Attorney Jeff Graham. Also attending in person: Kerry and Tracy Davis of 130 Hawthorn Drive, Dave Cravens for 6933 S SR 67 property, Brian Cross of Civil Site Groups, Mike Hanna

### III. APPROVAL OF PREVIOUS MEETING MINUTES

**Jenny Sisson requested a motion to approve Meeting Minutes from the February 21, 2023 Meeting, motion made by Jerry Burmeister, seconded by James King. Roll call vote was taken and all members present voted in favor of said motion with revision. Motion carried.**

### IV. OLD BUSINESS - N/A

### V. NEW BUSINESS

A. V03212023-02: V03212023-02: Variance from Development Standards request to allow an additional 2-car driveway on parcel at the public right-of-way in the Single-Family Small Lot (SF-3) zoning district – 140 Hawthorn Drive, Shane Davis

Denise McKee presented Current Use / Site Details: (Images on Google Drive)

- Zoned: Single Family Residential - Small Lot (SF-3)
- Property is .52 acres
- Located in the Pines at Deerfield subdivision off of North Pendleton Avenue
- Public ROW extends 11' into subject property from roadway
- Utility services within proposed development area include gas line (CenterPoint Energy) and water meter pit (Town of Pendleton)

Denise McKee presented the Variance from Development Standards as requested by Petitioner:

- Extend current driveway by 2' to service the existing two-car garage
- Install an additional 24'(W) x 45'(L) driveway to service future two-car garage
- Total of 48' driveway throat width to connect to roadway
- Maximum impervious surface coverage is 40%; current coverage is 17%; proposed 25%

McKee provided Single-Family Driveway Access Standards:

- Driveway throat width no more than 18' at right-of-way for a 2-car garage. Driveway throat width no more than 24' at right-of-way for a greater than 2-bay garage
- Driveway tapers, including flares, shall be five (5) feet
- Clear Vision Area at intersection of public road shall not exceed 25 feet
- Public right-of-way regulations to be enforced in order to preserve public utilities, street structures, sidewalks & promote safe travel, access & public safety

McKee also informed there has been no negative feedback from the notifications in regards to this petitioner's request. Questions or comments were invited:

- Kerry Davis, father and neighbor of Petitioner, said there is no concern nor have any neighbors voiced any objections after receiving required public notices
- There was additional discussion and clarification of the request

McKee provided that the function of Planning staff is to analyze the petition against approved/relevant plans and ordinances, as well as any existing conditions and/or variances placed upon the site, to present facts and analysis. Based on that analysis, she provided the following comments:

- Proposed 25% impervious surface coverage, inclusive of additional driveway and 2-bay garage addition falls well under the 40% maximum for Single-Family (SF-3) zoning district
- Front and side yard setbacks are not compromised by proposal
- Relocation of public utilities/street structures and associated costs will be responsibility of property owner
- Sight Visibility Triangle/Clear Vision Area and minimum Intersection Sight Distance will not be met should driveway be extended; however it is a residential area with a larger lot and intersecting with a small cul-de-sac with only a couple homes

Based on Indiana Code and the Town of Pendleton's Unified Development Ordinance, BZA considers the following criteria:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
- The strict application of the terms of the ordinance will result in practical difficulties in the use of the property

- The variance granted is the minimum necessary
- The variance granted does not correct a hardship caused by a former or current owner of the property

BZA can vote to: Approve (w/wo conditions or commitments) | Deny | Continue

**Jenny Sisson requested a motion to approve as presented V03212023-02: with no conditions. Motion was made by Jerry Burmeister; seconded by Jamila Zafar. Roll call vote was taken and motion approved by all. Motion carried.**

- B. V03212023-03: Variance from Development Standards request to allow more than maximum impervious surface coverage; allow more than the maximum front parking spaces; allow side loading on north side of building; to allow less than required buffer yard landscaping on west and north property lines in the General Business zoning district – 6933 S SR 67, Dave Cravens of BDC Realty Group, LLC (Civil Site Group, Inc.)

