

Board of Zoning Appeals

MEETING DATE: September 15, 2020
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 Jamila Zafar at 7:05 p.m.

II. OATH OF OFFICE

Jeff Graham reported that all members present are in good standing in regards to Oath of Office and only need notary for Tammy Bowman and Mike Romack. Mike Romack signed document this evening with Kayla Hassett signing as witness. Hassett to get with Bowman for signature after meeting as participating virtually. Jeff Graham will notarize both documents.

III. ROLL CALL AND DETERMINATION OF QUORUM

Board members in attendance were Tammy Bowman, Kyle Eichhorn, Jamila Zafar and Mike Romack. A quorum was established. Individuals representing the Town were Planning and Zoning Administrator Kayla Hassett and Town Attorney Jeff Graham. Also in attendance, was Rick Sinclair, Dean Riddle and Michael Levin.

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

A motion to accept as batch the minutes from the February 18, 2020, June 16, 2020, July 21, 2020 and August 18, 2020 meetings as written was made by Tammy Bowman and seconded by Kyle Eichhorn. Roll call vote was taken with all members giving approval. The motion was carried.

V. OLD BUSINESS

A. CU04192016-02: 627 Falls Park Dr. (Jay Hubble – Pendleton Athletic Club) – Paving/Landscaping Deadlines APPEAL – Sign Findings of Fact

B. CU06162020-01: 105 E. State St. (The Stable) – Sign Findings of Fact

C. V07212020-01: 121-125 N. Pendleton Ave. (Ring Investments) – Fence Height Variance – Sign Findings of Fact

D. V08182020-01: 116-118 E. State St. (Performance Group & Linnie B's Laundry) – Sign Variance – Sign Findings of Fact

- **Jeff Graham advised that no additional vote is necessary in regards to the Findings of Fact as same as previously presented so long as there are no questions by any Board Member. Graham further advised that each member present can sign even though Officers participating virtually. Members present, Mike Romack and Kyle Eichhorn, signed the four (4) Findings of Fact with electronic signature provided by Jamila Zafar for approval.**

VI. NEW BUSINESS

A. CU09152020-01: 7301 S SR 67 (Rick Sinclair/Michael Levin) – Auto Sales

Staff Findings – Planning and Zoning Administrator Kayla Hassett presented the following:

- One petitioner presents new business, with petition being represented tonight by Owner Dean Riddle, Realtor Michael Levin and Tenant Rick Sinclair.
- Applicant petitioned for Conditional Use in the Planned Business Zoning District under Wholesale/Retail Products.
- Property has been vacant for a while and previously the Bendle Lawn Equipment property and zoned Planned Business.
- Photos included in application of the original location of the auto dealership in McCordsville. Rick Sinclair clarified that the McCordsville dealership has now been shut-down for two weeks.

- Petitioner has provided aerial image as well as photos of the property.
- Petitioner has provided site plan and how site will be utilized.
- Conditional Use, because of their adverse impact upon the immediate neighborhood and the Town, as a whole, require a greater level of scrutiny and Petitioner has followed the guidelines as to how auto sales, new and used, come into our community.
- Petitioner has provided an image of the main entrance and intends to keep only a few car-ports on the site with southside carport to be used for car display.
- Approval depends upon the petition meeting a specific set of standards and the weighing of the public need and benefit against the local impact. Petitions that make up for and do not have adverse impacts, through special site planning and development techniques, are generally approved.
- Petitioner must acquire permits for any work that would require the permit application. Existing gravel areas may be maintained as grandfathered in, but any new parking areas must be paved with the appropriate improvement permits obtained.
- Petitioner must comply with sign regulations and must obtain a sign permit before locating any signage on site. Temporary signage requires a sign permit and no signs may be placed in the State Road 67 right-of-way.

Staff Recommendations –

Approval with the condition that Petitioner will remove chain-link fence and car-port inside the fenced area within 6 months.

