



Board of Zoning Appeals City of Crawfordsville, Indiana

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

June 18, 2024 at 7:00 PM Meeting Minutes

The City of Crawfordsville Board of Zoning Appeals met as scheduled on Tuesday, June 18, 2024 at 7:00 p.m. in the Common Council Chambers of the Municipal Building. Board members present were: Ron Henricks, Allen Slight, Shelle Wheeler, 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 Katie Fisher, Executive Assistant, Planning & Building Services.

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

Meeting minutes from May 15, 2024 were presented for consideration. Ron Henricks moved to approve the minutes as presented. Mac Petty seconded. Motion passed 5-0.

1510 Lafayette Road – Erick Molina Herrera – UV 0092 & DSV 0136

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 UV 0092 submitted by Erick Molina Herrera who was requesting a use variance from the schedule of uses of the City Zoning Ordinance to allow a residence in a B-3, business zoning district at 1510 Lafayette Road. Additionally the Petitioner was requesting a development standard variance from the residential floor area requirements of the City Zoning ordinance. 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?*

The structure is already existing and was placed on the property without any approvals or permits. The structure was placed and in its current form does not meet all state and local building code requirements.

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 could be affected in a substantially adverse manner since it is considered a prefabricated structure and it does not meet the floor area requirements for a residential dwelling; however if the structure brought up to code, connected to utilities, is kept in a tasteful fashion and does not become unmaintained it may not affect the neighborhood in a substantially adverse manner.

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

The need for the use variance does not arise from a condition peculiar to the property. The property is zoned B-3, Business. The property is located on a heavily traveled,



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major corridor through the City. The primary use of the property is a tire shop. There is an existing apartment or living quarters above the tire shop. A detached single-family dwelling is not a permitted use in the B-3 zoning district. And a prefabricated structure is not a permitted use as a single family residential dwelling.

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

The need for the variance would be considered self-created. The structure is a prefabricated, portable structure. It is not a single-family residential dwelling. The structure was purchased and placed on the property without receiving the necessary approvals and permits.

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?*

Staff does not believe that the strict application of the terms of the zoning ordinance would constitute an unnecessary hardship if applied to the property. The structure is portable and can be removed from the property or it can be used as an accessory structure to the existing business if it meets all building and fire code regulations.

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

No, the use would not interfere substantially with the Comprehensive Plan. The Future Land Use Map identifies this area as residential neighborhoods and conservation and parks.

Ms. Huckstep explained should the use variance be approved, the Board could proceed to consider the development standard variance. 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, this approval should not be injurious to the public health, safety, morals, or 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. The structure was obtained and placed on the property without obtaining the necessary approvals and permits.

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.*

The use and value of the area could be affected in a substantially adverse manner by approving this variance. While the smaller size of the structure may not affect the neighborhood in a negative manner, its use and location in the neighborhood may affect the neighboring property owners and their values.



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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.

No, the site is zoned B-3, business and can continue to be used for business purposes as it is. The structure can be removed from the site since it is prefabricated and portable or the necessary permits can be obtained to allow the structure to be used as an accessory structure to the existing business.

Ms. Huckstep stated based on the findings of fact, Staff would recommend denial of the use variance. Should the Board be inclined to approve the request, Staff would recommend the following conditions:

1. The structure meets all building codes for a single-family dwelling including but not limited to: electric, sewer and water utilities, being anchored and on a permanent foundation.

Ms. Huckstep stated if the use variance is approved, Staff would recommend denial of the development standard variance.

Erick Molina Herrera came forward representing the petition. Mr. Herrera stated he was a new owner of the business at the location. He reported that he was unaware of this process until he was notified by the City. Mr. Herrera reported that he purchased the shed for his uncle to live in, as there was no room available in the existing building. He stated that should the Board grant the variances, he would be willing to meet all building codes necessary.

The meeting opened to the public for comment. Sue Chrisman, President of the Northridge Hills HOA, came forward to express concern about opening the door for more potential structures to line the property. She spoke for other residents of Northridge Hills who had concerns of negative impacts to their property values. Ms. Chrisman noted the Petitioner had been a wonderful neighbor.

Kathleen Doll, Northridge Hills, came forward to express concern. She reported that cars had parked by the shed, faced toward the fence and had shined their lights into her windows. Ms. Doll felt that the condition of the property was an eyesore.

The meeting closed to the public. Ms. Burnette reported receiving one letter of concern from an adjoining property owner.