Denise McKee presented Current Use / Site Details: (images on Google Drive)

- Zoned: General Business (GB)
- Property is 1.25 acres
- Property currently vacant, previous site of Swifty Gas Station; all structures & storage tanks have been removed from site
- Environmental permitting and Traffic Operations Analysis complete
- Intended Land Use: Retail, General - Medium (6,001-39,000 sq. ft) for Dollar Tree; Permitted use in GB

Denise McKee presented the Variance from Development Standards as requested by Petitioner:

- Impervious surface coverage: Permitted - 60%. / Proposed - 75%
- Loading area: Required - Rear loading only adjacent to Arterial; Proposed - Side load on North side of structure
- Parking in front of structure: Required - No more than 50% of minimum number of parking spaces required; Proposed - 75% of minimum parking required will be placed in front of structure
- Perimeter buffer along ROW: Required - 10' landscape buffer; Proposed - Narrowing buffer headed south along property line on east side. INDOT ROW curves along this property
- Bufferyards: Required - 15 ' bufferyard on North, South and West property lines; Proposed - Smaller to no bufferyard along North and West in areas where there will be parking, loading dock, HVAC and mechanical equipment and dumpster

McKee also informed there has been no negative feedback from the notifications in regards to this petitioner's request. Questions or comments were invited:

- Brian Cross, representing Dave Cravens reported they have been working with the Planning Staff on concepts for this development since January, and by February felt they had a good understanding of the ordinance requirements

- Cross indicated the requested variances would provide both the uniqueness of this property an opportunity to be re-developed along with meeting most conditions of the UDO
- This development maximizes the land use for its size and uniqueness, and is a good land use
- Currently working with INDOT on driveway permit adaptations
- 2022 Traffic Study was completed, operational analysis indicated engineering regulation standards were met
- HVAC units will more than likely be moved to the rooftop in the future
- Loading area will not have a dock or platform; will be a two-door ground delivery, very similar to a nearby retail store
- IDEM has issued the No Further Action Necessary letter indicating no remaining environmental mitigation to be done on the property
- There was additional discussion and clarification of the request regarding parking, shared driveway access with neighboring business, stormwater control, delivery truck entry/exit, potential road expansion due to possible growth, sidewalk/path connectivity

McKee provided that the function of Planning staff is to analyze the petition against approved/relevant plans and ordinances, as well as any existing conditions and/or variances placed upon the site, to present facts and analysis. Based on that analysis, she provided the following comments:

- Conditions of subject property are unique with deep front yard setback requirement and limited space
- Rear load would pose difficulty with the required 75' setback for the building
- Side loading is limited to standard size door with no loading berth. Sufficient stacking space on north side to safely accommodate side load and eliminate concern for traffic movement interference
- The strict application of the terms of the Unified Development Ordinance would create practical difficulties to develop lot for permitted use and the variances sought are considered minimum
- Landscape planting requirements (quantity and type) will be met and cluster where necessary
- All other architectural and development standards anticipated to be met in Site Development Plan phase

Based on Indiana Code and the Town of Pendleton's Unified Development Ordinance, BZA considers the following criteria:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
- The strict application of the terms of the ordinance will result in practical difficulties in the use of the property

- The variance granted is the minimum necessary
- The variance granted does not correct a hardship caused by a former or current owner of the property

BZA can vote to: Approve (w/wo conditions or commitments) | Deny | Continue

**Jenny Sisson requested a motion to approve V03212023-03, as outlined above. Motion was made by Jerry Burmeister; seconded by James King. Roll call vote was taken and motion approved by all. Motion carried.**

## **VI. ADJOURNMENT**

Meeting was adjourned by Jenny Sisson at 8:05 p.m.

Next meeting April 18, 2023 at 7:00 pm.