

BOARD OF ZONING APPEALS
MEETING MINUTES
May 11, 2021

Chris Clark: The May 11, 2021 meeting of the Board of Zoning Appeals is called to order. Mr. Secretary, would you please call the roll?

Adam Rude: Mr. Cassidy - here, Mr. Clark - here, Mr. Lisher - here, Mr. Bradburn - here. Show for the record that Ms. Lewis or Mr. Lewis and Miss Terrell are both absent today.

Clark: Alright our first piece of business is approval of minute meetings, meeting minutes and we have none so we'll move on to Old Business which we also have none and we will jump right in to New Business.

Rude: First item under New Business this evening is BZA 2021-02 Michigan Road warehouse development standards variance. Petitioner and owner's name is Al Bertheoux. Petitioner's representative tonight is Tony Nicholson. The address of the property is 1689 N. Michigan Road. The subject property's zoning classification is IG, general industrial. The action requested tonight is two development standards variances, one from the front yard setback and encroachment for parking (?) and one for the loading area (?).

Clark: Please state your name for the record.

Tony Nicholson: Tony Nicholson, Space and Sites. Here with me tonight is Al Bertheoux, the owner of the property and his developer and my proof of mailing. Do you wanna give you the first one? Are we doin' 'em separate or just talk about both of 'em?

Rude: Let's do 'em separate.

Nicholson: Okay. Alright for the parking, I believe's the first one, asking for a variance for the basically the customer parking which is on the east side of this property. Do you all have a site plan showing.....?

Rude: It's the last sheet (?).

Nicholson: Last sheet. It basically shows the setback and where the parking is and as Adam mentioned in the pre-meeting, it's we got a variance for the property to the north, very similar (?) the angle of the road and we're also gonna drive on that one also. This has an existing drive. This is where the PNC ATM is. Actually Al's gonna put a ATM back in that same spot. Everything's there. Utilities are there so it's just basically setting a box and putting it back in. So kinda help the folks out there in the industrial park. Also he's gonna what he's wanting to do is build a 6000 square foot building. It will house 2 truck docks and 2 drive in docks or 2 drive in doors. Development on the inside's kinda up in the air. Could go for one tenant. Could go for

two tenant. Just kinda depends on how things go. The drainage is worked out great. It's gotta 20' easement on the north side and it worked out great for our retention so that part's good. Storm sewer, our storm sewer or sanitary sewer runs straight out from the building right to the manhole so I mean it's like the whole site was designed for our building just to sit there. So like I said tonight we're asking for a variance for the parking because it does overtake the setback requirement but we're hoping for a favorable approval on that.

Clark: Okay. So I'll ask for questions from the board; Mr. Cassidy?

Doug Cassidy: I have none. It's a nice building you have out there and....

Nicholson: This'll be very similar. There's....

Cassidy: I have no questions.

Clark: Mr. Lisher?

Jim Lisher: I also don't have any questions but want to commend and compliment. It's gonna be the same as the previous. It'll look very good.

Nicholson: Thank you.

Clark: Mr. Bradburn?

Vince Bradburn: I was.....(inaudible)....no questions from me.

Clark: And I also have no questions on this. It was well presented in the materials. So I will close questions from the board and open it to questions from the public.

No reply.

Clark: There is no public here. Are we taking any questions from online?

Rude: Yes we can but we have nobody has joined us online so we have no questions.

Clark: And no one has joined us from online so I will close comment, public comment and I guess we can move to a motion on this one.

Cassidy:(inaudible)....to decrease the required front yard setback for proposed parking (?) feet according to the plans presented and the Findings of Facts from our staff.

Clark: We have a motion.

Bradburn: I'll second it.

Clark: Please cast your vote for BZA 2021-02A.

Rude: A motion to approve 2021-02A: Mr. Cassidy - yes, Mr. Bradburn - yes, Mr. Lisher - yes, Mr. Clark - yes. Motion carries.

Clark: OKay then, I guess we will move on to the next phase of this.

Nicholson: The second variance is for let's see the it's interesting that I think this is one of those deals where this was an easement at one time. There's like 6 tracts out there and far back as we've gone, 30 some years, all those tracts had the same ingress/egress easement and it's 50' wide and it comes off the (?) Industrial driveway....(inaudible)....the north there. Northridge, yeah. It comes off Northridge and goes south and it actually dead ends to the previous property that Al developed a couple of years ago. So they all have that attached to their description anyway. So it must have been later they decided as city needs to take care of it 'cause they all had 'em before. So that reason we needing a variance for (?) deadends and right now, the businesses on the west of his property, there's like four of 'em I think in that little strip mall there. They park out on that road and unload now. So basically what we're doing, we wanna be able to back up and get into our property. I know if Robbie Stonebraker was still here, we'd be puttin' in a cul-de-sac 'cause it's just a deadend. They're gonna have to, if somebody if they ever have a fire back there, they're gonna have to pull in to turn that truck around anyway. So they would be doing basically the same thing we're gonna be doing, so that's why we're asking for a variance on that. So....

Clark: Okay, thank you. I will take questions from the board. Mr. Bradburn?

Bradburn: I think I understand. I understand the situation and I don't think I have any questions for you. It sounds like you've got....(inaudible)....

Clark: Mr. Lisher?

Lisher: I don't have any questions. I think the request is necessary.

Clark: Mr. Cassidy?

Cassidy: None from me.

Clark: I'm in the same agreement so I will open questions to the public if any public has joined us.

Rude: Inaudible comment.

Clark: No questions from the public, so I will close public commentary and I guess we are ready for a motion.

Lisher: I would move to grant the 5.39 loading standards the (?) and Findings of Fact as presented.

Bradburn: Second.