After brief discussion amongst the Board, Allen Slight moved to deny the use variance based on findings one and four. Shelle Wheeler seconded. Motion passed 5-0.

308-312 N Green Street – Joshua Baxter – UV 0093

Ms. Huckstep reviewed the staff report presented to the Board concerning petition UV 0093 submitted by Joshua Baxter who was requesting a use variance from the schedule of uses of



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the City Zoning Ordinance to allow mixed uses, a carpet store and apartments, in an I-1, industrial zoning district at 308-312 N Green 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?

Approval of the use variance for a mixed use development in an Industrial zoning district should not be injurious to the public health, safety, morals, and general welfare of the community. A mixed use of residential and business is encouraged in the historic downtown. The property is zoned Industrial and allows for certain industrial uses; therefore approval of the variance could be considered a less intrusive use of the property that could have a positive impact on the neighborhood. While we believe it is the intent of the property owner to renovate the historic buildings, it is important to note that they have not been locally designated as a historic site or district, therefore the Historic Preservation Commission currently does not have the ability to ensure the historical integrity of the building is preserved through established standards and guidelines.

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 should not be affected in a substantially adverse manner as long as the property is restored in a historically appropriate manner, there is no outside storage, and the business uses are appropriate for the neighborhood and the residential neighbors.

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

Yes, the property is zoned I-1, Industrial. The building was used for a retail store, warehouse or storage facility in the past, which is a permitted use according to our current zoning ordinance. The Petitioner would like to make it a multi-use building with 3 multi-family residential apartments on the second floor and business use on the main floor. In the past this has been allowed and encouraged downtown, if the upper floors were used for residential in the past and it could meet all local and state building and fire codes. While this building was not used for residential in the past, the need for the variance was necessary, in addition to the mixed use of residential and business or industrial uses. It is also important to note that the City is currently considering a new UDO, which will include a new zoning map, where this area will be considered part of the Downtown Core District.

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

The need for the variance could be considered self-created; however mixed use residential is encouraged in the historic downtown. Market rate residential is also a need



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in our community. If residential was clearly identifiable on the second floor, a variance would not have been required.

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?*

The strict application of the terms of the Zoning Ordinance does constitute an unnecessary hardship if applied to the property. There are uses that are permitted in the I-1, Industrial zoning district; however many of these uses are not appropriate in the downtown historic district.

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

The Future Land Use map of the Comprehensive Plan shows this property as Downtown Core, which encourages multi-story mixed use structures; therefore this use would not interfere with the Comprehensive Plan it would comply with vision of the future land use plan and map.

Ms. Huckstep stated based on the findings of fact, Staff would recommend approval of the use variance. In inclined, Staff would recommend the following conditions:

1. Building renovations are constructed to meet all state and local building and fire codes including but not limited to egress and sprinkler/alarm systems;
2. No outside storage;
3. Business uses be limited to those identified in the B-1, business zoning district; or a use variance be approved by the Board of Zoning Appeals;
4. Any signage must meet the signage standards of the zoning ordinance; however staff would encourage a multi-tenant wall sign or monument sign that is historically appropriate;
5. Minimum off-street parking requirements must be met or a development standard variance be approved by the BZA to reduce the minimum number of parking spaces for any new or added business uses.

Mr. Baxter came forward. He stated on the lower level, 312 could be a potential artist space and 310 would remain Zahn's. He referred to warehouse space, garage space that would be used for personal use, and another space that would be used for a contractor-type business or something similar that would not require a storefront. Mr. Baxter discussed three separate, approximately 1,200 square foot apartments on the second level.

The meeting opened for public comment. Sue Lucas, Crawfordsville Main Street, came forward. She stated having worked with Mr. Baxter and reported that Crawfordsville Main Street has found his work to be exceptional and offers their support for the use variance.



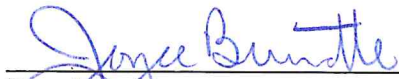
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The meeting closed for public comment. Mac Petty moved to approve the use variance with Staff's recommended conditions. Motion passed 5-0.

With no further business, the meeting adjourned at 7:52 p.m.

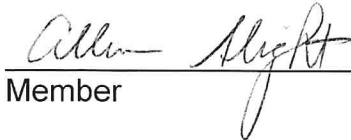
Minutes Approved: 07.17.24



President



Member



Member



Member



Member