

Board of Zoning Appeals

MEETING DATE: May 18, 2021

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 Chairperson Jamila Zafar at 7:06 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Board members in attendance were Jamila Zafar, Jenny Sisson and Aimee Parker. A quorum was established. Individuals representing the Town was Planning Director Kayla Hassett, Planning and Zoning Administrator Hannah Urbanski and Town Attorney Jeff Graham. Also, in attendance, were Rachel Shettle from KRM Architecture, Craig Tunget and Judge George Gasparovic.

III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Motion to Approve the March 16, 2021 Meeting Minutes made by Jenny Sisson; seconded by Aimee Parker; Roll was taken and all members present voted to approve the March 16, 2021 Meeting Minutes; motion so carried.

IV. OLD BUSINESS

A. CU01212020-01: 103 W. High St. (West High Street, LLC) – Sign finding of fact.

Kayla Hassett presented Finding of Fact that had been approved at previous meeting. All members present signed document.

B. CU01212020-02: 228 S. Pendleton Ave. (West High Street, LLC) – Sign finding of fact.

Kayla Hassett presented Finding of Fact that had been approved at previous meeting. All members present signed document.

C. CU11172020-01: 525 E. State St. (B&L Brown Construction Services, LLC, dba Swackhamer Masonry & Concrete) – Sign finding of fact.

Kayla Hassett presented Finding of Fact that had been approved at previous meeting. All members present signed document.

D. V11172020-01: 739 N. Pendleton Ave. (Ronald R. Jones) – Sign finding of fact.

Kayla Hassett presented Finding of Fact that had been approved at previous meeting. All members present signed document.

V. NEW BUSINESS

A. VO5182021-01: 201 East State Street (Paul St. Pierre) – Reduction in Minimum Lot Size Request in the Downtown Business district.

- Kayla Hassett presented the following information, with application and images provided in Google Drive:
 - Petition by Paul St. Pierre, Wilson St. Pierre Funeral Home.
 - Variance for lot smaller than allowed in the Downtown Business District per Ordinance.
 - Rachel Shettle from KRM Architecture, present at meeting, representing Petitioner as Architect.
 - Petition involves the small yellow garage and yellow house at the corner of North Broadway and State Street.
 - Variance requests to allow a smaller lot than permitted and if approved, will move forward with variance.
 - Funeral home occupies lots 1-3 on the north side of State Street.
 - Property parking lot improvements with upgrades offered, but first Petitioner wishes to first separate lot and sell a portion of the lot at the corner of State Street and North Broadway.
 - Side sliver of land, approximately six feet right-of-way in grassy area remains unclear. Shettle also not aware of reasons why separated out as in renderings.
 - Plans to demo garage on property as encroaches lots 1 & 2.
 - Lot 1 measures 62.5'; +/-3', by 198', or 12,373 square feet.
 - Overview provided, including definition of variance, purpose of the variance procedure and reported that each variance request shall meet the following nine standards as outlined in Section 154-08-05:
 - Compliance
 - Hardship
 - Unique Physical Condition
 - Not Self-Created
 - Denied Substantial Rights
 - Not Merely Special Privilege
 - Ordinance and Plan Purposes
 - No Other Remedy
 - Minimum Required
 - BZA may approve, approve with modification or deny variance request.
 - Petition could raise concern, specifically as to the Not Self-Created standard as petition may result in a parking lot not large enough for sufficient parking for new owner whom could then seek additional variances in future.

- Wilson St. Pierre wishes to keep complete control of parking lot, but recommends establishment of on street parking along North Broadway.
- The following discussions took place:
 - Rachel Shettle stated that Petitioner has individual interested in the property and may consider cross access agreement to help with parking needs, yet feels that interested buyer would have sufficient room for parking interests and/or needs. Shettle added that this separation will make for a more appealing property for the funeral home with the proposed subdivision of lots.
 - Kayla Hasset stated that the corner lot currently has a parking area and asked if buyer could use this space for parking. Rachel Shettle replied that the garage currently sits on the property line and once removed, the driveway will also be removed.
 - Jenny Sisson asked if the garage had always been encroaching. Rachel Shettle replied that she is not sure as did not take a look that far back. Kayla Hassett stated that in the 1950s/1960s, additions were made to the funeral home and believe one Replat Petition had been submitted over the years.
 - Jenny Sisson raised the following points and/or questions:
 - Off street parking spaces as proposed not guaranteed as need to look at other things since this is a public access issue.
 - Existing garage on property line or encroaching? Kayla Hassett confirmed that the property line is right on the edge of structures, not quite one foot away.
 - Concern for future property owners for neighboring business.
 - Concern for demolition of garage as may need to go through Historic Preservation Commission. Kayla Hassett replied that she does not foresee that tearing down the garage will be an issue as encroaching as well as not significant to the downtown business. Rachel Shettle also added that should they decide to rebuild a new garage, they would then go through HPC for consideration.
 - Concern that should off street parking not be an option, there would then be no parking available for the buyer's business. Recommended designation of parking spaces for the new buyer within the current owners proposed parking lot extension.
 - Jamila Zafar asked what type of business was expected to purchase lot. Rachel Shettle replied that she is not aware of the potential buyer.
 - Rachel Shettle asked if there was a targeted number for parking spaces to allot for the new business. Jenny Sisson replied that this will need to be referred to the Planning Director Kayla Hassett. Kayla Hassett stated that the Planning Department will need to look up parking requirements. Hassett also commented that she too is concerned with allowing off street parking in this area. Hassett added that should the Town of Pendleton want to create a downtown feel, it would be best to designate parking or incorporate a cross

access agreement. Jeff Graham advised that should the BZA Board choose to approve this petition, they can place this agreement as a requirement.

- Kayla Hassett stated that she sees room for modification if Petitioner moves property line back to the second row of the parking lot, unless current owner desires full control of parking lot.
- Jeff Graham stated that the strict application has created some difficulty with this variance request as request cannot create own problem. Graham also advised that BZA is guardian of the Code and difficult for the Board to support the variance as presented. Graham recommended that it may be best to table to do more research to determine if variance is even necessary. Graham added that petition as presented would be difficult to approve finding under the standard – Unique Physical Condition and may be easier to find a solution to resolve the need for the variance request.

Motion to table VO5182021-01: 201 East State Street (Paul St. Pierre) – Reduction in Minimum Lot Size Request in the Downtown Business district to the next meeting for Petitioner to go back to owner and get more information to see if can give more space for parking other than off street parking. Motion made by Jenny Sisson; seconded by Amy Parker; roll call taken and all members present voted in favor of motion to table; motion so carried.

VIII. ADJOURNMENT

Meeting was adjourned by Jamila Zafar at 7:41 p.m.

Next meeting June 15, 2021 at 7 pm.