

The Pendleton Board of Zoning Appeals met on May 15, 2018 at 7:00pm at the Pendleton Town Hall, 100 W State Street, Pendleton, Indiana. The meeting was called to order by Tammy Bowman at 7pm. Board Members present were Tammy Bowman, Tim Pritchard and Jerry Kelly. 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. Minutes of the January 16th, February 20th and March 20th, 2018, meetings were approved.

Others in attendance included Andy and Missy Fesler of 6116 White Oaks Dr Anderson, Marc and Jill Mohr of 4064 W 300 S Anderson.

OLD BUSINESS

V01162018-01 Tim Thompson Pole Barn ~ Approved January 2018 BZA Meeting

FINDING OF FACT FOR V01162018-01 SIGNED BY ALL PRESENT MEMBERS AND ATTESTED BY KATE EDWARDS.

NEW BUSINESS

CU05152018-01 313 S. Main Street – Two-family Residence
Petitioner Marc Mohr

Kayla Hassett Presentation (on Google Drive) included the application, vicinity maps and current pictures including four designated parking spots.

Petitioner would like to receive a Conditional Use to make this single family home into a two family home. The home currently is partially a multifamily. The Mohrs are also working with the County on a railroad track dispute, but that will not effect this Conditional Use. The property currently satisfies the minimum parking requirement for a two family home.

STAFF FINDINGS

Use Matrix

“Dwelling, Two Family” is listed as a Conditional Use in the Historic Residential zoning district.

Unified Development Code

154.07.01 Purpose of Conditional Use Permits

- Conditional uses are those uses that, because of their potential adverse impact upon the immediate neighborhood and the town, as a whole, require a greater

degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location.

154.07.01 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 objective 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.

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 154.13, Enforcement.

158.09.01 Off-street Parking Requirements

- Dwellings, Single and Two Family – Two spaces per dwelling unit.

STAFF RECOMMENDATION

Approve with the following conditions:

- Each unit must have separate utility connections.
- The Planning Department must issue a separate address for the second unit prior to its lease.

MOVED BY TIM PRITCHARD, SECONDED BY JERRY KELLY, TO APPROVE CU05152018-01 AS PRESENTED. MOTION CARRIED.

FINDING OF FACT FOR CU05152018-01 SIGNED BY ALL PRESENT MEMBERS AND ATTESTED BY KATE EDWARDS.

CU05152018-02 7001 S. SR 67 – Used Auto Sales
Petitioner Andrew P Fesler / Fesler Auto

Kayla Hassett Presentation (on Google Drive) which included the application, vicinity maps, Site Plan, Proposed Office schematic and current pictures of existing building, lot and corner exchange at Water Street and State Road 67 showing the two corner accesses onto the property. Part of the Planning Staff recommendation is that these two access points be eliminated to prevent cars from cutting that corner.

Petitioner would like to receive a Conditional Use to use this property for his used auto sales.

The building rendering will need to go in front of the Plan Commission for their review of his plans versus Planned Business Guidelines. Hassett clarified that the goal of the BZA is to consider the use and not the esthetics.

Hassett advised that Fesler currently does auto repair in the existing structure, showing a picture of the inside work space. He has business at SR 9 and 234 in Eden but would like to move that business to this location. One letter of support was received from the property owner across the street, Barbara Russell.

STAFF FINDINGS

Use Matrix

“Automobiles, New and Used” 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.

- Fesler Auto is Petition No. PC06132018-02 at the June Plan commission meeting

154.07.01 Purpose of Conditional Use Permits

- As noted earlier on Page 2 of these minutes

154.07.06. Supplementary Conditions and Safeguards

- As noted earlier on Page 2 of these minutes

STAFF RECOMMENDATION

Approve with the following conditions:

- Commitment from Mr. Fesler to address the following items in the Site Development Plan, which will be reviewed by the Plan Commission in June:
 - Construction of office building with ADA bathroom.

- Parking lot improvements including:
 - Removing two access points closest to Water Street and SR 67.
 - Review of remaining access points.
 - Continuous surfacing of parking lot using material approved by Planning Department.
 - Landscaping of parking lot perimeter in accordance with Planned Business Design Guidelines.
- Dumpster location and enclosure.
- Stormwater plan.
- Lot corners must be located prior to issuance of building permits, including parking lot improvements. All business activities must take place on lot.
- Lot coverage must be brought into compliance with at least 25% open space and no more than 75% maximum coverage by buildings, parking lots, and drives.
- Yard barn must be removed or relocated to comply with Code requirements.

MOVED BY TIM PRITCHARD, SECONDED BY JERRY KELLY, TO APPROVE CU05152018-02 AS PRESENTED. MOTION CARRIED.

FINDING OF FACT FOR CU05152018-02 SIGNED BY ALL PRESENT MEMBERS AND ATTESTED BY KATE EDWARDS.

Next meeting is scheduled for June 19, 2018 at 7:00pm.

Meeting adjourned at 7:30pm.

Kate Edwards
Planning Clerk
Town of Pendleton