



Board of Zoning Appeals City of Crawfordsville, Indiana

City Building
300 E. Pike Street, 2nd Floor
Crawfordsville, IN 47933

April 17, 2024 at 7:00 PM Meeting Minutes

The City of Crawfordsville Board of Zoning Appeals met as scheduled on Wednesday, April 17, 2024 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Ron Henricks, Shelle Wheeler, Allen Slight, Mac Petty, and Joyce Burnette. Others in attendance were: Megan Huckstep, Director of Planning & Building Services; Kent Minnette, City Attorney of Taylor, Minnette, Schneider & Clutter; and Angie Light, Administrative Assistant, Planning & Building Services.

Joyce Burnette called the meeting to order at 7:00 p.m. and the roll was called.

Meeting minutes from February 21, 2024 were presented for consideration. Mac Petty moved to approve the minutes as presented. Shelle Wheeler seconded. Motion passed 5-0.

211 N Walnut St – R-N-D Investments, LLC – DSV 0133

There were no items of old business. Under items of new business, Planning Director, Megan Huckstep reviewed the staff report presented to the Board concerning petition DSV 0133 submitted by R-N-D Investments, LLC who was requesting a development standard variance from the lot and yard requirements of the City Zoning Ordinance to allow a new outdoor dining deck for a restaurant to be constructed closer to the front property line than what the ordinance allows in a B-3, business zoning district at 211 N Walnut Street. The findings of fact are as follows:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**
No, the approval of this variance will not be injurious to the public health, safety, morals, and general welfare of the community.
- 2. The need for the variance was not self-created.**
The need for the variance could be considered self-created, however the Petitioner could add on to the existing structure without the need for a variance. The addition of the storage space as a separate structure is what triggers the need for a variance.
- 3. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**
Staff does not believe the use and value of the area will be affected in a substantially adverse manner. The use at the property is not changing, the Petitioner is just adding additional space. The proposed building and use will be further from the neighboring properties than the existing buildings, so there should be no noticeable effect on the neighborhood.



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4. The strict application of the terms of this Chapter will result in practical difficulties in the use of the property.

The strict application would only require that the height of the structure not exceed 18 ft. Since the original building could be expanded without the need for the variance, there are other alternatives.

Ms. Huckstep stated based on the findings of fact, Staff would recommend approval only on the condition that the new structure is constructed as shown in the site plan submitted that ensures the construction of the building will be sensitive to the surrounding neighborhood.

Robert Crawford came forward representing the petition. He stated the restaurant would be casual American handheld cuisine. Mr. Crawford stated outdoor dining would be an important aspect of what they would be bringing to the community. He stated the deck would be 2 feet, 8 inches setback from the property line, 10 feet, 8 inches from the sidewalk, and 21 feet from the street. Mr. Crawford provided a sample of the deck material.

With no members of the public present for comment, Allen Slight moved to approve the development standard variance. Mac Petty seconded. Motion passed 5-0.

224 N Washington St – Antonio Moreno Garcia – UV 0091

Ms. Huckstep reviewed the staff report presented to the Board concerning petition UV 0091 submitted by Antonio Moreno Garcia who was requesting a use variance from the schedule of uses for the City Zoning Ordinance to allow a food truck to operate as a second business in an I-1, industrial zoning district at 224 N Washington Street. The findings of fact are as follows:

1. Whether the approval will not be injurious to the public health, safety, morals, and general welfare of the community?

No, the approval of this variance will not be injurious to the public health, safety, morals, or general welfare of the community.

2. Whether the use and value of the area adjacent to the property included in the use variance will not be affected in a substantially adverse manner?

The use and value of the area adjacent to the property included in the use variance could be affected in a substantially adverse manner. The property is surrounded by various business uses in a highly travelled area of the city. This property is on a major thoroughfare. The second business would be conducted on the outside of the existing business and could result in exterior storage and nuisances. Not to mention this property is within our downtown core district.

3. Whether the need for the use variance arises from some condition peculiar to the property involved?

No, the property is zoned for industrial. The bar has existed in the industrial zoning district for many years and had a small kitchen. The Petitioner recently purchased the



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property and wants to expand and use a food truck he invested in on the property he recently purchased. Food trucks and roadside stands have become more popular over the last 5-10 years. Our zoning ordinance currently views them as temporary uses, rather than permanent uses. Recently, the City Council adopted an ordinance restricting food trucks and roadside stands in the downtown area to Pike Place. We have plans to address food trucks and mobile food or merchant stands in more detail within the proposed Unified Development Ordinance.

4. Whether the need for the variance was not self-created?

The need for this variance could be considered self-created. The Petitioner purchased and placed the food truck on the property prior obtaining requirements from the City.

5. Whether the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought?

Yes. This site will likely not be used for industrial purposes again. However, the bar can continue to operate and is a permitted use in the Industrial zoning district. If the Petitioner would want to make any improvements to the existing building or bar though, they would need to meet the current zoning regulations as well as any state and local fire and building codes.