The following discussions took place:

Kyle Eichhorn inquired as to the basis for requiring the northside car-port to be removed and allowing the southside car-port to remain on property. Kayla Hassett replied that Petitioner advised of their intent to remove the northside car-port, thus reason for including in the recommendation.

Mike Romack asked for clarification as to the Town's ruling on temporary buildings. Kayla Hassett replied that it is a grey area and that Board Members can vote and make a

determination. Romack also asked Petitioner for his intentions for the car-port on the southside. Michael Levin replied that the Petitioner intends to use to display/store items. Levin further clarified that the Petitioner intends to keep the southside car-port and remove the northside car-port as it is an eye soar.

Mike Romack asked Petitioner if he put up the temporary buildings. Rick Sinclair replied yes. Kyle Eichhorn asked Petitioner if he intends to keep the blue building. Riddle replied yes, but the car-port in the fenced area will go.

Jamila Zafar asked if there are other car dealerships in the Town of Pendleton. Michael Levin replied that Fesler Auto sits at Water Street and Highway 67. Zafar asked if this proposed auto sales will be similar to Fritz in Fishers, Indiana. R replied yes and that he has been in the auto sales for 32 years, targeting first time drivers with \$5,000 - \$10,000 affordable vehicles and has received 5-star ratings with the advertising companies. Zafar asked Petitioner when he intends to open. Rick Sinclair replied that he is waiting for the Secretary of State and hoping for first of October.

Tammy Bowman asked for clarification as to the restriction of temporary signs in the right-away. Kayla Hassett replied Petitioner will not be able to place temporary signs in the right-away such as the permitted political signs currently in the right-away as such temporary signage is not allowed for a business. Hassett also added that the Petitioner will need to go through the Town of Pendleton for sign permits. Kyle Eichhorn commented that the presentation shows the use of GIS to determine the property dimensions for determination of right-away. Eichhorn asked if Petitioner would need to have a survey conducted should any expansion of building/parking lot take place. Hassett replied yes.

Kyle Eichhorn asked Staff if okay with the car-port being left on the southside. Kayla Hassett replied that the car-port does not meet current Town guidelines, but as structure already in existence, wishes to leave up to the Board Members to make this determination. Tammy Bowman commented that the property would be improved without the car-port and suggests to let it go. Jamila Zafar commented that it would look much cleaner without the car-port. Mike Romack asked Petitioner if the autos will be parked on the gravel. Michael Levin replied yes and that the Petitioner wishes to retain the car-port on the southside to display about 4-5 of the nicer vehicles and keep out of the snow. Michael Levin further commented that the Petitioner plans to improve the property by removing windows, replacing siding with rock siding/hardy board and paint siding an off-white color with dark blue trim to match business sign, approximately \$15,000 - \$20,000 investment.

Mike Romack asked for length of car-port on southside. Michael Levin replied 42 feet wide by 19 feet deep, which will accommodate about 4-5 vehicles and protect from weather. Romack replied that he does not have issues with the southside car-port for display purposes and feels plans will improve the property overall. Jamila Zafar commented that she can see how the carport can be of good use with bad weather.

Jeff Graham asked Staff if the favorable recommendation incorporated all of the material that was outlined in Petitioner's application. Kayla Hassett replied that Petitioner did a great job of presenting the facts and answering the questions in reference to the

Conditional Use Standards and can flush out any details in the Findings of Fact. Michael Levin added that the Petitioner did change siding to hardy board versus original intent to paint only. Kyle Eichhorn requested that the permit incorporate this change of intent. Hassett stated that she will add this provision to the permit, requiring these improvements by mid-March of 2021. Hassett further stated that she will amend the Findings of Fact and mail out a copy to the Petitioner in addition to signing a zoning verification letter for the Secretary of State.

An amended Motion to approve Staff's recommendations to include exterior improvements as stated was made by Tammy Bowman and seconded by Mike Romack. Roll call vote was taken with all members giving approval. The motion was carried.

VI. ADJOURNMENT

Meeting was adjourned at 7:53 p.m.

Next meeting October 20, 2020