

The Pendleton Board of Zoning Appeals met on March 20, 2018 at 7:00pm at the Pendleton Town Hall, 100 W State Street, Pendleton, Indiana. The meeting was called to order by Tim Pritchard at 7pm. Board Members present were Tim Pritchard, Jerry Kelly and Tim Swartz. A quorum was established with three of five members present. Representing the Town were Planning and Zoning Administrator Kayla Hassett, Town Attorney Alex Intermill and Planning Clerk Kate Edwards. The approval of January 16, 2018 and February 20, 2018 minutes tabled for April meeting for a quorum of members previously in attendance.

Others in attendance included Mike Hanna, Judy Godbey, Carol Swartz, Clark Costerison, Shelly DeRolf all of Pendleton and Mike Young of Indiana Sprayfoam.

### **OLD BUSINESS**

V01162018-01      Tim Thompson Pole Barn  
Findings of Fact tabled for March meeting

### **NEW BUSINESS**

CU03202018-01      Indiana Spray Foam  
5425 S State Road 9, Pendleton

Kayla Hassett Presentation (on Google Drive) which included the application, vicinity map showing proximity to other properties, ie: Blu Falls, undeveloped section of Huntzinger Farms and several other planned businesses across the street, a closer site plan, Primary Plat of Godbey Estates, photos of property and out buildings.

To this point the property has been non-conforming use as a single residence, since it is zoned Planned Business. Non-conforming uses can be abandoned for up to one year and then they are permanently abandoned. This use would start this one year ticker on the residential use. Also, Contractor is not a permitted use in any zoning area, so any Contractor coming to the area must come in front of the BZA and go through the Conditional Use process.

Petitioner would like to use the large red barn to park trucks and equipment associated with the spray foam business. Carriage house and extension will be the office area and conference room. Not the type of business customers typically would be present. The petitioner would like to continue to use the house for residential purposes, but as part of this Conditional Use, not as a single family residence. Currently Mr. Young is putting up several employees and sales individuals in hotels in the area and he would like to have them stay in this house instead.

## STAFF FINDINGS

### Use Matrix

“Contractor” is listed as a conditional Use in the Planned Business zoning district.

### Unified Development Code

154.03.07.C. Changes to properties zoned Planned Business are subject to the Planned Business Design Guidelines and may require Site Development Plan Review by the Plan Commission.

### 154.07.06. Supplementary Conditions and Safeguards

- In granting any Conditional Use Permit, the Board of Zoning Appeals may prescribe conditions and limitations concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Code upon the premises benefited by a conditional use as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services.
- Violation of any such condition or limitation shall be a violation of this code and shall constitute grounds for revocation of the conditional use permit pursuant to Section 154.130 Enforcement.

### 154.13 Enforcement

#### 154.13.04 Right of Entry

- The Planning director or his authorized representatives pursuant to the Section 154.13, may make inspections of all buildings, structure and premises located within the jurisdiction of this Code to determine their compliance with the provisions of this Code. Such inspections shall be made between the hours of 8:00 AM and 8:00 PM on any day except Sunday.
- An inspection may take place only if a complaint has been received by the Planning Director pursuant to this Section 154.130, and such complaint, in the opinion of the Planning Director provides reasonable grounds for the belief that a violation exists, or such inspection in undertaken as part of a regular inspection program whereby certain areas of the Town are being inspected in their entirety by the direction of the Planning Director.

## STAFF RECOMMENDATIONS

Approve with the following conditions:

- The house shall not be used as a permanent residence.
- Only people connected to the business occupant shall use the house for overnight accommodation.

- No rent or fee shall be charged for overnight accommodation in the house.
- No more than eight (8) people shall stay overnight in the house at any one time.
- Accommodations shall not be provided to a particular person for more than ten (10) consecutive days in a twelve (12) month period.

Sherry DeRolf asked if the materials used in their application were manufactured on site. Young advised that they received the materials pre-manufactured before receipt and will be stored inside the barn in a controlled environment. Nothing volatile going air borne.

Intermill addressed a concern of Tim Swartz regarding possible vagueness to the individuals able to stay at the house, indicating it was left with broad wording because there are sales people that are not employees that would be able to stay there. Or a vendor coming into town perhaps.

Intermill went on to address that this Conditional Use is not necessarily tied to Indiana Spray Foam, since they could leave and someone else could move in and the concern we had is, would they use the residence as a bed and breakfast. Thus the wording was inserted about not being able to charge a fee.

Young addressed the board to share that his business was founded in 2006 and have a office in Northwest Indiana and expanded down to Central Indiana.

**MOVED BY TIM SWARTZ AND SECONDED BY JERRY KELLY, TO  
APPROVE CU03202018-01 AS PRESENTED. MOTION CARRIED.**

**FINDING OF FACT FOR CU03202018-01 SIGNED BY ALL PRESENT  
MEMBERS AND ATTESTED BY KATE EDWARDS.**

Next meeting is scheduled for April 20, 2018.

Meeting adjourned at 7:16.

Kate Edwards  
Planning Clerk  
Town of Pendleton