

Board of Zoning Appeals

MEETING DATE: June 21, 2022

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 President Kyle Eichhorn at 7:00 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Board members attending in person were Kyle Eichhorn, Jerry Burmeister, James King, Jamila Zafar. Town Attorney Jeff Graham attended virtually (via Zoom). A quorum was established. Individuals representing the Town were Town Manager Scott Reske, Planning and Zoning Administrator Denise Mckee. Others attending in person were Steve Bucci.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING

Kyle Eichhorn entertained a Motion to Approve the May 17, 2022 Meeting Minutes. Motion made by Jerry Burmeister; seconded by James King. Roll call vote was taken and all members present voted to approve the May 17, 2022 Meeting Minutes; motion so carried.

V. OLD BUSINESS

A. Condemnation hearing for 116-120 W State St – Steve Bucci

- Denise McKee reviewed the timeline of events thus far, beginning with the BZA Condemnation Hearing on April 19, 2022 and building being vacated on April 22. Progress Inspection was performed on May 16 by Town Manager Scott Reske, Fire Chief Chris Nodine, Building Inspector Brett Mabrey & Foreman Jim Cook, followed by the May 17 BZA Progress Report Hearing at which time a 30-day extension to continue improvements was approved. On May 20 Arsee Engineers, Inc performed a walk-thru of the building and met with Planning Staff. It was then determined that a full Structural Inspection & Assessment Report by Arsee Engineers, Inc would be completed for approximately \$10,000 paid for by the Town. McKee requested the Board approve an additional 30 days for Steve Bucci to continue sealing the building while awaiting the Structural Inspection & Assessment Report, and revisit progress at the July 19, 2022 BZA Meeting. James King inquired if the inspection and assessment will include the two structures at the back of the building. Town Manager Scott Reske stated the report would not include an inspection of the back

structures, but would incorporate a demolition plan for the back area. The Historic Preservation Committee has consented to demolition as those are not historic.

Kyle Eichhorn requested a motion to approve an additional 30 days to continue sealing the building and revisit at the July 9 Board Meeting. James King made the motion, Jamila Zafar seconded. Roll call vote was taken and all members present voted to approve a 30-day extension on improvements; motion so carried.

- Kyle Eichhorn asked Building Owner Steve Bucci if he had any questions or comments. Bucci expressed his appreciation for the time extension, but reiterated that he feels the front of the building is safe and disagrees that if the back of the building collapsed it would not affect the front. Scott Reske commented that is a matter of opinion and not technical evaluation. Reske told Bucci that during the Inspection and Assessment Bucci is allowed to be in the building, but not with the inspector during the assessment. When Bucci questioned the original 90-day deadline, Reske assured him it would be extended as needed, based on the results of the report. Bucci stated he could hire an engineer who would disagree with the need for demolition. Reske said that Bucci is allowed to get an independent inspection, at his cost. Reske recommended that Bucci wait for Arsee Engineers, Inc.'s report before completing additional structural work to prevent spending money and resources that may need to be done differently per the report. He agreed that Bucci could continue work on sealing the building. Reske stated that once the report was completed, Bucci would be provided proper time to address the issues. At that time, a final inspection will be done and approval required by the engineer in order to lift the condemnation order.

VI. NEW BUSINESS

No new business to discuss

VI. ADJOURNMENT

Meeting was adjourned by Kyle Eichhorn at 7:24 p.m.

Next meeting July 19, 2022 at 7 pm.