

# Board of Zoning Appeals

MEETING DATE: August 16, 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, and Jamila Zafar; attending via Zoom was James King. A quorum was established. Individuals representing the Town in person were Planning and Zoning Administrator Denise Mckee, Planning Director Hannahrose Urbanski and via Zoom Town Attorney Jeff Graham. Also attending in person was Steve Bucci, David Gilman of 211 S. Ritter Ave, Indianapolis, Indiana 46219, and Dan Liotti of Wake Ventures, representing Indy Boat Co.

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

**Kyle Eichhorn entertained a Motion to Approve the July 19, 2022 Meeting Minutes. Motion made by Jerry Burmeister; seconded by Jamila Zafar. Roll call vote was taken and all members present voted to approve the July Meeting Minutes; motion so carried.**

### **V. OLD BUSINESS**

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

- Hannahrose Urbanski provided the following progress report from the Arsee Structural Engineering Report that was received by the Town on August 3 and sent via Certified Mail to Steve Bucci on August 4:
  - Urbanski stated that the Report could be provided to a contractor to easily interpret for an accurate estimate and repairs
  - Roof Framing: Provide pass-through with header (x4), remove existing supplemental posts & beams after stud wall installation (x2), add 2x6 stud wall (x6), grout wood lintel tight to brick above, sister four broken joists
  - Second Floor Framing: Provide pass-through with header at all existing door openings (x2), replace (9) 2x10 joists, add 2x6 stud wall (x1)
  - Rear Structures: Provide pass-through with header to match garage door opening (x1), provide pass-through with header (x3), provide masonry screw through bottom plate into slab (x2) add 2x6 stud wall (x2)

- Urbanski recommended the following:
  - Confirm building seal completion
  - Establish next steps/timelines for structural remedy
  - Extend Civil Penalty Deadline; currently set for October 19, 2022
- Kyle Eichhorn confirmed with Bucci that he had received the Report. He then invited Bucci to comment and ask questions. Bucci disputed that the building is unsafe because the Report did not explicitly say the building is unsafe. Denise McKee stated that the Report was completed because the building is unsafe, and that the described repairs are what is required in order to make it safe. Urbanski reiterated that the building has been confirmed unsafe until the repairs outlined in the Report are completed. Bucci claimed that all the repairs are to the back of the building, and that he feels his business tenants should be able to move back in and re-open. Eichhorn stated that the issue of safety has already been determined, and that the entire building is unsafe. When asked if Bucci has shown the report to any contractors, he replied that he has not and that he intends to complete all the repairs himself. Eichhorn asked Bucci if the exterior sealing has been completed. Bucci stated that he has not done any additional work since the last BZA meeting. Once the exterior sealing is finished and the structural repairs are done, a Fire Code Safety Inspection and Building Inspection will need to be completed.
- The Board discussed the recommendations of providing a 30-day extension to complete the exterior sealing, extending the Civil Penalty Deadline by 6 months.

**Kyle Eichhorn requested a motion to approve an additional 30 days to finalize the sealing effort on the building (September 20, 2022) and a 6-month extension on the Civil Penalty Deadline (April 18, 2023). Motion made by Jerry Burmeister; seconded by Jamila Zafar. Roll call vote was taken and all members present voted to approve said motion. Motion carried.**

## **VI. NEW BUSINESS**

A. VO08162022-01: Variance from Development Standards request to allow lot size over 10 acres in the Heavy Business zoning district – 8843 W. CR 700 South, Wake Development (Gilman)

- Denise McKee presented the petition by David Gilman, stating this was a straightforward variance request and provided the following:
  - Property approximately 14 acres
  - Rezoned Heavy Business March 2022
  - Variance from Architectural Standards for indoor/outdoor boat storage approved April 2022
  - Original intent to develop boat storage facility in 5 acres & parcel off remaining 9 acres for future business
  - Petitioner now plans for site to be developed under one ownership: boat storage facility & boat sales/service
  - Heavy Business maximum lot size is 10 acres
  - Petitioner seeks Variance to allow 14-acre HB Zoning District

There was discussion by the Board, confirming the only variance being requested was the lot size; from 10 acres to 14 acres. It was determined that the request would not be injurious to the public health and safety, the use of adjacent property is not adversely affected, the Boat Storage Facility & Boat Sales/Service are complementary in use, and the Variance would not interfere with Town's Comprehensive Plan. Public comments were invited; none provided.

**Kyle Eichhorn requested a motion to approve the Variance VO08162022-01 and adopt the Findings of Fact as provided. Motion made by Jamila Zafar; seconded by Jerry Burmeister. Roll call vote was taken and all members present voted to approve the allowance of a 14-acre lot size and adopt the Findings of Fact as provided; motion so carried.**

B. CU08162022-02: Conditional Use to allow an amendment to the Conditional Use Approved Site Plan to have a boat storage facility and boat sales – 8843 W. CR 700 South, Wake Development (Gilman)

- Denise McKee presented the petition by David Gilman stating this petition is closely related to the previous one and provided the following:
  - Conditional Use to allow indoor/outdoor boat storage was approved April 2022
  - Proposed Use is for Boat Storage Facility & Boat Sales/Service
  - Materials and Architecture to complement developed area
  - Site to provide safe and easy access to roadways
  - Public access points subject to Town Engineer approval
  - Proposed Site Plan Rendering provided (on Google Drive)
  - Requested changes to the previously approved plan focus on the development of the southern ½ of parcel to accommodate the change in scope and interest for the land with the following details:
    - 30,000 SF Showroom
    - 10,000 SF Office & Parts Space
    - 12,500 SF Service Area
    - 78 Parking Spaces
    - Additional area for future development
    - Boat Display on the South along SR 13
    - Wet-test water area with fountain and retention pond on the eastern border for stormwater management
- David Gilman provided additional detail of renderings and information regarding the boat company. Gilman highlighted areas of the plan that satisfy the developmental conditions and their efforts to meet those. He indicates there is no need for any development standard variances or architectural variances with this petition. Gilman invited Dan Liotti to provide additional information and entertain questions from the Board. Liotti stated their excitement to bring this development to the Pendleton area. Hannahrose Urbanski asked if there would be a Dedicated Right of Way on 700. Gilman confirmed ROW's would be dedicated on 700 and SR 13. Discussion continued and

general questions were answered regarding site development. Gilman stated that the boat storage phase would be in 2023, and the boat sales phase in 2024. McKee pointed out the plan's elevated boat display and invited the Board's comments or questions. It was determined that the display would be appropriate and all required setbacks have been met. Kyle Eichhorn asked for public input or questions. None provided.

**Kyle Eichhorn requested a motion to approve the variance to allow indoor/outdoor boat storage, sales and service facilities, as depicted on the site renderings. Motion made by Jerry Burmeister; seconded by Jamila Zafar. Roll call vote was taken and all members present voted to approve the motion. Motion so carried.**

## **VI. ADJOURNMENT**

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

Next meeting September 20, 2022 at 7 pm.