

Board of Zoning Appeals

MEETING DATE: July 19, 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 7:02 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM

Board members attending in person were Kyle Eichhorn, Jerry Burmeister, Jamila Zafar and Jenny Sisson. A quorum was established. Individuals representing the Town were Town Manager Scott Reske, Planning and Zoning Administrator Denise Mckee, Planning Director Hannah Urbanski, Town Attorney Jeff Graham and Evan McMullen. Others attending in person were Steve Bucci, Haldon Ashton of Ashton Land Surveyors of 325 W Washington St, Muncie, Indiana and Town Council Member Marissa Skaggs.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING

Kyle Eichhorn entertained a Motion to Approve the June 21, 2022 Meeting Minutes. Motion made by Jamila Zafar; seconded by Jerry Burmeister. Roll call vote was taken and all members present voted to approve the June Meeting Minutes; motion so carried.

V. OLD BUSINESS

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

- Denise McKee provided a progress update. Fritz Herget and his Team from Arsee Engineers, Inc. conducted the Structural Inspection and Assessment on July 6, 2022. McKee stated the report and drawings should be completed by next week. During this process, Steve Bucci has continued to be cooperative and has made progress on sealing the building. His main focus has been on the roof and windows. After discussion, the recommendation was made that an additional 30 days be approved for Bucci to finalize the sealing efforts. Once the Structural Assessment Report is completed and received, a copy will be issued to Bucci and the BZA Members. At the August 16 BZA Meeting, the Board will confirm that the sealing has been finished. The next step will be to create a plan, outlining next steps and timelines for structural remedy. Based on the Report, it may be possible to revisit and extend the Civil Penalty Deadline of 10/19/22 if deemed appropriate. Bucci was present and available for questions and discussion.

Kyle Eichhorn requested a motion to approve an additional 30 days to finalize the sealing effort on the building. Motion made by Jerry Burmeister, Jenny Sisson seconded. Roll call vote was taken and all members present voted to approve a 30-day extension to finalize the sealing; motion so carried.

VI. NEW BUSINESS

- A. V07192022-01: Variance from Development Standards request to allow less than allowed road frontage in the Heavy Industrial zoning district – 320 Enterprise Drive (Vannice)
- Denise McKee presented the petition by Applicant Kathy Vannice of Tractor Supply Company represented by Haldon Ashton. The property involved is 320 Enterprise Drive, however the property is located off Pioneer Trace. The location is southeast of the I-69 Corridor and the parcel identified is north east of and adjacent to the primary property owned by Tractor Supply Company. It is currently zoned Heavy Industrial.
 - Applicant is asking to have variance from the Road Frontage Standard to allow 237.98 ft. versus 250 ft. (approx. 12 feet). The applicant wants to subdivide and sell 4.31 acres (approx. ¼ parcel).
 - If approved, applicant intends to sell the 4.31-acre parcel to current lease tenant, Premier Transportation Services. Tractor Supply Company would retain ownership of remaining 11.5 acres. Once divided, the Zoning District and Land Use would remain the same, existing building minimum standard setbacks would be maintained, and industrial impacts would be mitigated with Storm Sewer Easement Rights.
 - Ashton was available for comments and questions. Discussion followed regarding access to building and perimeter space. It was determined that the variance would not have adverse impacts on adjacent properties, nor be injurious to public health/safety or general welfare of the community and is harmonious with the Town's Comprehensive Plan. All other development standards are met, including setbacks. No conditions were identified as being required. Kyle Eichhorn asks for any public comments or questions. None provided.

Kyle Eichhorn requested a motion to approve the reduction of 12 feet and adopt the Findings of Fact as provided. Motion made by Jenny Sisson; seconded by Jerry Burmeister. Roll call vote was taken and all members present voted to approve the reduction of 12 feet and adopt the Findings of Fact as provided; motion so carried.

VI. ADJOURNMENT

Meeting was adjourned by Kyle Eichhorn at 7:30 p.m.

Next meeting August 16, 2022 at 7 pm.