

The Pendleton Board of Zoning Appeals met on June 19, 2018 at 7:00pm at the Pendleton Town Hall, 100 W State Street, Pendleton, Indiana. The meeting was called to order at 7pm. Board Members present were Matt Roberts, Tim Pritchard, Jerry Kelly and Tim Swartz. A quorum was established with four of five members present. Representing the Town were Assistant Planning Director Rachel Christenson and Planning Clerk Kate Edwards. Minutes of the May 15, 2018 meetings were approved.

Others in attendance included Jay, Dawn and Ed Hubble of Pendleton.

OLD BUSINESS

None

NEW BUSINESS

CU04192016-02 Appeal – Pendleton Athletic Club
627 Falls Park Drive

Rachel Christenson presented on Google Drive the original Application for Conditional Use from 2016, BZA Notice of Public Hearing Petition Number CU04192016-02 Appeal to allow additional time to complete commitments, existing zoning map, photos of the property, Project Timeline breakdown under Staff Findings, 2016 Findings of Fact for the Conditional Use signed by the BZA and the Planning Department certified letter to Ed Hubble dated November 20, 2017.

Christenson reported that all other commitments are nearly completed, such as the sign being finished up by the end of this month and everything else they have been working with Planning Staff and they are trying to get completed by that June 30 2017 deadline.

Christenson explained that if a petitioner does not fulfill their commitments within the provided time, the Planning Staff has the opportunity to pull their conditional use, which would make them not be able to operate their business. This is not the desire of the Planning Department, however, there were commitments made and staff needs to follow up on that and make sure that everyone is held to the same standards.

The Hubbles choose to file an appeal with the BZA to get an extension on the parking lot paving.

Ed Hubble approached the board and explained that when they bought the property it appeared to be fairly flat with a little bit of slope on it, but once their contractor laid out the plot for the building, the SW corner was three feet lower than the NE corner. They had to dig into the bank and they have done compacting, but to put asphalt or concrete on it even at this point would not be fruitful. Hubble reported that E&B Paving individuals reported that we would be throwing money away if it were done at this time.

Hubble went on to explain that an extension would give that time to settle, be driven on, have the freeze and thaw cycles and get that more packed in before they have to asphalt or concrete it. He added that twice they brought in gravel to fill in holes already. Hubble shared that they want asphalt parking, but they don't want to invest too early and waste those funds. He is requesting a re-evaluation in two to three years, noting that Brian Morgan of E&B suggested at least two or three cycles of the freezing and thawing beforehand.

STAFF RECOMMENDATION

Christenson recommends that they do the landscaping commitments and the asphalt paving be completed in conjunction. She went on to explain she would be more comfortable with a document from the experts indicating their professional opinion of what the circumstances are and their recommendation so Planning and the BZA have it on record. Christenson stated that there is an easement agreement between the Park and the Hubbles. She went to state that it is a unique site and has unique access and it does not have road frontage, which helps support the need for extension.

Swartz indicated there will need to be an extension given to some degree so they can keep operating. Mathews indicated that the board will extend it regardless. Pritchard suggested an extension until June 2019 and have the contractors review it at that time.

Pritchard summarized that the recommendation is to grant an extension for landscaping and asphalt until June 30 2019. Mathews adding that the Hubbles will have the opportunity to come back to the BZA before that to re-petition if you remain unable to pave along with Brian Morgan's statement, the Park Board statement and the Campbell quote.

MATT ROBERTS MOTIONED, SECONDED BY TIM SWARTZ, TO GRANT THE EXTENSION TO JUNE 30 2019 FOR THE ASPHALT PAVING AND THE LANDSCAPING AND THE RECOMMENDATIONS FROM THE CONTRACTORS.

Next meeting is scheduled for July 17, 2018 at 7:00pm.

Meeting adjourned at 7:30pm.

Kate Edwards
Planning Clerk
Town of Pendleton