

Board of Zoning Appeals

MEETING DATE: October 18, 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, Jenny Sisson and James King. A quorum was established. Individuals representing the Town in person were Planning and Zoning Administrator Denise Mckee, Planning Director Hannahrose Urbanski, Town Manager Scott Reske, Attorney Evan McMullen; attending via Zoom Town Attorney Jeff Graham. Also attending in person was Steve Bucci.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING

Kyle Eichhorn entertained a Motion to Approve the September 20, 2022 Meeting Minutes. Motion made by Jenny Sisson; seconded by Jerry Burmeister. Roll call vote was taken and all members present voted to approve the September Meeting Minutes; motion so carried.

V. OLD BUSINESS

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

- Hannahrose Urbanski reported that Steve Bucci has satisfactorily completed the exterior sealing of the building, and provided updated site renderings. (Detail & images on Google Drive). She recommended that Steve Bucci provide an update on the progress of the structural repairs at the November meeting.
- Bucci confirmed that he understood that the sealing of the building has been satisfactorily completed, and that he can work on structural repairs as outlined in the Arsee Engineers' report. Bucci inquired about who determines when a building should be condemned versus just being repaired. Kyle Eichhorn stated there were three elements involved in the condemnation: fire hazard concerns, the structural issues, and exterior problems. Scott Reske stated that it can begin with complaints from neighbors, exterior observations from the Fire Chief, indications of not being structurally sound and in immediate danger of collapse. Bucci continued to argue

the point of whether or not the building should be condemned and that his retail tenants should be able to occupy the building, blaming Reske and the Building Inspector Brett Mabrey for the condemnation. Jenny Sisson reiterated that the Board was responsible for the decision to order the condemnation, and that due process had been done in order to make that determination. Sisson stated that she felt the Board was fair and neutral, reviewed the evidence provided, listened and asked questions of the information presented. Since that decision was made by the Board, Sisson said there should not be another repeat of this conversation at the next meeting. Eichhorn inquired if Bucci had questions about what needs to be done between now and the next meeting regarding making the repairs needed and providing an update during the November meeting. Bucci questioned if the condemnation could be lifted now and that he could continue to make the repairs over the next six months. Eichhorn remarked that the condition was that the Structural Engineer needs to revisit the building after the repairs have been made in conjunction with the Building Inspector and Fire Marshal to be able to provide a Certificate of Occupancy. Eichhorn reiterated that the repairs indicated in the Engineer's Report need to be done, and the Engineer needs to inspect and confirm that repairs were done correctly, and then we can proceed towards allowing tenants back in the building. Bucci continued to dispute that the building needed to be condemned, and that nothing is wrong with it and he feels it is completely safe. He plans to do all the repairs listed in the report, but he thinks it should not be condemned in the meantime. Reske interjected that if Bucci thinks he has made the necessary repairs to make the building structurally sound, then Bucci should notify Reske. Reske and the Building Inspector Brett Mabrey will then look at the building, and if it is determined to be satisfactory, the Structural Engineer will be scheduled to inspect. Bucci continued to argue points about who should perform the inspection, qualifications of individuals, who made the complaints, etc. Attorney Evan McMullen interrupted stating the Reske was not on trial, and Eichhorn agreed that Bucci's argumentative comments were irrelevant. Eichhorn summarized that the procedure is in place, and if Bucci completes the repairs ahead of schedule he should contact the Town to inspect and schedule the Structural Engineer.

- Steve Bucci suggested that Jerry Burmeister, being a past deputy fire chief, could perform the fire safety inspection. Evan McMullen stated that is considered a conflict of interest due to Burmeister being a Board Member and that an impartial member of the Pendleton Fire Department would need to complete the inspection.
- Scott Reske reminded Bucci that in addition to the structural repairs, he also needs to address the fire code and any electrical and plumbing issues to be granted occupancy.

Kyle Eichhorn requested a motion to reconvene on Nov 15 to assess the structural repair progress. Motion made by James King; seconded by Jenny Sisson. Roll call vote was taken and all members present voted to approve said motion. Motion carried.

VI. NEW BUSINESS

No new business to report.

VI. ADJOURNMENT

Kyle Eichhorn requested a motion to adjourn the meeting. Motion made by Jenny Sisson; seconded by Jerry Burmeister. Roll call vote was taken and all members present voted to approve said motion. Motion carried.

Meeting was adjourned by Kyle Eichhorn at 7:17 p.m.

Next meeting November 15, 2022 at 7:00 pm.