6. Whether the approval does not interfere substantially with the Comprehensive Plan?

The Comprehensive Plan shows this parcel as Downtown Core. While the city encourages food trucks and mobile merchant stands, we want to preserve the character of our city and our historic downtown.

Ms. Huckstep stated based on the findings of fact, Staff would recommend denial of the use variance. If the Board was inclined to grant the variance, Staff would recommend it be limited to a specified number of days within a calendar year and that there be no outside storage, including when the mobile food truck is not operating it would be moved or relocated off-site.

Don Perez came forward representing the petition. He stated the food truck would serve tacos, tortas, quesadillas, burritos, queso dip, and other similar foods. Mr. Perez stated that customers would likely be there for thirty minutes at a time.

At this time the meeting was opened for public comment. Sue Lucas came forward to seek clarification and asked whether an approval today would grandfather in the use with the upcoming UDO. City Attorney, Kent Minnette confirmed that it would be legal nonconforming if or when the UDO is adopted.

Missy Kiger came forward in support of the petition. The meeting closed for public comment.

After some discussion amongst the Board, Mac Petty moved to approve the use variance with the condition that there be no outside storage. Shelle Wheeler seconded. Motion passed 5-0.



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308 Wayne Ave – Melissa Kiger – SE 0063

Ms. Huckstep reviewed the staff report presented to the Board concerning petition SE 0063 submitted by Melissa Kiger who was requesting a special exception from the schedule of uses of the City Zoning Ordinance to operate a tax service business as a home occupation in an R-1, residential zoning district at 308 Wayne Avenue. The findings of fact are as follows:

- 1. The special exception is listed as such in the Official Schedule of Uses.**
Yes, a home occupation is listed as a special exception in an R-1, residential zoning district.
- 2. The special exception will not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.**
No, this special exception will not be dangerous, injurious, or noxious to any other property. The home occupation will be conducted solely within the existing residential structure.
- 3. If the special exception is for a manufacturing or industrial/processing facility, the petition will comply with all of the performance standards of Section 153.023 of this Ordinance.**
This special exception is not for a manufacturing or industrial/processing facility.
- 4. The special exception will be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.**
Yes, the home occupation will take place wholly within the personal residence and will have its separate space and entry from the personal residential home.
- 5. The special exception will produce a total visual impression and environment which is consistent with the environment of the neighborhood.**
Yes, the use will take place within the existing structure. No more than a 2 sq. ft. sign will be permitted on the property, unless the Board considers and allows for a larger sign.
- 6. The special exception will organize vehicular access and parking to minimize traffic congestion in the neighborhood.**
Off-street parking has been addressed. The Petitioner has two driveways for parking and has indicated that one driveway will be for personal use and employees while the other driveway will be dedicated to client parking. Off-street parking is not available; therefore appointments could be scheduled with as little overlap as possible to eliminate any parking congestion.
- 7. The special exception will comply with all the requirements of Section 153.030 of the Zoning Ordinance.**



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Yes, this special exception will comply with the Home Occupation requirements of Section 153.030. Signage was identified on the site plan but dimensions were not provided with the plan. The Zoning Ordinance does allow a two square foot sign for a home occupation.

8. The special exception will preserve the purpose of the Zoning Ordinance.

A small, in-home tax service business will preserve the purpose of the Zoning Ordinance, as parking does not create an issue for neighbors and signage should be sympathetic to the residential neighborhood.

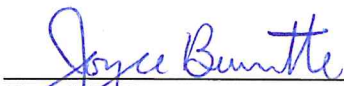
Ms. Huckstep stated based on the findings of fact, Staff would recommend approval of the special exception, with the condition that client parking is clearly labeled, business be conducted by appointment only to eliminate traffic congestion or issues, and signage is limited to the two square feet or is considered by the Board as a condition of the approval.

Missy Kiger came forward representing the petition. She stated she has done taxes within the County for nineteen years. Ms. Kiger stated that the owner of the tax company she worked for most recently had passed away and the location where the business had operated is to be sold as part of the estate. She stated that she sets one hour appointments with clients, typically having two tax preparers on site at a time and that some clients come by just to leave paperwork, so there may be up to 2-3 clients at a given time. Ms. Kiger reported having an existing separate drive that would be used for clients. She stated there is an existing concrete slab used as a porch that she would like to enclose and use for the business to keep it separate for the living space.

With no public comment, Mac Petty moved to approve the special exception with the Staff recommended conditions. Allen Slight seconded. Motion passed 5-0.

With no further business, it was noted that the next regularly scheduled meeting would be held May 15, 2024. The meeting adjourned at 8:17 p.m.

Minutes Approved: _____



President



Member



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A handwritten signature in black ink, appearing to read "Mrs. [unclear]", is written over a horizontal line.

Member

Member

Member