Clark: Motion and a second; please cast your vote for BZA 2021-02B.

Rude: Motion to approve BZA 2021-02B: Mr. Cassidy - yes, Mr. Clark - yes, Mr. Lisher - yes, Mr. Bradburn - yes. Motion carries.

Nicholson: Thank you very much. Thank you for your time.

Clark: Good luck with your project.

Nicholson: Thank you.

Clark: Now we can move ahead in our meeting to the next petitioner. If the petitioner would please come to the podium.

Rude: Second item under New Business and last item is BZA 2021-03. It's a Taco Bell development standards variance. The petitioner's name this evening is Bell American Group, LLC. The property owner is Indiana Land Trust Company. The petitioner's representative tonight is Austin Tracy with Hamilton Design. The address of the property is 1806 N. Riley Highway. Subject property zoning classification is BH, business highway. The request tonight is approval of two development standards variances, both from UDO 5.55 setback standards.

Clark: Mr. Tracy, if you'd please state your name for the record?

Austin Tracy: Austin Tracy. I'm with Hamilton Designs 11 Municipal Drive, Suite 300 Fishers, IN. Appreciate your time in letting me present this petition. As mentioned, it's for a parking, variance from the parking standards. We're on about a .7 acre lot. You can see our site plan up there. The proposed plan we're kind of maximizing the lot so we're requesting relief from the set or from the maximum setbacks along the sides and rear. We are meeting the setback along the front. We're going to meet all other requirements - landscaping, all that. Just we need to kind of maximize the lot. We need to be closer to the sides and rear property lines. So there are two variances. One for the sides, one for the rear. That's kinda the nitty gritty of it though.

Clark: Okay, thank you. I'll take questions from the board. I'll start with Mr. Lisher.

Lisher: I don't have any questions.

Clark: Mr. Cassidy?

Cassidy: None for me.

Clark: Mr. Bradburn?

Bradburn: No just that you know I trust that the drive-thru with the setbacks obviously it helps out quite a bit....

Tracy: Uh huh?

Bradburn:but my concern in terms of two cars being able to get through like another car going around.

Tracy: Oh yeah. We kinda spaced that out so a car could get around the window part. Tapers down.

Bradburn: Yep. Gotcha. Alright... ...(inaudible)...

Clark: I have no questions either so I will close questions from the board, open it to the public. Seeing there's no public as long as no one has joined us online?

Rude: Inaudible reply.

Clark: No one has joined us online?

Rude: No.

Cassidy: Inaudible comment.

Bradburn: Offered extra credit tonight. Sorry.

Clark: That's okay.

Rude: Clearly didn't take you up for your extra credit.

Bradburn: Obviously not.

Clark: So I will close public comment and I guess we're ready for a motion on BZA 2021-03A.

Bradburn: I'd like to make my first motion. I'd like to make a motion to approve the requested variance from UDO 5.55 E setback standards to allow the parking lot of the south side of the property and the drive on the north side of the property encroach to the side yard 100% in accordance with the plans provided to this board pursuant to the Findings of Fact presented in the staff's report.

Clark: I have a motion.

Lisher: I second.

Clark: And a second. Please cast your vote for BZA 2021-03A.

Several people speaking at once; no one is clearly audible.

Rude: I have a motion of BZA 2021-03A: Mr. Cassidy - yes, Mr. Clark - yes, Mr. Bradburn - yes and Mr. Lisher - yes. Motion carries.

Clark: Okay. Would you like to add anymore information for the next variance?

Tracy: I think it's part of the same.

Clark: Okay so I will open to questions from the board on the second variance. Mr. Cassidy?

Cassidy: On your drive-thru, is it just gonna be one car at a time or is it gonna be like everybody else that we're 2, 1, filter into one?

Tracy: Okay so they only have it set up for one car at a time now. I do know the corporate's trying, Taco Bell corporate's trying to approve like the dual drive-thru and we have ran some test site plans here so that might be plans in the future, but right now it's just been....

Cassidy: Okay.

Tracy: They're not close enough. It'll be built as this and if we make any adjustments, we'd be back through however needed.

Cassidy: That's my only question. Thank you.

Clark: Thank you. Mr. Lisher?

Lisher: I have no questions.

Clark: Mr. Bradburn?

Bradburn: No questions.

Clark: I have no questions. I guess we'll close to the board and open to any public if there's any public. Still none?

Rude: I'm looking. None of your students are getting extra credit tonight.

Laughter.

Clark: Closing comment to the public and I guess we are ready for a motion.

Cassidy: I'd like to make a motion to approve the requested variance from UDO 5.55E setback standard to allow to encroach into the rear setback up to 10' in accordance with the plan provided to the board and Findings of the Fact to our staff.

Clark: Have a motion.

Bradburn: Second.

Clark: Please cast your vote for BZA 2021-03B.

Rude: For approval of 2021-03B: Mr. Lisher - yes, Mr. Bradburn - yes, Mr. Cassidy - yes, Mr. Clark - yes. Motion carries.

Cassidy: Do you have a timeline? Started and what you're

Tracy: I think we plan on being back at the end of the month for plan commission so we're hoping to get permits within a month. I don't know. I think the build's typically 5 months or so. So by the end of the year I think they hope to be open.

Cassidy: See you in a couple weeks.

Tracy: Thanks, guys.

Clark: Good luck with your project. Do we have any items for Discussion?

Rude: No I will just make note for the record that the board held an executive session at 6:00 this evening. It was advertised but held an executive session to discuss ongoing litigation. So that's about it.

Clark: Okay. I guess I will take a motion to adjourn.

Cassidy: Motion to adjourn.

Lisher: Okay, second.

Meeting adjourned