

# Board of Zoning Appeals

MEETING DATE: August 15, 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 Kyle Eichhorn at 7:15 p.m.

### **II. ROLL CALL AND DETERMINATION OF QUORUM**

Board members attending in person: Kyle Eichhorn, Jenny Sisson, James King. A quorum was established. Individuals representing the Town in person: Planning and Zoning Administrator Denise McKee. Representing the Town via Zoom: Town Attorney Jeff Graham. Also attending in person: Brian Moench of Moench Engineering P.C., Tom and Deanne Wehner of 213 N East Street, Pendleton

### **III. ELECT SECRETARY OFFICER ROLE**

**Jenny Sisson made a motion to nominate James King for Secretary; seconded by Kyle Eichhorn. Roll call vote was taken and all members voted in favor of said motion. Motion carried.**

### **IV. APPROVAL OF PREVIOUS MEETING MINUTES**

**Kyle Eichhorn requested a motion to approve Meeting Minutes from the June 20, 2023 Meeting, motion made by James King, seconded by Jenny Sisson. Roll call vote was taken and all members voted in favor of said motion. Motion carried.**

### **V. OLD BUSINESS**

- A. V03212023-03 – Findings of Fact – 6933 S SR 67 – BDC Realty Group LLC
- B. V05162023-01 – Findings of Fact – 201 East Water Street – Lock-Up Storage, BexBiz LLC
- C. V06202023-01 - Findings of Fact – 112 West Water Street – Brian DeShong

Denise McKee presented the above Findings of Fact to be signed at the end of the meeting.

## VI. NEW BUSINESS

- A. V08152023-01: Variance from Development Standards request to exceed 55 feet maximum height of primary structure and to increase height of perimeter fence to eight (8) feet in Heavy Industrial District (HI)– 0 W County Road 700 S, Thomas & Pamela Watson via Moench Engineering P.C. and Star Lite Leasing Inc.

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

- Zoned: Heavy Industrial Zoning District (HI)
- Rezoned from Rural Residential (RR) to (HI) by Plan Commission and Town Council in July 2023
- Property is 8.8 acres
- Parcel currently used for agricultural purpose/farming field
- Proposed use will be a dry mix batch concrete plant by Star Lite Leasing
- Proposed development will include a batch mix plant, office & maintenance building, wash bays, open aggregate storage and employee & truck parking

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

- Increase building height of batch mix plant to approximately 71 feet from grade, exceeding the 55-foot primary structure height maximum, as permitted in the Heavy Industrial District
- Install eight (8) foot galvanized steel perimeter fence, exceeding the six (6) foot fence height maximum, as permitted in all zoning districts

Brian Moench provided summary of the silo design and explanation of the process. Moench described the gravity-fed process, and how this height variance will allow for the silos to be completely enclosed, including the trucks that are being loaded. This was done in response to the Plan Commission's request.

Denise McKee presented the Staff Analysis based on analyzing the petition against approved/relevant plans and ordinances, as well as any existing conditions and/or variances placed upon the site:

- Increase in building height and height of fence will not be injurious to public health, safety, morals and general welfare of the community
- Increase in building height will allow all equipment, including silos, to be contained within the building, thus reducing the risk of noise nuisances and dust migration to adjacent properties
- Installation of eight (8) feet fence will enhance site security and incorporated into perimeter landscape screening
- All other architectural and development standards anticipated to be met in Site Development Review

Denise McKee also indicated there has been no comments or feedback received from the public.

Kyle Eichhorn solicited public comments. There were none.

**Kyle Eichhorn requested a motion to approve as V08152023-01 as presented. Motion was made by Jenny Sisson; seconded by James King. Roll call vote was taken and motion approved by all. Motion carried.**

- B. V08152023-02: Variance from Development Standards request to allow accessory structure garage to have three (3) feet side yard setback on south property line compared to five (5) feet as required and up to twenty (20) feet height compared to fifteen (15) feet maximum height in Residential Core Conservancy District (RC) – 213 N. East Street, Thomas Wehner

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

- Zoned: Residential Core Conservancy (RC)
- Property is .18 acres
- Property located at corner of East Street and Hallowell Drive, with access off Hallowell and could utilize alley access
- One-story, single-family residence with attached 2-car garage. Stands at sixteen (16) feet in height
- Water service line connects to water main at alley on southside of property

McKee indicate there has been no public feedback or comments.

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

- A three (3) foot side yard setback on south property line compared to required five (5) foot side yard setback to accommodate a 26' x 26' detached garage off rear alley
- Construct garage with a height of up to twenty (20) feet compared to fifteen (15) foot maximum height

Denise McKee provided Staff Analysis:

- Multiple 2-story structures on the block and on surrounding blocks, which are typically 20' in height or more
- Proposed accessory structure will be located on rear of property and will not extend beyond west wall of primary structure, lending to limited visibility
- Accessory structure dimensions shall not cause encroachment on south property adjoiner while maintaining approved setback. Survey to be provided confirming south property line
- Adjacent property to south screened by privacy fence

- Property owner may consider relocating water service line, if necessary, prior to obtaining Improvement Location Permit (Garage construction could inhibit ability to work on service line should it ever leak. Service lines are 100% maintained by property owner and not the utility provider)
- All other architectural and development standards anticipated to be met

Kyle Eichhorn solicited public comment. There was none.

**Kyle Eichhorn requested a motion to approve as V08152023-02 as presented. Motion made by Jenny Sisson; seconded by James King. Roll call vote was taken and motion approved by all. Motion carried.**

## **VII. ADJOURNMENT**

Meeting was adjourned by Kyle Eichhorn at 7:44 p.m.

Next meeting September 19, 2023 at 7:00 pm.